

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

STATE OF IDAHO,

Plaintiff,

vs.

BRYAN C. KOHBERGER,

Defendant.

Case No. CR29-22-2805

ORDER VACATING HEARING
AND SETTING SCHEDULING
CONFERENCE FOR
MOTIONS RE: AMENDED
NONDISSEMINATION ORDER

A Motion to Appeal, Amend and/or Clarify Amended Nondissemination Order and a Memorandum in Support of Motion for Appeal and/or Clarification of Amended Nondissemination Order were filed by counsel for the Goncalves family on February 3, 2023.

A Petition for Writ of Mandamus or a Writ of Prohibition was filed with the Idaho Supreme Court (Docket No. 50482-2023) on February 6, 2023, titled *The Associated Press, et al. v. Second Judicial District of the State of Idaho, County of Latah, Honorable Megan E. Marshall, Magistrate Judge*, related to the Amended Nondissemination Order in this case.

A Memorandum of Points and Authorities Relating to Nondissemination Order and Affidavit of Latah County Prosecutor William W. Thompson, Jr. were filed by the State of Idaho on February 8, 2023.

An Objection to Motion to Appeal, Amend and/or Clarify Nondissemination Order was filed by counsel for Mr. Kohberger on February 9, 2023.

On February 27, 2023, the court issued a Notice Regarding Hearing Date on Motion to Appeal, Amend, and/or Clarify Amended Nondissemination Order providing notice that the Goncalves' motion would be set for hearing upon the issuance of the Idaho Supreme Court's decision in *The Associated Press, et al. v. Second Judicial District* (Docket No. 50482-2023).

On April 24, 2023, the Idaho Supreme Court issued an opinion dismissing the Associated Press, et al.'s Petition for Writ of Mandamus or a Writ of Prohibition.

On April 28, 2023, the court issued a Notice of Hearing setting the Goncalves' Motion to Appeal, Amend, and/or Clarify Amended Nondissemination Order for hearing on May 25, 2023.

On May 2, 2023, the Associated Press, et al. filed a Motion to Intervene and a Motion to Vacate the Amended Nondissemination Order.


The Goncalves' motion and the Associated Press, et al.'s motion concern the same subject matter, the Amended Nondissemination Order, and should be set for hearing at the same time for judicial efficiency. Therefore, after due consideration,

IT IS HEREBY ORDERED that the Motion Hearing Re: Goncalves' Motion to Appeal, Amend and/or Clarify Amended Nondissemination Order scheduled for May 25, 2023, is vacated.

IT IS FURTHER ORDERED that a **Scheduling Conference** Re: Goncalves' Motion to Appeal, Amend, and/or Clarify Amended Nondissemination Order and the Associated Press, et al.'s Motion to Intervene and Motion to Vacate the Amended Nondissemination Order will be held on **May 22, 2023 at 10:00 a.m. PST via Zoom**. (See Notice of Remote Hearing.)

IT IS FURTHER ORDERED that any recording or live streaming of the Zoom proceeding is prohibited.

Dated: 5/4/2023


Megan E. Marshall
Magistrate Judge

CLERK'S CERTIFICATE OF MAILING

I hereby certify that a true and complete copy of the foregoing was served as follows:

William Wofford Thompson	paservice@latahcountyid.gov	[X] By E-mail
Jeffery Nye	jeff.nye@ag.idaho.gov	[X] By E-mail
Ingrid Batey	ingrid.batey@ag.idaho.gov	[X] By E-mail
Anne Taylor	pdfax@kcgov.us	[X] By E-mail
Wendy Olson	wendy.olson@stoel.com	[X] By E-mail
Cory Carone	cory.carone@stoel.com	[X] By E-mail
Shanon Gray	shanon@graylaw.org	[X] By E-mail

JULIE FRY
CLERK OF THE DISTRICT COURT

DATE 5/5/23

By: 
Deputy Court Clerk