

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

Snap Inc. (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

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), and I.C. §74-124(b) and (e), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

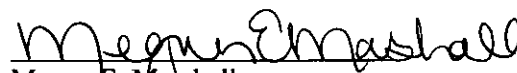
- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents or materials contain facts or statements that might threaten or endanger the life of safety of individuals;
- (3) It is necessary to temporarily seal or redact the documents or materials to preserve the right to a fair trial; and
- (4) The materials would disclose investigating techniques and procedures.

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 4/28/23


Megan E. Marshall
Magistrate Judge

CASE NO. _____
BY _____ DEPUTY

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

Snap Inc., (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

ORDER TEMPORARILY
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 June 1, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 4/18/2023 at 10:15 a.m.

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
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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

In the Matter of the
Application for a Search
Warrant for

Case No. CR29-22-2805

Snap Inc., (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

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 13th day of April, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
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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

In the Matter of the Application)	Case No. CR29-22-2805
for a Search Warrant for:)	
)	
Snap Inc., (Snapchat))	ORDER
2772 Donald Douglas Loop North)	
Santa Monica, CA 90405)	
)	
<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 4/18/2023 at 10:15 a.m.



Megan E. Marshall
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE
Ashley S. Jennings
Sr. Deputy Prosecuting Attorney
Latah County Courthouse
P.O. Box 8068
Moscow, ID 83843-0568
(208) 883-2246
ISB No. 8491
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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

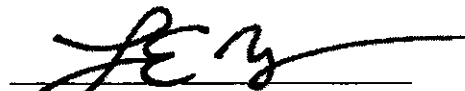
In the Matter of the Application) Case No. CR29-22-2805
for a Search Warrant for:)
)
Snap Inc., (Snapchat))
2772 Donald Douglas Loop North) RETURN OF
Santa Monica, CA 90405) SEARCH WARRANT
)
MPD Case No. 22-M09903)

STATE OF IDAHO)
:ss.
County of Latah)

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, 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 Judge Megan E. Marshall at 1:00 o'clock p.m., this 13 day of April, 2023

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

4/13/2023
(Date)


Peace Officer

REDACTED

AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO)
 :ss.
County of Latah)

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

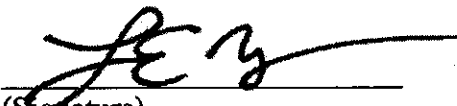
- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace officer for 12 years;
- (3) On March 30, 2023, I obtained a search warrant for Snapchat;
- (4) The warrant was served on April 3, 2023, by LE Portal law;
- (5) On April 12, 2023, I received an e-mail from Snapchat which stated the files were available to download;
- (6) On April 13, 2023, I downloaded the data files containing the requested information;
- (7) An inventory was prepared for all the items received; and
- (8) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Det. Lawrence Mowery - 162
Affiant

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

04/13/2023
(Date)


(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

Snap Inc., (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 3 day of April, 202023, at approximately 10:36 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: https://less.snapchat.com/

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

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

Xana Kernodle with identifier _____

Kaylee Goncalves with identifier _____

Ethan Chapin with identifier _____

_____ with identifier _____

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

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

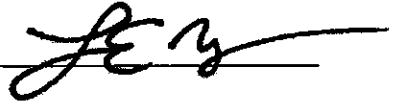
A copy hereof was given to the following named person(s) on the _____ day of _____, 20____;

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: . _____

DATED this 13 day of April, 20____.

WITNESS

Lawrence Mowery
PEACE OFFICER



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

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:)	
)	
Snap Inc. (Snapchat))	SEARCH WARRANT
2772 Donald Douglas Loop North)	
Santa Monica, CA 90405)	
)	
<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 probable cause to believe there is information regarding the crime(s) of homicide and burglary occurring at 1122 King Road, Moscow, Idaho on or about November 13, 2022 is on the following Snapchat accounts between June 23, 2022 and August 1, 2022:

- Xana Kernodle with identifier
- Kaylee Goncalves with identifier
- Ethan Chapin with identifier
- C M with identifier
- B F with identifier
- Madison Mogen with identifier

REDACTED

to include:

- a. All subscriber information including email address, phone number, display name, Snapchat creation date and IP address; timestamp and IP address of account logins and logouts;
- b. All logs of previous snaps, stories, and chats;
- c. All location data for each Snapchat user;
- d. All user content including communications or other messages sent or received by the accounts;
- e. All information about connections between the accounts and third-party websites and applications;
- f. All records pertaining to communications between Snapchat and any person regarding the user or the user's Snapchat accounts, including contacts with support services, and all records of actions taken, including suspensions of the accounts;

which is stored at premises owned, maintained, controlled, or operated by Snapchat, Inc., a free online messaging application at:

Custodian of Records
Snap Inc.
2772 Donald Douglas Loop North
Santa Monica, CA 90405

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 service only (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:

****SNAP INC. (SNAPCHAT) SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.****

GIVEN UNDER MY HAND and DATED this 30th day of March, 2023, at 2:31 p.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

Snap Inc. (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

Case No. CR29-22-2805

ORDER FOR EXTENSION TO
RETURN SEARCH WARRANT

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 May 4, 2023.

SO ORDERED this 4/13/2023

Megan Marshall
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 4-13-2023

JULIE FRY
Latah County Clerk of the Court

By: *J. Dodge*
Deputy Clerk

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, ID 83843
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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

In the Matter of the
Application for a Search
Warrant for

Snap Inc. (Snapchat)
2772 Donald Douglas Loop North
Santa Monica, CA 90405

MPD Case No. 22-M09903

Case No. CR29-22-2805


MOTION FOR EXTENSION TO
RETURN SEARCH WARRANT

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 30th day of March, 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 the 3rd day of April, 2023, by Portal. However, as of this date, the information has not been received.

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 12th day of April, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney