

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

CASE NO. 50482-2023

---

THE ASSOCIATED PRESS, et al.,

Petitioners,

v.

SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
COUNTY OF LATAH; and  
HONORABLE MEGAN E. MARSHALL, MAGISTRATE JUDGE,

Respondents.

---

**RESPONDENTS' VERIFIED ANSWER TO PETITION FOR A  
WRIT OF MANDAMUS OR A WRIT OF PROHIBITION**

---

For Petitioners

WENDY J. OLSON, ISB No. 7634  
wendy.olson@stoel.com  
CORY M. CARONE, ISB No. 11422  
cory.carone@stoel.com  
**STOEL RIVES LLP**  
101 S. Capitol Boulevard, Suite 1900

For Respondents

DEBORAH A. FERGUSON, ISB No. 5333  
daf@fergusondurham.com  
CRAIG H. DURHAM, ISB No. 6428  
chd@fergusondurham.com  
**FERGUSON DURHAM, PLLC**  
223 N. 6<sup>th</sup> Street, Suite 325

Respondents hereby answer and respond to the Petitioners' Verified Petition for a Writ of Mandamus or a Writ of Prohibition filed February 14, 2023.

### **I. GENERAL RESPONSE**

Unless specifically admitted herein, Respondents deny each and every allegation, claim, and request for relief contained in the Petition.

### **II. SPECIFIC RESPONSES**

In response to the specific allegations, claims, and requests for relief contained in the specific paragraphs in the Petition, Respondents respond as follows:

1. In answering paragraph 1, Respondents deny that the Petition is appropriate for the issuance of writ of mandamus or prohibition.
2. In answering paragraph 2, Respondents assert it does not contain allegations, but is instead a narrative that they can neither admit nor deny. Respondents state further that they are aware of the events leading to the arrest of Bryan C. Kohberger.
3. In answering paragraph 3, Respondents assert it does not contain allegations, but is instead a narrative that they can neither admit nor deny. Respondents deny that there was no history of extrajudicial statements that could prejudice Mr. Kohberger's right to a fair trial. The court's January 3, 2023 nondissemination order speaks for itself.
4. In answering paragraph 4, Respondents assert it does not contain allegations, but is instead a narrative that they can neither admit nor deny. Respondents deny the Petitioners' characterization of the amended nondissemination order dated January 18, 2023, and state further, that the amended nondissemination order speaks for itself.

5. In answering paragraph 5, Respondents deny that the nondissemination orders have restrained Petitioners' rights to gather and publish information. Respondents are without information sufficient to admit or deny the nine bullet points contained in paragraph 5.
6. In answering paragraph 6, Respondents deny the allegations.
7. In answering paragraph 7, Respondents deny the allegations.

DATED: March 3, 2023

FERGUSON DURHAM, PLLC

s/ Deborah A. Ferguson  
Deborah A. Ferguson  
Craig H. Durham

*Attorneys for Respondents*

VERIFICATION

STATE OF IDAHO )  
 )  
 ) ss.  
 )  
COUNTY OF LATAH )

The Honorable Megan E. Marshall, Magistrate Judge in the Second Judicial District of the State of Idaho, County of Latah, being first duly sworn, deposes and says:

I have read the foregoing Verified Answer to the Petition for Writ of Mandamus or Writ of Prohibition and know the contents thereof, and the same are true to the best of my knowledge and belief.

DATED the 2nd day of March, 2023.

*Megan E. Marshall*  
The Hon. Megan E. Marshall

Subscribed and sworn to before me this  
2 day of March  
2023 by Megan E. Marshall  
C. L. Villabol  
Notary Public  
My Commission expires 3.14.28



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3rd day of March 2023, I served a true and correct copy of RESPONDENTS' VERIFIED ANSWER TO A PETITION FOR A WRIT OF MANDAMUS OR A WRIT OF PROHIBITION upon the following:

Wendy J. Olson ISB No. 7634  
Wendy.olson@stoel.com  
Cory M. Carone ISB No. 11422  
Cory.carone@stoel.com  
Stoel Rives LLP  
101 S. Capital Blvd., Suite 1900  
Boise, ID 83702

Latah County Prosecutor's Office  
William W. Thompson, Jr. ISB No. 2613  
Prosecuting Attorney  
Bradley J. Rudley ISB No. 9555  
Chief Civil Deputy Prosecuting Attorney  
Latah County Courthouse  
PO Box 8068  
Moscow, Idaho 83843-0568  
Phone: (208) 883-2246  
paservice@latahcountyid.gov

Anne C. Taylor ISB No. 5836  
Public Defender  
Jay Weston Logsdon ISB No. 8759  
Chief Deputy Litigation  
Kootenai County Public Defender PO Box 9000  
Coeur d'Alene, Idaho 83816  
pdfax@kcgov.us

DATED this 3rd day of March, 2023

/s. Deborah A. Ferguson

Deborah A. Ferguson  
Ferguson Durham, PLLC