

IN THE SUPREME COURT OF THE STATE OF IDAHO

SUPREME COURT DOCKET NO. 50482-2023

IN RE: PETITION FOR WRIT OF MANDAMUS OR WRIT OF PROHIBITION.

THE ASSOCIATED PRESS; RADIO TELEVISION DIGITAL NEWS ASSOCIATION; SINCLAIR MEDIA OF BOISE, LLC/KBOI-TV (BOISE); THE MCCLATCHY COMPANY, LLC; STATES NEWSROOM dba IDAHO CAPITAL SUN; THE SEATTLE TIMES; TEGNA INC./KREM (SPOKANE), KTVB (BOISE) AND KING (SEATTLE); EASTIDAHONEWS.COM; THE LEWISTON TRIBUNE; WASHINGTON STATE ASSOCIATION OF BROADCASTERS; ADAMS PUBLISHING GROUP dba POST REGISTER; IDAHO PRESS CLUB; IDAHO EDUCATION NEWS; KXLY-TV/4 NEWS NOW AND KAPP/KVEW-TV- MORGAN MURPHY MEDIA KXLY-TV/4 NEWS NOW; SCRIPPS MEDIA, INC., dba KIVI-TV, a Delaware corporation; BOISE STATE PUBLIC RADIO; THE TIMES-NEWS; THE SPOKESMAN-REVIEW/COWLES COMPANY; COEUR D'ALENE PRESS; THE NEW YOUR TIMES COMPANY; DAY365 dba BOISEDEV; LAWNEWZ, INC.; SCRIPPS MEDIA, INC., a Delaware corporation; ABC, INC.; WP COMPANY LLC, dba THE WASHINGTON POST; SOCIETY OF PROFESSIONAL JOURNALISTS,

Petitioners,

vs.

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

Respondents,

and

BRYAN C. KOHBERGER and STATE OF IDAHO, LATAH COUNTY PROSECUTOR,

Intervenor-Respondents.

MOTION OF INTERVENOR – RESPONDENT “STATE OF IDAHO, LATAH COUNTY PROSECUTOR” FOR LEAVE TO FILE ADDITIONAL BRIEF

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
Boise, ID 83702-7705

For Respondent

Deborah A. Ferguson, ISB No. 5333
Craig H. Durham, ISB No. 6428
Ferguson Durham, PLLC
223 N. 6th St. Suite 325
Boise, ID 83702

Intervenor-Respondent

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

Intervenor-Respondent

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

Assigned Attorney:

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

MOTION OF INTERVENOR – RESPONDENT “STATE OF IDAHO, LATAH COUNTY PROSECUTOR” FOR LEAVE TO FILE A SEPARATE BRIEF

Respondent-Intervenor “State of Idaho – Latah County Prosecutor” hereby moves for leave for the State of Idaho to file a separate brief in this matter through the Attorney General’s office. Respondent-Intervenor sought and obtained intervention in this matter on behalf of the State of Idaho, but did so only in connection with the underlying criminal case before the District Court pursuant to Idaho Code § 31-2604(1-2) and as a party directly affected by the Amended Nondissemination Order as set out in the “Verified Petition for Leave to Intervene.” In that limited capacity, Respondent-Intervenor did not inform the Idaho Attorney General of its representation of state interests at the time intervention was sought. When Respondent-Intervenor recently informed the Idaho Attorney General of the State’s role in this proceeding, the Attorney General requested an opportunity to evaluate the matter to submit a separate brief by separate counsel to address any state interest in this matter that may be distinct from those of the Latah County Prosecutor as representative of the state in the criminal proceedings below. Respondent-Intervenor now so moves and seeks leave for the Attorney General to file a separate brief within 14 days of the grant of leave.

Respondent-Intervenor has requested the consent of the other parties to this motion. Counsel for the Petitioners indicated that they take “no position” on this Motion. Counsel for Intervenor-Respondent Mr. Kohberger stated that he was unable to respond without more information on what the position of the Attorney General’s Office would be. Counsel for Respondent, Second Judicial District and Honorable Judge Megan E. Marshall, was unable to respond in the timeframe requested.

WHEREFORE Respondent-Intervenor “State of Idaho – Latah County Prosecutor” respectfully moves to submit a separate brief in this matter for the State of Idaho, as represented

by the Idaho Attorney General, within 14 days of the grant of leave.

DATED this 21st day of April, 2023.

A handwritten signature in black ink that reads "Bradley Rudley". The signature is written in a cursive style with a horizontal line underneath the name.

Bradley J. Rudley
Latah County Chief Civil Deputy Prosecutor

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing **MOTION OF INTERVENOR – RESPONDENT “STATE OF IDAHO, LATAH COUNTY PROSECUTOR”** was served on the following in the manner indicated below:

Wendy J. Olson – wendy.olson@stoel.com
Cory M. Carone – cory.carone@stoel.com
Stoel Rives LLP
101 S. Capitol Boulevard, Suite 1900
Boise, ID 83702-005
Attorney for Petitioners

- US Postal Service
- E-filed & Served
- e-mailed
- Faxed

Anne C. Taylor, Public Defender
Kootenai County Public Defender
PO Box 9000
Coeur d’Alene, Idaho 83816
iCourt Email: pdfax@kcgov.us
Party in Interest/Proposed Intervenors

- US Postal Service
- E-filed & Served
- e-mailed
- Faxed

Deborah A. Ferguson
Craig H. Durham
Ferguson Durham, PLLC
223 N. 6th St. Suite 325
Boise, ID 83702
Attorney for Respondent

- US Postal Service
- E-filed & Served
- e-mailed
- Hand Delivery

Lincoln Davis Wilson
Division Chief
Civil Litigation and Constitution Defense
Idaho Attorney General’s Office

- US Postal Service
- E-filed & Served
- e-mailed
- Hand Delivery

DATED this 21st day of April, 2023.


