

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

American Express  
43 Butterfield Circle  
El Paso TX 79906

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:


- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

1. The *Affidavit in Support of Search Warrant* is SEALED.
2. The *Search Warrant and Receipt and Inventory* be REDACTED.
3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

  
Megan E. Marshall  
Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

American Express  
43 Butterfield Circle  
El Paso TX 79906  
Email:

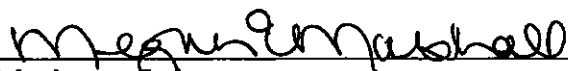
MPD Case No. 22-M09903

Case No.

ORDER SEALING SEARCH  
WARRANT AND RELATED  
DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until the completion of case CR29-22-2805 , or further order of the Court, whichever occurs first.

SO ORDERED this 25th day of January, 2023.

  
Magistrate Judge

ORDER SEALING SEARCH  
WARRANT AND RELATED DOCUMENTS

REDACTED

CASE NO. \_\_\_\_\_

January 24, 2023  
CLERK OF DISTRICT COURT  
LATAH COUNTY

BY \_\_\_\_\_ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843  
Phone: (208) 883-2246  
ISB No. 8491  
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

American Express  
43 Butterfield Circle  
El Paso TX 79906  
Email:

MOTION TO SEAL SEARCH  
WARRANT AND RELATED  
DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH  
WARRANT AND RELATED DOCUMENTS


REDACTED

2. Deprive a person of a right to a fair trial or an impartial adjudication;
3. Constitute an unwarranted invasion of personal privacy,
4. Disclose the identity of a confidential source; and/or
5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 14 day of January, 2023.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE  
Ashley S. Jennings  
Sr. Deputy Prosecuting Attorney  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843-0568  
(208) 883-2246  
ISB No. 8491  
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application ) Case No. CR29-  
for a Search Warrant for: )  
American Express ) RETURN OF SEARCH WARRANT  
43 Butterfield Circle )  
El Paso, TX 79906 )  
)  
MPD Case No. 22-M09903 )

STATE OF IDAHO )  
:ss.  
County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 11 o'clock a.m., this 24<sup>th</sup> day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

1/24/2023  
(Date)

  
Peace Officer

**REDACTED**

AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO )  
  :SS.  
County of Latah        )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

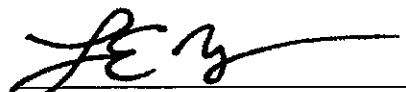
- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace officer for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On November 28, 2022, I obtained a search warrant for American Express;
- (5) The warrant was served on November 28, 2022, via email to \_\_\_\_\_ ;
- (6) On January 13, 2023, I received an email from FA Michael Douglass containing the requested data;
- (7) On January 24, 2023, an inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to \_\_\_\_\_ ; and
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162  
Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

January 24, 2023  
(Date)

  
(Signature)

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF  
THE APPLICATION  
FOR A SEARCH WARRANT FOR

American Express

Bank Records

MPD# 22-M09903

Case No. \_\_\_\_\_

RECEIPT AND  
INVENTORY OF WARRANT

On the 28 day of November, 2022, at approximately 1155 o'clock a.M.,  
the following peace officers: Det Lawrence Mowery and FBI FA Michael Douglass

\_\_\_\_\_

\_\_\_\_\_

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as  
directed in said Search Warrant. Entrance was obtained by: \_\_\_\_\_

\_\_\_\_\_

The person(s) found in said place were: \_\_\_\_\_

\_\_\_\_\_

The property found and taken and the location within or upon said place and/or person(s) are  
as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

Ethan Chapin, \_\_\_\_\_

Madison May Mogen, \_\_\_\_\_

Xana Alexia Kermode, \_\_\_\_\_

Kaylee Jade GonCalves, \_\_\_\_\_

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES





This Receipt and Inventory was made in the presence of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

A copy hereof was given to the following named person(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

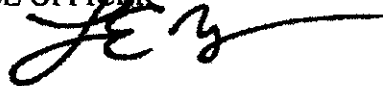
\_\_\_\_\_  
\_\_\_\_\_

A copy hereof was left on this date in a conspicuous place in the place searched, there being no person(s) present during said search: email \_\_\_\_\_

DATED this 24 day of \_\_\_\_\_ January \_\_\_\_\_, 2023 .

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Det Lawrence Mowery  
PEACE OFFICER



The undersigned person(s) hereby acknowledge receiving a copy hereof on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
American Express	)	
43 Butterfield Circle	)	ORDER
El Paso, TX 79906	)	
Email:	)	
	)	
<u>MPD Case No. 22-M09903</u>	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;


NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional

**REDACTED**

prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/25/2023 @ 2:16 pm.

  
Megan E. Marshall  
Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application  
for a Search Warrant for:

American Express  
43 Butterfield Circle  
El Paso TX 79906  
Email:

MPD Case No. 22-M09903

Case No.

SEARCH WARRANT

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING  
ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause  
establishing grounds for issuing a search warrant and probable cause to believe that the property  
referred to and sought in or upon said premises there is probable cause to believe that the property  
referred to and sought in or upon said premises consists of information related to the crime(s) of  
homicide to include all records and documents (the terms "records" and "documents" mean any  
and all tangible forms of expression in your possession, custody, or control, in any language or  
format, and include, but are not limited to, writings, papers, and tape recordings, electronic video

and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- 
- 
- 
- 
- 

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

American Express  
 Attn: Subpoena Response Unit  
 43 Butterfield Circle  
 El Paso TX 79906

Ph:  
Email:

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**\*\*THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, AMERICAN EXPRESS IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.**

**AMERICAN EXPRESS SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.\*\***

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:39 p.m.

Megan Marshall  
Magistrate Judge

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

ORDER FOR EXTENSION TO  
RETURN SEARCH WARRANT

American Express  
43 Butterfield Circle  
El Paso TX 79906  
Email:

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,  
and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant  
shall be returned is extended to March 8, 2023.

SO ORDERED this 12/9/22

Megan Marshall  
Magistrate Judge



CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr.  
Latah County Prosecuting Attorney  
Latah County Courthouse  
Moscow, ID 83843

- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated 12/9/22

TONYA DODGE  
Latah County Clerk of the Court

By: [Signature]  
Deputy Clerk

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843  
Phone: (208) 883-2246  
ISB No. 8491  
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

MOTION FOR EXTENSION TO  
RETURN SEARCH WARRANT

American Express  
43 Butterfield Circle  
El Paso TX 79906  
Email:

MPD Case No. 22-M09903

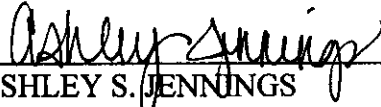
The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on November 27, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on November 28, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO  
RETURN SEARCH WARRANT

**REDACTED**

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney