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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 CHRISTOPHER KOHBERGER,
Defendant.

Case No. CR29-22-2805

STATE'S OBJECTION TO
DEFENDANT'S 15th
SUPPLEMENTAL REQUEST
FOR DISCOVERY

TO: THE DEFENDANT BRYAN CHRISTOPHER KOHBERGER, and Counsel
Anne Taylor:

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and Special Assistant Attorney General, and hereby objects to the "Defendant's 15th Supplemental Request for Discovery" filed on March 27, 2024, as all items requested fall under the "Sealed Order for Disclosure of IGG Information and Protection Order" filed on December 29, 2023.

As the Court is aware, on June 16, 2023, the State motioned for a protective order

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pursuant to Rule 16 regarding discovery of materials related to the use of IGG in this case.

Defense filed an objection on June 22, 2023. The State filed a reply in support of a protective order on July 14, 2023. In response, on October 25, 2023, the Court issued an Order

Addressing IGG DNA and Order for *In Camera* Review stating:

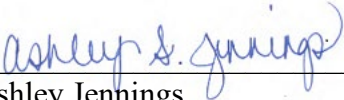
Disclosure of information gathered from an IGG investigation is an issue of first impression in Idaho. The State claims that the IGG information was not used to obtain any warrant and will not be used at trial. For the reasons set forth below, the Court finds that the defense is likely entitled to see at least some of the information from the IGG investigation, even if it may ultimately be found to have no relevance to Kohberger's defense. However, because the Court has not seen exactly what information pertaining to the use of IGG is available, the Court cannot say precisely what should and what should not be disclosed at this time. Because of this uncertainty, the Court grants the State's request for an *in camera* review of the IGG information. After such review, the Court will enter the appropriate discovery and protective orders.

The Court then conducted an *in camera* review of all IGG information in the possession, custody, or control of the State, including the FBI, to determine what IGG information needed to be disclosed and what level of protection should be afforded. Based on that *in camera* review, on December 29, 2023, the Court issued a "Sealed Order for Disclosure of IGG Information and Protection Order." The State timely discovered to defense all items the Court deemed to be either relevant or necessary related to IGG pursuant to the Court's Order.


The items listed in the Defense's 15th Supplemental Request for Discovery pertain to IGG information which was previously decided by the December 29, 2023, "Sealed Order for Disclosure of IGG Information and Protection Order." The State maintains that the requested information is outside the scope of the "Sealed Order for Disclosure of IGG Information and Protection Order" as well as Idaho Criminal Rule 16.

The State requests an order denying Defendant's 15th Supplemental Request for Discovery. The State has and will continue to provide discovery in accordance with Idaho Criminal Rule 16, court orders, and applicable law and reserves any and all objections thereunder.

DATED this 4th day of April, 2024.



Ashley Jennings
Senior Deputy Prosecuting Attorney



Jeff Nye
Special Assistant Attorney General

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S OBJECTION TO DEFENDANT'S 15th SUPPLEMENTAL REQUEST FOR DISCOVERY 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 4th day of April, 2024.

