

LATAH COUNTY PROSECUTOR'S OFFICE  
WILLIAM W. THOMPSON, JR.  
PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843  
Phone: (208) 883-2246  
ISB No. 2613  
paservice@latahcountyid.gov

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

STATE OF IDAHO,  
Plaintiff,

V.

BRYAN CHRISTOPHER KOHBERGER,  
Defendant.

Case No. CR29-22-2805

STATE'S RESPONSE TO  
DEFENDANT'S THIRD  
SUPPLEMENTAL REQUEST  
FOR DISCOVERY

TO: THE DEFENDANT BRYAN CHRISTOPHER KOHBERGER, and Counsel  
Anne Taylor:

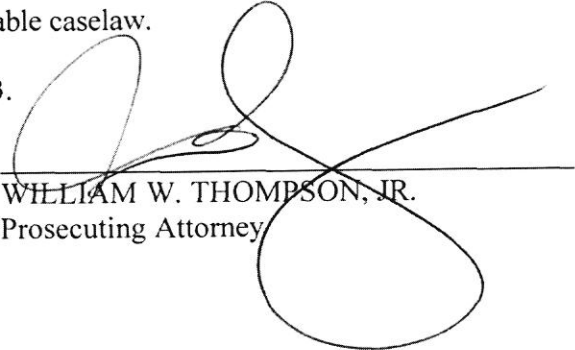
COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and submits the following response to "Defendant's Third Supplemental Request for Discovery":

The State incorporates its January 23, 2023, "State's Response to Request for Discovery," February 21, 2023, "State's Response to Defendant's First Supplement Request for Discovery," and March 29, 2023, "State's Response to Defendant's Second Supplemental Request for Discovery" as if fully set forth at this point. The State has and will continue to provide discovery in accordance with I.C.R. 16 and applicable law.

In regard to the specific requests for “Standard Lab Discovery,” the State has already provided the defense with everything it has received from the FBI lab. The State has also provided the Defense with approximately thirty (30) reports from the Idaho State Police Lab. The State has provided the Idaho State Police lab with a copy of the Defense’s “Standard Lab Discovery” comprised of paragraphs 1 through 10 and will supplement discovery as appropriate. The State specifically objects to the request for personnel-related information as outside the scope of I.C.R. 16 unless and to the extent that lab personnel will be offering expert testimony which is discoverable under I.C.R. 16(b)(10).

In regard to the Defense’s request for “Genetic Genealogy Testing and Search,” the State objects and intends to separately file a Motion in Limine and Motion for Protective Order under I.C.R. 16(l). As will be more fully detailed in said motion, the State believes that the Defendant’s requested discovery is outside the scope of I.C.R. 16 in that it does not tend to negate the guilt of the accused as to the offense charged or tend to reduce punishment for the offenses as contemplated by I.C.R. 16(a); it is not relevant; it is not material to the preparation of the defense, it is not intended for use by the State as evidence at trial and none of the documentation being sought “belongs” to the Defendant as contemplated by I.C.R. 16(b)(4); genetic genealogy research does not constitute reports of examination or tests under I.C.R. 16(b)(5); and any genetic genealogy research is exempt from the disclosure under I.C.R. 16(g)(2), I.R.E. 509, 401, 402, 403 and applicable caselaw.

DATED this 12 day of May, 2023.

  
WILLIAM W. THOMPSON, JR.  
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S RESPONSE TO DEFENDANT'S THIRD SUPPLEMENTAL REQUEST FOR DISCOVERY was served on the following in the manner indicated below:

Anne Taylor  
Attorney at Law  
PO Box 9000  
Coeur d'Alene, ID 83816-9000

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

Dated this 12<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_