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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 No. CR29-22-2805

STATE'S RESPONSE TO
DEFENDANT'S MOTION
TO COMPEL DISCOVERY

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and submits the following response to the "Motion to Compel Discovery" filed by the Defendant on May 4, 2023.

By way of background, as of the date of this response the State has provided the following discovery to the Defendant:

1. Approximately 10,000 pages of reports and other written materials;
2. Approximately 10,200 photographs;
3. Approximately 9,200 tips; and

4. Approximately 51 terabytes of audio/video media and digital materials.

The Defendant cites to I.C.R. 16(f) in support of its motion. However, that rule only refers to the procedure for responding to discovery requests; I.C.R. 16(b)(10) and (k) apply to requests for discovery orders.

With the above in mind, the State respectfully submits the following specific responses to items 1 - 6:

1. The State has disclosed all items it is aware of relating to “the search and arrest of Bryan Kohberger in Pennsylvania.” The State is unaware of any “body cam and dash cam footage” beyond what has been disclosed and, on information and belief, understands there is no body cam footage. Recordings of interviews and the Defendant’s transportation from the scene of arrest have also been provided.
2. Numerous lab reports regarding forensic evidence collection and analysis of items recovered from the Defendant’s parents’ home, trash cans and other receptacles, and Defendant’s vehicle, have been disclosed to the defendant. These reports include items from the FBI laboratory in Quantico, Virginia, as well as the Idaho State Police Lab. The Defendant’s attorneys and investigators have also been given direct access to view and inspect items seized from his parents’ residence including his vehicle. The State will continue to disclose additional reports it receives that are subject to discovery under I.C.R. 16 and applicable case law. To the extent that the Defense believes that certain reports may contain “exculpatory information,” the State asks that the Defense specify what exculpatory information they are referring to and the basis for their belief

so as to enable the State to make any appropriate additional inquiries.

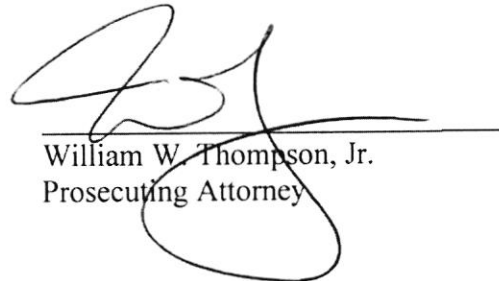
Regarding the Defendant's request labeled "2.a.," in addition to the above response, the State has inquired of the Defense for clarification on ISP lab reports by number since there is a question about some duplicate numbering of the initial lab reports. ISP lab reports are separately numbered by forensic biology, DNA, prints, and forensic field services. The State has already been able to advise Defense counsel that there is an ISP lab report 25 which has been discovered, and there is another ISP lab report 11 which is pending review and approval at the lab. To assist the parties, the State has initiated specific inquiries about the status of all ISP lab reports and will make discovery to Defense as appropriate.

3. The State has provided recordings of MPD Detective Payne's interview with Mr. Kohberger to the Defense. The State will provide any related reports and/or notes as they are received and reviewed.
4. As with item 1 above, the State has provided the Defense with reports, audio/video and other recordings, relating to the Defendant's arrest and incarceration in Pennsylvania that have been received by the State.
5. The State has provided a copy of the report/memo referred to as "Request No. 161" to the Defendant. The State is unaware of any notes, recordings or photographs.
6. The State respectfully submits that "training records of . . . (specific officers)" are outside the scope of I.C.R. 16 unless and to the extent that the officers will be offering expert testimony which is discoverable under I.C.R. 16(b)(10). The

State is willing to reconsider its position upon a proffer by the Defendant as to each officer under I.C.R. 16(b) “showing substantial need in the preparation of the defendant’s case for additional material or information not otherwise covered by this Rule and that the Defendant is unable without undue hardship to obtain the substantial equivalent by other means . . .”. In the event of such a showing, the State asks that the Court enter such protective orders as may be necessary and appropriate to protect the confidentiality of the personnel records and any other sensitive information.

As the State has indicated in its responses to prior discovery requests from the Defense, the State has and will continue to provide discovery in accordance with I.C.R. 16 and applicable law.

DATED this 12 day of May, 2023.



William W. Thompson, Jr.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing STATE'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL DISCOVERY was delivered to the following as indicated:

Anne C. Taylor
Kootenai County Public Defender

- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 12th day of May, 2023.

