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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 No. CR29-22-2805

MOTION FOR SCHEDULING
ORDER

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves the Court for a Scheduling Order addressing, without limitation, the following:

1) Scheduling a jury trial to run for approximately six (6) weeks (including penalty phase). The State proposes that the Court schedule trial for the summer of 2024, and that the trial dates avoid times when Moscow High School and our area universities are in session. As the Court is aware, Moscow High School is directly adjacent to the courthouse premises and already the significantly increased amount of media and other vehicles related to this case has strained available parking as well as safety and convenience for pedestrians, including students. The

Court is also aware that when the local universities are in session, it is not infrequent for area lodging to become unavailable due to university-related activities such as sporting events, graduation, etc.

The State also requests that the Court set a daily trial schedule of 8:30 a.m. to approximately 3:00 p.m.. For a trial of this length, it is appropriate to afford jurors some amount of time to tend to their personal affairs. Additionally, having more time in the afternoon allows for better preparation by the parties and allows for reasonable opportunities and time for the Court and counsel to address any motions or other matters that routinely arise during the course of jury trials. In the State's experience, this type of daily trial schedule is typically appreciated by jurors as well as Court staff and counsel.

- 2) Deadlines for completion of discovery for both the State and Defense.
- 3) Deadlines for both parties to make expert disclosures pursuant to I.C.R. 16(b)(7) and (c)(4).
- 4) Deadlines for filings of pretrial motions and responses and replies thereto, including, but not limited to, motions in limine, motions relating to the death penalty, and any motions under I.C.R. 12(b).
- 5) Deadlines for jury questionnaire proposals.
- 6) Deadlines for proposed jury instructions.
- 7) Deadlines for proposed witnesses pursuant to I.C.R. 16(b)(6) and (c)(3).
- 8) Deadlines for Rule 404(b) notices.
- 9) Dates for pretrial motions to be heard.
- 10) Any other matters to facilitate the orderly progress of this case toward trial.

The State notes that in this Court's August 22, 2023, Scheduling Order, the Court set a

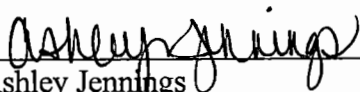
date certain for “sentencing disclosures, including witnesses, exhibits, expert reports, and any other evidence.” The State requests that the Court allow the parties further opportunity to supplement their disclosures following receipt and review of the opposing party’s initial disclosures.

The Court’s August 22, 2023, Scheduling Order also directed the submission of trial exhibits and names of witnesses. The State again requests that the Court afford the parties the opportunity to supplement those responses after they have had the opportunity to review and consider the initial submissions of the other party.

In its August 22, 2023, Scheduling Order, the Court afforded the Defendant an additional opportunity to provide notice of alibi in accordance with court rule and statute. The State submits that the Defendant has already been afforded this opportunity and the Court heard argument on the motions relating to such. The State submits the opportunity for the Defendant to disclose an alibi and notify the State of the same has passed and asks that the Court not reopen this issue.

If it would help in identifying dates and scheduling, the State would recommend that the Court schedule a Status Conference, on the record, for the purpose of scheduling.

RESPECTFULLY SUBMITTED this 21st day of December, 2023.



Ashley Jennings
Sr. Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the MOTION FOR SCHEDULING ORDER
were served on the following in the manner indicated below:

Anne Taylor
Attorney at Law
PO Box 9000
Coeur D Alene, ID 83816-9000

- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 21 day of December, 2023.

