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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. 12-29-2022B

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. 12-29-2022B, 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.

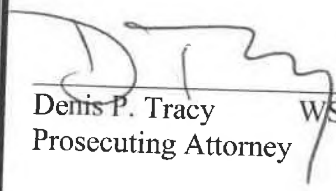
18 The State is asking the Court to consider the usual factors: (1) showing of the need for
19 sealing the records, and where that need is based on a right other than an accused's right to a fair
20 trial, a serious and imminent threat to that right; (2) anyone present when motion is made must be
21 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.

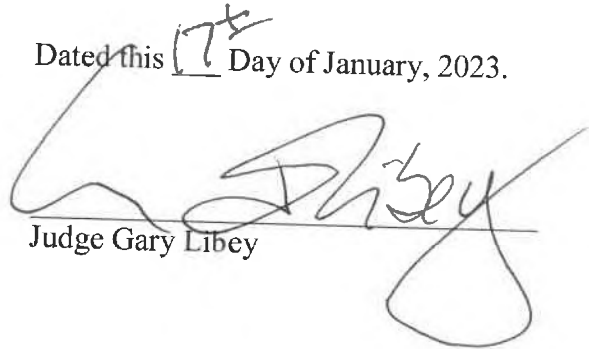
6 Presented by:

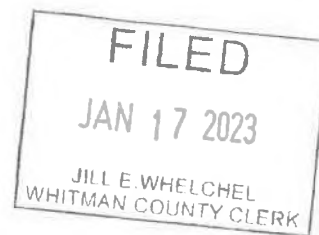
7 
8 Denis P. Tracy WSBA# 20383
9 Prosecuting Attorney
10

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

17 
18 Judge Gary Libey
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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. 12-29-2022B

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

13 **Clerk's Action Required**

14
15 **MOTION**

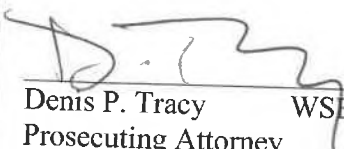
16 COMES NOW, the State of Washington, by and through Denis Tracy, Whitman County
17 Prosecuting Attorney, and moves the court for an Order to Un-seal the Return of Service of Search
18 Warrant numbered SW NO. 12-29-2022B, pursuant to GR 15.

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.
25

1 Dated January 17, 2023.
2

3 Presented by:
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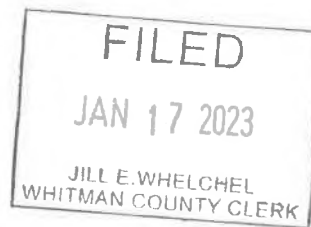
5 
6 Denis P. Tracy WSBA# 20383
7 Prosecuting Attorney

8 **ORDER**

9 It is ordered that the Return of Service of Search Warrant in this matter is hereby Un-sealed.
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11 Dated this 17th Day of January, 2023.

12 
13 Judge Gary Libey
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SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON

STATE OF WASHINGTON)
COUNTY OF WHITMAN)

SW NO: 12-29-2022 B
REDACTED
SEARCH WARRANT¹
(Office)

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:

The office is inside Wilson-Short Hall on the WSU Pullman, WA campus. The address of Wilson-Short Hall is 1475 Glenn Terrell Mall, Pullman, WA 99163. Wilson-Short Hall is a multi-story brick building, housing multiple offices. The office to be searched is #12. #12 is a student office shared by Kohberger and two fellow WSU students, Kai-

1 Xuan Chen and Nayoung Ko. It is on the ground floor and has the
2 number 12 on a placard next to the door, and has three names on a piece
3 of paper taped to the door, one of which is Bryan Kohberger.
4

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6 2. Seize, if located, evidence of the above-listed crimes, including:
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9 1. Any images, whether digital or on paper or any other format, which show Ethan Chapin,
10 Kaylee Goncalves, Xana Kernodle, Madison Mogen, B.F., and/or D.M.
11 and/or the house at 1122 King Road, Moscow, ID and/or the surrounding
12 neighborhood.
13

14 2. Data compilations (whether digital/electronic or on paper or other format) showing an
15 interest in, or planning of, murder, violent assault, stabbing and/or cutting of people; and
16 data compilations showing details of the 1122 King Road house, its location, and/or any
17 information about Ethan Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen,
18 B.F., and/or D.M.; and data compilations showing the location of
19 Bryan Kohberger, or the cell phone with number 509-592-8458, on November 13, 2022,
20 including wi-fi logs and data or meta-data associated with photos, social media posts, or
21 applications on cell phones or computer towers/laptops/tablets. As example, but not
22 intended to be an exclusive list of data compilations being sought: ledgers, papers, lists,
23 books, notes, letters, calendars, address books, contact lists, diaries, tapes, photographs,
24 videos, emails, text messages, social media posts/messages, and meta-data associated
25 therewith.

26 3. Electronic / digital devices or digital storage devices which may contain any of the above
27 data compilations, including cell phones, computer towers/laptops/tablets, external hard
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1 drives, CD/DVD/Thumbdrive or other data storage devices. This includes any device
2 which may contain:

- 3
- 4 • Evidence of other accounts associated with this device including email addresses, social
5 media accounts, messaging “app” accounts, and other accounts that may be accessed
6 through the digital device that will aid in determining the possessor/user of the device;
- 7 • Photographs, images, videos, documents, and related data created, accessed, read,
8 modified, received, stored, sent, moved, deleted or otherwise manipulated between the
9 above dates;
- 10 • Evidence of use of the device to conduct internet searches relating to a review of other
11 murders or violent assaults/stabbing and/or cutting of people, as well as how to avoid
12 detection after the commission of such crimes; details of the 1122 King Road house, its
13 location/neighborhood, and/or information about one or more of the victims Ethan
14 Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen, B.F. , and/or
D.M. ;
- 15 • Information that can be used to calculate the position of the device between the above
16 dates, including location data; GPS satellite data; GPS coordinates for routes and
17 destination queries between the above-listed dates; “app” data or usage information and
18 related location information; IP logs or similar internet connection information, and
19 images created, accessed or modified between the above-listed dates, together with their
20 metadata and EXIF tags;
- 21 • Evidence of the identity of the person in possession of the device on or about any times
22 that items of evidentiary value, located pursuant to this warrant, were created modified,
23 accessed or otherwise manipulated. Such evidence may be found in digital
24 communications, photos and video and associated metadata, IP logs, documents, social
25 media activity, and similar data;

26 Also, passwords, phrases, codes, patterns, fingerprints, and/or user names to
27 operate any such device.

28

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

4
5 Assistance from any law enforcement agencies from the State of Idaho or the federal
6 government, or any technical specialist associated with or employed by or contracted with such
7 law enforcement agencies, including but not limited to the Moscow Police Department, Idaho
8 State Police, FBI, Idaho State Police Forensic Services is authorized.

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

12
13
14 Promptly return this warrant to me or the clerk of this court; the return must include an
15 inventory of all property seized.

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

19 Date/Time: 12/29/2022 9²⁵ pm

20
21 Signature: [Signature]

22 SUPERIOR COURT JUDGE

23 Printed Judge's Name: MARY J. JIBBY

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7 **SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON**

8 **STATE OF WASHINGTON)**
9 **COUNTY OF WHITMAN)**

SW NO. 12-29-2012 B
REDACTED
APPLICATION FOR SEARCH WARRANT
(Office)

11 **Declaration**

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

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

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

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

26 The office is inside Wilson-Short Hall on the WSU Pullman, WA campus.
27 The address of Wilson-Short Hall is 1475 Glenn Terrell Mall, Pullman, WA
28

1 99163. Wilson-Short Hall is a multi-story brick building, housing multiple offices.
2 The office to be searched is #12. #12 is a student office shared by Kohberger and
3 two fellow WSU students, Kai-Xuan Chen and Nayoung Ko. It is on the ground
4 floor and has the number 12 on a placard next to the door, and has three names on
5 a piece of paper taped to the door, one of which is Bryan Kohberger.
6
7

8 **Affiant**

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

15 **Persons providing information:**

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

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 campus office, at
28

1 Office #12 in Wilson-Short Hall on the WSU campus in Pullman. I am seeking this search
2 warrant to search that office.

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

5
6 Based on all the foregoing information, I believe that evidence of the above-listed
7 crime(s) exists at the above-described location, and that there is probable cause to search that
8 location for evidence of the above-listed crimes, including:

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11
12 1. Any images, whether digital or on paper or any other format, which show Ethan Chapin,
13 Kaylee Goncalves, Xana Kernodle, Madison Mogen, B.F., and/or D.M.
14 and/or the house at 1122 King Road, Moscow, ID and/or the surrounding
15 neighborhood.
- 16 2. Data compilations (whether digital/electronic or on paper or other format) showing an
17 interest in, or planning of, murder, violent assault, stabbing and/or cutting of people; and
18 data compilations showing details of the 1122 King Road house, its location, and/or any
19 information about Ethan Chapin, Kaylee Goncalves, Xana Kernodle, Madison Mogen,
20 B.F. and/or D.M.; and data compilations showing the location of
21 Bryan Kohberger, or the cellphone with number 509-592-8458, on November 13, 2022,
22 including wi-fi logs and data or meta-data associated with photos, social media posts, or
23 applications on cellphones or computer towers/laptops/tablets. As example, but not
24 intended to be an exclusive list of data compilations being sought: ledgers, papers, lists,
25 books, notes, letters, calendars, address books, contact lists, diaries, tapes, photographs,
26 videos, emails, text messages, social media posts/messages, and meta-data associated
27 therewith.
28

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

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

1 Also, passwords, phrases, codes, patterns, fingerprints, and/or user names to
2 operate any such device.

3
4 8. Indicia of residence in, or ownership or possession of, the premises and any of the above
5 items, including mail, receipts, identification, bills, rental agreements, licensing documents
6 and other personal property whose owner/possessor may be readily determined.
7
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9 In addition, I am asking the court to authorize, in the service of the search warrant, the use of
10 assistance from any law enforcement agencies from in 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.

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

18 **Supplemental Disclosure re DNA Test**

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

- 20
21 1. On November 13, 2022, a sheath was recovered at the King Road Residence under or
22 next to the body of Madison Mogen. The Idaho State Crime Lab obtained a male
23 DNA profile (Suspect Profile) from the sheath. (This is also referred to in Sgt.
24 Blaker's sworn statement – Exhibit A.)
25
26 2. On December 27, 2022, law enforcement agents/officers in Pennsylvania recovered
27 trash that originated from the Kohberger family residence. That trash was sent to the
28


1 Idaho State Crime Lab for testing. On December 28, 2022, the Idaho State Lab
2 reported that a DNA profile was obtained from the trash; it was compared to the
3 Suspect DNA Profile; the Lab personnel concluded that the source of the trash dna
4 profile was a male and was not being excluded as the biological father of the source
5 of the Suspect Profile. At least 99.9998% of the male population would be expected
6 to be excluded from the possibility of being the biological father of the source of the
7 Suspect Profile.
8

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

13 But I am specifically asking the court to NOT consider this supplemental disclosure as evidence
14 supporting the existence of probable cause. The reason for this request is that if the dna test
15 results are held inadmissible at some point, such a ruling would not impact the finding of
16 probable cause for this warrant, so long as this court is satisfied as to probable cause regardless
17 of the dna test result.
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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
6 Declarant's Signature: 

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: 

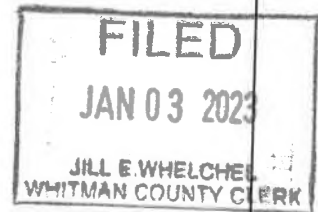
13 SUPERIOR/DISTRICT COURT JUDGE

14 Printed Judge's Name: GARY J. KIRBY

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
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SUPERIOR COURT, WHITMAN COUNTY, WASHINGTON

STATE OF WASHINGTON)
COUNTY OF WHITMAN)

SW NO. 12-29-2022B

Return of Service of Search Warrant
(Office)

~~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: No items seized

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 # _____
[Senior] Deputy Prosecuting Attorney
Criminal Division