

CASE NO. CR 29-22-2805
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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**

STATE OF IDAHO

Plaintiff,

V.

BRYAN C. KOHBERGER,

Defendant.

CASE NUMBER CR29-22-2805

**SECOND MOTION TO STAY
PROCEEDINGS**

COMES NOW, Bryan C. Kohberger, by and through his attorney, Anne C. Taylor, Public Defender, and hereby makes a second request for a stay of proceedings pursuant to Idaho Code §2-213.

Idaho Code §2-213 provides for a stay of proceedings upon verified allegation of failure of title 2 of the Idaho code. Filed in conjunction with this motion, but under seal, is a sworn affidavit alleging a failure of Title 2 of the Idaho Code.

Title 2 provides statutory authority and requirement for convening trial juries or grand juries. Mr. Kohberger alleges failure of full compliance with Idaho Code §2-208. This statute states that individuals must be randomly drawn from a county jury list and that the jury commissioner shall draw a requisite number of qualified jurors for one or more panels or for a grand jury. This statute further requires “Upon receipt of the direction and in a manner prescribed by the court, the jury commission shall publicly draw at random, by use of a manual, mechanical, or automated system, from the county jury list the number of prospective jurors specified.” Idaho Code §2-208. The number of potential jurors appearing for potential selection impacted the seating of Grand Jury that heard the case; based upon review of the Grand Jury convening process apparent failure occurred.

Idaho Code §2-208(3) requires that “The qualification questionnaire form must be completed and returned to the clerk or the jury commissioner within ten (10) days from the date of mailing. The qualification questionnaire form shall elicit the name, address of residence, and age of the prospective juror and whether the prospective juror: (a) is a citizen of the United States of America and a resident of the county; (b) is able to read, speak and understand the English language; (c) has any disability impairing his capacity to render satisfactory jury service; and (d) has lost the right to serve on a jury because of a felony criminal conviction as provided by section 3, article VI, of the constitution of the state of Idaho, and who has not been restored to the rights of citizenship pursuant to section 18-310, Idaho Code, or other applicable law. The qualification questionnaire form shall contain the prospective juror’s declaration that his responses are true to the best of his knowledge and his acknowledgment that a willful misrepresentation of a material fact may be punished as a misdemeanor.” Idaho Code §2-208(3). Based upon review of the Grand Jury materials and process it appears a failure has occurred.

Further, other irregularity exists within the grand jury process and further investigation is necessary to determine the impact, if any, in the convening of this grand jury. Because of the apparent failure of compliance with Title 2, Mr. Kohberger respectfully requests a stay of proceedings while further investigation and the opportunity to be heard occurs.

DATED this 25 day of July, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER
KOOTENAI COUNTY PUBLIC DEFENDER



BY: _____

ANNE C. 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 25 day of July, 2023 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov



Under Seal with the Court:

Affidavit of Anne C. Taylor attached to Second Motion to Stay Proceedings