

Anne C. Taylor, Public Defender  
Kootenai County Public Defender  
PO Box 9000  
Coeur d'Alene, Idaho 83816  
Phone: (208) 446-1700; Fax: (208) 446-1701  
Bar Number: 5836  
iCourt Email: [pdfax@kcgov.us](mailto:pdfax@kcgov.us)

Elisa G. Massoth, PLLC  
Attorney at Law  
P.O. Box 1003  
Payette, ID 83661  
208-642-3797

*Assigned Attorney:*

Anne C. Taylor, Public Defender, Bar Number: 5836  
Jay Weston Logsdon, Chief Deputy Litigation, Bar Number: 8759  
Elisa G. Massoth, Bar Number: 5647

**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 CR29-22-0002805**

**DEFENDANT'S RESPONSE TO STATE'S  
MOTION TO LIMIT TESTIMONY**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby submits the following Response to the State's Motion to Limit Testimony filed May 10, 2024.


In the State's Motion, the State contends that the Affidavit of Probable Cause is "irrelevant at this stage". State's Motion at 4. The State cites no authority for this claim. Mr. Kohberger has the ability to challenge the probable cause affidavits in this matter that were used to procure warrants. *See, e.g., State v. Thompson*, 114 Idaho 746, 753 (1988) (finding informer's

reliability a relevant issue as it related to probable cause for a wiretap); *State v. Hosey*, 132 Idaho 117, 120 (1988) (finding informer’s reliability a relevant issue as it related to probable cause for a search); *State v. Hosey*, 134 Idaho 883, 888 (2000) (same); *State v. Pendleton*, 172 Idaho 825 (2023) (finding field-performance of drug dog properly discoverable as relevant to probable cause inquiry).

The finding of an Indictment does not preclude a Defendant from seeking to gain through discovery information relevant to the probable cause provided to the Court.

DATED this   10   day of May, 2024.

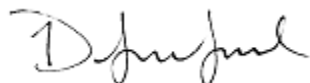
ANNE C. TAYLOR, PUBLIC DEFENDER  
KOOTENAI COUNTY PUBLIC DEFENDER

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   10   day of May, 2024 addressed to:

Latah County Prosecuting Attorney –via Email: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)  
Elisa Massoth – via Email: [legalassistant@kmrs.net](mailto:legalassistant@kmrs.net)

  
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