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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

STATE OF IDAHO,
Plaintiff,

V.

BRYAN CHRISTOPHER KOHBERGER,
Defendant.

Case No. CR29-22-2805

STATE'S RESPONSE TO REQUEST
FOR DISCOVERY

TO: THE DEFENDANT, BRYAN CHRISTOPHER KOHBERGER AND COUNSEL, ANNE
TAYLOR;

COMES NOW, the State in the above-titled matter, and submits the following Response
to Request for Discovery.

The State has complied and will continue to comply with such request by providing the
following:

1. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer,

prosecuting attorney, or the prosecuting attorney's agent have been or will be disclosed or otherwise made available. See Exhibit "A."

2. Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney, have been or will be disclosed or otherwise made available. See Exhibit "A."

3. Defendant's prior criminal record, if any, has been or will be disclosed or otherwise made available. See Exhibit "A."

4. Any books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the Defendant have been or will be disclosed or otherwise made available. See Exhibit "A." In addition, deputies and officers from the Latah County Sheriff's Office, Idaho State Police, Moscow Police Department, Idaho Fish and Game and other law enforcement agencies may record their law enforcement contacts via an audio recorder or audio/video recorder. Any audio and video recordings related to this matter are available for review and duplication on request, subject to the provisions of I.C.R. 16(b)(9). Pursuant to said subsection, and except as otherwise specified herein, any such digital media is unredacted and may contain protected information, thus further distribution is restricted by I.C.R. 16(b)(9)(A), unless the State provides express written consent or by order of the Court.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession,

custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence have been or will be disclosed or otherwise made available. See Exhibit "A."

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial has been or will be provided separately in accordance with I.C.R. 16(b)(6). Any record of prior felony convictions of any such persons which is within the knowledge of the prosecuting attorney and all statements made by the prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of the case have been or will be disclosed or otherwise made available. See Exhibit "A." Consistent with *Ramirez v. State*, 119 Idaho 1037 (Ct. App. 1991) and Idaho Public Safety and Security Information System (ILETS) restrictions on dissemination of criminal history information, the State generally does not seek NCIC reports or Spillman reports of witnesses. Additionally, the State may call as witnesses anyone otherwise identified or referred to in reports, statements, or other documents referred to in this response.

7. Any written summary or report of any testimony that the state intends to introduce pursuant to Rule 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing, have been or will be disclosed or otherwise made available. See Exhibit "A." This response does not necessarily include disclosure of expert witnesses, their opinions, the fact and data for those opinions, or the witness's qualification, intended only to rebut evidence or theories that have not been disclosed under this rule prior to trial.

8. Any reports and memoranda in possession of the prosecuting attorney which were

made by any police officer or investigator in connection with this investigation or prosecution of this case have been or will be disclosed or otherwise made available. See Exhibit "A."

9. All material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore have been or will be disclosed or otherwise made available. See Exhibit "A." In addition, with regard to material or information which may be exculpatory as used or interpreted, the State requests that the defendant inform the State, in writing, of the defense which will be asserted in this case, so counsel for the State can determine if any additional material or information may be material to the defense, and thus fulfill its duty under I.C.R. 16(a) and Brady v. Maryland, 373 U.S. 83 (1963).

10. To the extent that information exists regarding an informant who is not going to be produced as a witness, including recordings or written statements of an informant or that identify an informant, such information is not subject to disclosure and the State asserts informant privilege under I.C.R. 16(g)(2), and prays for appropriate protective orders pursuant to I.C.R. 16(l) as necessary.

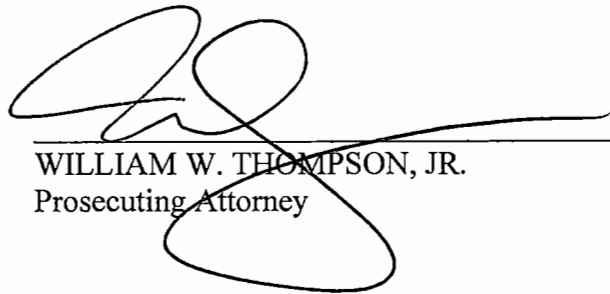
11. The State objects to requests by the Defendant for anything not otherwise addressed above on the grounds that such requests are outside the scope of I.C.R. 16 and/or are not subject to disclosure under ICR 16(g) (work product and informants).

12. Wherever this Response indicates that certain evidence or materials have been or will be disclosed or otherwise made available, such indication should not be construed as confirmation that such evidence or materials exist, but simply as an indication that if such evidence or materials exist, they have been or will be disclosed or made available to the Defendant.

Furthermore, any items which are listed in Exhibit "A" but are not specifically provided, or which are referred to in documents which are listed in Exhibit "A," are available for inspection upon appointment with the Prosecuting Attorney's Office. Additionally, all property forms, chain of custody documents, and similar items, are likewise available for inspection on appointment, and are hereby deemed to be part of "Exhibit A" for purposes of this response.

13. Pursuant to I.C.R. 16(j), if the State subsequently discovers additional evidence or evidence of additional witnesses, or decides to use additional evidence or witnesses, the State will promptly notify the defendant and the Court.

DATED this 23 day of January, 2023.



WILLIAM W. THOMPSON, JR.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing State's Response to Request for Discovery was delivered to the following as indicated:

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 23 day of January, 2023.

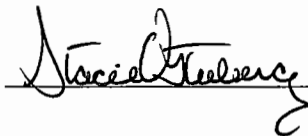


EXHIBIT "A"

Police reports and documents covered by ICR 16 which are in the possession of the State have been disclosed to counsel for the defendant as of January 23, 2023. These materials consist of:

Pages numbered: 1 – 995

Audio/Video: AV000001

Photos: PH00000001 – PH00001865