

**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,)	
)	PUBLIC ORDER DENYING MOTION
vs.)	TO DISMISS INDICTMENT ON
)	GROUND OF BIASED GRAND JURY,
BRYAN C. KOHBERGER)	INADMISSIBLE EVIDENCE, LACK OF
)	SUFFICIENT EVIDENCE, AND
Defendant.)	PROSECUTORIAL MISCONDUCT
_____)	

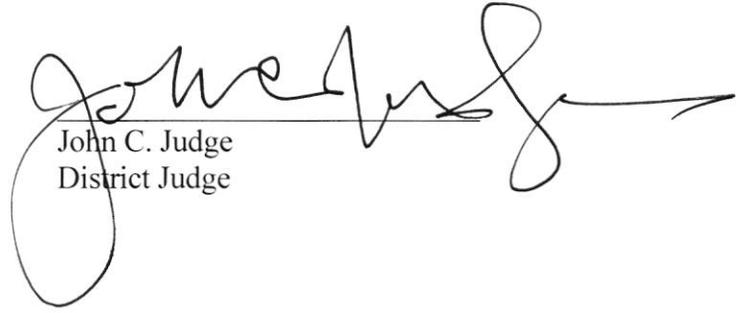
On August 23, 2023, Kohberger filed a Motion to Dismiss Indictment on Grounds of Biased Grand Jury, Inadmissible Evidence, Lack of Sufficient Evidence, and Prosecutorial Misconduct in Withholding Exculpatory Evidence. On September 14, 2023, the State filed an Objection to Defendant’s Second Motion to Dismiss Indictment. On September 20, 2023, Kohberger filed a Reply to State’s Objection.

A hearing on the motion was held on October 26, 2023. Kohberger was represented by Anne Taylor, Jay Logsdon, and Elisa Massoth. The State was represented by William W. Thompson, Jr., Ashley Jennings, Jeff Nye, and Ingrid Batey. This hearing was closed to the public and media cameras to protect the secrecy of the grand jury proceedings. The decision will also be sealed; however, the results of that decision are addressed in this Public Order for the public’s benefit.

Kohberger has failed to successfully challenge the indictment on grounds of juror bias, lack

of sufficient admissible evidence, or prosecutorial misconduct. Kohberger was indicted by an impartial grand jury who had sufficient admissible evidence to find probable cause to believe Kohberger committed the crimes alleged by the State. Further, the State did not engage in prosecutorial misconduct in presenting their case to the jury.

DATED this 15th day of December 2023.



John C. Judge
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the PUBLIC ORDER DENYING MOTION TO DISMISS INDICTMENT ON GROUNDS OF BIASED GRAND JURY, INADMISSIBLE EVIDENCE, LACK OF SUFFICIENT EVIDENCE, AND PROSECUTORIAL MISCONDUCT were delivered by email to:

William W. Thompson, Jr., and Ashley Jennings
Latah County Prosecuting Attorney
Paservice@latah.id.us

Jeffery Nye
Deputy Attorney General
Jeff.nye@ag.idaho.gov

Ingrid Batey
Deputy Attorney General
Ingrid.batey@ag.idaho.gov

Anne C. Taylor and Jay Logsdon
Attorney for Defendant
pdfax@kcgov.us

Elisa C. Massoth
Attorney for Defendant
emassoth@kmrs.net

on this 15th day of December 2023.

CLERK OF THE COURT

By: 

Deputy Clerk