

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH**

STATE OF IDAHO,	)	
	)	Case No. CR29-22-2805
Plaintiff,	)	
	)	<b>SCHEDULING ORDER</b>
vs.	)	
	)	
BRYAN C. KOHBERGER	)	
	)	
Defendant.	)	
_____	)	

Based on the hearing held on August 18, 2023, the Court orders the following:

- 1) A status conference will be held on **August 23, 2023, at 2:15 p.m.**
- 2) A hearing on Defendant's Motion to Dismiss Indictment will be held on **September 1, 2023, at 1:00 p.m.** Any additional motions regarding dismissal of the indictment are due by **August 23, 2023.** The State's response briefing is due by **August 30, 2023.**
- 3) A jury trial is set to commence at **8:30 a.m. on October 2, 2023,** in Courtroom #3 of the Latah County Courthouse and will run until November 17, 2023, on an 8:30 a.m. to 5:00 p.m. schedule.
- 4) Jury selection shall begin at **8:30 a.m. on September 25, 2023,** and is anticipated to last at least three days.
- 5) A final Pre-trial Conference will be held on **September 29, 2023, at 10:00 a.m.**
- 6) Discovery must be completed by **September 1, 2023.**

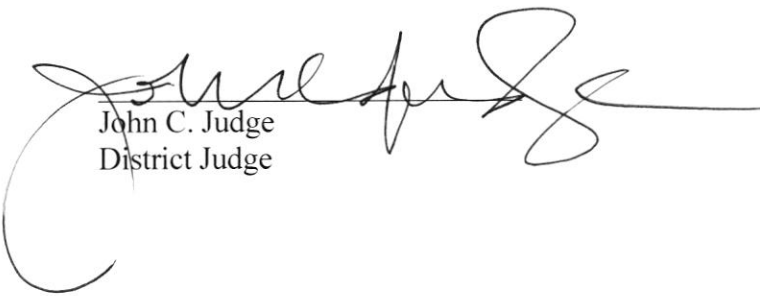
- 7) If Defendant intends to rely on the defense of alibi, a notice of alibi, with the specific place or places Defendant was at the time of the alleged offenses and the names and addresses of the witnesses defendant intends to rely on to establish such alibi, is due by **September 8, 2023**.
- 8) If Defendant intends to waive his right to a speedy trial and not proceed to trial as scheduled, he must do so by **September 8, 2023**.
- 9) All pre-trial motions with supporting briefs, including motions in limine, motions to suppress, and motions regarding the death penalty are due by **September 8, 2023**. Response briefs are due by **September 15, 2023**.
- 10) Any 404(b) notices are due by **September 15, 2023**.
- 11) Proposed jury questionnaires and proposed jury instructions are due by **September 15, 2023**.
- 12) Sentencing disclosures, including witnesses, exhibits, expert reports, and any other evidence, are due by **September 15, 2023**.
- 13) All pre-trial motions will be heard on **September 22, 2023, at 10:00 a.m.** Proposed jury instructions will also be addressed at that time.
- 14) **On or before September 8, 2023**, counsel shall exchange, and provide to the Court, a list of witnesses (lay and expert) and a list of exhibits with attached copies of exhibits as set forth below. Rebuttal experts must be disclosed by **September 15, 2023**.
  - a. Each party shall prepare a list of exhibits that it expects to offer (excluding impeachment documents) to the Court and to opposing counsel. Exhibits should be listed in the order that the party anticipates they will be offered. Each party shall affix labels to their exhibits before trial. The State's exhibits should be marked with the red labels, in numerical sequence. Defendant's exhibits should be marked with blue labels, in alphabetical sequence. If there are more than twenty-six exhibits for

Defendant, mark them "AA," "BB," etc., keeping in mind exhibits that may be grouped together for easy reference. The action number of the case should also be placed on each of the exhibit labels. Exhibits should be lodged and served as required by this pretrial order. Exhibit labels can be obtained from a deputy court clerk.

Counsel shall provide a copy of each exhibit and an exhibit list to opposing counsel and the Court. Copies should be made after the labels are marked and attached to the original exhibit. To expedite trial, each exhibit to be offered should be viewed by opposing counsel prior to trial and a determination made as to whether an objection will be lodged against the exhibit. An exhibit, to which there is no objection, will be admitted prior to trial.

- b. The parties shall provide each other with a list of their witnesses, both lay and expert, and shall provide the Court with two copies of each list of witnesses, one of which will be provided to the Court Reporter for accurate spelling of each witness's name. Witnesses should be listed in the order that counsel anticipate calling them.

DATED this 22<sup>nd</sup> day of August 2023, *nunc pro tunc* to August 18, 2023.



John C. Judge  
District Judge

**CERTIFICATE OF SERVICE**

I certify that copies of the SCHEDULING ORDER were delivered by email to:

William W. Thompson, Jr., and Bradley Rudley  
Latah County Prosecuting Attorney  
[Paservice@latah.id.us](mailto:Paservice@latah.id.us)

Jeffery Nye  
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Elisa C. Massoth  
Attorney for Defendant  
[emassoth@kmrs.net](mailto:emassoth@kmrs.net)

on this 22<sup>nd</sup> day of August 2023.

CLERK OF THE COURT

By:   
Deputy Clerk