

**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

**ORDER CLARIFYING MEANING OF  
“AGENTS” IN REVISED AMENDED  
NONDISSEMINATION ORDER**

On June 23, 2023, the Court issued a Revised Amended Nondissemination Order (“Revised Order”). Accompanying the Revised Order were two lengthy opinions: *Order Denying Shanon Gray’s Request to be Exempt from the Amended Nondissemination Order and Granting Request that the Order be Clarified* and *Order Denying the Associated Press’s Motion to Vacate the Amended Nondissemination Order*. In this Court’s view, those opinions made clear that “agents” of attorneys involved in the case, including law enforcement, could have, and would have, their speech regulated under the Revised Amended Nondissemination Order.<sup>1</sup> However, following the issuance of those decisions and the Revised Order, the Court took judicial notice of some news articles stating that law enforcement were not longer bound by the Revised Order.

<sup>1</sup> “*Sheppard and Nebraska Press* leave no doubt that, in appropriate cases, the Court has the authority to regulate the speech of attorneys involved in the case as well as their agents, such as law enforcement, to

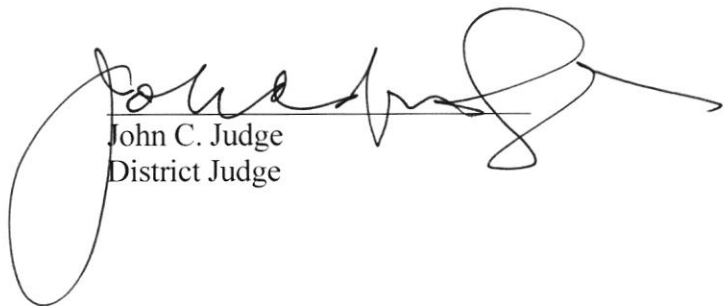
In an effort to clarify that misunderstanding, this Court issues the following guidance.

The Revised Order applies to: “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[.]” These individuals are not completely barred from speaking about the case but must adhere to the restrictions on their speech imposed by the Revised Order.

“Agent” is defined as “someone who is authorized to act for or in place of another; a representative.” AGENT, Black's Law Dictionary (11th ed. 2019). “Agents” of the prosecuting attorneys include law enforcement working on this case or privy to confidential information involving the case. Similarly, investigators hired by the defense are “agents” of the defense. This is because those individuals are working at the direction of the attorneys to investigate the case, interview witnesses, and gather evidence. Stated differently, law enforcement and defense investigators are acting as representatives of the attorneys. The attorneys have the authority to direct certain actions of those individuals when it comes to building their cases for trial. Other “agents” include staff in the prosecutor’s and defense attorneys’ offices and expert witnesses.

This Order does not change anything in the Revised Order, but merely helps to further clarify who the Revised Order applies to.

DATED this 29<sup>th</sup> day of June 2023.

  
John C. Judge  
District Judge

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prevent prejudicial pretrial statements to preserve the right to fair trial by an impartial jury.” *Order Denying the Associated Press’s Motion to Vacate the Amended Nondissemination Order* at 15.

CERTIFICATE OF SERVICE

I certify that copies of the ORDER CLARIFYING MEANING OF “AGENTS” IN REVISED AMENDED NONDISSEMINATION ORDER were delivered by email to:

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on this 29 day of June 2023.

County Clerk of the Court

By:   
Deputy Clerk