

Anne C. Taylor, Public Defender  
Kootenai County Public Defender  
PO Box 9000  
Coeur d'Alene, Idaho 83816  
Phone: (208) 446-1700; Fax: (208) 446-1701  
Bar Number: 5836  
iCourt Email: [pdfax@kcgov.us](mailto:pdfax@kcgov.us)

Elisa G. Massoth, PLLC  
Attorney at Law  
P.O. Box 1003  
Payette, Idaho 83661  
Phone: 208-642-3797; Fax: 208-642-3799

*Assigned Attorney:*

Anne C. Taylor, Public Defender, Bar Number: 5836  
Jay W. Logsdon, Chief Deputy Public Defender, Bar Number: 8759  
Elisa G. Massoth, Attorney at Law, Bar Number: 5647

**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,**

**V.**

**BRYAN C. KOHBERGER,**

**Defendant.**

**CASE NUMBER CR29-22-2805**

**NOTICE OF DEFENDANT'S RESPONSE  
TO STATE'S ALIBI DEMAND**

COMES NOW, Bryan C. Kohberger, by and through his attorney of record, Anne C. Taylor, Public Defender, and hereby files notice in response to the demand for alibi and in compliance with Idaho Code §19-519 and Idaho Criminal Rule 12.1.

Mr. Kohberger notes that Idaho Code §19-519(4) preserves his Constitutional right to silence as well as to testify on his own behalf. Mr. Kohberger stands firm on his Constitutional right as well as the statutory recognition of that right. Noteworthy is that an alibi “indicates a line of proof by which the defendant attempts to show that he could not have committed the crime of which he is accused because he was elsewhere at the time.” C.C. Bjorklund, Alibi

Defense, 27 Am. Jur. Proof of Facts 2d 431 (2023). A defendant's denial of the charges against him does not constitute an alibi, but as soon as he offers evidence that he was at some place other than where the crime of which he is charged was committed, he is raising the alibi defense.

Mr. Kohberger's defense team continues investigating and preparing his case. Evidence corroborating Mr. Kohberger being at a location other than the King Road address will be disclosed pursuant to discovery and evidentiary rules as well as statutory requirements. It is anticipated this evidence may be offered by way of cross-examination of witnesses produced by the State as well as calling expert witnesses.

DATED this 24 day of July, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER  
KOOTENAI COUNTY PUBLIC DEFENDER



BY: \_\_\_\_\_

ANNE TAYLOR  
PUBLIC DEFENDER  
ASSIGNED ATTORNEY

### CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 24 day of July, 2023 addressed to:

Latah County Prosecuting Attorney –via Email: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)

Elisa Massoth – via Email: [legalassistant@kmrs.net](mailto:legalassistant@kmrs.net)

Ingrid Batey – via Email: [ingrid.batey@ag.idaho.gov](mailto:ingrid.batey@ag.idaho.gov)

Jeff Nye – via Email: [jeff.nye@ag.idaho.gov](mailto:jeff.nye@ag.idaho.gov)

  
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