

CASE NO. CR29-22-2805
BY MPD 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

Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NY 07921

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on June 27, 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), (D), and (E), the court finds it necessary to seal in part and redact the record related to 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 contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) It is necessary 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 *Amended 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: 7/13/2023


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

Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

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 July 1, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 5/2/2023.

Megumi 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
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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 for a Search
Warrant for

Case No. CR29-22-2805

Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

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 2nd day of May, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

CASE NO. _____
BY _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
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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:)	
)	
Verizon Wireless)	
Attn: Custodian of Records)	ORDER
180 Washington Valley Road)	
)	
<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 5/2/2023 @ 4:47 PM


Megan E. Marshall
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE
MICHAEL G. CAVANAGH
DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, Idaho 83843-0568
(208) 883-2246
ISB No. 7427
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

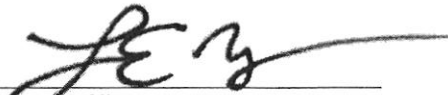
In the Matter of the Application)
For a Search Warrant for:)
Verizon Wireless) Case No. CR29-22-2805
Attn: Custodian of Records) **RETURN OF**
180 Washington Valley Road) **SEARCH WARRANT**
Bedminster, NJ 07921)
MPD Case No. 22-M09903)

STATE OF IDAHO)
:ss.
County of Latah)

I, 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 1500 o'clock p.m., this 2nd day of May, 2023.

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

5/2/2023
(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:

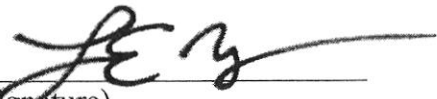
- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace officer for 12 years;
- (3) On March 30, 2023, I obtained a search warrant for Verizon;
- (4) The warrant was served on April 3, 2023, by email
- (5) On May 1, 2023, I received an e-mail from Verizon, which directed me to the law enforcement portal to download the data;
- (6) I logged into the portal and downloaded the data;
- (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
Affiant

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

5/2/2023
(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

Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 3 day of April, 202023, at approximately 1104 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: _____

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

-3185

-1841

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

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

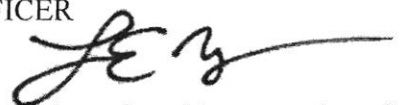
A copy hereof was given to the following named person(s) on the _____ day of _____, 20__;

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 2 day of May , 20 23 .

WITNESS

 Det 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:)	
)	
Verizon Wireless)	SEARCH WARRANT
Attn: Custodian of Records)	
180 Washington Valley Road)	
Bedminster, NJ 07921)	
)	
<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 property consists of evidence of the crime(s) of homicide and burglary occurring at 1122 King Road, Moscow, Idaho on or about November 13, 2022, to-wit, user account information, location data, and stored communications held by Verizon Wireless, described in further detail as follows:

To the extent that the information is within the possession, custody, or control of Verizon Wireless, hereafter "the Service Provider," including any messages, records, files, logs, or information that have been deleted but are still available to the Service Provider or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Service Provider is required to disclose the following information to the government for the following listed account(s) and/or number(s):

For the time period of: June 23, 2022 to August 1, 2022

Verizon Wireless Number: -3185

REDACTED

Subscriber Name: Unknown at this time

Verizon Wireless Number: -1841

Subscriber Name: Unknown at this time

To include both Historical Records and Real Time/Provisional Records

1. All customer/subscriber information, including any listed addresses, other listed telephone number(s), social security number(s), dates of birth, name(s), address(es), any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI, SUPI), activation date and deactivation date, and point of purchase or location device was purchased if applicable.
2. Device Purchase Information. This is specifically to include the Date, Time and Location of where the device or any pre-paid refill cards were purchased as well as any information maintained about the purchase to include store name, store number, terminal number, and amount of purchase.
3. Any email addresses associated with the account or with the device that is currently on file and stored in the normal course of business of the Service Provider.
4. Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for the Service Provider, of any cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data activity.
 - a. In the event the requested Call Detail Records contain other Service Provider customer numbers, identified as either incoming or outgoing calls, the Service Provider shall provide subscriber information to the specific numbers identified.
5. Cell site information, to include all known cell towers associated with outgoing and incoming calls (Call Detail Records). This information is to include any sector information, azimuth for each identified sector, cell site location, handoff

tower and sector, time on tower information, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, Data activity, including IP sessions and destination addresses that were produced, these records are also included in this request.

6. Cell site locations for all Service Provider Cell Sites, sector information, including azimuth headings, in the regional market associated with the requested cell site information.
7. Location information, to include any estimated or known longitude and latitude of the cellular device's current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States.
8. Location information can be in the form of historical records. This would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, estimated margin of error, direction and distance from the tower, and other location related information commonly referred to as Real Time Tool (RTT), Timing Advance Information, Location Database of Record (LocDBoR). This further includes any other report similar in nature that would provide an estimate of the cellular phone on the Service Provider's network.
9. All text message and/or MMS messages, including message content, currently stored in the normal course of business for the Service Provider, to include any cloud services which allow for the long-term storage of both voicemails and SMS/MMS messages.
10. Cloud Data, any content that may have been backed up to Cloud Storage for the listed dates/times. If said Cloud Storage has been provided by a third-party provider, please provide relevant contact information for that provider.
11. All records and information required, if any, pursuant to the search warrant, shall be provided in a commercially reasonable electronic format such as Microsoft Excel and those records shall be delivered via electronic mail to Lawrence Mowery at

The above-described evidence is located within the following described premises:

Verizon Wireless
Attn: Verizon Security Assistance Team
180 Washington Valley Road
Bedminster, NJ 07921
Fax- 888-667-0026

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:

****VERIZON 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
2:18 p.m.

Megan E Marshall
Magistrate Judge

APR 13 2023 AM 10:00
CLERK OF DISTRICT COURT
BY _____

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

Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER FOR EXTENSION TO
RETURN SEARCH WARRANT

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 E 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: 
Deputy Clerk

CASE NO. _____
BY _____ DEPUTY
APR 12 2023 AM 9:03
CLERK OF DIST. CT. LATAH

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

Verizon Wireless
Attn: Custodian of Records
180 Washington Valley Road
Bedminster, NJ 07921

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 email. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

MOTION FOR EXTENSION TO
RETURN SEARCH WARRANT

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