

**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,

vs.

BRYAN C. KOHBERGER,

Defendant.

Case No. CR29-22-2805

**REVISED AMENDED
NONDISSEMINATION ORDER**

As discussed in detail in this Court's *Order Denying Shanon Gray's Request to be Exempt from the Amended Nondissemination Order and Granting Request that the Order be Clarified* and this Court's *Order Denying the Associated Press's Motion to Vacate the Amended Nondissemination Order*, the Court must attempt to balance the Sixth Amendment right to a fair trial with the First Amendment rights to free speech and free press. To preserve the right to a fair trial, some curtailment of the dissemination of information in this case is necessary and authorized under the law.¹

THEREFORE, THE FOLLOWING IS ORDERED:

1. The prosecuting attorneys, defense attorneys, any agents of the prosecuting attorneys and defense attorneys, and any attorneys representing witnesses, victims, or a victim's family are prohibited from making extrajudicial statements (written or oral) that the

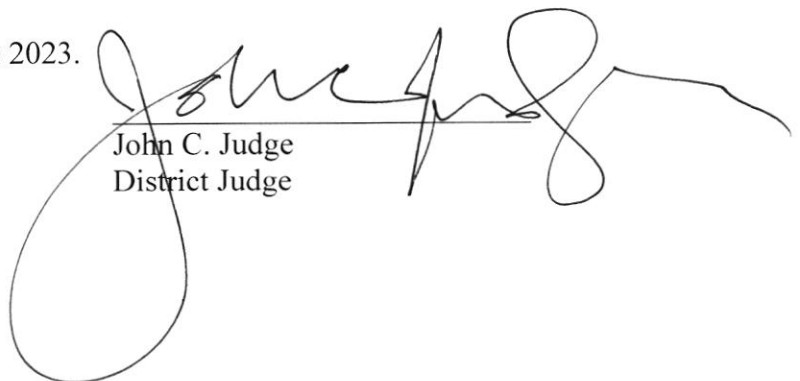
¹ *Sheppard v. Maxwell*, 384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d 600 (1966); *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 96 S. Ct. 2791, 49 L. Ed. 2d 683 (1976); *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 111 S. Ct. 2720, 115 L. Ed. 2d 888 (1991); *Levine v. U.S. Dis. Ct. for Cent. Dist. Of California*, 764 F.2d 590 (9th Cir. 1985); Idaho Rules of Profession Conduct, Rule 3.6.

lawyer or agent knows or reasonably should know will have a substantial likelihood of materially prejudicing or otherwise influencing the outcome of the case. This order specifically prohibits any out-of-court statement, which a reasonable person would expect to be disseminated by means of public communication, that relates to the following:

- a. The identity or nature of evidence expected to be presented at trial or any sentencing phase of the proceedings;
 - b. Any information a lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial, and that would, if disclosed, create a substantial risk of prejudicing an impartial trial;
 - c. The character, credibility, reputation, or criminal record of a party, victim, or witness;
 - d. The identity of a witness;
 - e. The expected testimony of a party, victim, or witness;
 - f. The performance or results of any examination or test or the refusal or failure of the Defendant or a witness to submit to an examination or test;
 - g. Any opinion as to the guilt or innocence of the Defendant;
 - h. The possibility of a plea of guilty to the offenses or any comment on any plea discussions;
 - i. The existence of or contents of any confession, admission, or statement by the Defendant, or the refusal of the Defendant to make any statement;
 - j. Any information obtained by witnesses, the victims' families, or their attorneys from the State that is confidential and has not been publicly disclosed by the prosecuting attorneys.
2. Attorneys involved in the case and their agents, as outlined in paragraph 1, may make extrajudicial statements (written or oral) concerning the following:
- a. The claim, offense, or defense involved and, except when prohibited by law, the identify of the parties involved;
 - b. Information contained in the public record;
 - c. That an investigation is ongoing;
 - d. The scheduling or result of any step in the litigation;

- e. A request for assistance from the public in obtaining evidence and information necessary to the State's case or the defense's case;
 - f. A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest;
 - g. The identity, residence, occupation, and family status of the accused;
 - h. The fact, time, and place of arrest;
 - i. The identity of investigating and arresting officers or agencies and the length of the investigation; and
 - j. A statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. Any such statement shall be limited to such information as is necessary to mitigate the recent adverse publicity.
3. No individual covered by this Revised Amended Nondissemination Order shall deliberately avoid its proscriptions by actions, directly or indirectly, that result in violating this order.
4. This Revised Amended Nondissemination Order shall remain in full force and effect until the conclusion of a trial and any sentencing proceedings that may follow unless otherwise ordered by this court.

SO ORDERED this 23rd day of June 2023.


John C. Judge
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the REVISED AMENDED NONDISSEMINATION ORDER were delivered by email to the following:

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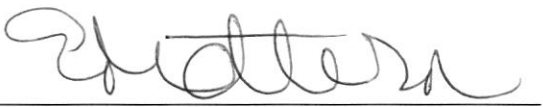
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on this 23rd day of June 2023.

CLERK OF THE COURT

By: 
Deputy Clerk