

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. CR29-22-2805

Moscow Police Department
Forensic Lab
155 Southview
Moscow, Latah County, Idaho 83843.

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

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 (E) and I.C. §74-124(1)(b), 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) It is necessary to preserve the right to a fair trial.

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: 3/7/2023


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

Case No.

Moscow Police Department
Forensic Lab
155 Southview
Moscow, Latah County, Idaho 83843.

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 April 10, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 10th day of January, 2023. @ 4:41 PM

Megun 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
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

Moscow Police Department
Forensic Lab
155 Southview
Moscow, Latah County, Idaho 83843.

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,
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 10th day of January, 2023.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

JAN 11 2023 AM 10:51
CLERK OF DIST CT. LATAH
CASE NO. _____
BY _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
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

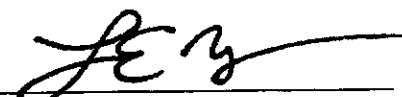
In the Matter of the Application) Case No. CR29-
For a Search Warrant for:)
)
Moscow Police Dept)
Forensic Lab) RETURN AFFIDAVIT
155 Southview Avenue)
Moscow, ID 83843)
)
MPD Case No. 22-M09903)

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 Judge Megan E. Marshall at 2:00 o'clock p.m., this 10th 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.

1/10/2023
(Date)


Peace Officer

REDACTED

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

Moscow Police Dept - Forensic Lab
155 Southview Ave
Moscow ID 83843

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 9 day of January, 2023, at approximately 1350 o'clock P.M.,
the following peace officers: Det 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: Key - Computer Forensic Lab

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

USB External HD - SN _____

Bryan Kohberger's Phone data _____

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

This Receipt and Inventory was made in the presence of: _____

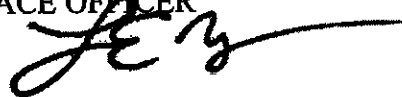
A copy hereof was given to the following named person(s) on the _____ day of _____, 20____;

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: with drive

DATED this 9 day of January, 2023.

WITNESS

Lawrence Mowery
PEACE OFFICER



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

CASE NO. _____
BY _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, Idaho 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.
for a Search Warrant for:)	
)	
Moscow Police Dept)	
Forensic Lab)	ORDER
155 Southview Avenue)	
Moscow, ID 83843)	
)	
<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 1/10/23 @ 4:41 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:

Moscow Police Department
Forensics Lab
155 Southview
Moscow, Latah County, Idaho 83843.

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 property consisting
of a Seagate 2TB External USB Drive with Serial Number _____ for evidence regarding the
investigation into the crimes of homicide of Madison Mogen, Kaylee Goncalves, Xana Kernodle, and
Ethan Chapin at 1122 King Road, Moscow, Idaho, including:

- Data compilations relating to or containing information indicating, suggesting, or related to
violence, a fight, or motive/hostility for any of the same, to include without limitation
ledgers, papers, lists, books, notes, letters, calendars, diaries, tapes, photographs, audio,
videos, or other media or similar documents or items, computer and communications
devices capable of storing electronic data, other electronic storage devices and media, and
access to contents of all of the above;

- Records of communications;
- Written/text communications including emails, SMS text messages, MMS messages, and other communications, including but not limited to, third-party applications such as Kik, Whatsapp, Facebook, Instagram;
- Contacts stored;
- Location information;
- Location information stored in any cloud account associated with the phone if said account credentials can be obtained from the forensic image of the phone;
- Internet history, bookmarks, and/or associated cloud accounts;
- Written and audio recorded notes or any cloud account associated with the device;
- Indicia of residency in, or ownership or possession of, the premises and any of the above items;

located in or upon the following described premises, located in Latah County, State of Idaho:

The Moscow Police Department is located at 155 Southview, in Moscow, Idaho. The Forensics Lab is located on the second floor of the Moscow Police Department.

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).

GIVEN UNDER MY HAND and DATED this 9th day of January, 2023, at 3:10 p.m.

Megan Marshall
Magistrate Judge