

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

Court Minutes

JUDGE: Judge, John
CLERK: Beth Mottern
HEARING TYPE: Scheduling Conference

DATE: May 22, 2023
LOCATION: Courtroom 3
COURT REPORTER:
INTERPRETER:

Parties Present:

Batey, Ingrid	Attorney of Record
Carone, Cory Michael	Attorney of Record
Gray, Shanon	Attorney of Record
Kohberger, Bryan C	Defendant
Massoth, Elisa G.	Public Defender
Nye, Jeffery D.	Deputy Attorney General

Taylor, Anne Chere	Public Defender
THOMPSON, WILLIAM	Prosecuting
WOFFORD, Jr	Attorney
Rudley, Bradley	Deputy Prosecuting Attorney

Parties:

Bryan C Kohberger Attorney: Anne Chere Taylor and Jay Logsdon

Hearing Start Time: 10:21 AM

- This being the time set pursuant to Order of Court for a Scheduling Conference in this case, Court noted the presence of counsel and defendant appearing in person in Latah County District Courtroom #3. Defendant is in Latah County custody.

10:21 Court noted all participating parties. Court informed all parties this is the time set for a Scheduling Conference to address the motions on the dissemination order.

10:23 Court noted Mr. Carone will represent the AP clients for this hearing.

10:23 There was a connectivity issue with Zoom.

10:26 Court recognized Mr. Shannon Gray represents the Goncalves family, and then noted it would not hold a Motion to Compel hearing previously set for 11:00 and will address those issues at this hearing.

10:27 Court was in recess to allow everyone to connect properly by Zoom.

10:29 Court resumed on the record, all parties being present as before.

10:29 Court noted it would address Mr. Carone's clients' Motion to Vacate the Amended Nondissemination Order filed on May 1, 2023, as well as the Motion to Intervene filed on May 1, 2023. Court noted the issues are now in front of this Court. Court also noted it would like the parties and Mr. Carone to address the issues of camera's in the courtroom.

10:31 Mr. Carone directed statements to Court regarding scheduling, noting counsel has briefed the issues for both the Idaho Supreme Court as well as this Court. Mr. Carone clarified counsel has not briefed the issue of cameras in the courtroom and will need to submit a separate brief if necessary.

10:31 Court noted it will address cameras in the courtroom at the same time as the nondissemination order. Court noted it may be better to hold the hearing in person. There being no objection, Court set a Motion hearing for June 27, 2023, at 1:30 p.m., in person.

10:32 Mr. Carone stated he could appear in person. If Court is anticipating hearing from witnesses for an evidentiary hearing, there may be some witnesses that would need to appear by Zoom.

10:33 Court noted Mr. Carone could file declarations. Court noted If there will be a lot of testimony it could start as early as 10:00 a.m..

10:34 Mr. Carone addressed Court's concerns and stated counsel's position on the evidentiary issues.

10:35 Court noted it would keep the hearing for 1:30 p.m.

10:34 Court addressed Mr. Gray stating for the sake of judicial efficiency it would like to keep hearings together.

10:35 Mr. Gray directed statements to Court, and stated his clients' motion is different the AP's motion. Mr. Gray moved for an earlier hearing on his motion, by the end of this week. Court recognized this was short notice for everyone and reviewed potential dates.

10:36 Mr. Logston informed Court defendant's counsel would be prepared to put on evidentiary presentation on June 27th.

10:38 Court reviewed the prior proceedings in this case and acknowledged Mr. Gray's clients have been waiting a long time for their motion to be heard due to the AP's filing with the Idaho Supreme Court.

10:38 Mr. Gray addressed the Court regarding his client's motion. Mr. Gray moved for Court to address his motion on June 9, 2023.

10:42 There being no objection, Court set Mr. Gray's Motion for June 9, 2023, at 10:30 a.m., in person.

10:42 Mr. Carone stated he would like to have the AP's Motions hearing set at the June 9, 2023, hearing date as well.

10:43 Colloquy between Court and counsel regarding AP's motion.

10:45 Based on Mr. Carone's request, Court moved the AP hearing from June 27, 2023, to June 9, 2023, at 1:30 p.m. Mr. Logsdon stated the defense may not be prepared to put on an evidentiary presentation by that time.

10:46 Colloquy was had between Court and counsel.

10:48 Court confirmed Mr. Gray's Motion will be heard on June 9, 2023, at 10:30 a.m. and Mr. Carone's Motions will be heard on June 9, 2023 at 1:30 p.m., both in person.

10:48 Court directed counsel briefs should be filed by June 2, 2023, responses filed by June 6, 2023, and reply's if any by June 8, 2023, which would include the issues of broadcasting and cameras in the courtroom. Court noted it would send a Briefing Schedule.

10:50 Court excused Mr. Gray and Mr. Carone.

10:50 Court addressed the Defendant's Motion to Compel, as well as Defendant's Motion Requesting Release of Grand Jury Materials Under Qualified Protective Order and Motion to Make Available the Record of All Proceedings of the Grand Jury Pursuant to I.C.R.6.2. Court noted it granted Defendant's Motion to Enlarge Time to File Pretrial Motions and Memorandum in Support.

10:51 Ms. Taylor moved to set a hearing on Motion to Compel and subsequent motions for the week of June 26th. There being no objection, Court set a Motion to Compel hearing for June 27, 2023, at 1:30 p.m.

10:52 Mr. Thompson noted it had not received copies of the other two motions, but will be prepared to address them on June 27, 2023.

10:53 Court noted both Ms. Elisa Massoth and Ms. Ingrid Batey have been observing this hearing by Zoom.

Hearing End Time: 10:53 AM