

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

In the Matter of the  
Application for a Search  
Warrant for

Case No. CR29-22-2805

Google LLC and/or Google Payment Corp.  
1600 Amphitheatre Parkway  
Mountainview, CA 94043

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on April 28, 2023 on the State's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. Ashley Jennings appeared on behalf of the State. Anne Taylor, Jay Logsdon, and Elisa Massoth appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:


- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessarily to temporarily seal or redact the documents or materials to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The *Affidavit in Support of Search Warrant* is SEALED.
- 2. The *Search Warrant* and *Receipt and Inventory* be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 5/31/2023  
NUNC PRO TUNC 4/28/2023

  
Megan E. Marshall  
Magistrate Judge

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

In the Matter of the  
Application for a Search  
Warrant for

Case No. CR29-22-2805

Google LLC and/or Google Payment Corp.  
1600 Amphitheatre Parkway  
Mountainview, CA 94043

ORDER SEALING SEARCH  
WARRANT AND RELATED  
DOCUMENTS

MPD Case No. 22-M009903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including any exhibits and inventories of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until May 1, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 3/17/2023 @ 11:34 am

Megan Marshall  
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843  
Phone: (208) 883-2246  
ISB No. 8491  
paservice@latah.id.us

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

In the Matter of the  
Application for a Search  
Warrant for

Case No. CR29-22-2805

Google LLC and/or Google Payment Corp.  
1600 Amphitheatre Parkway  
Mountainview, CA 94043

MOTION TO TEMPORARILY SEAL  
SEARCH WARRANT AND RELATED  
DOCUMENTS PENDING HEARING

MPD Case No. 22-M009903


The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for a temporary Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including all exhibits of the inventories of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

2. Deprive a person of a right to a fair trial;
3. Constitute an unwarranted invasion of personal privacy,
4. Disclose the identity of a confidential source; and/or
5. Disclose investigative techniques and procedures.

Wherefore, the State respectfully prays that the Court temporarily seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant (including all Exhibits) and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 pending a hearing on the matter.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of March, 2023.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE  
Ashley S. Jennings  
Sr. Deputy Prosecuting Attorney  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843-0568  
(208) 883-2246  
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paservice@latah.id.us

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

In the Matter of the Application ) Case No. CR29-  
for a Search Warrant for: )  
)  
Google LLC ) RETURN OF SEARCH WARRANT  
1600 Amphitheatre Parkway )  
Mountainview, CA 94043 )  
)  
MPD Case No. 22-M09903 )

STATE OF IDAHO )  
 ) ss.  
County of Latah )

I, Brett Payne, the officer by whom this Warrant was returned, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 10:00 o'clock a.m., this 14<sup>th</sup> day of March, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

3/14/23  
(Date)

*B. Payne* #157  
Peace Officer

AFFIDAVIT OF DET. BRETT PAYNE

STATE OF IDAHO )  
  :SS.  
County of Latah )

I, Brett Payne, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace officer for 4 years;
- (3) On February 24, 2023, Detective Lawrence Mowery obtained a search warrant for the Google account
- (4) The warrant was served by Detective Mowery on February 25, 2023, via Google Law Enforcement Portal;
- (5) On March 09, 2023, Cpl Brett Payne downloaded the data and an inventory was prepared for all the items received;
- (6) A copy of the inventory receipt was emailed to \_\_\_\_\_; and
- (7) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Cpl Brett Payne  
Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

3/14/23  
(Date)

B. Payne #157  
(Signature)

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

IN THE MATTER OF  
THE APPLICATION  
FOR A SEARCH WARRANT FOR

Google Records for

Case No. 22-M09903

RECEIPT AND  
INVENTORY OF WARRANT

On the 24th day of February, 2023, at approximately 0900 o'clock a.M.,  
the following peace officers: Det. Lawrence Mowery

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as  
directed in said Search Warrant. Entrance was obtained by: Digital Service to LERS at  
Google.com

The person(s) found in said place were: NA

The property found and taken and the location within or upon said place and/or person(s) are  
as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

Zip Files of all digital records for the

Downloaded from LERS Google portal

Google accounts of

and

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

This Receipt and Inventory was made in the presence of: NA

\_\_\_\_\_

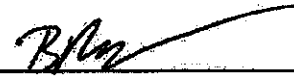
A copy hereof was given to the following named person(s) on the 14th day of March, 2023 ;

Google LERS Portal

A copy hereof was left on this date in a conspicuous place in the place searched, there being no person(s) present during said search: NA

DATED this 24th day of March, 2023.

\_\_\_\_\_  
WITNESS

 #157  
PEACE OFFICER

The undersigned person(s) hereby acknowledge receiving a copy hereof on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_



LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, Idaho 83843-0568  
(208) 883-2246  
ISB No.8491  
paservice@latah.id.us

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

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Google LLC and/or Google Payment Corp.	)	ORDER
1600 Amphitheatre Parkway	)	
Mountainview, CA 94043	)	
	)	
<u>MPD Case No. 22-M09903</u>	)	

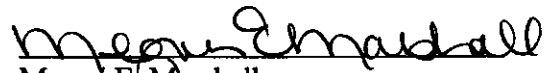
In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional

prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 3/17/2023 @ 11:32 am.

  
Megan E. Marshall  
Magistrate Judge

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

In the Matter of the Application	)	Case No. CR29-22-2805
for a Search Warrant for:	)	
	)	
Google LLC and/or Google Payment Corp.	)	SEARCH WARRANT
1600 Amphitheatre Parkway	)	
Mountainview, CA 94043	)	
	)	
<u>MPD Case No. 22-M09903</u>	)	

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN  
ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing  
probable cause establishing grounds for issuing a search warrant and there is probable cause  
to believe that the property referred to and sought in or upon said premises consists of  
information related to the investigations into the crime(s) of homicide at 1122 King Road,  
Moscow, Idaho on the Google account of Bryan C. Kohberger for all Gmail accounts linked  
by recovery email, cookie, Android ID, Creation IP or phone number associated with any  
of the following identifiers:

- 
- 
- 

**REDACTED**

- 
- 
- IMEI

between January 1, 2021 to December 30, 2022, including:

- Google Account subscriber information, as defined in 18 U.S.C. § 2703(c)(2);
- Google Account recent activity logs and connected devices;
- Google email messages (Gmail) including drafts and those in the trash;
- Google Pay- Account information and transactions;
- Calendar- calendar events;
- Contacts – people contact files;
- Photos- photos, videos and albums, and associated metadata;
- Drive- documents, spreadsheets, presentations and files, and associated metadata;
- Keep- titles and the notes;
- Hangouts and Chats- messages, including attachments such as photos;
- Location History- location data and deletion records;
- My activity- searches and browsing history, including activity from Web & App Activity, Google Assistant, and Google Home;
- Google Voice- Google Voice information, including Google Voice basic subscriber information, call logs, forwarding number, text messages, and voicemails;
- YouTube- Registration email, channel ID, display name, IP logs, and account registration information;
- Android- records for Android Devices, to include subscriber information, other associated accounts, cellular carrier information, and device/hardware information;
- Google Play- Google Play purchases made and Google Play applications downloaded;

located at the following premises:

Google LLC and/or Google Payment Corp.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

and operates the publicly accessible website <https://plus.google.com>.

You are therefore commanded to search the above-described premises for the property

described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 14 days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

**\*\*THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, GOOGLE IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.**

**GOOGLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.\*\***

GIVEN UNDER MY HAND and DATED this 24th day of February, 2023, at 9:38 a     .m.

Megan Marshall  
Magistrate Judge

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

In the Matter of the  
Application for a Search  
Warrant for

Case No. CR29-22-2805

ORDER FOR EXTENSION TO  
RETURN SEARCH WARRANT

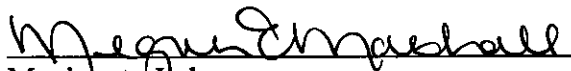
Google LLC and/or Google Payment Corp..  
1600 Amphitheatre Parkway  
Mountainview, CA 94043

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,  
and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant  
shall be returned is extended to April 6, 2023.

SO ORDERED this 3/10/2023

  
Magistrate Judge

CERTIFICATE OF DELIVERY

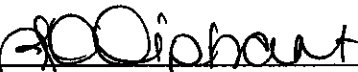
I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr.  
Latah County Prosecuting Attorney  
Latah County Courthouse  
Moscow, ID 83843

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

Dated 3/10/23

JULIE FRY  
Latah County Clerk of the Court

By:   
Deputy Clerk

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
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In the Matter of the  
Application for a Search  
Warrant for

Case No. CR29-22-2805

MOTION FOR EXTENSION TO  
RETURN SEARCH WARRANT

Google LLC and/or Google Payment Corp.  
1600 Amphitheatre Parkway  
Mountainview, CA 94043

MPD Case No. 22-M09903

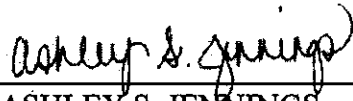
The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 24<sup>th</sup> day of February, 2023. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on February 25, 2023, through the Google Law Enforcement portal. As of February 27, 2023, Forensic Detective Mowery is out of state attending a forensic training for approximately three weeks. Detective Mowery is unable to download any return until his return to the Moscow Police Department



Forensic Lab. Therefore, as of this date, the information provided by Google has not been downloaded.

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of March, 2023.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney