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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 NUMBER CR29-22-2805

**MOTION TO UNSEAL PARTS OF IGG
MATERIALS**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby moves this Court to unseal the IGG materials sealed by this Courts Order signed on 12/29/23, except for the individuals on the family tree or found via the IGG, on the grounds that this information should be made public and does not meet the requirements for sealing under I.C.A.R. 32.

This Court previously entered an Order allowing specific members of the defense team, including specific experts, access to review the IGG materials it ordered disclosed. The Court

has indicated, during hearings, its concern was the privacy of individuals on the family tree. The Defense shares that concern, and takes no issue with it.

The Defense does object to the sealing of the rest of the information that has been disclosed. There is simply no legitimate reason that the way the IGG procedures in the case took place should be shielded from the public. This Court provided no authority for sealing those materials. Most materials have been sealed in this case to protect the right to a fair trial. There is simply nothing unfairly prejudicial about the way in which IGG was carried about the State and its associates in this case. In point of fact, the way in which IGG occurred in this case has been made public in other cases. *See, State v. Hartman*, 534 P.3d 423, 438-39 (Wash.Ct.App.2023); Avi Selk, *The Ingenious and ‘Dystopian’ Technique Police Used to Hunt the ‘Golden State Killer’ Suspect*, WASHINGTON POST (Apr. 28, 2018) (available at <https://www.washingtonpost.com/news/true-crime/wp/2018/04/27/golden-state-killer-dna-website-gedmatch-was-used-to-identify-joseph-deangelo-as-suspect-police-say/>). Aspects of the IGG investigation in this case have already been leaked. Heather Tal Murphy, *How Police Actually Cracked the Idaho Killings Case*, Slate (Jan. 10, 2023) (available at <https://slate.com/technology/2023/01/bryan-kohberger-university-idaho-murders-forensic-genealogy.html>).


This Court’s Order is being abused by the State and the FBI to hide how IGG was used in this case, because what the FBI did violated its own rules and the rights of privacy genetic genealogy companies have promised. Not only is there no authority to protect the FBI and the State in this matter, this refusal to permit Mr. Kohberger to expose this to the public is a clear violation of his right to a public trial. *See Weaver v. Massachusetts*, 582 U.S. 286, 296 (2017); *Waller v. Georgia*, 467 U.S. 39 (1984) (sealing of Motion to Suppress to protect privacy of

witnesses was error requiring remand for new, public hearing), *State v. Ingraham*, 172 Idaho 30 (2013); U.S. Const. amend. 6; Idaho Const. Art. I Sec. 13. *See also, Cowles Pub. Co. v. Magistrate Court of the First Judicial Dist.*, 118 Idaho 753 (1990).

A hearing on this matter is requested if necessary. The hearing does not need to be sealed and is expected to take approximately thirty minutes.

DATED this 26 day of April, 2024.

ANNE C. TAYLOR, PUBLIC DEFENDER
KOOTENAI COUNTY PUBLIC DEFENDER

BY: 

JAY WESTON LOGSDON
CHIEF DEPUTY LITIGATION
ASSIGNED ATTORNEY

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 26 day of April, 2024 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov
Elisa Massoth – via Email: legalassistant@kmrs.net