

LATAH COUNTY PROSECUTOR'S OFFICE
WILLIAM W. THOMPSON, JR., ISB 2613
PROSECUTING ATTORNEY
ASHLEY S. JENNINGS, ISB 8491
SENIOR DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
522 S. Adams Street, Ste. 211
Moscow, ID 83843
Phone: (208) 883-2246
paservice@latahcountyid.gov

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

V.

BRYAN C. KOHBERGER
Defendant.

Case No. CR01-24-31665

STATE'S RESPONSE TO DEFENDANT'S
MOTION IN LIMINE #7

RE: WITNESS IDENTIFICATION BY BUSHY
EYEBROWS

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and hereby responds to Defendant's Motion in Limine #7 Re: Witness Identification by Bushy Eyebrows. Defendant's basis for his motion are the Idaho Rules of Evidence Rules 403, 601, and 602. Applying the Idaho Rules of Evidence to the facts of the case at hand, the Court should find D.M's descriptions of the intruder, including that he had "bushy eyebrows" admissible. The State incorporates its previously filed "State's Motion in Limine Re: Text Messages and Testimony" as well as the "State's Motion in Limine RE: 911 Call" into this

STATE'S RESPONSE TO DEFENDANT'S MOTION IN LIMINE #7 RE: WITNESS IDENTIFICATION
BY BUSHY EYEBROWS

response (to the extent that the State is referring to any exceptions to the rule against hearsay as anticipated evidence).

FACTS

On November 13, 2022, sometime before 4:19 a.m., D.M. observed a person inside her residence which she shared with her four roommates at 1122 King Road. See State's Exhibit S-1 (summary exhibit of D.M.'s phone records). D.M. placed several phone calls and sent several text messages to her roommates. *Id.* at page 1-2. The only roommate who responded is B.F. They had two short phone conversations (24 seconds and 41 seconds). *Id.* at page 2. Within those phone calls and text messages D.M. relayed to B.F. she saw a person in the residence wearing black and he had on a ski mask that covered his forehead and mouth. *Id.* at pages 2-3.

On November 13, 2022, at approximately 11:56 a.m., a 911 call was placed from 1122 King Road for a reported unresponsive female. The caller stated one of the roommates was not waking up. Transcript of 911 Call, page 2, lines 62-63. The caller stated "oh, and they saw some man in their house last night." *Id.* at line 69. Moscow Police Department responded to the scene. *Id.* at line 180-182.

The same day at approximately 12:09 p.m., Moscow Police Department Officer Mitch Nunes took a statement from D.M. on scene outside of 1122 King Road. D.M. told Officer Nunes she saw a male "not insanely tall," "wearing all black," and a "mask that was just covering his forehead and mouth." Defendant's Exhibit No. 2, page 17, lines 5-7. Later, D.M. repeated the description "He was a little bit taller than me," "I couldn't really see much of him," and "I'm almost positive he was wearing a full black outfit, and he had this mask that was just over his forehead and over his mouth." *Id.* at page 21, lines 2-7. D.M. gave the description a third

time repeating he had a mask, he was an inch or two taller than her, he was “basketball player kind of skinny,” and a voice she did not recognize. *Id.* at page 31, lines 8-25; page 32, lines 1-3.

The same day at approximately 1:47 p.m., D.M. was interviewed at the Moscow Police Department by Detective Lawrence Mowery. During this interview, D.M. reported she saw a white male she did not know, “maybe my height, a few inches taller,” “skinny, athletic built,” wearing “all black,” “wearing this mask that covers just his forehead and here.” Defendant’s Exhibit No. 3, page 14, lines 20-25. Regarding his height, she reported “I’m 5’10” so he’s probably around 6’.” *Id.* at page 15, lines 20-21. She reported “I don’t remember what his eyes looked like either,” “[I] didn’t recognize eyes,” but “definitely a white guy.” *Id.* at page 20, lines 19-20; page 21, lines 2-4.

Four days later, on November 17, 2022, D.M. was interviewed by Idaho State Police (ISP) Detective Victoria Gooch and MPD Captain (then Sergeant) Dustin Blaker. D.M. gave a detailed recounting of what she did on Saturday, November 12, 2022, until she went to bed at approximately 3:20 a.m. on Sunday, November 13, 2022. Defendant’s Exhibit No. 6, pages 19-50. Sometime between 4:00 a.m. and 4:20 a.m. D.M. woke up and heard a male’s voice, a voice she did not recognize, say “It’s okay, I’m going to help you.” *Id.* at page 50, line 11; page 52, lines 15-16; page 53, line 18; page 61, line 25; page 62, lines 1-2, 21-22. D.M. opened her door and saw:

someone ‘cause it – from my mind, it’s, like, I was almost wearing these, like, blurry glasses. Like, it’s fuzzy and cloudy, but it was, like, a figure of someone wearing all black. And it was, like, they had a ski mask that was covering their forehead, and their chin, and mouth. But I could see the – I – all I remember was seeing their eyebrows. And I don’t – I don’t remember what their eyes looked like, but I remember their eyebrows. I don’t remember the color the eyebrows were. I just remember, like, bushy eyebrows. That’s all I could think about.

Id. at page 74, line 25; page 75, lines 1-10. D.M. described the male as not “skinny tone, that basketball kind of type.” *Id.* at page 76, lines 2-3. D.M. stated she is 5’10” tall so thought the male was “around 5’10” and then 6’, somewhere around there.” *Id.* at lines 8-10. D.M. stated the male was approximately three feet from where she was standing, “I would say about 3 feet, from what I remember. Again, that could be m- m- off ‘cause I – obviously, probably still a little bit drunk. I just woke up. I don’t remember fully.” *Id.* at page 77, lines 1-4. Again, she described the male “I know he looked at me ‘cause I could see his eyebrows. I think it – I think I just – I think I just saw one eyebrow. I don’t know w- why or how.” *Id.* at page 78, lines 6-9.

D.M. recounted calling and texting her roommate B.F. and she discussed with B.F. that there was someone in the house wearing all black and a ski mask. See State’s Exhibit S-2 (pages 79-104 of transcript not included in Defendant’s Exhibit 6), page 79, lines 16-19. D.M. conveyed to the interviewers that the facts didn’t fully make sense to her and she didn’t know how to explain everything. *Id.* at page 92, lines 17-18. Detective Gooch explained to D.M. that the important thing was to tell only things she knew were true - “that’s the most important.” *Id.* at lines 19-24. D.M. agreed. *Id.* at line 25. Detective Gooch acknowledged D.M.’s trauma. *Id.* at page 93, line 1-2. D.M. confirmed. *Id.* at line 3. Detective Gooch and Cpt. Blaker confirmed the facts from D.M.’s memory again. D.M. reiterated: she saw a male figure in the hallway approximately three feet from her; he was holding something; he was wearing all black clothes; his forehead was covered; he was wearing a mask; she remembered his eyebrows. *Id.* at page 96, line 18-24; page 97, line 3; Defendant’s Exhibit 6, page 105, line 18-25. Cpt. Blaker asked what was covering his face and D.M. stated:

I don't know...weird-looking ski mask. It wasn't like the regular ski mask with, like, eyes and, you know, because I saw his eyebrows, and I could –I think I saw his nose and, like, this part of his face, but I don't know.

Defendant's Exhibit 6 at page 105, lines 22-25; page 106, line 1.

Detective Gooch asked D.M. if she knew what a balaclava was and showed her a picture.

Id. at pages 106, line 2. In response and addressing whether she could see the male's mouth, D.M. stated:

No. And I don't remember if I saw it – like I don't remember if I saw his nose, but I know I saw eyebrows. And I don't remember his eyes. I just feel like I can see eyebrows, but I mean, that could be it. I mean, that would make sense why the forehead was covered and this part of his face was covered.

Id. at page 107, lines 12-18. The investigators inquired if D.M. could provide a composite for an artist. *Id.* at page 134, lines 13-15. D.M. responded:

No, I don't remember what his eyes looked like. I don't remember what his nose looked like. I just remember eyebrows. I don't know exactly what the eyebrows looked like at all really. I just remember thinking, like, eyebrows.

...

Yeah, bushy, but that's all -- like I don't remember the shape. I don't remember, like, the color. I just remember, like, bushy eyebrows. That's the only thing I can remember.

Id. at page 134, lines 18-23; page 135, lines 1-4.

On December 1, 2022, (18 days after first interview) D.M. was interviewed by Forensic Interviewer Erin Williamson. D.M. gave a detailed accounting of Saturday, November 12, 2022, until she went to bed on Sunday, November 13, 2022. Defendant's Exhibit No. 7, page 19-20; See State's Exhibit S-3 (pages 21-31 of transcript which were not included in Defendant's Exhibit 7), page 21-29. D.M. reported she heard a "man's voice, and it wasn't Ethan's. It was, like 'It's okay, I'm gonna help you'." Defendant's Exhibit No. 7, page 32, lines 9-15. D.M. stated

she saw a “all black figure about my height, maybe few inches taller,” “skinny build,” wearing a mask. *Id.* at page 33, line 19-22; page 34, line 1. D.M. described “I don’t remember if it was just, like, one eyebrow or two, but it was just, like, this bushy eyebrow.” *Id.* at page 34, lines 3-5.

D.M. texted B.F. “there’s a guy in all black.” *Id.* at page 35, line 22-23. Again, D.M. described the ski mask:

I couldn’t see any of his hair...But I remember jus like, seeing like, it was like, almost rectangular like not the circle ones.

...

It was rectangular ‘cause I remember seeing like, just like, I don’t know how to explain it. Just seeing like, this. Maybe, I’d be able to see like, a cross. But I don’t’ remember seeing his eyes, but I feel like his eyes were there. I could just see like, an eyebrow. I feel like that’s how I know he saw me ‘cause I could see his eyebrow. Like, if I can see his eyebrow, he can see me.

Id. at page 97, lines 6-17. D.M. reiterated:

From what I remember, I think he was like just, like, walking past that little wall and going towards the kitchen. And I don’t know – like I just remember seeing an eyebrow. I don’t know why I just see one -- it was just, like, one bushy eyebrow. I don’t remember the color, like the full shape. I just remember it being bushy.

Id. at page 98, lines 20-25; page 99, lines 1-2. She described his clothing again stating the male was wearing black long sleeves, black pants, and black boots. *Id.* at page 99, lines 14-19. At the end of the interview, D.M. drew the mask for the interviewer. *Id.* at. page 174, lines 20-25. While drawing, she gave a consistent description of the mask and noted the eyebrows “I don’t remember if I saw one or two. Like, it was – it was just weird.” *Id.* at page 176, lines 2-3.

On December 29, 2022, Bryan Kohberger was arrested in Albrightsville, Pennsylvania. The following day, on December 30, 2022, (47 days after her first interview) D.M. was interviewed by Idaho State Police (ISP) Detectives Joe Lake and Gary Tolleson in Coeur d’Alene, Idaho. Defendant’s Exhibit No. 9. D.M. was asked about Bryan Kohberger. D.M. was

asked “[h]ave you seen a picture of Mr. Kohberger?” *Id.* at page 96, line 23-24. D.M. responded “Yeah, I looked him up today when I found out.” *Id.* at page 96, line 25; page 97, line 1.

Regarding what picture she saw, she stated “I’ve seen the mugshot one with the vest thing, I think.” *Id.* at page 97, line 6-7. The interviewer asked “this Bryan Kohberger the person that you saw in this mugshot? Is that the person you saw in your house?” *Id.* at page 97, lines 16-18. D.M. responded:

I have no clue. From what I remember, I just remember seeing this figure that was, like, not fat, obviously but more of like the skinnier tone build, and some mask on. I don’t know what the mask exactly was.

But when I thought about it, it was just, like, covering here and here. I don’t know if it was covering his mouth, his nose, or below his mouth and nose. I just remember knowing that he was white, but I didn’t know how he was white. I just knew he was. And this knowing there’s -- like I knew he had looked at me because of the bushy eyebrow. That’s all I remember.

...

But I have no idea what he looked like. I don’t like --when I looked at his picture, nothing came back to me at all. So that like -- I don’t know. I feel like if I saw that, my mind would be like, oh, yeah, that’s him, but it just – I don’t remember at all.

Id. at page 97, lines 19-25, page 98, lines 1-5, 15-20. Regarding D.M. telling B.F. the male had a big nose, D.M. stated:

All I remember...but I don’t remember big nose at all, like at all. That’s like – all I remember is like some bushy eyebrow in all black and some sort of mask, but it wasn’t like one of those circle ski masks. That’s all I remember.

Id. at page 99, lines 12-16.

On May 15, 2023, (183 days after D.M.’s first interview), D.M. testified at the grand jury proceeding for the above-titled matter. See State’s Exhibit S-4, Grand jury testimony. Regarding November 13, 2022, D.M. testified she woke up around 4:00 a.m. to noises (music, Murphy,

talking, and/or singing). *Id.* at page 168, lines 4-11. D.M. testified she opened her door and heard a man's voice say "It's okay, I'm going to help you. And I didn't know who the man's voice was." *Id.* at pages 174, lines 25; page 175, lines 1-2. D.M. testified she opened her door again and saw:

a figure in all black, which I believe was a person.

...

I knew the person was white. I don't know how, but I just knew it. Knew it was male. I think I knew that because of the voice. The person was around my height or a few inches taller.

...

And then I knew his build wasn't like scrawny, and he wasn't fat, so I figured it was like the basketball toned, lean build.

Id. at page 175, lines 23-25; page 176, 1-13. Regarding what the person was wearing, D.M. testified

There was like, from what I think I remember, it was like a black mask, almost like a ski mask, but not – it just like covered the head, and then maybe up to the mouth, maybe more. I can't remember if it covered just the chin, the mouth, or the nose or lower.

Id. at page 176, lines 14-20. D.M. testified the clothing was "all black." *Id.* at page 176, line 25. She testified "Well, the thing I can really remember was something about a bushy eyebrow. I don't remember seeing anything else, just something about a bushy eyebrow." *Id.* at page 177, lines 3-6.

ARGUMENT

- I. **D.M.'s statements are independently reliable as law enforcement did not employ a witness identification procedure triggering a *Manson-Biggers* balancing test**

The cases relied upon by the Defendant deal with witness identifications that result from the use of law enforcement identification techniques. The facts of each of the cited cases are important because they differ vastly from the facts in the case at hand. In *State v. Hoisington*, witnesses were shown a six-photo lineup (resulting in Hoisington being identified); photographs of only Hoisington; and a six-person corporeal (i.e. live) lineup (which resulted in witnesses positively identifying Hoisington). In *Wurdemann v. State*, the witness was shown a six-person video lineup (with only one male matching the description given by the witness) which led to the identification of Wurdemann. In *State v. Trevino*, the witness was shown a photographic lineup containing several pictures of several men including Trevino. This process did not result in identification until Trevino showed up to police station shortly thereafter.

The United States Supreme Court has held that due process requires the exclusion of identification evidence if police suggestiveness creates the substantial risk of mistaken identification. *Stovall v. Denno*, 388 U.S. 293, 97 S.Ct. (1967). In *Manson v. Brathwaite*, the Supreme Court held, “[R]eliability is the linchpin in determining the admissibility of identification testimony.” 432 U.S. 98, 114, 97 S.Ct. 2243, 2253 (1977). In *Neil v. Biggers*, the Supreme Court held that the central question is “whether under ‘the totality of the circumstances’ the identification was reliable even though the [identification] procedure was suggestive.” 409 U.S. 188, 199, 188 93 S.Ct. 375, 382 (1972). The Supreme Court gave factors to be considered under the totality of the circumstances to determine whether an identification was reliable (i.e. the *Manson-Biggers* test). The reliability factors to be employed after a witness identification are as follows: (1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness’ degree of attention; (3) the accuracy of his prior description of the criminal; (4) the level of certainty demonstrated at the identification; and (5) the length of time between the crime and

the identification. *Manson v. Brathwaite*, 432 U.S. at 114, 97 S.Ct. at 2253; *Neil v. Biggers*, 409 U.S. at 199, 93 S.Ct. at 382. If there are “aspects of reliability” evident from the factors that substantially outweigh the “corrupting effect of the suggestive identification,” then the identification testimony will be admissible (i.e. does not violate due process). *Manson v. Brathwaite*, 432 U.S. at 106, 114, 97 S.Ct. at 2249, 2253.

In each of the above cited cases, law enforcement employed identification procedures that were arguably suggestive. As a result, it was necessary for the Courts to employ the *Manson-Biggers* balancing test to determine if the witness’ identification were reliable or instead impermissibly tainted by suggestions that would lead to misidentification. The facts of the Kohberger case are vastly different than the cases relied upon by the Defendant.

In the case at hand, on four separate occasions prior to Bryan Kohberger being arrested, D.M. gave consistent descriptions of the male she saw in the 1122 King Road residence around 4:00 a.m. D.M. gave the following consistent descriptions: (1) white; (2) male; (3) wearing all black; (4) few inches taller than D.M.; (5) wearing a mask; (6) skinny/athletic build/toned; (7) not a voice she recognized. During three of those interviews, D.M. also consistently describes the male’s eyebrows. Five times D.M. uses the term “bushy” to describe the eyebrow(s).

Regarding identification, after Bryan Kohberger was arrested, D.M. was interviewed. She relayed that she saw a mug shot of the Bryan Kohberger on the internet. Detective Lake asked D.M. “is this Bryan Kohberger the person that you saw in this mug shot? Is that the person you saw in your house”? D.M. responded “I have no clue.” She relayed to Detective Lake the person she saw had a mask on that covered his mouth and nose. The only discernable features were that the subject was white and had bushy eyebrows. This questioning of D.M. is not a witness identification. There was no law enforcement procedure employed to suggest identification. Most

importantly, there was no identification by D.M (after seeing a picture of Bryan Kohberger, D.M. could not say that he was the male she saw on November 13, 2022). D.M.'s multiple descriptions of the male were based on her own recollection and were not the result of suggestive identification procedures employed by law enforcement. Thus, the *Manson-Biggers* test is inapplicable.

II. Even if the Court applies the *Manson-Biggers* Test, the totality of the circumstances presented in this case substantially outweigh any suggestiveness present

Even if the Court employs the *Manson-Biggers* balancing test to the facts of this case, the Court should find that D.M.'s descriptions, including "bushy eyebrows," are reliable and admissible. First, regarding opportunity to view, D.M. stated she was only approximately three feet from the male when she saw him. D.M. was able to get enough of a view of the male to determine his outfit (long sleeved shirt, pants, black shoes, black mask) and the details regarding the mask he was wearing (ski-type mask without circular holes but covering his forehead and mouth). D.M. also determined the male was holding an item, although she was not able to determine what that item was.

Second, regarding degree of attention, D.M.'s statements indicate during the time of her observations she was only able to see the eye and nose area. This means the only discernable features on the male would have been the nose and eyes. On November 17, D.M. states "I just remember, like, bushy eyebrows. That's all I could think about." Defendant notes D.M.'s artwork/drawings found on her bedroom walls which focus on eyebrows/eyes. See Defendant's Exhibit No. 4. This only proves that D.M. would have a degree of attention to this facial characteristic thus reinforcing her reliability. Defendant states "Mr. Kohberger does not have

bushy eyebrows.” The State intends to introduce a photograph of Bryan Kohberger taken from his phone on November 13, 2022, only hours after the homicides at 10:31 a.m. See State’s Exhibit S-5. Whether or not Bryan Kohberger can be described as having “bushy eyebrows” is a factual determination to be decided by the jury.

Third, regarding the accuracy of the description, Kohberger matches D.M.’s descriptions: male; white; skinny/athletic build; a few inches taller than D.M. (5’ 10”); not someone she knew; with bushy eyebrows. See State’s Exhibit S-5 (Bryan Kohberger’s Driver’s License listing him as 6’); and State’s Exhibit S-6 (photograph taken by Bryan Kohberger on November 13, 2022, at 10:31 a.m. showing his eyebrows).

Fourth, regarding the level of certainty, D.M. texted B.F. a description immediately after her observations, she was interviewed on five separate occasions, and she provided grand jury testimony. D.M. without fail gave the same description which in and of itself indicates her level of certainty. On November 17, 2023, she relayed to investigators she was suffering from trauma and was unsure of what is real or not. D.M. admitted many times she was probably still intoxicated: “I don’t’ know if I was still drunk. Probably was, I don’t’ know for sure. I was really asleep, I like- like, woke up out of nowhere,” and “I was – obviously, probably still a little bit drunk. I just woke up. I don’t remember fully.” Admittedly, D.M. made statements such as “I believe I was also very drunk. I don’t know how much of this was real. Like, I don’t know if my mind was, like, doing whatever. I don’t know any of it. Like, half of the stuff, I don’t know if it’s a dream, or if it’s real. I just have no clue.” But the investigators told D.M. they only wanted D.M. to focus on what she knew was true - “that’s the most important.” D.M. agreed. After this, D.M. provided the same descriptions with absolutely no variance. D.M. also made it clear the eyebrows are the feature she most clearly remembered. It is evident by the degree of detail she

provided about the events leading up, during, and after the crimes that she provided reliable descriptions.

Lastly, regarding the length of time between the crime and identification, while there are multiple consistent descriptions it was not possible for D.M. to provide an identification because the male was completely covered with only nose and eyes visible.

After weighing the above factors, the Court should hold that under the totality of the circumstances D.M.'s descriptions of the male, especially "bushy eyebrows," are reliable and thus admissible.

III. D.M.'s Statements are Relevant and Admissible

Under Idaho Rule of Evidence 401, evidence is relevant if "it has the tendency to make a fact more or less probable than it would be without the evidence; and the fact is of consequence in determining the action." I.R.E. 401. Defendant argues that evidence of "bushy eyebrows" is not relevant. That is not the case. D.M. is the only living person who saw the person responsible for the four homicides at 1122 Kind Road on November 13, 2022. Her description of this individual, including characteristics such as "bushy eyebrows," has the tendency to make a fact (i.e. the identity of the killer) more probable than it would be without the evidence. This fact is of consequence to determining whether Bryan Kohberger was the same male D.M. saw that night – the person responsible for the homicides- the central question before the jury. This evidence is relevant.

Defendant then argues pursuant to I.R.E. 403, this relevant evidence should be excluded because its probative value is substantially outweighed by the danger of unfair prejudice and confusion of the issues. What is clear from the Defendant's filing, is that the Defendant doesn't

like this piece of the State's evidence (D.M.'s description of male having "bushy eyebrows") and therefore would like to keep this piece of evidence from the jury. However, his arguments are without merit. As shown above, D.M. gave consistent descriptions of the male she saw at the time in question. One of those consistent descriptions is that the male had "bushy eyebrows." This description is clear. It is not confusing and therefore will not confuse a jury. The fact that this description may, or may not, implicate Defendant, is not a reason to keep this fact from the jury's consideration. It is not reasonable to believe the jury will convict the Defendant based on the status of his kept or unkept eyebrows. While this fact is prejudicial (relevant evidence tends to be) it is not unfair.

IV. D.M.'s Testimony Will be Based on Her Personal Knowledge

The Defendant's reliance on I.R.E. 602 is illogical. Under I.R.E. 602, "a witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness had personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness' own testimony." I.R.E. 602. D.M. will testify based on her recollection of what she observed on November 13, 2022, which will include her observations of the male in the 1122 King Road residence at the time of the homicides having "bushy eyebrows."

V. D.M. is Competent to Testify

The Defendant next takes another run at challenging D.M.'s competency to testify. Under I.R.E. 601, "every person is competent to testify except persons whom the court finds are incapable of receiving just impressions of the facts about which they are examined, or of relating them accurately." I.R.E. 601 and (a).

The Defendant has already tried and failed at challenging D.M.'s competency in previous filings. This Court has held, "Defendant's own proffer establishes that D.M.'s accounts were remarkably consistent throughout her multiple interviews with law enforcement." "Order on Defendant's Motion for Franks Hearing," Filed February 19, 2025, page 10. Also, D.M.

was a direct witness and was able to consistently articulate the details she remembered throughout each interview – especially as to the facts relied on in the search warrant affidavits -- despite the fact that she claimed her memory was fuzzy or that she felt like it was a dream or that she was still intoxicated.

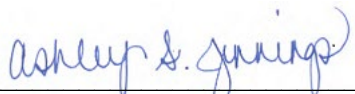
Id. at page 14.

Applying the Court's reasoning in *Hoisington*, in this case the Defense will be able to probe into D.M.'s capacity and opportunity for observation, her attention, interest and distraction at trial. The jury is perfectly capable of assessing D.M.'s credibility by weighing her testimony - its consistency, or alternatively any deficiencies elicited through cross-examination. *Hoisington*, 104 Idaho at 129; 657 P.3d at 29.

CONCLUSION

In conclusion, the State respectfully requests this Court rule consistently with its previous findings that D.M. is credible and competent to testify; and allow D.M. to testify at trial regarding her recollection of the male she saw in her residence during the early morning hours of November 13, 2022, as having "bushy eyebrows" because this evidence is relevant and admissible.

RESPECTFULLY SUBMITTED this 17th day of March 2025.



ASHLEY S. JENNINGS
SENIOR DEPUTY PROSECUTOR

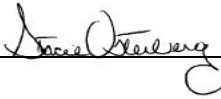
CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S REPOSE TO
DEFENDANT'S MOTION IN LIMINE #7 RE: WITNESS IDENTIFICATION BY BUSHY
EYEBROWS were served on the following in the manner indicated below:

Anne Taylor
Attorney at Law
PO Box 2347
Coeur D Alene, ID 83816
info@annetaylorlaw.com

- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 17th day of March 2025.





STATE'S EXHIBIT
S-5
CR01-24-31665

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Pennsylvania
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DRIVER'S LICENSE

NOT FOR REAL ID PURPOSES

DUPS: 00

4d DLN: [REDACTED]

3 DOB: [REDACTED]

4b EXP: 11/22/2024

1 KOHBERGER
2 BRYAN C
3 [REDACTED]

4a ISS: 09/14/2020

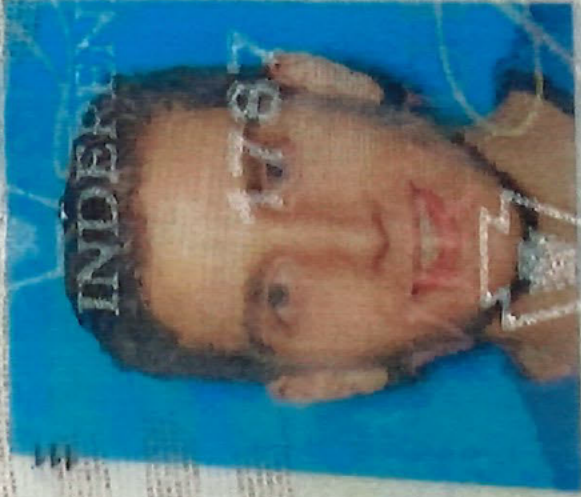
15 SEX: M 18 EYES: BLU

16 HGT: 6'-00"

9 CLASS: C

9a END: NONE

12 RESTR: NONE



ORGAN DONOR

ENDORSEMENT DD: 2025900102202
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Bryan C Kohberger

STATE'S EXHIBIT

S-6

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