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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 TO UNSEAL STATE'S
"MOTION FOR ORDER
PROHIBITING CONTACT WITH
PROSPECTIVE JURORS
ABSENT LEAVE OF COURT"

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully requests that the Court enter an order unsealing the State's "Motion for Order Prohibiting Contact with Prospective Jurors Absent Leave of Court" filed herein on March 22, 2024, but keeping the attachments sealed to protect the identity of certain county residents and to avoid violating the Court's Nondissemination Order.

In support of this motion, the State respectfully represents to the Court as follows:

The State asked that its original "Motion for Order Prohibiting Contact with Prospective


Jurors Absent Leave of Court” be filed under seal pursuant to Idaho Court Administrative Rule 32 for the reason that the attachments to the motion identify certain Latah County residents who had received unsolicited telephone survey calls regarding this case and the State felt it was appropriate to protect the identity of those individuals. The State was also concerned that the nature of the unsolicited telephone survey contacts contained information that could violate the Court’s Nondissemination Order, including information that is factually false.

Subsequent to the State filing its Motion under seal, an interim Order was issued by the Court properly prohibiting the parties from contacting prospective jurors at least until the State’s “Motion for Order Prohibiting Contact with Prospective Jurors Absent Leave of Court” was heard and decided. Following the issuance of that Order, which did not contain any information that would violate the Nondissemination Order, nor any factual information that was untrue, the defense filed a “Motion to Rescind Order for Failure to Provide Due Process” on March 26, 2024. That motion contains representations that are either inaccurate or misleading as to events leading up to the State’s March 22, 2024, “Motion for Order Prohibiting Contact with Prospective Jurors Absent Leave of Court.” Unfortunately, the Defendant’s March 26 motion was not filed under seal so anyone reading the Defendant’s motion (whether private citizens or media) will have erroneous or incomplete understandings of the circumstances leading up to the State’s motion.

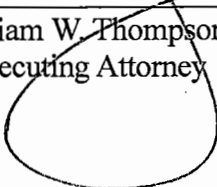
Based on the above, it is proper and necessary that the State’s March 22, 2024, “Motion for Order Prohibiting Contact with Prospective Jurors Absent Leave of Court” be unsealed so that the publicly available record in this case more completely and accurately describes the relevant circumstances and events; provided, however, that the attachments remain sealed so as

to protect the identity of the named citizens who provided information in regard to the unsolicited telephone surveys and to avoid any further violation of the Nondissemination Order.

RESPECTFULLY SUBMITTED this 29 day of March, 2024.



William W. Thompson, Jr.
Prosecuting Attorney



CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the MOTION TO UNSEAL STATE'S "MOTION FOR ORDER PROHIBITING CONTACT WITH PROSPECTIVE JURORS ABSENT LEAVE OF COURT" 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 29 day of March, 2024.

