

CASE NO. CR29-22-2805
CLERK OF DIST CT. LATAH

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

Spotify USA Inc.
Legal Department
150 Greenwich Street
New York, NY 10007

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on August 22, 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 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) and (E), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

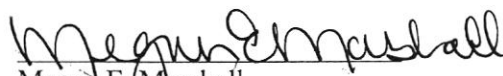
- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

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 *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: 9/8/2023


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


Spotify USA Inc.
Legal Department
150 Greenwich Street
New York, NY 10007

ORDER TEMPORARILY
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 October 1, 2023 or further order of the Court, whichever occurs first.

SO ORDERED this 8/2/2023.


Magistrate Judge

CASE NO. _____
BY _____ DEPUTY
AUG 2 2023 PM 9:10
CLERK OF DISTRICT 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

Case No. CR29-22-2805

Spotify USA Inc.
Legal Department
150 Greenwich Street
New York, NY 10007

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 1st day of August, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

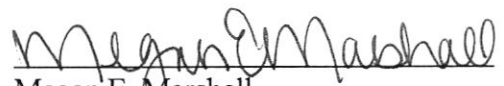
LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
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P.O. Box 8068
Moscow, Idaho 83843-0568
(208) 883-2246
ISB No.8491
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL 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:)	
)	
Spotify USA Inc.)	
Legal Department)	ORDER
150 Greenwich Street)	
New York, NY 10007)	
)	
<u>MPD Case No. 22-M09903</u>)	

In the above-entitled matter, this Court having issued a Search Warrant, and no property was seized, said warrant has been returned to the Court at 4:00 o'clock p.m., this 1st day of August, 2023.

DATED this 2ND day of August, 2023.


Megan E. Marshall
Magistrate Judge

AUG 2 2023 PM 4:30
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, Idaho 83843-0568
Phone: (208) 883-2246
ISB No. 8491
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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

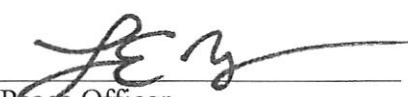
In the Matter of the Application) Case No. CR29-22-2805
For a Search Warrant for:)
)
Spotify USA Inc.) **RETURN OF**
Legal Department) **SEARCH WARRANT**
150 Greenwich Street)
New York, NY 10007)
)
MPD Case No. 22-M09903)

STATE OF IDAHO)
) :ss.
County of Latah)

I, Lawrence Mowery the officer by whom this Warrant was executed, do certify that I served said warrant on July 25, 2023, and that no property was seized pursuant thereto and that this Warrant has been duly returned before the Court at 4:00 o'clock p.m., this 1st day of August, 2023.

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

8/1/2023
(Date)


Peace Officer

REDACTED

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:)	
)	
Spotify USA Inc.)	
Legal Department)	SEARCH WARRANT
150 Greenwich Street)	
New York, NY 10007)	
)	
<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 there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the investigation of the homicide(s) and/or burglary at 1122 King Road, Moscow, Idaho or about November 13, 2022 on the Spotify account of _____ with any of the following IDENTIFIERS: Email address(es) _____ and/or _____ and/or _____ ; and/or phone number _____ ; and/or IMEI _____ generated on or between June 1, 2022 to present, including:

- Logs of user actions with the Spotify Service (including date and time), to include: search queries; streaming history; playlists; user library; browsing history; account settings; interactions with other Spotify users; user third party services, devices and applications in connection with the Spotify Service; user content when participating in Spotify promotions, such as contests or sweepstakes; user content posted to any part of the Spotify Service; images, audio, text, titles, descriptions, communications, and other types of content;
- Technical data to include: URL information; online identifiers such as cookie data and IP addresses
- Information about the user devices to include: device IDs; network connection type (e.g. wifi, 4G, LTE, Bluetooth); provider; network and device performance; browser type; language; information enabling digital rights management; operating system; Spotify application version
- Information collected to discover and connect with third party devices and applications to include: device name; device identifiers; brand and version. Examples of third-party devices and applications are: devices on user wifi network (such as speakers) which can connect to the Spotify Service user devices' operating system makes available when connecting via Bluetooth, plugin, and installation
- Spotify partner applications to determine whether the application is installed on a user's device
- User general (non-precise) location to include country, region or state
- User device sensor data to include motion-generated or orientation-generated device sensor data which the user device collects about the way the user moves or holds their device.
- Subscriber information, to include: name; date of birth; payment method type; card type, expiration date, and digits of card number; ZIP/postal code; mobile phone number; details of user purchase and payment history;

that is stored at premises owned, maintained, controlled, or operated by:

Spotify USA Inc
Attn: Legal Department
150 Greenwich Street
New York, NY 10007

Email:

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 or nighttime (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:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, SPOTIFY IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.**

SPOTIFY SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 25th day of July, 2023, at 11:12 a .m.

Megan Marshall
Magistrate Judge