

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

T-Mobile
4 Sylvan Way
Persippany, NJ 07054

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 I.C. §74-124(1)(e), 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) Production of such records would disclose investigative techniques and procedures.

After due consideration and 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

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

T-Mobile
4 Sylvan Way
Persippany, NJ 07054

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 March
3, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/2/22 @ 9:47 am

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

T-Mobile
4 Sylvan Way
Persippany, NJ 07054

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 1st day of December, 2022.



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, 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. CR29-
For a Search Warrant for:)	
)	
T-Mobile)	RETURN OF
4 Sylvan Way)	SEARCH WARRANT
Persippany, NJ 07054)	
)	
<u>MPD Case No. 22-M09903</u>)	

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 4:00 o'clock P.m., this 1 day of December, 2022.

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

12/01/2022
(Date)

Len 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 12 years;
- (3) On 11/26/22, I obtained an amended search warrant for T-Mobile;
- (4) The warrant was served on 11/26/2022, by email (fax, email, etc);
- (5) On 11/28/22, I received an e-mail from T-Mobile 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.

12/01/2022
 (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

T-Mobile
4 Sylvan Way
Persippany, NJ 07054

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 26 day of November, 2022, at approximately 8:59 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

GPS Coordinates: _____

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: GPS Coordinates: _____

DATED this 1 day of December, 2022.

WITNESS

Jan 162
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:)
)
T-Mobile) ORDER
4 Sylvan Way)
Persippany, NJ 07054)
)
MPD Case No. 22-M09903)

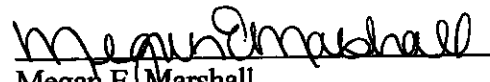
In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized 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 12/2/22 @ 9:47 am.


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)	Case No. CR29-
For a Search Warrant for:)	
)	
T-Mobile)	AMENDED
Attn: Law Enforcement Relations Group)	SEARCH WARRANT
4 Sylvan Way)	
Parsippany, NJ 07054)	
)	
)	
<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
consists of records generated by the cellular network that are in the possession, custody,
and/or control of T-Mobile, hereafter "the Service Provider," a cellular service provider;
Affiant further says that this data is in possession of the Service Provider and believe that the
data may contain of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m.

(Pacific Standard Time) including the following:

- A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR), Call Detail Records for voice, Short Message Service (SMS), and data connections during the following listed dates and times that utilized towers

REDACTED

that provide coverage to:

B.

GPS Coordinates:
Date: November 13, 2022
(PST)

Distance from Location: 2 miles
Time: 3:00 a.m. – 5:00 a.m.

- C. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
- i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), International Mobile Equipment Identities (“IMEI”), and the make and model of the device;
 - ii. the starting and ending date/time of the connection along with the duration;
 - iii. for each communication with the network the tower and the “sector(s)” (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
 - iv. the service type for the communication;
 - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- D. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

T-Mobile

Attn: Law Enforcement Relations Group
4 Sylvan Way
Parsippany, NJ 07054

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 AND nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, T-MOBILE/T-MOBILE AMERICA 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.**

T-MOBILE/T-MOBILE AMERICA SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 26th day of November, 2022, at
1:40 P.m.


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)	Case No. CR29-
For a Search Warrant for:)	
)	
T-Mobile)	SEARCH WARRANT
Attn: Law Enforcement Relations Group)	
4 Sylvan Way)	
Parsippany, NJ 07054)	
)	
)	
<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 consists of records and information associated with certain cellular towers (“cell towers”) and records generated by the cellular network that are in the possession, custody, and/or control of T-Mobile, hereafter “the Service Provider,” a cellular service provider; for data is in possession of the Service Provider and that the data may contain of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m. (Pacific Standard Time) including the following:

- A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR)

REDACTED

location information during the following listed dates, times and geographical boundaries (distance from GPS points):

GPS Coordinates:
Date: November 13, 2022

Distance from Location: 0.50 miles
Time: 3:00 a.m. – 5:00 a.m. (PST)

- B. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
- i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), International Mobile Equipment Identities (“IMEI”), and the make and model of the device;
 - ii. the starting and ending date/time of the connection along with the duration;
 - iii. for each communication with the network the tower and the “sector(s)” (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
 - iv. the service type for the communication;
 - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- C. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

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T-Mobile

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Parsippany, NJ 07054

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****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, T-MOBILE/T-MOBILE AMERICA 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.**

T-MOBILE/T-MOBILE AMERICA SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at
9:27 p.m.

Megan Marshall
Magistrate Judge