

CASE NO. CR29-22-2805
BRYAN C. KOHBERGER
DEPUTY

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Elisa G. Massoth, Bar Number: 5647

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH**

STATE OF IDAHO

Plaintiff,

V.

BRYAN C. KOHBERGER,

Defendant.

CASE NUMBER CR29-22-2805

MOTION TO COMPEL DISCOVERY

COMES NOW, Bryan C. Kohberger, by and through his attorney, Anne C. Taylor, Public Defender, and pursuant to Idaho Criminal Rule 16(f) hereby moves the Court to order the State to comply with *Defendant's 1st Supplemental Request for Discovery* filed herein on or about February 3, 2023 and *Defendant's 2nd Supplemental Request for Discovery* filed herein on or about March 24, 2023.

1. Mr. Kohberger requests an Order for the State to disclose the following items included in the *Defendant's 1st Supplemental Request for Discovery*:

Request No. 43 – All body cam and dash cam footage from officers involved in the search and arrest of Bryan Kohberger in Pennsylvania.

As of May 4, 2023, Counsel for Mr. Kohberger has not received the requested materials.

2. Mr. Kohberger requests an Order for the State to disclose the following items included in the *Defendant's 1st Supplemental Request for Discovery*:

Request No. 49 – All lab testing, including photographs and color diagrams and bench notes including, but not limited to:

1. Copies of lab reports detailing the forensic evidence collection and analysis of items recovered at Bryan Kohberger's parents' home, trash cans and other receptacles, and Bryan Kohberger's Hyundai Elantra.

As of May 4, 2023, Counsel for Mr. Kohberger has not received the requested materials, and based upon information and belief these reports contain exculpatory information.

2. a. Mr. Kohberger requests an Order for the State to disclose the following items included in the *Defendant's 1st Supplemental Request for Discovery*:

Request No. 49 – All lab testing, including photographs and color diagrams and bench notes including, but not limited to:

ISP and FBI Forensic Lab reports including, but not limited to, Lab reports 11 and 25

3. Mr. Kohberger requests an Order for the State to disclose the following items included in the *Defendant's 1st Supplemental Request for Discovery*:

Request No. 119 - All notes ... recordings ... from all Officers from Moscow Police Department ...

As of May 4, 2023 Counsel for Mr. Kohberger has not received recordings and notes from the interrogation of Mr. Kohberger by MPD Detective Payne.

4. Mr. Kohberger requests an Order for the State to disclose the following items included in the *Defendant's 1st Supplemental Request for Discovery*:

Request No. 115 – All police reports, audio/video evidence, and any recorded statements related to Bryan Kohberger's arrest and incarceration in Pennsylvania.

As of May 4, 2023, Counsel for Mr. Kohberger has not received the requested materials.

5. Mr. Kohberger requests an Order for the State to disclose the following items included in the Defendant's 2st Supplemental Request for Discovery:

Request No. 161 - All reports, notes, recordings and photos ...

As of May 4, 2023, Counsel for Mr. Kohberger has not received the requested materials. On information and belief Counsel believes these materials contain exculpatory evidence.

6. Mr. Kohberger requests an Order for the State to disclose the following items included in the Defendant's 2nd Supplemental Request for Discovery:

Request No. 160 – Training records of . . . (specific officers)

As of May 4, 2023, Counsel for Mr. Kohberger has not received the requested materials.

Counsel requests that this motion be set for hearing in order to present oral argument, evidence and/or testimony in support thereof. Requested time is ten (10) minutes.

DATED this 4 day of May, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER
KOOTENAI COUNTY PUBLIC DEFENDER



BY:

ANNE TAYLOR
PUBLIC DEFENDER
ASSIGNED ATTORNEY

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 4 day of May, 2023 addressed to:

Latah County Prosecuting Attorney –via iCourt: paservice@latahcountyid.gov
Elisa Massoth – via iCourt: emassoth@kmrs.net / legalassistant@kmrs.net


