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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 NOTICE OF PENALTY  
PHASE LAY WITNESSES AND  
REQUEST FOR VICTIM IMPACT  
STATEMENTS

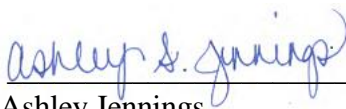
COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and hereby provides notice that the State does not intend to call any lay witnesses during the penalty phase. Rather, the State intends to rely on testimony and evidence admitted during the guilt phase. The State does intend to afford victims the opportunity to present impact statements during the penalty phase. Both Art. 1, sec. 22 of the Idaho Constitution and Idaho Code § 19-5306 guarantee a victim's right to be "heard

upon request” at all criminal justice proceedings considering sentencing. The State moves for the immediate family members identified in State’s Exhibit S-1 attached to “State’s Motion in Limine Re: Immediate Family Members in Courtroom” filed on February 24, 2025, be allowed to present victim impact statements during any penalty phase in the above-titled case. This is supported by I.C. 19-2515(5)(a) which states as follows:

Evidence concerning the victim and the impact that the death of the victim has had on the victim's family is relevant and admissible. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community by the victim's death. Characterizations and opinions about the crime, the defendant and the appropriate sentence shall not be permitted as part of any victim impact evidence.

The State has previously disclosed a penalty phase expert witness. See State’s Supplemental Response to Request for Discovery Regarding Penalty Phase Experts, dated January 27, 2025.

RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of May 2025.

  
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Ashley Jennings  
Senior Deputy Prosecuting Attorney


## CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S NOTICE OF PENALTY PHASE LAY WITNESSES AND REQUEST FOR VICTIM IMPACT STATEMENTS were served on the following in the manner indicated below:

Anne Taylor  
Attorney at Law  
PO Box 2347  
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info@annetaylorlaw.com

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

Dated this 2<sup>nd</sup> day of May, 2025.



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