

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:

Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

This matter came before the court on January 3, 2024 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:

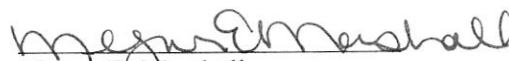
- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

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: 1/22/2024


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 Search)	
Warrants for	)	Case No. CR29-22-2805
)	
V.	)	ORDER CONTINUING
	)	TEMPORARY SEAL OF SEARCH
Microsoft Corporation	)	WARRANTS AND RELATED
1 Microsoft Way	)	DOCUMENTS PENDING
Redmond, WA 98052	)	HEARING
)	
Meta Platforms, Inc.)	
1601 Willow Road)	
Menlo Park, CA 94025)	
)	
TikTok.com)	
10100 Venice Blvd., Suite 401)	
Culver City, CA 90232)	
)	
<u>MPD Case No. 22-M09903</u>)	

Based upon the "Stipulation to Continue Seal of Search Warrants and Related Documents Pending Hearing" filed herein, the Court does hereby confirm and TEMPORARILY 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 for the following search warrants: (1) Microsoft Search Warrant (Order of Return signed on August 25, 2023); (2) Meta Search Warrant (Order of Return signed on

ORDER CONTINUING TEMPORARY SEAL OF SEARCH WARRANTS AND RELATED DOCUMENTS PENDING HEARING

September 12, 2023); and (3) TikTok Search Warrant (Order of Return signed on August 25, 2023); are confidential, exempt from disclosure and are SEALED pursuant to Court Administrative Rule 32(g)(1) until February 1, 2024 or further order of the Court, whichever occurs first.

SO ORDERED this 11/17/2023.

Megan Marshall
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, Idaho 83843-0568
(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 Search)
Warrants for)
V.)
Microsoft Corporation)
1 Microsoft Way)
Redmond, WA 98052)
Meta Platforms, Inc.)
1601 Willow Road)
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MPD Case No. 22-M09903)

Case No. CR29-22-2805

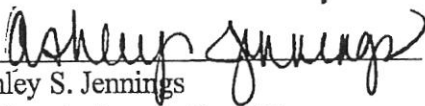
STIPULATION TO CONTINUE
SEAL OF SEARCH WARRANTS
AND RELATED DOCUMENTS
PENDING HEARING

COMES NOW the State of Idaho and the above-named defendant, by and through
their respective attorneys of record, and hereby stipulate to the entry of an order extending
the temporary sealing of the following: (1) Microsoft Search Warrant and related


STIPULATION TO CONTINUE SEAL OF
SEARCH WARRANTS AND RELATED
DOCUMENTS PENDING HEARING

documents (Order of Return signed on August 25, 2022); (2) Meta Search Warrant and related documents (Order of Return signed on September 12, 2023); and (3) TikTok Search Warrant and related documents (Order of Return signed on August 25, 2023). The above documents are currently sealed until December 1, 2023; however, the parties and court's calendar cannot accommodate a hearing prior to December 1, 2023. The parties stipulate setting this matter after December 1, 2023, and request that the above documents remain temporarily sealed until a hearing on the matter pursuant to Idaho Court Administrative Rule 32(g)(1).

RESPECTFULLY SUBMITTED this 17th day of November 2023.



Ashley S. Jennings
Sr. Deputy Prosecuting Attorney



Anne Taylor
Attorney for Defendant

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

Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER TEMPORARILY
SEALING SEARCH
WARRANT AND RELATED
DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and TEMPORARILY 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 December 1, 2023 or further order of the Court,

whichever occurs first.

SO ORDERED this 9/25/2023.

Megan Marshall
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE
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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 for a Search
Warrant for

Case No. CR29-22-2805

Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052

MOTION TO TEMPORARILY
SEAL SEARCH WARRANT AND
RELATED DOCUMENTS
PENDING HEARING

MPD Case No. 22-M09903


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:

MOTION TO TEMPORARILY SEAL SEARCH
WARRANT AND RELATED DOCUMENTS
PENDING HEARING

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 24th day of August, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

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:)	
)	
Microsoft Corporation	)	ORDER
1 Microsoft Way)	
Redmond, WA 98052)	
)	
<u>MPD Case No. 22-M09903</u>)	

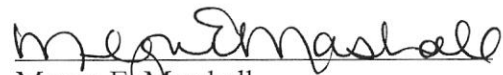
In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional

prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 8/25/2023 @ 12:47 pm


Megan E. Marshall
Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, Idaho 83843-0568
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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)
For a Search Warrant for:)

Case No. CR29-22-2805

Meta Platforms, Inc)
1601 Willow Road)
Menlo Park, CA 94025)

RETURN OF
SEARCH WARRANT

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 the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 2 o'clock p.m., this 24th 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.

8/24/2023
(Date)

REDACTED 
Perice Officer

AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO)
:ss.
County of Latah)

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace officer for 13 years;
- (3) On 7/24/23, I obtained a search warrant for Microsoft OneDrive;
- (4) The warrant was served on 7/25/2023, by LE Portal <https://leportal.microsoft.com/>;
- (5) On 8/23/2023, Cpl Payne received an email from Microsoft stating the data was available to download;
- (6) Cpl Payne downloaded the data and provided it to me;
- (7) An inventory was prepared for all the items received; and
- (8) The information received was placed into evidence at the Moscow Police Department.

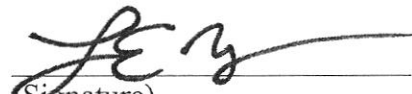
FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

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

8/24/2023
(Date)


(Signature)

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

Microsoft Corporation

1 Microsoft Way

Redmond, WA 98052

Case No. CR29-22-2805

RECEIPT AND
INVENTORY OF WARRANT

On the ____ day of _____, 20__, at approximately ____ o'clock __.M.,
the following peace officers: Detective Lawrence Mowery

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as
directed in said Search Warrant. Entrance was obtained by: https://leportal.microsoft.com

The person(s) found in said place were: _____

The property found and taken and the location within or upon said place and/or person(s) are
as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

IMEI

OneDrive ResID

This Receipt and Inventory was made in the presence of: _____

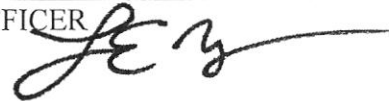
A copy hereof was given to the following named person(s) on the _____ day of _____, 20____;

A copy hereof was left on this date in a conspicuous place in the place searched, there being no person(s) present during said search: _____

DATED this 24 day of August , 20 23 .

WITNESS

Det Lawrence Mowery
PEACE OFFICER



The undersigned person(s) hereby acknowledge receiving a copy hereof on this _____ day of _____, 20____:

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:)	
)	
Microsoft Corporation	)	SEARCH WARRANT
1 Microsoft Way)	
Redmond, WA 98052)	
)	
<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 probable cause to believe there is information related to the crimes of homicide and/or burglary committed at 1122 King Road in Moscow, Idaho on or about November 13, 2022 on the records currently under the control of Microsoft associated with _____ and any the following account information:

-
-
-
-

REDACTED

- IMEI
- OneDrive ResID
-

Which shall include the following information between January 1, 2022 to December 30, 2022:

MCM
7/25/2023

1. Account Information - User name, primary email address, secondary email addresses, connected applications and sites, and account activity from ~~[insert date]~~ **January 1, 2022 to December 30, 2022** to ~~[insert date]~~, including account sign in locations, browser information, platform information, and internet protocol (IP) addresses;
2. User Devices Information - Device make, model, and International Mobile Equipment Identifier (IMEI) or Mobile Equipment Identifier (MEID) of all associated devices linked to the Microsoft Corporation accounts of the target device;
3. Evidence of user attribution - accounts, e-mail accounts, passwords, PIN codes, account names, user names, screen names, remote data storage accounts, credit card number or other payment methods, contact lists, calendar entries, text messages, voice mail messages, pictures, videos, telephone numbers, mobile devices, physical addresses, historical GPS locations, two-step verification information, or any other data that may demonstrate attribution to a particular user or users of the account(s).
4. Calendar - All calendars, including shared calendars and the identities of those with whom they are shared, calendar entries, notes, alerts, invites, and invitees;
5. Contacts - All contacts stored by Microsoft Corporation including name, all contact phone numbers, emails, social network links, and images;
6. Finance - All records of securities, funds, and portfolios associated with the target Microsoft Corporation account and/or target device;
7. Email - All email messages including by way of example and not limitation, such as inbox messages whether read or unread, sent mail, saved drafts, chat histories, and emails in the trash folder. Such messages will include all

information such as the date, time, internet protocol (IP) address routing information, sender, receiver, subject line, any other parties sent the same electronic mail through the 'cc' (carbon copy) or the 'bcc' (blind carbon copy), the message content or body, and all attached files;

8. Photos - All images, graphic files, video files, and other media files stored in the OneDrive or other Microsoft Corporation photos service;
9. Location History - All location data whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, precision measurement information such as timing advance or per call measurement data, and Wi-Fi location. Such data shall include the GPS coordinates and the dates and times of all location recordings;
10. Microsoft Store - All applications downloaded, installed, and/or purchased by the associated account and/or device;
11. Search History - All search history and queries including by way of example and not limitation, such as World Wide Web (web), images, news, shopping, ads, videos, maps, travel, and finance. Search engines may include Internet Explorer, Microsoft Edge, and Bing;

located in or upon the following described premises:

Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052
E-mail:
Fax: 425-708-0096

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 14 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT**

PURPOSE, MICROSOFT IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT.**

GIVEN UNDER MY HAND and DATED this 25th day of July, 2023, at
11:38 a.m. p.m.

Megan Marshall
Megan Marshall
Magistrate Judge

5/10/23 2:29 PM:09
CLERK OF DIST CT. LATAH

CASE NO. _____
BY _____ DENNY

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

ORDER FOR EXTENSION TO
RETURN SEARCH WARRANT

Microsoft Corporation
1 Microsoft Way
Redmond, WA 98052

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,
and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant
shall be returned is extended to September 4, 2023.

SO ORDERED this 8/7/2023


Magistrate Judge

CERTIFICATE OF DELIVERY


I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr.
Latah County Prosecuting Attorney
Latah County Courthouse
Moscow, ID 83843

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

Dated 8/8/2023

JULIE FRY
Latah County Clerk of the Court

By: 
Deputy Clerk

4107 2023 PM 3:47
CLERK OF DIST. CT. LATAH

OFFICE OF THE
DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
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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 for a Search
Warrant for

Case No. CR29-22-2805

MOTION FOR EXTENSION TO
RETURN SEARCH WARRANT

Microsoft Corporation
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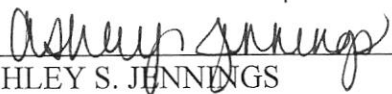
MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on July 25, 2023. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Law Enforcement Portal on the July 25, 2023, by Detective Lawrence Mowery. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 7th day of August, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney