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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 C. KOHBERGER,

Defendant.

CASE NUMBER CR29-22-2805

**NOTICE OF FILING DECLARATION
OF GABRIELLA VARGAS IN SUPPORT
OF DEFENDANT'S THIRD MOTION
TO COMPEL**

COMES NOW, Bryan C. Kohberger, by and through his attorney of record, Anne C. Taylor, Public Defender, and hereby files the attached Declaration of Gabriella Vargas in support of the Defendant's Third Motion to Compel.

DATED this 17 day of August, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER
KOOTENAI COUNTY PUBLIC DEFENDER



BY: _____

ANNE TAYLOR
PUBLIC DEFENDER
ASSIGNED ATTORNEY

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 17 day of August, 2023 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov

Elisa Massoth – via Email: legalassistant@kmrs.net



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Plaintiff,

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**DECLARATION OF GABRIELLA
VARGAS**

1. I, Gabriella Vargas, am an adult, over the age of 18, and I have personal knowledge of the facts set forth in this Declaration.
2. I have been engaged as an expert in the above-entitled matter since August of 2023.
3. My educational background is in Administration of Justice and Criminology. I have spent my professional career working for the California court system, law firms, insurance and finance firms. I got my start in this field after receiving unexpected DNA results in the spring of 2018.

4. I am an investigative genetic genealogist specializing in Hispanic and African American ancestry, degraded DNA, and endogamy. I founded DNA-ID and have run the business since the spring of 2020. Prior to my own company, I spent several years doing Investigative Genetic Genealogy (IGG) for other companies such as the DNA Doe Project and Identifinders International.
5. While working for those companies I held the role of team leader, senior forensic genealogist, teacher, mentor, case auditor, intake specialist and lab liaison.
6. I have taught IGG fundamentals, best research practices and procedures, DNA data analysis, and trained incoming genealogists.
7. I have contracted with the University of New Haven to provide a structured practicum for students, collaborated on cases with the National Center for Missing and Exploited Children and the Washington Attorney General's office, as well as provided education, training and case collaboration to the Australian Federal Police for the development of their IGG program, standards, and practices.
8. Through extensive and skilled genealogical research and analysis, I have successfully provided law enforcement with over 50 crime-solving investigative leads.
9. I work with law enforcement, nationwide, in an effort to identify previously unknown DNA contributors, through a process known as investigative genetic genealogy, IGG. This technique has revolutionized cold case investigations and transformed the way violent crime suspects and skeletal remains are identified.
10. The sole focus of the traditional law enforcement databases, like CODIS, is to compare crime scene DNA against the genetic profiles for those who are known offenders with prior convictions. This process only utilizes twenty genetic markers and, therefore, limits the power of DNA analysis, which can and does lead to cases going cold. Investigative genetic genealogy combines advanced DNA testing with traditional genealogy research, in an effort to identify a previously unknown DNA contributor in a family tree.
11. The DOJ recommends that law enforcement seek out investigative genetic genealogy services, only after all other investigative methods have been exhausted. It is widely known within my industry that many agencies use this technique as the first and only method.
12. The IGG process starts when law enforcement agencies reach out to genealogists seeking collaboration on a case and then contract with the individual for services.
13. Chain of custody is best maintained when the requesting agency sends the crime scene DNA sample to a private lab that is capable of genotyping or whole genome sequencing. Once the sample arrives at the lab, the genealogist usually takes lead on the case until the person of interest is identified. The lab creates a genetic profile of the unknown DNA contributor, and a raw data file containing hundreds of thousands of genetic markers is generated and sent to the

genealogist. This file is then uploaded to the public direct-to-consumer DNA databases, GEDmatch and Family Tree DNA, where autosomal comparisons are made between the subject and thousands of individuals, who have voluntarily contributed their DNA profiles to the databases and opted-in to law enforcement matching. A list of matches, who are biologically related to the subject, is displayed with some basic identifying information and the amount of DNA shared between the individuals. Tools within the databases allow for further analysis of the DNA data and the ability to predict the most likely relationship between the match and the unknown DNA contributor. In depth research on family history, structure, and DNA data alignment is conducted and family trees for each match are built back and then forward in time. These trees are analyzed by the genealogist for common ancestors, surnames, locations, and any other significant clues that provide insight into identifying the person of interest. Throughout the process, other tools can be used to further analyze Y-DNA and mtDNA, ethnicity, one-to-one and multiple kit comparisons, triangulation, and chromosome segments.

14. These database tools have known loopholes that allow a genealogist to see matches that have explicitly declined to participate in law enforcement matching. This is not a glitch in the programming causing this by accident. It is a standard feature within the tools that essentially tricks the system into displaying all matches as opposed to only those who have consented to law enforcement matching. This is not a loophole nor is it something you will stumble upon. Using the tool this way requires effort and knowledge.
15. Databases for law enforcement cases require a fee be paid in order to upload the genetic profile, this is not the same for consumers who are not charged. Many in the field have been known to upload to these sites as a regular consumer to avoid paying the associated fees and to bypass having opted out matches. In addition, some databases restrict law enforcement uploading cases; however that has not prevented it from happening.
16. I am aware that law enforcement has obtained results in ways prohibited by the terms of use and prohibited by their own policies.

DATED this 17th day of August, 2023.



GABRIELLA VARGAS