

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

AMENDED
NONDISSEMINATION ORDER

There is a balance between protecting the right to a fair trial for all parties involved and the right to free expression as afforded under both the United States and Idaho Constitution. To preserve the right to a fair trial some curtailment of the dissemination of information in this case is necessary and authorized under the law.¹ Therefore, based upon the stipulation of the parties and with good cause,

IT IS HEREBY ORDERED:

1. The attorneys for any interested party in this case, including the prosecuting attorney, defense attorney, and any attorney representing a witness, victim, or victim's family, as well as the parties to the above entitled action, including but not limited to investigators, law enforcement personal, and agents for the prosecuting attorney or defense attorney, are prohibited from making extrajudicial statements (written or oral) concerning this case, except, without additional comment, a quotation from or reference to the official public record of the case.
2. This order specifically prohibits any statement, which a reasonable person would expect to be disseminated by means of public communication that relates to the

¹ See ABA STANDARDS FOR CRIMINAL JUSTICE: FAIR TRIAL AND PUBLIC DISCLOSURE (4th ed. 2016); IRPC Rule 3.6; *Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976); *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991).

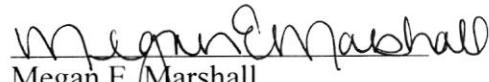
following:

- a. Evidence regarding the occurrences or transactions involved in the case;
- b. The character, credibility, reputation, or criminal record of a party, victim, or witness, or the identity of a witness, or the expected testimony of a party, victim, or witness;
- c. The performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test;
- d. Any opinion as to the merits of the case or the claims or defense of a party;
- e. Any information a lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial;
- f. Any information reasonably likely to interfere with a fair trial in this case afforded under the United States and Idaho Constitution, such as the existence or contents of any confession, admission, or statement given by the Defendant, the possibility of a plea of guilt, or any opinion as to the Defendant's guilt or innocence.

IT IS FURTHER ORDERED that no individual covered by this order shall avoid its proscriptions by actions directly or indirectly, but deliberately, that result in violating this order.

IT IS FURTHER ORDERED that this order, and all provisions herein, shall remain in full force and effect throughout the entirety of this case unless otherwise ordered by this court.

Dated: 1/18/2023


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	<u>paservice@latahcountyid.gov</u>	[X] By E-mail
Anne Taylor	<u>pdfax@kcgov.us</u>	[X] By E-mail

JULIE FRY
CLERK OF THE DISTRICT COURT

DATE 1/18/23

By: J. Oiphant
Deputy Court Clerk