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CASE NO. CR 29-22-2805
2023 June 15 4:01
CLERK OF DISTRICT COURT
LATAH COUNTY
BY gwl DEPUTY
p.m.

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 CHRISTOPHER KOHBERGER,
Defendant.

Case No. CR29-22-2805

CLARIFICATION TO
"STATE'S SUPPLEMENTAL
RESPONSE TO DEFENDANT'S
MOTIONS REGARDING GRAND
JURY RECORD AND
TRANSCRIPT"

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully submits the following clarification of the State's position on the grand jury records/transcript issues:

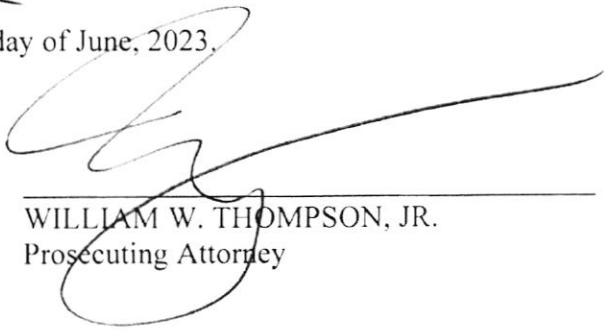
The "Defendant's Reply to State's Supplemental Response to Defendant's Motions Regarding Grand Jury Record and Transcript" dated June 13, 2023, suggests that the defense believes the State wishes to limit the transcript/record to the evidentiary presentations and list of grand juror votes (Note: at the bottom of the first page of the Defendant's above-referenced reply, the defense refers to "the grand juror notes." Although this is likely a typographical error,

CLARIFICATION TO "STATE'S SUPPLEMENTAL
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GRAND JURY RECORD AND TRANSCRIPT" I

the State wishes to note that the individual notes of the jurors are not available for inspection by any party.)

To clarify, it is the State's position that the record/transcript of the grand jury proceeding include everything that was done "on the record" and recorded by the clerk and/or court reporter, including the jury selection process. Were this a situation where the grand jury was "a standing grand jury" that was not empaneled specifically for this case, the State would likely take a different position. However, because this grand jury was empaneled specifically for the case at bar, the State believes that the transcript/record should include the jury selection process. In essence, the State's position is that the transcript/record begins when the assigned judge first goes on the record and continues for all reported/recorded events through the discharge of the grand jury. The State respectfully submits that this addresses the Defendant's interests in the questioning of prospective jurors as well as the nature and quality of evidence presented (including whether exculpatory evidence was included) as described by the defense in the first full paragraph on page 3 of their "Reply."

Respectfully submitted this 15 day of June, 2023.



WILLIAM W. THOMPSON, JR.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the CLARIFICATION TO "STATE'S SUPPLEMENTAL RESPONSE TO DEFENDANT'S MOTIONS REGARDING GRAND JURY RECORD AND TRANSCRIPT" was served on the following in the manner indicated below:

Anne Taylor
Attorney at Law
PO Box 9000
Coeur D Alene, ID 83816-9000

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

Dated this 15th day of June, 2023.

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