

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

Apple Inc.,
1 Infinite Loop
Cupertino, CA 95014

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:

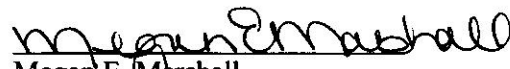
- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

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

Apple Inc.,
1 Infinite Loop
Cupertino, CA 95014

Case No.

ORDER SEALING SEARCH
WARRANT AND RELATED
DOCUMENTS

MPD Case No. 22-M09903

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 February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 1st day of ^{December} ~~November~~, 2022. @ 1:22 PM

Megan Marshall
MAGISTRATE JUDGE

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
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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

In the Matter of the
Application for a Search
Warrant for

Apple Inc.,
1 Infinite Loop
Cupertino, CA 95014

MPD Case No. 22-M09903

Case No.

MOTION TO SEAL SEARCH
WARRANT AND RELATED
DOCUMENTS

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;
2. Constitute an unwarranted invasion of personal privacy,


MOTION TO SEAL SEARCH
WARRANT AND RELATED DOCUMENTS

3. Disclose the identity of a confidential source; and
4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

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 20th day of November, 2022.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
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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

In the Matter of the Application)	Case No.
for a Search Warrant for:)	
Apple Inc.,)	ORDER
1 Infinite Loop)	
Cupertino, CA 95014)	
)	
<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

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 12/1/22 @ 1:24 PM.


Megan E. Marshall
Magistrate Judge

CASE NO. _____
BY _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
Ashley S. Jennings
Sr. Deputy Prosecuting Attorney
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P.O. Box 8068
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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

In the Matter of the Application) Case No. CR29-
for a Search Warrant for:)
Apple Inc.,) RETURN OF SEARCH WARRANT
1 Infinite Loop)
Cupertino, CA 95014)
)
)
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 9:00 o'clock a.m., this 30th day of November, 2022.

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

11/30/22
(Date)

Lawrence Mowery 162
Peace Officer

REDACTED

AFFIDAVIT OF 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 Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace officer for Twelve (12) years;
- (3) On November 21, 2022, I obtained a search warrant for Apple;
- (4) The warrant was served on November 21, 2022, by email (fax, email, etc);
- (5) On 11/23/22, I received an e-mail from Apple which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery
Affiant

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

11/30/22
(Date)

Lawrence Mowery
(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

Apple Inc.,
1 Infinite Loop
Cupertino, CA 95014

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 21 day of November, 2022, at approximately 1:55 o'clock p.M.,
the following peace officers: Detective Lawrence Mowery

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

-1224

IMEI

RECEIPT AND INVENTORY

PAGE 1 OF 2 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: _____

DATED this 30 day of November, 2022.

WITNESS

JEM 162
PEACE OFFICER

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

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)	Case No. CR29-
for a Search Warrant for:)	
)	
Apple Inc.,)	SEARCH WARRANT
1 Infinite Loop)	
Cupertino, CA 95014)	
)	
<u>MPD Case No. 22-M09903</u>)	

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 property consisting of there is probable cause to believe that the property referred to and sought in or upon said premises consists of there is probable cause to believe that the property referred to and sought in or upon said premises consists records related to the crime(s) of homicide on the Apple iCloud account(s) associated with Madison "Maddie" Mogen with the following IDENTIFIERS: _____, phone number _____-1224, and/or IMEI

_____ (hereafter referred to as "the MOGEN ACCOUNT"), from August 1, 2022, to November 18, 2022, including:

- All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers, email addresses (including primary, alternate, rescue, and notification email addresses, and verification information for each email address), the date on which the account was created, the length of service,

REDACTED

the IP address used to register the account, account status, methods of connecting, and means and source of payment (including any credit or bank account numbers);

- All records or other information regarding the devices associated with, or used in connection with, the account (including all current and past trusted or authorized iOS devices and computers, and any devices used to access Apple services), including serial numbers, Unique Device Identifiers (“UDID”), Advertising Identifiers (“IDFA”), Global Unique Identifiers (“GUID”), Media Access Control (“MAC”) addresses, Integrated Circuit Card ID numbers (“ICCID”), Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifiers (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identities (“IMSI”), and International Mobile Station Equipment Identities (“IMEI”);
- The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account (including all draft emails and deleted emails), the source and destination addresses associated with each email, the date and time at which each email was sent, the size and length of each email, and the true and accurate header information including the actual IP addresses of the sender and the recipient of the emails, and all attachments;
- The contents of all instant messages associated with the account, including stored or preserved copies of instant messages (including iMessages, SMS messages, and MMS messages) sent to and from the account (including all draft and deleted messages), the source and destination account or phone number associated with each instant message, the date and time at which each instant message was sent, the size and length of each instant message, the actual IP addresses of the sender and the recipient of each instant message, and the media, if any, attached to each instant message;
- The contents of all files and other records stored on iCloud, including all iOS device backups, all Apple and third-party app data, all files and other records related to iCloud Mail, iCloud Photo Sharing, My Photo Stream, iCloud Photo Library, iCloud Drive, iWorks (including Pages, Numbers, and Keynote), iCloud Tabs, and iCloud Keychain, and all address books, contact and buddy lists, notes, reminders, calendar entries, images, videos, voicemails, device settings, and bookmarks;
- All activity, connection, and transactional logs for the account (with associated IP addresses including source port numbers), including FaceTime call invitation logs, mail logs, iCloud logs, iTunes Store and App Store logs (including purchases, downloads, and updates of Apple and third-party apps), messaging and query logs (including iMessage, SMS, and MMS messages), My Apple ID and iForgot logs, sign-on logs for all Apple services, Game Center logs, Find my iPhone logs, logs associated with iOS device activation and upgrades, and logs associated with web-based access of Apple services (including all associated identifiers);

- All records and information regarding locations where the account was accessed, including all data stored in connection with Location Services;
- All records pertaining to the types of service used;
- All records pertaining to communications between Apple and any person regarding the account, including contacts with support services and records of actions taken;

located in or upon the following premises owned, maintained, controlled, or operated by

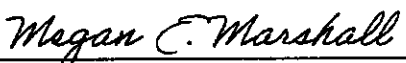
Apple Inc., a company headquartered at Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to 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 UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, APPLE 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 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.**

APPLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 10:58 a .m.



Magistrate Judge