

FILED
JAN 17 2023
JILL E. WHITE
WHITMAN COUNTY

1
2
3
4
5
6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF WHITMAN**

8
9 IN THE MATTER OF APPLICATION
10 FOR SEARCH WARRANT

SW NO. 12-29-2022A

11 **MOTION AND ORDER TO UNSEAL**
12 **WARRANT RETURN**

13 Clerk's Action Required

14
15 **MOTION**

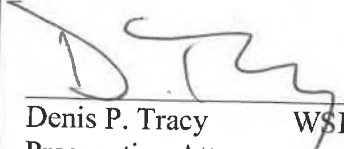
16 COMES NOW, the State of Washington, by and through Denis Tracy, Whitman County
17 Prosecuting Attorney, and moves the court for an Order to Un-seal the Return of Service of Search
18 Warrant numbered SW NO. 12-29-2022A, pursuant to GR 15.

19 **BASIS**

20 These warrants were issued and served in Washington State, because a suspect in the crimes
21 resided and worked here during the time of the murders. These warrants and associated applications
22 were sealed, due to the sensitive nature of the investigation at that time. Since then, an extensive
23 probable cause affidavit has been unsealed in Latah County, Idaho, which has alleviated the need for
24 sealing of the Return of Service here in Washington.

1 Dated January 17, 2023.
2

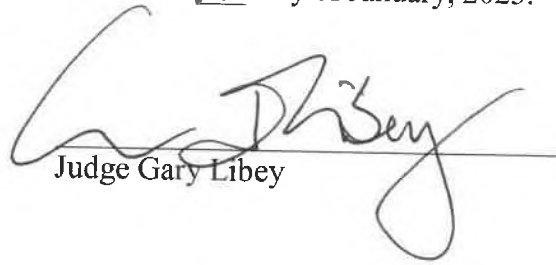
3 Presented by:

4 
5 _____
6 Denis P. Tracy WSBA# 20383
7 Prosecuting Attorney

8 **ORDER**

9 It is ordered that the Return of Service of Search Warrant in this matter is hereby Un-sealed.

10
11 Dated this 17th Day of January, 2023.

12 
13 _____
14 Judge Gary Libey

FILED
JAN 17 2023
JILL E WHITCHEL
WHITMAN COUNTY CLERK

1
2
3
4
5
6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF WHITMAN**
8

9 IN THE MATTER OF APPLICATION
10 FOR SEARCH WARRANT

SW NO. 12-29—2022A

11 **MOTION AND ORDER FOR ORIGINAL**
12 **SEARCH WARRANT AND SEARCH**
13 **WARRANT APPLICATION TO REMAIN**
14 **SEALED BUT A REDACTED VERSION**
15 **BE PROVIDED FOR PUBLIC RELEASE**

Clerk's Action Required

16 **MOTION**

17 COMES NOW, the State of Washington, by and through Denis Tracy, Whitman County
18 Prosecuting Attorney, and moves the court for an Order to keep sealed the Search Warrant and
19 Search Warrant Application numbered SW NO. 12-29-2022A, but to allow the State to file
20 redacted versions which replace the victim witnesses' names with initials, pursuant to GR 15.

21 **BASIS**

22 The Washington State Constitution recognizes that victims of crimes have rights, and states
23 that "Effective law enforcement depends on cooperation from victims of crime." Wash. Const. art.
24 1, §35. The Washington State Legislature has recognized that there is a "severe and detrimental
25 impact on crime victims, survivors of victims, and witnesses of crime and [and yet there is] the civic
and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily

1 cooperate with law enforcement and prosecutorial agencies.” RCW 7.69.010. In a criminal
2 proceeding, the law requires that a reasonable effort is made to ensure that “victims, survivors of
3 victims, and witnesses of crimes” have the right “[t]o receive protection from harm and threats of
4 harm arising out of cooperation with law enforcement and prosecution efforts.” RCW 7.69.030(5).
5 Washington Courts have long acknowledged that a victim’s initials can be substituted for their
6 name. *See State v. Mansour*, 14 Wn.App.2d 323 (2020).

7 The basis for this motion is that there are two surviving victims/witnesses of a now notorious
8 and much publicized murder/burglary in Moscow, Idaho, whose full names are listed in this search
9 warrant and search warrant application. These warrants were issued and served in Washington
10 State, because a suspect in the crimes resided and worked here during the time of the murders.
11 These warrants and associated applications were sealed, due to the sensitive nature of the
12 investigation at that time. Since then, an extensive probable cause affidavit has been unsealed in
13 Latah County, Idaho, which has alleviated much of the need for sealing here in Washington. But
14 the documents filed in Latah County have not disclosed the surviving victims’ names, only their
15 initials. These victims should have the level of protection that can be provided by having their
16 initials substituted for their full names in the search warrants and search warrant applications which
17 become publicly available from this court.

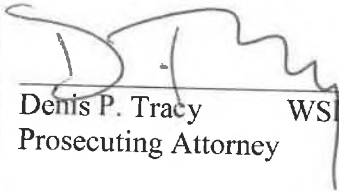
18 The State is asking the Court to consider the usual factors: (1) showing of the need for
19 sealing the records, and where that need is based on a right other than an accused's right to a fair
20 trial, a serious and imminent threat to that right; (2) anyone present when motion is made must be
21 given an opportunity to object to the closure; (3) the proposed method for curtailing open access
22 must be the least restrictive means available for protecting the threatened interests; (4) the court
23 must weigh the competing interests of the proponent of closure and the public; and (5) the order
24 must be no broader in its application or duration than necessary to serve its purpose.

25 The State contends that the need to protect victim identification is important to their safety,
health and well-being and that victims and witnesses’ rights should be protected vigorously just as
the legislature and the State’s founders intended. The proposed method is to file a complete search
warrant and application for warrant with only the surviving victims’ names redacted and replaced
with initials. This is a very minor closure of a court document in order to protect a very important

1 victim interest. Finally, the order will be no broader in application than necessary to serve its
2 purpose, and the public will still have the pertinent information at its disposal in order to understand
3 the proceedings of the court.
4

5 Dated January 17, 2023.

6 Presented by:

7 
8 _____
9 Denis P. Tracy WSBA# 20383
Prosecuting Attorney

10
11 **ORDER**

12 It is ordered that the Search Warrant and Application For Search Warrant already filed in
13 this matter shall remain sealed, but the State shall immediately file redacted versions of those
14 documents with the surviving victim's names redacted and replaced with initials.

15
16 Dated this 17th Day of January, 2023.

17 
18 _____
19 Judge Gary Libey
20
21
22
23
24
25

FILED
JAN 17 2023
JILL E WHFLOHEL
WHITMAN COUNTY CLERK

SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON

STATE OF WASHINGTON) SW NO: 12-29-2022 A
) REDACTED
COUNTY OF WHITMAN) SEARCH WARRANT¹
(Residence)

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

Upon the sworn complaint made before me, there is probable cause to believe that the crime(s) of Murder in the first degree and Burglary, per Idaho Code has been committed, in Idaho, and that evidence of that/those crime(s); or contraband, the fruits of crime, or things otherwise criminally possessed; or weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; is concealed in or on certain premises.

In making this determination, this court did not consider the information in the 'Supplemental Disclosure re DNA Test' as evidence supporting the existence of probable cause. This court also does not consider the information in that Supplemental Disclosure to be exculpatory.

YOU ARE COMMANDED to:

1. Search, within 10 days of this date, the premises described as follows:
Apartment located at 1630 NE Valley Rd, #G201, Pullman, WA.
1630 NE Valley Road is a three story, multiple occupancy apartment building in Pullman, WA which is tan and white in color. Apartment G201 is located on the northeast corner of the second story of this building. The door to G201 is located on the east side of the second story landing and is designated by the numbers "201" on

1 the door. The door is white, with a swinging screen door on the outside of the main
2 door to the residence.

3
4 2. Seize, if located, evidence of the above-listed crimes, including:

- 5 1. Blood, or other bodily fluid or human tissue or skin cells, or items with blood or other
6 bodily fluid or human tissue or skin cells on the items.
- 7
- 8 2. Knives, sheaths, or other sharp tools, including any dagger, dirk, or sword, and any written
9 indicia of ownership of same, including sales receipts.
- 10
- 11 3. Any images, whether digital or on paper or any other format, which show Ethan Chapin,
12 Kaylee Goncalves, Xana Kernodle, Madison Mogen, *B.F.*, and/or *D.M.*
13 and/or the house at 1122 King Road, Moscow, ID and/or the surrounding
14 neighborhood.
- 15 4. Clothing, including but not limited to dark shirt(s), dark pant(s), mask(s), shoes with
16 diamond pattern sole.
- 17
- 18 5. Trace evidence including DNA from blood or skin cells or other source, footprints,
19 fingerprints, hair (whether human or animal/dog).
- 20
- 21 6. Data compilations (whether digital/electronic or on paper or other format) showing an
22 interest in, or planning of, murder, violent assault, stabbing and/or cutting of people; and
23 data compilations showing details of the 1122 King Road house, its location, and/or any
24 information about Ethan Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen,
25 *B.F.*, and/or *D.M.*; and data compilations showing the location of
26 Bryan Kohberger, or the cell phone with number 509-592-8458, on November 13, 2022,
27 including wi-fi logs and data or meta-data associated with photos, social media posts, or
28 applications on cell phones or computer towers/laptops/tablets. As example, but not
intended to be an exclusive list of data compilations being sought: ledgers, papers, lists,

1 books, notes, letters, calendars, address books, contact lists, diaries, tapes, photographs,
2 videos, emails, text messages, social media posts/messages, and meta-data associated
3 therewith.

4
5 7. Electronic / digital devices or digital storage devices which may contain any of the above
6 data compilations, including cell phones, computer towers/laptops/tablets, external hard
7 drives, CD/DVD/Thumbdrive or other data storage devices. This includes any device
8 which may contain:

- 9
- 10 • Evidence of other accounts associated with this device including email addresses, social
11 media accounts, messaging "app" accounts, and other accounts that may be accessed
12 through the digital device that will aid in determining the possessor/user of the device;
 - 13 • Photographs, images, videos, documents, and related data created, accessed, read,
14 modified, received, stored, sent, moved, deleted or otherwise manipulated between the
15 above dates;
 - 16 • Evidence of use of the device to conduct internet searches relating to a review of other
17 murders or violent assaults/stabbing and/or cutting of people, as well as how to avoid
18 detection after the commission of such crimes; details of the 1122 King Road house, its
19 location/neighborhood, and/or information about one or more of the victims Ethan
20 Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen, B.F. ; and/or
21 D.M. ;
 - 22 • Information that can be used to calculate the position of the device between the above
23 dates, including location data; GPS satellite data; GPS coordinates for routes and
24 destination queries between the above-listed dates; "app" data or usage information and
25 related location information; IP logs or similar internet connection information, and
26 images created, accessed or modified between the above-listed dates, together with their
27 metadata and EXIF tags;
 - 28 • Evidence of the identity of the person in possession of the device on or about any times
that items of evidentiary value, located pursuant to this warrant, were created modified,
accessed or otherwise manipulated. Such evidence may be found in digital

1 communications, photos and video and associated metadata, IP logs, documents, social
2 media activity, and similar data;

3
4 Also, passwords, phrases, codes, patterns, fingerprints, and/or user names to
5 operate any such device.

6 8. Indicia of residence in, or ownership or possession of, the premises and any of the above
7 items, including mail, receipts, identification, bills, rental agreements, licensing documents
8 and other personal property whose owner/possessor may be readily determined.
9

10 Assistance from any law enforcement agencies from the State of Idaho or the federal
11 government, or any technical specialist associated with or employed by or contracted with such
12 law enforcement agencies, including but not limited to the Moscow Police Department, Idaho
13 State Police, FBI, Idaho State Police Forensic Services is authorized.

14 Assistance from a technical specialist is also authorized to review any digital devices and digital
15 media for the best and least intrusive method of securing digital evidence that the warrant
16 authorizes for seizure, and to assist in securing such evidence.
17

18
19 Promptly return this warrant to me or the clerk of this court; the return must include an
20 inventory of all property seized.

21 A copy of the warrant and a receipt for the property taken shall be given to the person from
22 whom or from whose premises property is taken. If no person is found in possession, a copy and
23 receipt shall be conspicuously posted at the place where the property is found.
24

25 Date/Time: 12/29/2022 9:25 pm

26 Signature: 
27 SUPERIOR COURT JUDGE

28 Printed Judge's Name: CARY J. CIBEJ

FILED
JAN 17 2023
JILL E. WHITLIGHT
WHITMAN COUNTY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON

STATE OF WASHINGTON) SW NO. 12-29-2022A
) REDACTED
COUNTY OF WHITMAN) APPLICATION FOR SEARCH WARRANT
(Residence)

Declaration

I, Dawn Daniels, Assistant Chief WSU Police Department, declare that I have personal knowledge of the matters herein and/or am relying on witness statements, information provided by my fellow officers, including fellow officers from the State of Idaho, reports, and other material I have gathered in my investigation, and that I am competent to testify to the matters stated herein:

On the basis of the following, I believe there is probable cause that Bryan Kohberger has committed the crime(s) of Murder First Degree, Idaho Code (IC) 18-4001, 4002, 4003, 4004, and Burglary, IC 18-1401, 1403 in Moscow, Idaho, and that:

- Evidence of those crimes;
- Contraband, the fruits of a crime, or things otherwise criminally possessed;
- Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed;
- A person for whose arrest there is probable cause, or who is unlawfully restrained;

is located in, on, at, or about the following described premises, vehicle or person:

Apartment located at 1630 NE Valley Rd, #G201, Pullman, WA.
1630 NE Valley Road is a three story, multiple occupancy apartment building in Pullman, WA which is tan and white in color. Apartment G201 is located on the northeast corner of the

1 second story of this building. The door to G201 is located on the east side of the second story
2 landing and is designated by the numbers "201" on the door. The door is white, with a swinging
3 screen door on the outside of the main door to the residence.

4
5 **Affiant**

6 (1) I am a police officer at Washington State University Police Department, and have
7 been so employed since July 20, 1998. I attended and successfully completed the
8 440-hour Washington State Criminal Justice Training Commission's Basic Law
9 Enforcement Academy. While at the academy, I completed courses in Criminal Law,
10 Criminal Procedures and other investigative courses. Since the academy, I have
11 continued my education in various law enforcement related fields including Officer
12 Involved Shooting, Evidence Collection, and Threat Assessment. I have investigated
13 and assisted in the service of over 50 search warrants.

14
15 **Persons providing information:**

- 16 1. Moscow, Idaho Police Officer Sgt. Dustin Blaker. Sgt. Blaker's sworn statement is
17 attached hereto as Exhibit A, and is hereby incorporated in this application for search
18 warrant. Sgt. Blaker identifies his experience and training in his statement.
19 2. Other officers and witnesses are identified in Sgt. Blaker's sworn statement.

20
21 **The Investigation**

22 I was contacted by Moscow police officers and asked to assist their investigation into the
23 recent murder of four people in Moscow, Idaho. Sgt. Blaker of the Moscow Police Department
24 has developed probable cause to believe that a resident of Whitman County, Bryan Kohberger,
25 committed the murders and burglary. I agree with Sgt. Blaker's statement that there is probable
26 cause to believe that Kohberger committed the murders and burglary and that there is probable
27 cause to believe that evidence of those crimes will be located in Kohberger's apartment at 1630
28 NE Valley Rd, #G201 in Pullman. I am seeking this search warrant to search that apartment.

The probable cause is described in detail in the attached Exhibit A, sworn statement of
Sgt. Blaker, which is hereby incorporated herein by this reference, just as if fully set forth here.

1
2 Based on all the foregoing information, I believe that evidence of the above-listed
3 crime(s) exists at the above-described location, and that there is probable cause to search that
4 location for evidence of the above-listed crimes, including:

- 5
6 1. Blood, or other bodily fluid or human tissue or skin cells, or items with blood or other
7 bodily fluid or human tissue or skin cells on the items.
- 8 2. Knives, sheaths, or other sharp tools, including any dagger, dirk, or sword, and any written
9 indicia of ownership of same, including sales receipts.
- 10
11 3. Any images, whether digital or on paper or any other format, which show Ethan Chapin,
12 Kaylee Goncalves, Xana Kernodle, Madison Mogen, B.F., and/or D.M.
13 and/or the house at 1122 King Road, Moscow, ID and/or the surrounding
14 neighborhood.
- 15
16 4. Clothing, including but not limited to dark shirt(s), dark pant(s), mask(s), shoes with
17 diamond pattern sole.
- 18
19 5. Trace evidence including DNA from blood or skin cells or other source, footprints,
20 fingerprints, hair (whether human or animal/dog).
- 21
22 6. Data compilations (whether digital/electronic or on paper or other format) showing an
23 interest in, or planning of, murder, violent assault, stabbing and/or cutting of people; and
24 data compilations showing details of the 1122 King Road house, its location, and/or any
25 information about Ethan Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen,
26 B.F., and/or D.M.; and data compilations showing the location of
27 Bryan Kohberger, or the cell phone with number 509-592-8458, on November 13, 2022,
28 including wi-fi logs and data or meta-data associated with photos, social media posts, or
applications on cell phones or computer towers/laptops/tablets. As example, but not

1 intended to be an exclusive list of data compilations being sought: ledgers, papers, lists,
2 books, notes, letters, calendars, address books, contact lists, diaries, tapes, photographs,
3 videos, emails, text messages, social media posts/messages, and meta-data associated
4 therewith.

5
6 7. Electronic / digital devices or digital storage devices which may contain any of the above
7 data compilations, including cell phones, computer towers/laptops/tablets, external hard
8 drives, CD/DVD/Thumbdrive or other data storage devices. This includes any device
9 which may contain:

- 10
- 11 • Evidence of other accounts associated with this device including email addresses, social
12 media accounts, messaging “app” accounts, and other accounts that may be accessed
13 through the digital device that will aid in determining the possessor/user of the device;
 - 14 • Photographs, images, videos, documents, and related data created, accessed, read,
15 modified, received, stored, sent, moved, deleted or otherwise manipulated between the
16 above dates;
 - 17 • Evidence of use of the device to conduct internet searches relating to a review of other
18 murders or violent assaults/stabbing and/or cutting of people, as well as how to avoid
19 detection after the commission of such crimes; details of the 1122 King Road house, its
20 location/neighborhood, and/or information about one or more of the victims Ethan
21 Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen *B.F.*, and/or
22 *D.M.* ;
 - 23 • Information that can be used to calculate the position of the device between the above
24 dates, including location data; GPS satellite data; GPS coordinates for routes and
25 destination queries between the above-listed dates; “app” data or usage information and
26 related location information; IP logs or similar internet connection information, and
27 images created, accessed or modified between the above-listed dates, together with their
28 metadata and EXIF tags;
 - Evidence of the identity of the person in possession of the device on or about any times
that items of evidentiary value, located pursuant to this warrant, were created modified,

1 accessed or otherwise manipulated. Such evidence may be found in digital
2 communications, photos and video and associated metadata, IP logs, documents, social
3 media activity, and similar data;

4 Also, passwords, phrases, codes, patterns, fingerprints, and/or user names to
5 operate any such device.
6

7 8. Indicia of residence in, or ownership or possession of, the premises and any of the above
8 items, including mail, receipts, identification, bills, rental agreements, licensing documents
9 and other personal property whose owner/possessor may be readily determined.
10

11
12 In addition, I am asking the court to authorize, in the service of the search warrant, the use of
13 assistance from any law enforcement agencies from in the State of Idaho or the federal
14 government, or any technical specialist associated with or employed by or contracted with such
15 law enforcement agencies, including but not limited to the Moscow Police Department, Idaho
16 State Police, FBI, Idaho State Police Forensic Services.

17 I am also asking for authorization of assistance from a technical specialist to review any digital
18 devices and digital media for the best and least intrusive method of securing digital evidence that
19 the warrant authorizes for seizure, and to assist in securing such evidence.
20

21
22 **Supplemental Disclosure re DNA Test**

23 I have been informed by Detective JR Talbott of the Idaho State Police, that:

- 24 1. On November 13, 2022, a sheath was recovered at the King Road Residence under or
25 next to the body of Madison Mogen. The Idaho State Crime Lab obtained a male
26 DNA profile (Suspect Profile) from the sheath. (This is also referred to in Sgt.
27 Blaker's sworn statement – Exhibit A.)
28


1
2 2. On December 27, 2022, law enforcement agents/officers in Pennsylvania recovered
3 trash that originated from the Kohberger family residence. That trash was sent to the
4 Idaho State Crime Lab for testing. On December 28, 2022, the Idaho State Lab
5 reported that a DNA profile was obtained from the trash; it was compared to the
6 Suspect DNA Profile; the Lab personnel concluded that the source of the trash dna
7 profile was a male and was not being excluded as the biological father of the source
8 of the Suspect Profile. At least 99.9998% of the male population would be expected
9 to be excluded from the possibility of being the biological father of the source of the
10 Suspect Profile.
11
12

13 This information is being provided to the court pursuant to my duty and obligation to be fully
14 candid with the court. I do not believe this information is exculpatory for the suspect. However,
15 if the court believes it is exculpatory, then the court should consider this supplemental disclosure
16 in its evaluation of the existence of probable cause, or lack thereof.

17 But I am specifically asking the court to NOT consider this supplemental disclosure as evidence
18 supporting the existence of probable cause. The reason for this request is that if the dna test
19 results are held inadmissible at some point, such a ruling would not impact the finding of
20 probable cause for this warrant, so long as this court is satisfied as to probable cause regardless
21 of the dna test result.
22
23
24
25
26
27
28

1
2 I certify under penalty of perjury under the laws of the State of Washington that the
3 foregoing is true and correct.

4 Signed this 29th day of December, 2022, at Pullman, WA.

5 Declarant's Signature: 

6
7 Declarant's Full Name: Dawn Daniels
8 Agency Badge/Serial or Personnel #: 302
9 Agency Name: Washington State University Police Dept.

10 On 29th day of December, 2022, I reviewed and considered the above application,
11 submitted to me under penalty of perjury.

12 Signature: 

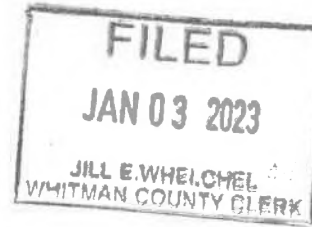
13 SUPERIOR/DISTRICT COURT JUDGE

14 Printed Judge's Name: CAROL S. CIBBY

15
16 Issuance of Warrant Approved:
17 Whitman County Prosecuting Attorney

18 By: 

19 [Prosecutor name], WSBA # 20383
20 [Senior] Deputy Prosecuting Attorney
21 Criminal Division
22
23
24
25
26
27
28



SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON


STATE OF WASHINGTON) SW NO. 12-29-2022A (amended)
COUNTY OF WHITMAN) Return of Service of Search Warrant
(Residence and Storage Closet)

SEALED per 1/17/2023 court order

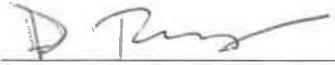
ISSUED BY: SUPERIOR COURT JUDGE GARY J. LIBEY
DATE ISSUED: 12-29-2022
DATE SERVED: 12-30-2022
SERVED BY: ASST. CHIEF DAWN DANIELS, 302
HOW SERVED: IN PERSON
ITEMS SEIZED: All seized from Residence and currently stored at WSU PD

- 1. One nitrile type black glove
2. 1 Walmart receipt with one Dickies tag
3. 2 Marshalls receipts
4. Dust container from "Bissell Power Force" vacuum
5. 8 possible hair strands
6. 1 "Fire TV" stick with cord/plug
7. 1 possible animal hair strand
8. 1 possible hair
9. 1 possible hair
10. 1 possible hair
11. 1 possible hair strand
12. 1 computer tower
A. 1 collection of dark red spot (collected without testing)
B. 2 cuttings from uncased pillow of reddish/brown stain (larger stain tested)
C. 2 top and bottom of mattress cover packaged separately both labeled "C" multiple stains (one tested)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Declarant's Signature: 
Declarant's Full Name: Dawn Daniels
Agency Badge/Serial or Personnel #: 302
Agency Name: Washington State University Police Dept.

Return of Service of Warrant Approved:
Whitman County Prosecuting Attorney

By: 
[Prosecutor name], WSBA # 20383
[Senior] Deputy Prosecuting Attorney
Criminal Division D. Tracy