Filed: 02/28/2023 09:32:12 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

ORDER TO SEAL

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. 574-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court. Dated: 2 27 2023

Megan E. Marshall

Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 27, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this ______ day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

3. Disclose the identity of a confidential source; and

4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>18th</u> day of November, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

Filed: 02/28/2023 09:33:24 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

Apple Inc., I Infinite Loop Cupertino, CA 95014 ORDER TO SEAL

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court.

Dated: 2

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Megan E. Ma Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 27, 2023, or further order of the Court, whichever occurs first.

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SO ORDERED this <u>29th</u> day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this **28**th day of November, 2022.

Sr. Deputy Prosecuting Attorney

Filed: 02/28/2023 09:35:27 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

AT&T 11760 US Highway 1, Suite 300 North Palm Beach, FL33408-3029 **ORDER TO SEAL**

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court.

Dated: 2/27/2023

Inaboul

Megan E. Marshall Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408

Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until April 7, so order of the Court, whichever $\frac{1}{2}$ day of January, 2023. 23.29.14 and 10.09 models 2023, or further order of the Court, whichever occurs first.

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408

Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this bm day of January, 2023.

Sr. Deputy Prosecuting Attorney

Filed: 02/28/2023 15:12:50 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

3818 Schreiber Way

Case No. CR29-22-2805

ORDER TO SEAL

Coeur d'Alene Idaho 83815

Coeur d'Alene Police Department Forensic Lab

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. 74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court. Dated: 22812023

Megan E. Marshall

Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Coeur d'Alene Police Forensic Lab 3818 Schreiber Way Coeur d'Alene, Idaho 83815 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 1, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/1/22 p 3:3

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Coeur d'Alene Police Forensic Lab 3818 Schreiber Way Coeur d'Alene, Idaho 83815 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 15^{+} day of December, 2022.

Sr. Deputy Prosecuting Attorney

Filed: 02/28/2023 08:22:28 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant and the Amended Affidavit in Support of Search Warrant be SEALED.
- 2. The Search Warrant, Amended Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

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Megan E. Marshall Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

ORDER SEALING SEARCH

Amazon **Corporate Service Company** 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501

WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

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SO ORDERED this <u>150</u> day of December, 2022. C 12:04 py <u>Magistrate Judge</u>

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this ______ day of December, 2022.

Sr. Deputy Prosecuting Attorney

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application For a Search Warrant for:

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO) :ss. County of Latah)

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>9:00</u> o'clock a.m., this <u>14th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/14/2022 (Date)

AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO) :ss. County of Latah)

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 26, 2022, I obtained a search warrant for Amazon;
- (4) The warrant was served on November 26, 2022, by email (fax, email, etc);
- (5) On 12/08/22, I received an e-mail from Amazon which contained the requested information;
- (6) An inventory was prepared for all the items received; and

(7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

(Signature)

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Case No. _____

Amazon

300 Deschutes Way SW, Suite 304

Tumwater, WA 98501

RECEIPT AND INVENTORY OF WARRANT

On the <u>26</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>3:32</u> o'clock <u>P.M.</u>, the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>https://ler.amazon.com/us</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
ASIN number B001H53Q6M	
Ka-Bar Full Size US Marine Corps Fighting Knife	
ASIN number B000MAZIA0	
Ka-Bar 1217S	

RECEIPT AND INVENTORY

PAGE_1_OF_3_PAGES

DESCRIPTION OF PROPERTY

1

LOCATION/PERSON

Leather Sheath	
USMC Logo	
	·····
	Name
)

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was given	to the following nam	ed person(s) on the	day of
· · · · · · · · · · · · · · · · · · ·	, 20;		
A copy hereof was left o	n this date in a conspi	cuous place in the place sear	ched, there being no
person(s) present during sai	d search:		
DATED this <u>14</u>	day of	<u>cember</u> , 20 <u>22</u> .	
		JEN (6	
		TEN (6	
WITNESS		PEACE OFFICER	
·		•••	4. 1
		ge receiving a copy hereof o	on this day of
	n(s) hereby acknowled		on this day of
			on this <u>day</u> of
			on this day of
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	, 20	:	on this day of

RECEIPT AND INVENTORY

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PAGE 3 OF 3 PAGES

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/22 p 12:04 pm.

all mars Megan E. Marshall

Magistrate Judge

20	
CASE NO	
December 15,000 CLERK OF DISTRICT COUNTY	<u>n 5:0</u> Pv
87	DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No.

SEARCH WARRANT

<u>ж.</u>

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe that the property

referred to and sought in or upon said premises consists of information for the crime(s) of homicide

in the possession or control of Amazon related to the sales of the following items for the period of

January 1, 20222 to present:

- 1. Ka-Bar KA1217S, USMC Fighting Knife Sheath;
- 2. Ka-Bar Full Size USMC Straight Edge Knife;

The records shall include but are not limited to:

- Account information for the above-named individuals/entities on Amazon.com or affiliated websites including but not limited to: contact information, billing information, account opening date, account closing date, and any other information retained in connection with the identified accounts;
- Order details and purchase history for all transactions conducted by the above-named individuals/entities on Amazon.com or any Amazon.com affiliated storefront/webstore, including IP address information for purchases made;
- Payment information for payments made (or facilitated by) Amazon.com to or from the above-named individuals/entities including payments through the Amazon Payments/Amazon Pay platform;
- All customer interaction records between Amazon.com and the above-named individuals/entities and their representatives to include call notes, call recordings, emails and/or written correspondence;

located in or upon the following described premises,

Amazon

Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501

Electronic Records

Electronically stored records shall be produced in electronic form and shall include those

records held (1) in your record retention systems; and/or (2) by your technology, data, or other

service provider(s).

Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a

data file: (1) using delimited ASCII text data format; or (2) within software that can export without loss of data to a non-proprietary file format; or (3) using commonly readable file format

set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

DEDEL

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No.

AMENDED SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of information for the crime(s) of homicide in the possession or control of Amazon related to the sales of the following items for the period of January 1, 20222 to present:

- 1. ASIN number B001H53Q6M, Ka-Bar Full Size US Marine Corps Fighting Knife
- 2. ASIN number B000MAZIA0, Ka-Bar 1217S, Leather Sheath, USMC Logo

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The records shall include but are not limited to:

- Account information for the above-named individuals/entities on Amazon.com or affiliated websites including but not limited to: contact information, billing information, account opening date, account closing date, and any other information retained in connection with the identified accounts;
- Order details and purchase history for all transactions conducted by the above-named individuals/entities on Amazon.com or any Amazon.com affiliated storefront/webstore, including IP address information for purchases made;
- Payment information for payments made (or facilitated by) Amazon.com to or from the above-named individuals/entities including payments through the Amazon Payments/Amazon Pay platform;
- All customer interaction records between Amazon.com and the above-named individuals/entities and their representatives to include call notes, call recordings, emails and/or written correspondence;

located in or upon the following described premises,

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501

INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

Electronic Records

Electronically stored records shall be produced in electronic form and shall include those

records held (1) in your record retention systems; and/or (2) by your technology, data, or other

service provider(s).

Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a

data file: (1) using delimited ASCII text data format; or (2) within software that can export

without loss of data to a non-proprietary file format; or (3) using commonly readable file format

set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique identifier.

Encryption/Authentication

Electronically stored records may be transmitted in an encrypted container. Decryption keys shall be produced separately at the time the data are produced. Authentication, such as hash coding, may be set by agreement.

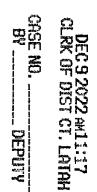
YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN <u>7</u> DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, AMAZON IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

AMAZON SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this <u>26th</u> day of November, 2022, at 1:30 P .m.

Magistrate Judge



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501 Case No.

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 8, 2023.

SO ORDERED this 1219122

Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

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CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/9/20

TONYA DODGE Latah County Clerk of the Court

buty Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

CLRK OF DIST CT. LAT

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Amazon Corporate Service Company 300 Deschutes Way SW, Suite 304 Tumwater, WA 98501

MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced amended search warrant which was issued on November 26, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on November 26, 2022, by email. However, as of this date, the information has not been received.

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MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Case No.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 3th day of December, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 08:24:40 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

American Express 43 Butterfield Circle El Paso TX 79906 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 227 2023

Charaball

Megan E. Marshall Magistrate Judge



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

American Express 43 Butterfield Circle El Paso TX 79906 Email: Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until the completion of case CR29-22-2805, or further order of the Court, whichever occurs first.

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SO ORDERED this 25^{DD} day of January, 2023.

REDACTED

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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CASE NO	.
JOUNDARY 2 GLERK OF DISTRIC LATAH COUN	4,0003
BY	DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

i,

American Express 43 Butterfield Circle El Paso TX 79906 Email: MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

REDACTED

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>M</u> day of January, 2023.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: American Express 43 Butterfield Circle El Paso, TX 79906 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO) :ss. County of Latah)

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at11 o'clock a.m., this 24th day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

1/24/2023 (Date)



AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO) :ss. County of Latah)

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On November 28, 2022, I obtained a search warrant for American Express;
- (5) The warrant was served on November 28, 2022, via email to
- (6) On January 13, 2023, I received an email from FA Michael Douglass containing the requested data;
- (7) On January 24, 2023, an inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to ; and
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>January 24, 2023</u> (Date)

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No	
American Express	RECEIPT AND	
Bank Records	INVENTORY OF WARRANT	
MPD# 22-M09903		
On the <u>28</u> day of <u>November</u> the following peace officers: <u>Det Lawrenc</u>	, 20 <u>22</u> , at approximately <u>1155</u> o'clock <u>a</u>	
	ed upon the place and/or person(s) described therein was obtained by:	
directed in said Search Warrant. Entrance	was obtained by:	
directed in said Search Warrant. Entrance		
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:	
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:	
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo	was obtained by:	
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:	
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by:	
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY Ethan Chapin,	was obtained by:	

RECEIPT AND INVENTORY

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PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
	,
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

n(s) on the day of
n(s) on the day of
ace in the place searched, there being
, 20 <u>23_</u> .
Lawrence Mowery
CE OFFICER
ving a copy hereof on this day

# RECEIPT AND INVENTORY

PAGE 3 OF 3 PAGES

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
American Express	)	
43 Butterfield Circle	)	ORDER
El Paso, TX 79906	ý	
Email:	)	
	)	
MPD Case No. 22-M09903	) )	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional

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# REDACTED

prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/25/2022 ( 2:10 pm

Inudall Megan E. Marshall

Megan E. Marshal Magistrate Judge



# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

American Express 43 Butterfield Circle El Paso TX 79906 Email: Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video



and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

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191 1 1 1 1 1 1 1 1 1

- Ethan Chapin,
- Madison May Mogen,

- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
- _

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of
  - cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session:
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued. records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application. signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders:
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by . customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the • customer: records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

أستجيب ويلاف والمراجع والمتعاول فالمعاول فالمتعاد

located at the following premises:

American Express Attn: Subpoena Response Unit 43 Butterfield Circle El Paso TX 79906

SEARCH WARRANT

. . . .

Ph: Email:

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, AMERICAN EXPRESS IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

AMERICAN EXPRESS SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 27th _____ day of November, 2022, at 2:39 _____ p __.m.

Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

American Express 43 Butterfield Circle El Paso TX 79906 Email:

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 8, 2023.

Magistrate Indge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

REDACTED

### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/9/22

TONYA DODGE Latah County Clerk of the Court

в puty Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

DEC 8 2022 AM11:21 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

American Express 43 Butterfield Circle El Paso TX 79906 Email: Case No.

## MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on November 27, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on November 28, 2022, by email. However, as of this date, the information has not been received.

1

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

# REDACTED

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this give day of December, 2022.

ASHLEY S. JENNINGS U Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 08:43:56 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2272023

Inaball

Megan E. Marshall Magistrate Judge

DEPUT

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 1st day of November, 2022. C 1-22 py

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1

- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this  $200^{11}$  day of November, 2022.

ASHI

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT, LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 e 1:24 pM

Unaball

Megan E. Marshall Magistrate Judge

DEC 1 2022 PM3:03 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014

:ss.

)

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO )

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this 30th day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

6 )fficer

REDACTED

### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective:
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 21, 2022, I obtained a search warrant for Apple;
- (4) The warrant was served on November 21, 2022, by email (fax, email, etc);
- (5) On 11/23/22, I received an e-mail from Apple which contained the requested information;
- An inventory was prepared for all the items received; and (6)
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

(Date)

<u>En (62</u> ture)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	
THE APPLICATION	
FOR A SEARCH WARRANT FO	R

Apple Inc.,

1Infinite Loop

Cupertino, CA 95014

Case No.

RECEIPT AND INVENTORY OF WARRANT

On the <u>21</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>1:55</u> o'clock <u>p</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

-1224

IMEI

**RECEIPT AND INVENTORY** 

PAGE 1 OF 2 PAGES

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			_
A copy hereof was given to the foll		) on the	day o
	, 20;		
A copy hereof was left on this date	in a conspicuous place	in the place searched,	there being
person(s) present during said search:			-
DATED this <u>30</u> day of	November	, 20 <u>22_</u> .	
	1	En 162	
WITNESS	PFACE	<u>Cin 16°</u>	
WIIILDO		OTTICLK	
	acknowledge receiving	g a copy hereof on this	day
The undersigned person(s) hereby	-		
The undersigned person(s) hereby	; 20:		
The undersigned person(s) hereby	; 20:		
	, 20:		
	; 20:		
	, 20: 		
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# RECEIPT AND INVENTORY

DEPUT

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe property consisting of there is probable cause to believe that the property referred to and sought in or upon said premises consists of there is probable cause to believe that the property referred to and sought in or upon said premises consists records related to the crime(s) of homicide on the Apple iCloud account(s) associated with Madison "Maddie" Mogen with the following IDENTIFIERS: , phone number -1224, and/or IMEI

, (hereafter referred to as "the MOGEN ACCOUNT"), from August 1,

2022, to November 18, 2022, including:

• All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers, email addresses (including primary, alternate, rescue, and notification email addresses, and verification information for each email address), the date on which the account was created, the length of service,

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SEARCH WARRANT

# REDACTED

the IP address used to register the account, account status, methods of connecting, and means and source of payment (including any credit or bank account numbers);

- All records or other information regarding the devices associated with, or used in connection with, the account (including all current and past trusted or authorized iOS devices and computers, and any devices used to access Apple services), including serial numbers, Unique Device Identifiers ("UDID"), Advertising Identifiers ("IDFA"), Global Unique Identifiers ("GUID"), Media Access Control ("MAC") addresses, Integrated Circuit Card ID numbers ("ICCID"), Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifiers ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identities ("IMSI"), and International Mobile Station Equipment Identities ("IMEI");
- The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account (including all draft emails and deleted emails), the source and destination addresses associated with each email, the date and time at which each email was sent, the size and length of each email, and the true and accurate header information including the actual IP addresses of the sender and the recipient of the emails, and all attachments;
- The contents of all instant messages associated with the account, including stored or preserved copies of instant messages (including iMessages, SMS messages, and MMS messages) sent to and from the account (including all draft and deleted messages), the source and destination account or phone number associated with each instant message, the date and time at which each instant message was sent, the size and length of each instant message, the actual IP addresses of the sender and the recipient of each instant message, and the media, if any, attached to each instant message;
- The contents of all files and other records stored on iCloud, including all iOS device backups, all Apple and third-party app data, all files and other records related to iCloud Mail, iCloud Photo Sharing, My Photo Stream, iCloud Photo Library, iCloud Drive, iWorks (including Pages, Numbers, and Keynote), iCloud Tabs, and iCloud Keychain, and all address books, contact and buddy lists, notes, reminders, calendar entries, images, videos, voicemails, device settings, and bookmarks;
- All activity, connection, and transactional logs for the account (with associated IP addresses including source port numbers), including FaceTime call invitation logs, mail logs, iCloud logs, iTunes Store and App Store logs (including purchases, downloads, and updates of Apple and third-party apps), messaging and query logs (including iMessage, SMS, and MMS messages), My Apple ID and iForgot logs, sign-on logs for all Apple services, Game Center logs, Find my iPhone logs, logs associated with iOS device activation and upgrades, and logs associated with webbased access of Apple services (including all associated identifiers);

- All records and information regarding locations where the account was accessed. including all data stored in connection with Location Services:
- All records pertaining to the types of service used; .
- All records pertaining to communications between Apple and any person regarding the account, including contacts with support services and records of actions taken:

located in or upon the following premises owned, maintained, controlled, or operated by

Apple Inc., a company headquartered at Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), AND UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, APPLE IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

APPLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 21st ____ day of November, 2022, at 10:58 а .m.

Magan (Marshall Magistrate Judge

Filed: 02/28/2023 08:45:28 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2 27 2023

Mashall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 27, 2023, or further order of the Court, whichever occurs first.

1

SO ORDERED this ______ day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us CASE NO. _____ DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 MOTION TO SEAL SEARCH WARRANT AND RELATED

Case No.

DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>28</u>th day of November, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 11/29/22

Megan (Marshall Megan E. Marshall

Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014

> ) :ss.

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Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at  $22^{\circ}$  o'clock p.m., this  $28^{\text{th}}$  day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

11/28/22

_16 L

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

#### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic (1) Detective;
- Affidavit has been a trained and qualified peace office for Twelve (12) years; (2)
- On November 21, 2022, I obtained a search warrant for Apple; (3)
- (4) The warrant was served on November 21, 2022, by email (fax, email, etc);
- On 11/23/22, I received an e-mail from Apple which contained the requested (5) information;
- (6) An inventory was prepared for all the items received; and
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>11/28/22</u> (Date)

Jan 16 Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
Apple Inc.,	RECEIPT AND
1 Infinite Loop	INVENTORY OF WARRANT
Cupertino, CA 95014	
On the <u>21st</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>6:41</u> o'clock <u>P</u> .M.,
the following peace officers:	
directed in said Search Warrant. Entrance was	obtained by:
The property found and taken and the locati as follows:	ion within or upon said place and/or person(s) are
DESCRIPTION OF PROPERTY	LOCATION/PERSON
- 1278	
IME1	

**RECEIPT AND INVENTORY** 

PAGE OF 2 PAGES

A copy hereof was a	iven to the following p	named person(s) on the	day of
	, 20;		uay of
	, 20,		
	· · · · · · · · · · · · · · · · · · ·		
A copy hereof was le	eft on this date in a cons	spicuous place in the place searched, the	re being no
			υ
DATED this 28	day of Nove	EABER , 20 22	
		JEn 162	
VITNESS		PEACE OFFICER	
The undersioned ne	rson(s) hereby acknowl	ledge receiving a copy hereof on this	day of
			uuj oi
	, 20		
		<u></u>	
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			······································

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RECEIPT AND INVENTORY

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PAGE 2 OF 2 PAGES

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for:

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe property consisting of there is probable cause to believe that the property referred to and sought in or upon said premises consists of there is probable cause to believe that the property referred to and sought in or upon said premises consists records related to the crime(s) of homicide on the Apple iCloud account(s) associated with Xana Kernodle with the following IDENTIFIERS:

, (hereafter referred to as "the KERNODLE ACCOUNT"), from August

1, 2022, to November 19, 2022, including:

• All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers, email addresses (including primary, alternate, rescue, and notification email addresses, and verification information for each email address), the date on which the account was created, the length of service,

SEARCH WARRANT



the IP address used to register the account, account status, methods of connecting, and means and source of payment (including any credit or bank account numbers);

- All records or other information regarding the devices associated with, or used in connection with, the account (including all current and past trusted or authorized iOS devices and computers, and any devices used to access Apple services), including serial numbers, Unique Device Identifiers ("UDID"), Advertising Identifiers ("IDFA"), Global Unique Identifiers ("GUID"), Media Access Control ("MAC") addresses, Integrated Circuit Card ID numbers ("ICCID"), Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifiers ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identities ("IMSI"), and International Mobile Station Equipment Identities ("IMEI");
- The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account (including all draft emails and deleted emails), the source and destination addresses associated with each email, the date and time at which each email was sent, the size and length of each email, and the true and accurate header information including the actual IP addresses of the sender and the recipient of the emails, and all attachments;
- The contents of all instant messages associated with the account, including stored or preserved copies of instant messages (including iMessages, SMS messages, and MMS messages) sent to and from the account (including all draft and deleted messages), the source and destination account or phone number associated with each instant message, the date and time at which each instant message was sent, the size and length of each instant message, the actual IP addresses of the sender and the recipient of each instant message, and the media, if any, attached to each instant message;
- The contents of all files and other records stored on iCloud, including all iOS device backups, all Apple and third-party app data, all files and other records related to iCloud Mail, iCloud Photo Sharing, My Photo Stream, iCloud Photo Library, iCloud Drive, iWorks (including Pages, Numbers, and Keynote), iCloud Tabs, and iCloud Keychain, and all address books, contact and buddy lists, notes, reminders, calendar entries, images, videos, voicemails, device settings, and bookmarks;
- All activity, connection, and transactional logs for the account (with associated IP addresses including source port numbers), including FaceTime call invitation logs, mail logs, iCloud logs, iTunes Store and App Store logs (including purchases, downloads, and updates of Apple and third-party apps), messaging and query logs (including iMessage, SMS, and MMS messages), My Apple ID and iForgot logs, sign-on logs for all Apple services, Game Center logs, Find my iPhone logs, logs associated with iOS device activation and upgrades, and logs associated with webbased access of Apple services (including all associated identifiers);

- All records and information regarding locations where the account was accessed, including all data stored in connection with Location Services:
- All records pertaining to the types of service used;
- All records pertaining to communications between Apple and any person regarding the account, including contacts with support services and records of actions taken:

located in or upon the following premises owned, maintained, controlled, or operated by

Apple Inc., a company headquartered at Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), AND UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, APPLE IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

APPLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:18 p..m.

<u>Megan (Marshall</u> Magistrate Judge

Filed: 02/28/2023 08:40:48 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

#### ORDER TO SEAL AND REDACT

Apple Inc., 1 Infinite Loop Cupertino, CA 95014

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 227/2020

. marshall Megan'E. Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 1st day of November, 2022. C 1:30 pM

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1

- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $36^{\text{m}}$  day of November, 2022.

ASHI

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATAH CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014

Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 0 1:29 pm

moudall

Megan E. Marshall Magistrate Judge

DEC 1 2022 PM3:06 CLRK DF DIST CT. LATA CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this <u>30th</u> day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

REDACTED

1

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 21, 2022, I obtained a search warrant for Apple;
- (4) The warrant was served on November 21, 2022, by email (fax, email, etc);
- (5) On 11/25/22, I received an e-mail from Apple which contained the requested information;
- (6) An inventory was prepared for all the items received; and

(7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

11/30/~

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No	
Apple Inc.,	RECEIPT AND	
1Infinite Loop	INVENTORY OF WARRANT	
Cupertino, CA 95014		
On the 21 day of November	, 20 <u>22</u> , at approximately <u>6:41</u> o'clock <u>p</u> .M.,	
the following peace officers: Detective Lawr		
directed in said Search Warrant. Entrance wa	upon the place and/or person(s) described therein as as obtained by:	
The property found and taken and the loca as follows:	tion within or upon said place and/or person(s) are	
DESCRIPTION OF PROPERTY	LOCATION/PERSON	
IMEI		
······		

RECEIPT AND INVENTORY

PAGE 1_OF 2_PAGES



	$\geq$		
A copy hereof was given to the follow		s) on the	day of
, 20	);		
			<b>,</b> ,
A copy hereof was left on this date in			ere being no
person(s) present during said search:			
DATED this 30 day of	November	, 20 22 .	
		<u>, 2022</u> <u>Cm /6 2</u> OFFICER	
		Em 162	
WITNESS	PEACE	OFFICER	
The undersigned person(s) hereby ac	knowledge receiving	g a copy hereof on this	day of
	_,20:		

# RECEIPT AND INVENTORY

/

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Apple Inc., 1 Infinite Loop Cupertino, CA 95014 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe property consisting of there is probable cause to believe that the property referred to and sought in or upon said premises consists of there is probable cause to believe that the property referred to and sought in or upon said premises consists records related to the crime(s) of homicide on the Apple iCloud account(s) associated with Ethan Chapin with the following IDENTIFIERS:

., (hereafter referred to as "the CHAPIN ACCOUNT"), from August 1,

2022, to November 18, 2022, including:

• All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers, email addresses (including primary, alternate, rescue, and notification email addresses, and verification information for each email address), the date on which the account was created, the length of service,

1

REDACTED

SEARCH WARRANT

the IP address used to register the account, account status, methods of connecting, and means and source of payment (including any credit or bank account numbers);

- All records or other information regarding the devices associated with, or used in connection with, the account (including all current and past trusted or authorized iOS devices and computers, and any devices used to access Apple services), including serial numbers, Unique Device Identifiers ("UDID"), Advertising Identifiers ("IDFA"), Global Unique Identifiers ("GUID"), Media Access Control ("MAC") addresses, Integrated Circuit Card ID numbers ("ICCID"), Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifiers ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identities ("IMSI"), and International Mobile Station Equipment Identifies ("IMEI");
- The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account (including all draft emails and deleted emails), the source and destination addresses associated with each email, the date and time at which each email was sent, the size and length of each email, and the true and accurate header information including the actual IP addresses of the sender and the recipient of the emails, and all attachments;
- The contents of all instant messages associated with the account, including stored or preserved copies of instant messages (including iMessages, SMS messages, and MMS messages) sent to and from the account (including all draft and deleted messages), the source and destination account or phone number associated with each instant message, the date and time at which each instant message was sent, the size and length of each instant message, the actual IP addresses of the sender and the recipient of each instant message, and the media, if any, attached to each instant message;
- The contents of all files and other records stored on iCloud, including all iOS device backups, all Apple and third-party app data, all files and other records related to iCloud Mail, iCloud Photo Sharing, My Photo Stream, iCloud Photo Library, iCloud Drive, iWorks (including Pages, Numbers, and Keynote), iCloud Tabs, and iCloud Keychain, and all address books, contact and buddy lists, notes, reminders, calendar entries, images, videos, voicemails, device settings, and bookmarks;
- All activity, connection, and transactional logs for the account (with associated IP addresses including source port numbers), including FaceTime call invitation logs, mail logs, iCloud logs, iTunes Store and App Store logs (including purchases, downloads, and updates of Apple and third-party apps), messaging and query logs (including iMessage, SMS, and MMS messages), My Apple ID and iForgot logs, sign-on logs for all Apple services, Game Center logs, Find my iPhone logs, logs associated with iOS device activation and upgrades, and logs associated with webbased access of Apple services (including all associated identifiers);

- All records and information regarding locations where the account was accessed, ٠ including all data stored in connection with Location Services:
- All records pertaining to the types of service used; •
- All records pertaining to communications between Apple and any person regarding the account, including contacts with support services and records of actions taken;

located in or upon the following premises owned, maintained, controlled, or operated by

Apple Inc., a company headquartered at Apple Inc., 1 Infinite Loop, Cupertino, CA 95014.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), AND UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, APPLE IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

APPLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:20 p..m.

<u>Megan (Marshall</u> Magistrate Judge

Filed: 02/28/2023 08:49:30 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T Mobility 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

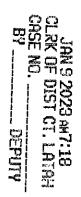
IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

thushall

Megan E. Marshall Magistrate Judge



# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408

Case No.

**ORDER SEALING SEARCH** WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until April 7, 2023, or further order of the Court, whichever occurs first.

1

so order of this <u>TD</u> day of January, 2023. C. 9:15 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

CLAK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408

Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u><u>U</u> day of January, 2023.</u>

ASHLEY S. JENNINGS V Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

JAN 9 2023 AM7:17 CLRX OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

AT&T Mobility 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408-3029 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) .:ss. County of Latah )

I, CPL Brett Payne, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock a.m., this  $6^{th}$  day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>01/06/2023</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF BRETT PAYNE

#### STATE OF IDAHO ) :ss. County of Latah )

I, CPL Brett Payne, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Detective Corporal;
- (2) Affidavit has been a trained and qualified peace office for 4 years;
- (3) On 12/23/2022, Cpl Brett Payne obtained a search warrant for AT&T;
- (4) The warrant was served on 12/23/2022, by email (fax, email, etc);
- (5) On 12/23/2022, Lawrence Mowery received an e-mail from AT&T which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

CPL BRETT PAYNE

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

14/23

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
AT&T	RECEIPT AND
11760 U.S. Highway 1, Suite 300	INVENTORY OF WARRANT
North Palm Beach, FL 33408-3029	
On the <u>23rd</u> day of <u>December</u>	, 20 <u>22</u> , at approximately <u>10:28</u> o'clockM.,
the following peace officers: Detective Law	wrence Mowery
served the Search Warrant heretofore issued directed in said Search Warrant. Entrance v	d upon the place and/or person(s) described therein as was obtained by: <u>email</u>
The person(s) found in said place were:	<u> </u>
The property found and taken and the lo	cation within or upon said place and/or person(s) are
as follows:	
DESCRIPTION OF PROPERTY	LOCATION/PERSON

RECEIPT AND INVENTORY

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PAGE_1_OF _2_PAGES

A copy hereof was give	n to the following	ng named person	(s) on the <b>23</b> , <b>D</b>	day of
DECEMBEIL				
	<u> </u>			
A copy hereof was left of person(s) present during sa			e in the place searched,	there being no
person(s) present during su				
DATED this <u>6</u>	_ day of	January	, 20 <u>23</u> .	
		7	An # 157	
WITNESS		PEAC	E OFFICER	
The undersigned perso	n(s) hereby acki	nowledge receivi	e OFFICER	day of
The undersigned perso		nowledge receivi		day of
The undersigned perso		nowledge receivi		day of
The undersigned perso		nowledge receivi		day of

# RECEIPT AND INVENTORY

JAN 9 2023 AM7:18 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Cas
for a Search Warrant for:	)	
	)	
AT&T Mobility	)	ORI
11760 U.S. Highway 1, Suite 300	)	
North Palm Beach, FL 33408-3029	)	
	)	
	``	

Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/22 0 9:15 am

Imashall Megan E. Marshall

Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Case No. CR29-

AT&T 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408-3029

SEARCH WARRANT

MPD Case No. 22-M09903

#### TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Brett Payne, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe property

consists of certain evidence regarding the investigation into the crime(s) of homicide at

1122 King Road in Moscow, Idaho is on the AT&T account associated with the phone

number between November 12, 2022 at 12:00 a.m. PST to November 14,

2022 at 12:00 a.m. PST. Information should include user account information, location data,

and stored communications held by AT&T, described in further detail as follows:

1. All customer/subscriber information, including any listed addresses, other listed telephone number(s), social security number(s), dates of birth, name(s), address(es), any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI, SUPI), activation date and deactivation date, and point of purchase or location device was purchased if applicable;



SEARCH WARRANT

- 2. Device Purchase Information. This is specifically to include the Date, Time and Location of where the device or any pre-paid refill cards were purchased as well as any information maintained about the purchase to include store name, store number, terminal number, and amount of purchase;
- 3. Any email addresses associated with the account or with the device that is currently on file and stored in the normal course of business of the Service Provider;
- 4. Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for the Service Provider, of any cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data activity;
  - a. In the event the requested Call Detail Records contain other Service Provider customer numbers, identified as either incoming or outgoing calls, the Service Provider will provide subscriber information to the specific numbers identified, if requested.
- 5. Cell site information, to include all known cell towers associated with outgoing and incoming calls (Call Detail Records). This information is to include any sector information, azimuth for each identified sector, cell site location, handoff tower and sector, time on tower information, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, Data activity, including IP sessions and destination addresses that were produced, these records are also included in this request;
- 6. Cell site locations for all Service Provider Cell Sites, sector information, including azimuth headings, in the regional market associated with the requested cell site information;
- 7. Location information, to include any estimated or known longitude and latitude of the cellular device's current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States;
- 8. Location information can be in the form of historical records. This would include

any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, estimated margin of error, direction and distance from the tower, and other location related information commonly referred to as Real Time Tool (RTT), Timing Advance Information, Location Database of Record (LocDBoR). This further includes any other report similar in nature that would provide an estimate of the cellular phone on the Service Provider's network;

- 9. All text message and/or MMS messages, including message content, currently stored in the normal course of business for the Service Provider, to include any cloud services which allow for the long-term storage of both voicemails and SMS/MMS messages;
- 10. Cloud Data, any content that may have been backed up to Cloud Storage for the listed dates/times. If said Cloud Storage has been provided by a third-party provider, please provide relevant contact information for that provider;

located within the following described premises:

AT&T Attn: Global Legal Demands Center 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408

Please provide this information to Brett Payne at in digital

format on a compact disk in Excel, PDF or TXT format. You are therefore commanded to

search the above-described premises for the property described above, to seize it if found and

bring it promptly before the court above named. This warrant shall be executed within 14

days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho

Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and

under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, THE SERVICE PROVIDER (AT&T) IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

THE SERVICE PROVIDER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 23rd day of December, 2022, at 10:03 a.m. 

Megan (Marshall Magistrate Judge

Filed: 02/28/2023 08:47:33 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T Mobility 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 227/2023

un compushall Megan E' Marshall

Megan E: Marshall Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T Mobility 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this <u>L</u> day of <del>November</del>, 2022.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON, JR. PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 2613 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

AT&T Mobility 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this 21 day of November, 2022.

WILLIAM W. THOMPSON, JR. Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 1 2022 PM3:05 CLRK OF DIST CT. LATA

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LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.2613 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: AT&T Mobility 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408-3029 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional

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prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 0 1:27 pm

In abhall

Megan E. Marshall Magistrate Judge

Dec 1 2022 PM3:05 Clrk of dist ct. late

LATAH COUNTY PROSECUTOR'S OFFICE

William W. Thompson Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 2613 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: AT&T Mobility 11760 U.S. Highway 1, Suite 300 North Palm Beach, FL 33408-3029 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock <u>a</u>.m., this <u>30</u> day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/16/22, I obtained a search warrant for AT&T Cell Tower;
- (4) The warrant was served on 11/17/2022, by email (fax, email, etc);
- (5) On 11/17/22, I received an e-mail from AT&T which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

LAWRENCE MOWERY Affiant

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

 $\frac{l(3./22)}{(Date)}$ 

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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

THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
AT&T Mobility	RECEIPT AND INVENTORY OF WARRANT
11760 U.S. Highway 1, Suite 300	INVENTORY OF WARRANT
North Palm Beach, FL 33408	
On the <u>17</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>10:21</u> o'clock <u>a</u> .M
the following peace officers: Detective Law	vrence Mowery
directed in said Search Warrant. Entrance v	vas obtained by:
The person(s) found in said place were:	
The person(s) found in said place were:	
The person(s) found in said place were:	
The person(s) found in said place were:	vas obtained by:
The person(s) found in said place were:	
The person(s) found in said place were: The property found and taken and the loc as follows:	cation within or upon said place and/or person(s) are
The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	cation within or upon said place and/or person(s) are
The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	cation within or upon said place and/or person(s) are
The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	cation within or upon said place and/or person(s) are

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

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A copy hereof was given to the followi	ng named person(s) on the	day o
, 20	;	
A copy hereof was left on this date in a	conspicuous place in the place searched, the	here being n
DATED this <u>30</u> day of	<u>November</u> , 20 <u>22</u> .	
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	Tym 10 - V	
WITNESS	PEACE OFFICER	
WITNESS	PEACE OFFICER	
	PEACE OFFICER	day o
The undersigned person(s) hereby ack	PEACE OFFICER	day o
		day o
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## RECEIPT AND INVENTORY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

AT&T Attn: Global Legal Demands Center 11760 US Highway 1, Suite 600 North Palm Beach, FL 33408 Case No. CR29-

SEARCH WARRANT

#### MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Detective Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe there are for records and information associated with certain cellular towers ("cell towers") and records generated by the cellular network that are in the possession, custody, and/or control of AT&T, hereafter "the Service Provider," a cellular service provider; and data is in possession of the Service Provider and that the data may contain of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m. (Pacific Standard Time) including the following:

A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR) location information during the following listed dates, times and geographical boundaries (distance from GPS points):

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SEARCH WARRANT

# REDACTED

GPS Coordinates: Date: November 13, 2022

Distance from Location: 0.50 miles Time: 3:00 a.m. – 5:00 a.m. (PST)

- B. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
  - i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), International Mobile Equipment Identities ("IMEI"), and the make and model of the device;
  - ii. the starting and ending date/time of the connection along with the duration;
  - iii. for each communication with the network the tower and the "sector(s)" (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
  - iv. the service type for the communication;
  - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- C. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

AT&T Attn: Global Legal Demands Center 11760 US Highway 1, Suite 600

SEARCH WARRANT

North Palm Beach, FL 33408

You are therefore commanded to search the above-described premises for the property

described above, to seize it if found and bring it promptly before the court above named. This

warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime or

nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between

6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, AT&T IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

AT&T SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at 9:22 р .m.

<u>Megan (Marshall</u> Magistrate Judge

Filed: 02/28/2023 08:53:11 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

Megan E. Marshall

Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713

Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 8, 2023, or further order of the Court, whichever occurs first.

SO ORDERED

12/9/220 Hiozan. Megunemasha

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this ______ day of December, 2022.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application For a Search Warrant for:

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:30 o'clock a.m., this 8th day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/08/2022</u> (Date)

eace Officer



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/19/22, I obtained an amended search warrant for Bank of America;
- (4) The warrant was served on 11/21/2022, by email and FedEx(fax, email, etc);
- (5) On 12/06//22, I received an e-mail from Bank of America which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/08/2022</u> (Date)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

## IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Case No. _____

Bank of America

800 Samoset Drive

Newark, DE 19713

RECEIPT AND INVENTORY OF WARRANT

On the <u>21st</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>12:00</u> o'clock <u>A</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>Fedex and</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for Ethan Chapin	
Financial Records for Maddie Mogen	
Financial Records for Xana Kernodle	
Financial Records for Kaylee Goncalves	

RECEIPT AND INVENTORY

PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	
Financial Records for	
	<u> </u>
	<u> </u>
	_
	X
	<u></u>

RECEIPT AND INVENTORY

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PAGE 2_OF _3_PAGES

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person(s) present during sai	id search:			
DATED this <u>8th</u>	_ day of	December	, 20 <u>22_</u> .	
			An	
		PEACE	FE 'Y	
WITNESS		PEACE	FICER	
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RECEIPT AND INVENTORY

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/9/22 0 11:04 am

Mashall

Megan E. Marshal Magistrate Judge

DEPUTY

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713 Case No.

WARRANT

SEARCH

MPD Case No. 22-M09903

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical



SEARCH WARRANT

recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;
  - Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account:

usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;

- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS

AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 19th _ day of November, 2022, at 6:35 p .m.

Megan (Marshall Magistrate Judge

SEARCH WARRANT

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 2, 2023.

SO ORDERED this 12/2/22 C 3:41 pm

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12522

TONYA DODGE Latah County Clerk of the Court

uty Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Bank of America Attn: Legal Order Processing 800 Samoset Drive Newark, DE 19713 Case No.

#### MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 19th day of November, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Michael Douglas on the 21st day of November, 2022, by Fedex. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this <u>MU</u> day of December, 2022.

ASI Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 08:51:38 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

Banner Bank ATTN Legal Department 802 W Riverside Ste 300 Spokane WA 99201 **ORDER** TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2272023

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Megan E. Marshall Magistrate Judge

DEPUT

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Banner Bank ATTN Legal Department 802 W Riverside Ste 300 Spokane WA 99201

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 8, 2023, or further order of the Court, whichever occurs first.

1

SO ORDERED 12/71/22 0 4:34 pm

proball

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

DEC 7 2022 AN11:48 CLRK OF DIST CT. LATA

DEP

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Banner Bank ATTN Legal Department 802 W Riverside Ste 300 Spokane WA 99201 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>UM</u> day of December, 2022.

hung

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Dec 7 2022 PM4:42 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Banner Bank Attn: Legal Department 802 W Riverside, Ste 300 Spokane, WA 99201 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>915</u> o'clock a.m., this <u>7th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/07/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/22, I obtained a search warrant for Banner Bank;
- (4) The warrant was served on 11/28/2022 by email (fax, email, etc);
- (5) On 12/1//2022, I received an e-mail from Banner Bank which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/07/2022</u> (Date)

gnature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
Banner Bank	RECEIPT AND
802 W Riverside; Ste 300	INVENTORY OF WARRANT
Spokane, WA 99201	
On the 28 day of <u>November</u>	, 20 <u>22</u> , at approximately <u>1:21</u> o'clock <u>H</u>
	rence Mowery
served the Search Warrant heretofore issued	upon the place and/or person(s) described therei
	vas obtained by:
uncered in said Search Waltant. Enhance w	
The person(s) found in said place were:	>
The person(o) round in blad place (lore)	<u> </u>
The property found and taken and the loc	
• •	ation within or upon said place and/or person(s)
as follows:	ation within or upon said place and/or person(s)
as follows: DESCRIPTION OF PROPERTY	ation within or upon said place and/or person(s) LOCATION/PERSON
DESCRIPTION OF PROPERTY	
DESCRIPTION OF PROPERTY Financial records for Ethan Chapin	ation within or upon said place and/or person(s)
DESCRIPTION OF PROPERTY <u>Financial records for Ethan Chapin</u> <u>Financial records for Maddie Mogen</u>	

RECEIPT AND INVENTORY

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PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial records for	
Financial records for	
Financial records for	
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	· · · · · · · · · · · · · · · · · · ·
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was	given to the follow	ing named person(s) on th	e	day
	, 20	;		
			· · · ·	
A copy hereof was	left on this date in	a conspicuous place in the	place searched, the	re being
person(s) present duri				
DATED this7	/ day of	December	, 20 <u>22_</u> .	
		<u>_</u>		
		LCN	~ 162	
WITNESS		PEACE OFFIC	CER	
The undersigned p	person(s) hereby ac	mowledge receiving a cop	y hereof on this	day
		.20 :		
		, <u> </u>		
	<u> </u>			
<u></u>				
	****			

## RECEIPT AND INVENTORY

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dec 7 2022 pm4:42 Clrk of dist ct. Lata

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Banner Bank Attn: Legal Department 802 W Riverside, Ste 300 Spokane, WA 99201 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 0 4:35 pm.

ashall Megan E. Mar

Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Case No.

**Banner Bank** ATTN Legal Department 802 W Riverside Ste 300

Spokane WA 99201

MPD Case No. 22-M09903

SEARCH WARRANT

#### TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or



SEARCH WARRANT

format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
- •
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to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;

- Evidence of cash transactions and identifying information of individuals conducting cash transactions;
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Banner Bank ATTN Legal Department 802 W Riverside Ste 300 Spokane WA 99201 Ph: 509-434-3868

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, BANNER BANK IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

BANNER BANK SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:56 ø .m.

Megan (Marshall Magistrate Judge

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Filed: 02/28/2023 15:11:21 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2282023

epinemashall Megan E Marshall

Megan E Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

**ORDER SEALING SEARCH** 

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103

WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 150 day of December, 2022. [1:54 an <u>Magistrate Judge</u>

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 44 day of December, 2022.

NIN ao

Sr. Deputy Prosecuting Attorney

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103 Case No. CR29-

)

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>9:00</u> o'clock a.m., this 14th day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

REDACTED <u>*Feace Officer*</u> 12/14/2022 (Date)

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/19/22, I obtained a search warrant for Block (Cashapp);
- (4) The warrant was served on 11/19/2022, by email (fax, email, etc);
- (5) On 11/20/22, I received an e-mail from Block (Cashapp) which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/14/22

(Signature)

1

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

## IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Case No. _____

Block, Inc. (formerly known as Square, Inc.)

1455 Market St Suite 600

San Francisco, CA 94103

RECEIPT AND INVENTORY OF WARRANT

On the <u>19th</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>9:52</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Records for Ethan Chapin	
Records for Maddie Mogen	
Records for Xana Kernodle	
Records for Kaylee Goncalves	

**RECEIPT AND INVENTORY** 

PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Records for	
Records for	
Records for 2	<u> </u>
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was given	n to the following r	named person(s) or	the	day
	, 20	;		
A copy hereof was left o	on this date in a con	spicuous place in t	he place searched,	there being
person(s) present during sai	id search:			
DATED this <u>14th</u>	_day of	December	, 20 <u>22_</u> .	
			n 162	
	<u> </u>	TE.		
WITNESS		PEACE OF	FICER	
The undersigned persor	n(s) hereby acknow	ledge receiving a c	copy hereof on this	day
	, 20	;		

## RECEIPT AND INVENTORY

PAGE_2_OF_3_PAGES

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Block, Inc. (formerly known as Square, Inc.)) Attn: Compliance Department ) 1455 Market St Suite 600 ) San Francisco, CA 94103 ) Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/22 11:56 am.

Unappell Megan E. Marshall

Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical

1

REDACTED

SEARCH WARRANT

recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- .

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;
  - Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account:

usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;

- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St. Suite 600 San Francisco, CA 94103

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN <u>7</u> DAYS OF ISSUANCE, AND IS

3

AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 19th ____ day of November, 2022, at 6:47 р .m.

Megan (Marshall Magistrate Judge

SEARCH WARRANT

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103 Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 3, 2023.

SO ORDERED this 12/22 C 3:42 pm

Magistrat

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/5/20

TONYA DODGE Latah County Clerk of the Court

Bv

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Block, Inc. (formerly known as Square, Inc.) Attn: Compliance Department 1455 Market St Suite 600 San Francisco, CA 94103 Case No.

## MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 19th day of November, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on the 19th day of November, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this <u>Md</u> day of December, 2022.

Sr. Deputy Prosocuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 08:54:45 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Blue Ridge Knives Inc Attn Legal Department 314 Lee Hwy Marion VA 24354

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A), the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 227 2023

mashall Marshall

Magistrate Judge

DEPU

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

ORDER SEALING SEARCH

Blue Ridge Knives Inc Attn Legal Department 314 Lee Hwy Marion VA 24354

WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 22, 2023, or further order of the Court, whichever occurs first.

1

SO ORDERED 12/23/22 0 2:4

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

CASE NO.

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Blue Ridge Knives Inc Attn Legal Department 314 Lee Hwy Marion VA 24354

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this <u>M</u> day of December, 2022.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATON

EP3

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Blue Ridge Knives Inc. ATTN Legal Department 314 Lee Hwy Marion, VA 24354 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/23/22 2:440 PM

Megan E. Marshall Magistrate Judge

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE

Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Blue Ridge Knives Inc. ATTN Legal Department 314 Lee Hwy Marion, VA 24354 Case No. CR29-

## RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>12:00</u> o'clock p.m., this <u>22nd</u> day of ecember, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/22/2022</u> (Date)



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On December 12, 2022, I obtained a search warrant for Blue Ridge Knives;
- (4) The warrant was served on December 13, 2022, by email (fax, email, etc);
- (5) On 12/16/22, I received an e-mail from Blue Ridge Knives which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.
  FURTHER your Affiant sayeth not.

Lawrence Mowery Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/22/22</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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THE APPLICATION	
FOR A SEARCH WARRANT FOR	
Blue Ridge Knives Inc.	RECEIPT AND
314 Lee Hwy	INVENTORY OF WARRANT
Marion, VA 24354	
On the 13th day of December	<u>, 2022</u> , at approximately <u>7:54</u> o'clock <u>A</u> .
the following peace officers: Detective Lawr	ence Mowery
The person(s) found in said place were:	
The person(s) found in said place were: _	
The property found and taken and the loca	
The property found and taken and the loca as follows:	
The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY	tion within or upon said place and/or person(s) a
The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY Ka-Bar KA1217S	tion within or upon said place and/or person(s) a
	tion within or upon said place and/or person(s) as

**RECEIPT AND INVENTORY** 

PAGE_1_OF _2_PAGES

This Receipt and Inventory was made i	the presence of:		<del></del>
A conv hereof was given to the followi	named narron(a) on	tha	dov
A copy hereof was given to the followi		uie	uay
, 20,	_;		
A copy hereof was left on this date in a	onspicuous place in th	e place searched, t	there being
erson(s) present during said search:			
DATED this <u>22</u> day of	December	, 20 <u>22_</u> .	
		~ 167	
	75	~ 167	
VITNESS /	PEACE OFF	ICER	
The undersigned person(s) hereby ack	wledge receiving a co	py hereof on this	day
	·		
· · · · · · · · · · · · · · · · · · ·			

# RECEIPT AND INVENTORY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Blue Ridge Knives Inc ATTN Legal Department 314 Lee Hwy Marion VA 24354 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of records and documents related to the investigation of the homicides committed on November 13, 2022 at 1122 King Road in Moscow, Idaho, that are in the possession or control of Blue Ridge Knives Inc. related to the sales of the following items for the period of January 1, 2022 to present:

- Ka-Bar KA1217S, USMC Fighting Knife Sheath;
- Known purchases and quantities of Blue Ridge Knives from Ka-Bar include:

- On or about 03/08/2022 the purchase of 360 units
- On or about 06/24/2022 the purchase of 480 units

Sales information should include description of items purchased, names and addresses to which the purchased items were sold to or mailed to, payment method/payment history, correspondence to and from purchaser, as well as any and all other records Blue Ridge Knives Inc retains regarding these sales.

Located in or upon the following described premises:

Blue Ridge Knives Inc **ATTN Legal Department** 314 Lee Hwy Marion VA 24354 Ph: 276-783-6143

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT** PURPOSE, BLUE RIDGE KNIVES INC. IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

BLUE RIDGE KNIVES INC. SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this <u>12th</u> day of December, 2022, at 

<u>Megan Marshall</u> Magistrate Judge

Filed: 02/28/2023 15:15:48 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Charter Communications Inc., 12405 Powerscourt Dr. St. Louis, MO 63131

Latah County, Idaho MPDCase No. 22-M09903 Case No. CR29-22-2805 ORDER TO SEAL AND REDACT

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 228/2023

al mashall Megan E. Marshall

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Charter Communications Inc., 12405 Powerscourt Dr. St. Louis, MO 63131 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 1st day of November, 2022. C 1:28 pM

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Charter Communications Inc., 12405 Powerscourt Dr. St. Louis, MO 63131 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPDCase No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS 3. Disclose the identity of a confidential source; and

4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this  $\mathcal{W}^{\mathsf{W}}$  day of November, 2022.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for: Charter Communications, Inc. 12405 Powerscourt Dr. St. Louis, MO 63131

Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 0 1:28 py

gripe mashall

Megan E. Marshall Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE

Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Charter Communications, Inc 12405 Powerscourt Dr. St. Louis, MO 63131 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this <u>30th</u> day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

30/22

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1)That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2)Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 21, 2022, I obtained a search warrant for Charter Communications, Inc;
- (4) The warrant was served on November 21, 2022, by email (fax, email, etc);
- On 11/22/22, I received an e-mail from Charter Communications, Inc. which (5) contained the requested information;
- (6) An inventory was prepared for all the items received; and
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

11/30/22

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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

# IN THE MATTER OF<br/>THE APPLICATION<br/>FOR A SEARCH WARRANT FOR Case No. ______ Charter Communications, Inc. RECEIPT AND<br/>INVENTORY OF WARRANT 12405 Powerscourt Dr NOVEMber 5t. Louis, MO 63131 Receipt and states of the search warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: ______

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

Router

LOCATION/PERSON

**RECEIPT AND INVENTORY** 

PAGE 1 OF 2 PAGES

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A copy hereof was given	to the following n	amed person(s) o	n the	day c
	, 20;			
A copy hereof was left or	n this date in a cons	spicuous place in	the place searched, the searched is the search	here being i
erson(s) present during said	l search: _			
DATED this <u>30</u>	day of <u>1</u>	November	, 20 <u>.22</u> .	
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RECEIPT AND INVENTORY

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PAGE 2 OF 2 PAGES

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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

In the Matter of the Application for a Search Warrant for:

Charter Communications, Inc Legal Response Operations Center 12405 Powerscourt Dr. St.Louis, MO 63131 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of information related to a crime(s) of homicide committed at 1122 King Road in Moscow, Idaho, for all data associated with the Spectrum Wireless Router with Serial Number and MAC i, and Spectrum Cable Modem with MAC and Serial Number between September 14, 2022 through November 14, 2022 located in or upon the following described premises: REDACTED Charter Communications, Inc Legal Response Operations Center 12405 Powerscourt Dr. St.Louis, MO 63131 314-394-9702

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 6:00 р .m.

Magan Marshall Magistrate Judge

Filed: 02/28/2023 08:57:11 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 227 2023

Machall

Megan E. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Email: Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 1512 day of December, 2022. 012:03 PM

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Magistrate Julge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

# REDACTED

_kk uf dist ct. late Ise no. _____ deputy By ______ deputy

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Email: Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

REDACTED

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this _____ day of December, 2022.

ASHLEY S. JENNINGS V Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE

Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Discover Bank/Discover Financial 2500 Lake Cook Rd Riverwoods, IL 60015 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this <u>14th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 28, 2022, I obtained a search warrant for Discover;
- (4) The warrant was served on November 28, 2022, by email (fax, email, etc);
- (5) On 12/09/22, I received an e-mail from Discover which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.
  FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

## IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Case No.

Discover Bank/Discover Financial

2500 Lake Cook Rd

Riverwoods IL 60015

RECEIPT AND INVENTORY OF WARRANT

On the <u>28</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>12:07</u> o'clock <u>P.M.</u>, the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for Ethan Chapin	
Financial Records for Maddie Mogen	
Financial Records for Xana Kernodle	
Financial Records for Kaylee Goncalves	

**RECEIPT AND INVENTORY** 

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	
Financial Records for	<u> </u>
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RECEIPT AND INVENTORY

PAGE 3 OF 3 PAGES

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A copy hereof	was given to the follow	wing named person(s)	) on the	day o
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				' <u></u> '
A copy hereof	was left on this date in	a conspicuous place	in the place searched, t	here being n
person(s) present	during said search:	<u>+</u> <u>+</u>		
DATED this _	<u>14</u> day of	December	, 20 <u>22_</u> .	
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dec 15 2022 PM5:00 CLRX of Dist Ct. Latah Case ND.

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Discover Bank/Discover Financial 2500 Lake Cook Rd Riverwoods, IL 60015 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/22 e 12:03 pm

ear inashall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Email: Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or

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format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin, .
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
- •
- •

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;

- Evidence of cash transactions and identifying information of individuals conducting cash transactions;
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Ph: 224-405-2348 Email:

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, DISCOVER IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

DISCOVER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 28th day of November, 2022, at 2:14 p

Magan (Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Email: Case No.

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPDCase No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 8, 2023.

SO ORDERED this 1219122

# REDACTED

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

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## CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/9/20

TONYA DODGE Latah County Clerk of the Court

By Deputy Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

DEC 8 2022 AM11:22 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Discover Bank/Discover Financial Attn: Customer Records 2500 Lake Cook Rd Riverwoods IL 60015 Email: Case No.

## MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

### MPDCase No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on November 27, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on November 28, 2022, by email. However, as of this date, the information has not been received.

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MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

## REDACTED

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 8th day of December, 2022.

ASH Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 15:17:25 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Dropbox Legal Compliance, 1800 Owens St, Ste. 200 San Francisco, CA 94158

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2 28 2023

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Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Dropbox Legal Compliance, 1800 Owens St, Ste. 200 San Francisco, CA 94158

### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of case CR29-22-2805 or further order of the Court, whichever occurs first.

SO ORDERED this 30 day of February, 2023. C 4.21 PM

Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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FEB 0 2028 AN10-35 OLRK OF DIST CT. LATRA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Dropbox Legal Compliance, 1800 Owens St, Ste. 200 San Francisco, CA 94158 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

#### MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 2rd day of February, 2023.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DEST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Dropbox Legal Compliance	)	
1800 Owens St, Ste. 200	ý	ORDER
San Francisco, CA 94158	ý	
	j	
MPD Case No. 22-M09903	j	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 2/3/2023 c 4:21 pm.

Emashall Megan E. Marshall

Megan H. Marsha Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings

Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for: Dropbox Legal Compliance 1800 Owens St, Ste. 200 San Francisco, CA 94158

:ss.

)

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO )

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 4:00 o'clock p.m., this 2 day of February, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

2/2/2023 (Date)



### AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1)That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On January 25, 2023, I obtained a search warrant for Dropbox;
- (5) The warrant was served on January 30, 2023, via Dropbox Law Enforcement Portal;
- On February 2, 2023, I received an email directing me to a secure download for the (6) requested data;
- I downloaded the data and an inventory was prepared for all the items received; (7)
- A copy of the inventory receipt was emailed to ; and (8)
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

February 2, 2023 (Date)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Case No. _____

Dropbox Legal Compliance

1800 Owens St, Ste. 200

San Francisco, CA 94158

RECEIPT AND INVENTORY OF WARRANT

On the <u>30</u> day of <u>January</u>, 20<u>23</u>, at approximately <u>12:03</u> o'clock <u>p</u>.M., the following peace officers: <u>Det Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>https://dropbox-legal.force.com/</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

. . . .

LOCATION/PERSON

**RECEIPT AND INVENTORY** 

PAGE 1 OF <u>3</u> PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
<u>IMEI</u>	
	_
<u></u>	

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was given to the fo	following named person(s) on the data
	_, 20;
A copy hereof was left on this dat	te in a conspicuous place in the place searched, there bein
person(s) present during said search:	:
DATED this <u>2</u> day of	, 20 <u>23</u> ,
	Det Lawrence Mowery
WITNESS	PEACE OFFICER
	FC 8
The undersigned person(s) hereb	by acknowledge receiving a copy hereof on this data
The undersigned person(s) hereb	

## RECEIPT AND INVENTORY

i

PAGE 3 OF 3 PAGES



### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

)

In the Matter of the Application	
for a Search Warrant for:	

Dropbox Legal Compliance, 1800 Owens St, Ste. 200 San Francisco, CA 94158

MPD Case No. 22-M009903

Case No.

SEARCH WARRANT

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and probable cause to believe property

consists of information related to the investigation of the homicide(s) of Madison Mogen,

Kaylee Goncalves, Xana Kernodle, and/or Ethan Chapin at 1122 King Road, Moscow, Idaho

on the Dropbox account of

with any of the following IDENTIFIERS: Email

address(es)

and/or

and/or

and/or phone number

and/or IMEI

including:

• Subscriber information for the above-described account, including, but not limited to, username, account identification number, first name, last name, aliases or monikers, email address(es), phone number(s), physical and postal address, gender, date of birth or age, hometown, zip code, country, and/or general geographic area, other demographic information, user supplied profile or biographic information such as work and/or education histories, and profile picture(s), symbols or graphics provided

1

SEARCH WARRANT

# REDACTED

by the subscriber to establish or maintain an account or communication channel;

- All device(s) used and otherwise associated with the subscriber's account MEID, IMEI, IMSI, MAC, IFV, AI, UDID, Android Device ID, GSF, including numbers and activation dates;
- Records of all content transmitted to, from and/or stored on the account, including:
  - Communications, including addressing and transmission data, contents, and attached files;
  - Any photographs, videos, documents, or other data files uploaded to or from Dropbox including metadata;
  - Any photographs, videos, documents, or other data files shared with other Dropbox users, including the account information and email address(es) associated with the Dropbox account the photographs, videos, documents, or data filed shared with;
  - Published files and data, such as webpages and any component content;
  - All records and data relating to web browsing or searching, including browser type, operating systems, search terms used to find or access websites or content, website browsing history, and the dates, times and duration of such searching or browsing;
  - Contact lists, including all names, emails and contact information for all personal contained in the list;
  - Files and data tending to show who has possession dominion and control over the account;
  - All records pertaining to communications between Dropbox and any person regarding the user of the user's Dropbox account, including contacts with support services and records of actions taken;
- All stored financial information associated with the above account, including purchases made within the application/social media company, dates and times of all transactions, amounts and items purchases, credit or debit card numbers, issuing financial institution information, account holder information, billing address(es), and shipping address(es), if applicable;
- All other devices, computers, laptop computers, tablets, mobile devices, cellular phones, and wearable computers or accessories used to access the above account;
- IP logs and records of the IP addresses that logged into the account;
- Length of service to the account, including type(s) of service used, records of the date, amount, source and method of any payments to maintain the account including, any credit card or bank account number(s);
- Additional Dropbox accounts that were registered to the email address and/or phone number(s) utilized to establish the account;
- All other location data collected whether derived from internet service provider information (ISP), operating system (OS) software, HTTP cookie and tracking cookie information, Global Positioning System (GPS) data, ad Wi-Fi location (Geo-tagging);

located in or upon the following described premises:

Dropbox, Inc. Dropbox Legal Compliance 1800 Owens Street, Ste. 200 San Francisco, CA 94158

Dropbox, Inc. should disclose responsive data by sending it to the below address or

via email to the address below:

Detective Lawrence Mowery Moscow Police Department 118 East 4th Street Moscow, ID 83843 208-883-7062 Fax: 208-882-4020 Email:

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), AND UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, DROPBOX IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

DROPBOX SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 25th day of January, 2023, at 10:20 a .m.

Megan Marshall Megan E. Marshall

Magistrate Judge

SEARCH WARRANT

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Filed: 02/28/2023 15:20:49 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

eBay Inc., ATTN Legal Department ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2128/2023

Emperall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

eBay Inc., Attn: Legal Department Email: Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 12 day of November, 2022. Q 1:25 pM

1

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

## REDACTED

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

eBay Inc., Attn: Legal Department Email: Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

ł

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

## REDACTED

3. Disclose the identity of a confidential source; and

4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u></u> day of November, 2022.

ASHL Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEP

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)
for a Search Warrant for:	)
eBay Inc.,	)
Attn: Legal Department	ý
Email:	ý
	)
MPD Case No. 22-M09903	)

Case No.

ORDER

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional



prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 p. 1:25 pM

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Megan E. Marshall Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: eBay Inc., Attn: Legal Department Email:

)

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss.

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this 30th day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

11/35/22 (Date)

- 162

REDACTED

### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 28, 2022, I obtained a search warrant for eBay;
- (4) The warrant was served on November 28, 2022, by email (fax, email, etc);
- (5) On 11/29/22, I received an e-mail from eBay which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department. FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

 $\frac{11/3_0/22}{(Date)}$ 

m 162

(Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
eBay Inc.,	RECEIPT AND
Attn: Legal Department	INVENTORY OF WARRANT
Email:	
On the 28 day of November	, 20 <u>22</u> , at approximately <u>3:58</u> o'clock <u>r</u>
	wrence Mowery
the following peace officers. <u>Detective Bay</u>	
and the Sauth Warrent Lands from income	4
served the Search Warrant heretofore issued	d upon the place and/or person(s) described there
directed in said Search Warrant. Entrance	was obtained by:
directed in said Search Warrant. Entrance	was obtained by:
directed in said Search Warrant. Entrance	was obtained by:
	was obtained by:
	was obtained by:
The person(s) found in said place were:	
The person(s) found in said place were:	
The person(s) found in said place were: The property found and taken and the lo	
The person(s) found in said place were: The property found and taken and the lo as follows:	ocation within or upon said place and/or person(s)
The person(s) found in said place were: The property found and taken and the lo as follows:	ocation within or upon said place and/or person(s)
The person(s) found in said place were: The property found and taken and the lo as follows:	ocation within or upon said place and/or person(s)
The person(s) found in said place were: The property found and taken and the lo as follows:	cation within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
	<u> </u>
	<u> </u>
	-
<u>,</u> ,	
· · · · · · · · · · · · · · · · · · ·	

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

·····				
A copy hereof was given to the f	ollowing nan	ned person(s) o	on the	day of
	_, 20;			
, <u>, , , , , , , , , , , , , , , ,</u>			·	
A same han a firms loft on this de	to in a comm		the place second ad	there hains no
A copy hereof was left on this da	-	icuous place in	t the place searched,	unere being no
erson(s) present during said search	• _			
DATED this <u>30</u> day of	Nz	wember	20.22	
DATED IIIs day or			, 20 <u>22 _</u> .	
		4	m 162	
WITNESS		PEACE O	FFICER	<u> </u>
		I LACL O		
			1 0 41	
The undersigned person(s) here			a copy hereof on this	s day of
	, 20	_:		
· · · · · · · · · · · · · · · · · · ·				

## RECEIPT AND INVENTORY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

eBay Inc ATTN Legal Department Ph: 801-545-1385 Email: Submit via https://le.corp.ebay.com Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe that the property

referred to and sought in or upon said premises consists of information for the crime(s) of homicide

in the possession or control of EBAY related to the sales made to the following users from January

1, 2022 to present, for the following items:

1. Ka-Bar KA1217S, USMC Fighting Knife Sheath

2. Ka-Bar Full Size USMC Straight Edge Knife



for information regarding the following eBay UserIDs:

िराज्यांत्रत्व निकामत्रस्	্রি র হার্ল নির্দ্রান্ট/ি আগভার্মন্ত	Ourinity Pachesal	
US	AZ	2	
US	ID	1	
US	PA	1	
US	WA	1	
US	ОН	1	
US	W	1	
US	NY	1	
JP	Saitamaken	1	
US	ТХ	1	
US	ОН	1	
US	WA	1	
us 🔶	AZ	1	

The records and documents shall include but are not limited to:

- Account information for the above-named eBay UserIDs subscriber information to include: contact information, billing information, account opening date, account closing date, and any other information retained in connection with the identified accounts;
- Order details and purchase history for all transactions conducted by the abovenamed eBay UserIDs or any eBay affiliated storefront/webstore, including IP address information for purchases made, shipping addresses, and issuing bank card used;
- Payment information for payments made (or facilitated by) eBay to or from the abovenamed UserIDs including payments through eBay or eBay supported platforms;
- All customer interaction records between eBay and the above-named individuals/entities and their representatives to include call notes, call recordings, emails and/or written correspondence;

located in or upon the following described premises,

eBay Inc ATTN Legal Department Ph: 801-545-1385 Email:

### Submit via https://le.corp.ebay.com

## INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

### Electronic Records

Electronically stored records shall be produced in electronic form and shall include those records held (1) in your record retention systems; and/or (2) by your technology, data, or other service provider(s).

### Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a data file: (1) using delimited ASCII text data format; or (2) within software that can export without loss of data to a non-proprietary file format; or (3) using commonly readable file format set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

### Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique identifier.

### Encryption/Authentication

3

Electronically stored records may be transmitted in an encrypted container. Decryption

keys shall be produced separately at the time the data are produced. Authentication, such as hash

coding, may be set by agreement.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, EBAY IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

EBAY SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 28th day of November, 2022, at 4:26 P m.

Filed: 02/28/2023 15:19:25 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

eBay Inc., ATTN Legal Department Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2 S12073

Jimpishall Megan E. Marshall

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

eBay Inc., ATTN Legal Department Ph: 801-545-1385 Email: Submit via https://le.corp.ebay.com

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 27, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this __29th day of November, 2022.

*Magan (⁻Marshall* Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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## REDACTED

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

eBay Inc., ATTN Legal Department Ph: 801-545-1385 Email: Submit via https://le.corp.ebay.com

Latah County, Idaho MPD Case No. 22-M09903 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

# REDACTED

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this **28th** day of November, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for:

eBay Inc., ATTN Legal Department Ph: 801-545-1385 Email: Submit via <u>https://le.corp.ebay.com</u> Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>22</u> o'clock p.m., this <u>28th</u> day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

25/22

162

Peace Officer

REDACTED

#### **AFFIDAVIT OF LAWRENCE MOWERY**

#### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- Affidavit has been a trained and qualified peace office for Twelve (12) years; (2)
- (3) On November 26, 2022, I obtained a search warrant for eBay;
- (4) The warrant was served on November 26, 2022, by email (fax, email, etc);
- On 11/28/22, I received an e-mail from eBay which contained the requested (5) information;
- An inventory was prepared for all the items received; and (6)
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

li vr/m

<u>Cm (62</u> ature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
eBay Inc.,	RECEIPT AND
ATTN Legal Department	INVENTORY OF WARRANT
Submit via https://le.corp.ebay.com	
On the <u>26st</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>7:07</u> o'clock <u>P</u> .M.,
the following peace officers:	
served the Search Warrant heretofore issued	upon the place and/or person(s) described therein as
directed in said Search Warrant. Entrance wa	as obtained by:
The person(s) found in said place were: _	
The property found and taken and the loca as follows:	ation within or upon said place and/or person(s) are
DESCRIPTION OF PROPERTY	LOCATION/PERSON
ASIN 404016324938 DATA	
ASIN 384887534661 DAT,	

**RECEIPT AND INVENTORY** 

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PAGE OF 2 PAGES

A copy hereof was giv	en to the following named person(s) on	a the day of
	, 20;	
		· · · · · · · ·
A copy hereof was left	on this date in a conspicuous place in t	he place searched, there being n
	aid search: <u>EMAIL</u>	
erson(s) present during .		
DATED this 28	_ day of MOVEMBER	, 20 22,
	× A	G-162
VITNESS		
The undersigned ners	on(s) hereby acknowledge receiving a c	conv hereof on this day of
······	; 20:	

# RECEIPT AND INVENTORY

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	Ĵ	·
	)	
eBay Inc.,	) ·	ORDER
ATTN Legal Department	)	
Ph: 801-545-1385	)	
Email:	ý	
Submit via https://le.corp.ebay.com	ý	
	)	
MPD Case No. 22-M09903	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other

# REDACTED

appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 11/29/22

Megan Marshall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

eBay Inc ATTN Legal Department Ph: 801-545-1385 Email: Submit via https://le.corp.ebay.com Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of information for the crime(s) of homicide in the possession or control of EBAY related to the sales of the following items for the period of January 1, 2022 to present:

- 1. ASIN 404016324938, Ka-Bar Full Size US Marine Corps Fighting Knife
- 2. ASIN 384887534661, Ka-Bar 1217S, Leather Sheath, USMC Logo

# **REDACTED**

The records and documents shall include but are not limited to:

- Account information for the above-named individuals/entities on eBay or affiliated websites including but not limited to: contact information, billing information, account opening date, account closing date, and any other information retained in connection with the identified accounts;
- Order details and purchase history for all transactions conducted by the above-named individuals/entities on eBay or any eBay affiliated storefront/webstore, including IP address information for purchases made;
- Payment information for payments made (or facilitated by) eBay to or from the abovenamed individuals/entities including payments through eBay or eBay supported platforms;
- All customer interaction records between eBay and the above-named individuals/entities and their representatives to include call notes, call recordings, emails and/or written correspondence;

located in or upon the following described premises,

eBay Inc ATTN Legal Department Ph: 801-545-1385 Email: <u>1</u> Submit via https://le.corp.ebay.com

## INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

#### Electronic Records

Electronically stored records shall be produced in electronic form and shall include those

records held (1) in your record retention systems; and/or (2) by your technology, data, or other

service provider(s).

# Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a

data file: (1) using delimited ASCII text data format; or (2) within software that can export

without loss of data to a non-proprietary file format; or (3) using commonly readable file format

set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

#### Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique identifier.

#### Encryption/Authentication

Electronically stored records may be transmitted in an encrypted container. Decryption

keys shall be produced separately at the time the data are produced. Authentication, such as hash

coding, may be set by agreement.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN <u>7</u> DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, EBAY IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

EBAY SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

3

nchall Magistrate udge

Filed: 02/28/2023 09:00:49 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Idaho Central Credit Union Attn Deposit Services 4400 Central Way Chubbuck, ID 83202

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

ncmushall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Idaho Central Credit Union Attn Deposit Services 4400 Central Way Chubbuck, ID 83202 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 7, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/12/22 2:24 pu mashall Magistrate Judge

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Idaho Central Credit Union Attn Deposit Services 4400 Central Way Chubbuck, ID 83202 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

# MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

**RESPECTFULLY SUBMITTED this**  $\frac{\pi}{2022}$  day of December, 2022.

ASHLEY

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Idaho Central Credit Union Attn Deposit Services 4400 Central Way Chubbuck, ID 83202 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock p.m., this <u>5th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/05/2022 (Date)



**RETURN OF SEARCH WARRANT** 

## AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/22, I obtained a search warrant for Idaho Central Credit Union;
- (4) The warrant was served on 11/28/22 by email (fax, email, etc);
- (5) On 11/30/22, I received an e-mail from Idaho Central Credit Union which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No		
Idaho Central Credit Union	RECEIPT AND		
	INVENTORY OF WARRANT		
4400 Central Way Chubbuck, ID 83202			
	<u>, 2022</u> , at approximately <u>11:44</u> o'clock <u>_</u>		
the following peace officers: Detective Law	rence Mowery		
directed in said Search Warrant. Entrance w	upon the place and/or person(s) described there was obtained by:		
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by:		
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by:		
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows:	vas obtained by:		
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	vas obtained by:		
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY <u>Financial Records for Ethan Chapin</u>	vas obtained by:		

**RECEIPT AND INVENTORY** 

PAGE 1_ OF _3_PAGES

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DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	
Financial Records for	<u> </u>
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RECEIPT AND INVENTORY

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PAGE 2 OF 3 PAGES

A conv hereof was given to th	he following named person(s) on thed
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	· · · _ · _ · _ · _ · _
	a data in a construction of the state of the
	s date in a conspicuous place in the place searched, there bei
person(s) present during said sear	arch:
	of December 20.22
DATED tims <u> </u>	of <u>December</u> , 20 <u>22</u> .
	01, 2022. Zen 162
WITNESS	PEACE OFFICER
The undersigned person(s) he	ereby acknowledge receiving a copy hereof on this d
-	
<u></u>	, 20

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for:

Idaho Central Credit Union Attn Deposit Services 4400 Central Way Cubbuck, ID 83202 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/12/22 0 2:24 pm.

tin hall Megan E. Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Idaho Central Credit Union ATTN Deposit Services 4400 Central Way Chubbuck ID 83202 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or



format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin, ¹
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
- •
- •

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;

- Evidence of cash transactions and identifying information of individuals conducting cash transactions;
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Idaho Central Credit Union (ICCU) ATTN Deposit Services 4400 Central Way Chubbuck ID 83202 Ph: 208-478-3300

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, ICCU IS** ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

ICCU SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 **DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:48 p .m.

<u>Megan Marshall</u> Magistrate Judge

Filed: 02/28/2023 09:02:47 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Idaho Department of Labor Attn: Kevin Wauhob 219 West Main Street Boise, ID 83735

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

Scharball

Megan E. Marshall Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for

Idaho Department of Labor Attn: Kevin Wauhob 219 West Main Street Boise, ID 83735 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M0903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 3, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/2/22 p 9:54 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

CLRK OF DIST CT. LATAH

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Idaho Department of Labor Attn: Kevin Wauhob 219 West Main Street Boise, ID 83735 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M0903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>s</u> day of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 2613 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Idaho Department of Labor Attn: Kevin Wauhob 219 West Main St Boise, ID 83735 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD	Case	No.	22-N	<b>A</b> 0	9903

STATE OF IDAHO ) :ss. County of Latah )

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at  $\cancel{1:00}$  o'clock  $\cancel{P}$  .m., this  $\cancel{I}$  day of  $\cancel{December}$ , 2022

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

eace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO )

:ss.

)

County of Latah

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/22, I obtained an amended search warrant for Idaho Department of Labor;
- (4) The warrant was served on 11/29/2022, by email (fax, email, etc);
- (5) On 11/30/22, I received an e-mail from Idaho Department of Labor which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Case No. _____

Idaho Department of Labor

Attn: Kevin Wauhob

219 West Main Street, Boise, ID 83735

#### RECEIPT AND INVENTORY OF WARRANT

On the <u>29th</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>231</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: _____

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for Ethan Chapin	
Financial Records for Maddie Mogen	
Financial Records for Xana Kernodle	
Financial Records for Kaylee Goncalves	

**RECEIPT AND INVENTORY** 

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	
Financial Records for	$\rightarrow$
·····	
<u> </u>	
	X
	$\rightarrow$

RECEIPT AND INVENTORY

PAGE 2_OF 3_PAGES

			· · · · · · · · · · · · · · · · · · ·	<u></u>
A copy hereof was given to the follow	ving named _J	person(s) on	the	day of
, 20	<u>    ;          ;                     </u>			
· ·				· _ · · · · · · · · · · · · · · · · · ·
A copy hereof was left on this date in a	a conspicuo	us place in th	ne place search	ned, there being no
erson(s) present during said search:				
DATED this day of	Decem	iber	_, 20 <u>22 </u> .	
			in 1	
		70	-m 1	62
VITNESS	]	PE <b>AC</b> E OFF	FICER	
The undersigned person(s) hereby acl	knowledge r	receiving a c	opy hereof on	this day of
	<u>,</u> 20:			

# RECEIPT AND INVENTORY

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON **PROSECUTING ATTORNEY** Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 **ISB No.2613** paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

No.

In the Matter of the Application	)	Case No
for a Search Warrant for:	ý	
	)	
Idaho Department of Labor	)	
Attn: Kevin Wauhog	)	ORDER
219 West Main Street	)	
Boise, Idaho 83735	)	
	)	
MPD Case No. 22-M09903	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein:

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other

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appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/22 0 9:54 am.

Imabhall

Megan E. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Idaho Department of Labor Attn: Kevin Wauhob 219 West Main St Boise ID 83735 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video



and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
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- ٠
- •
- •

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Idaho Department of Labor (IDOL) Attn: Kevin Wauhob 219 West Main St Boise ID 83735 YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, IDOL IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

IDOL SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 28th day of November, 2022, at 8:54 P .m.

Filed: 02/28/2023 09:04:45 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Spokane, WA 99216

Numerica Credit Union 14610 E Sprague

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

equin Unaichall

Megan E. Marshall Magistrate Judge

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Numerica Credit Union 14610 E Sprague Spokane, WA 99216 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

1

SO ORDERED 12/2/22 p 9:50 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

DEC 2 2022 AM8:30 CLRK OF DIST CT.: LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Numerica Credit Union 14610 E Sprague Spokane, WA 99216 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 1st day of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 2 2022 AM10:27 CLRK DF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Numerica Credit Union 14610 E Sprague Spokane, WA 99216 Case No. CR29-

## **RETURN OF SEARCH WARRANT**

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 4:00 o'clock p.m., this 5t day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/01/2022 (Date)

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/22, I obtained a search warrant for Numerica Credit Union ;
- (4) The warrant was served on 11/28/2022, by email (fax, email, etc);
- (5) On 11/29/22, I received an e-mail from Numerica Credit Union which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Moweru

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/1/22

En 162

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No	
Numerica Credit Union	RECEIPT AND	
14610 E Sprague	INVENTORY OF WARRANT	
Spokane, WA 99216		
On the <u>28th</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>11:48</u> o'clock <u>a</u> .M.,	
the following peace officers: <u>Detective Law</u>	vrence Mowery	
directed in said Search Warrant. Entrance w	l upon the place and/or person(s) described therein as vas obtained by:	
	cation within or upon said place and/or person(s) are	
as follows:		
DESCRIPTION OF PROPERTY	LOCATION/PERSON	
Financial Records for Ethan Chapin		
Financial Records for Maddie Mogen		
Financial Records for Xana Kernodle		
Financial Records for Kaylee Goncalves		

RECEIPT AND INVENTORY

PAGE_1_OF_3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON	
Financial Records for		
Financial Records for	<u>x</u>	
Fiancial Records for		
<u> </u>		

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

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A copy hereof was given t	to the follow	ing named pers	on(s) on the		day c
·······	, 20 <u>_</u>	;			
$\mathbf{\Sigma}$					
A copy hereof was left on	this date in a	conspicuous p	lace in the place	e searched, the	re being
person(s) present during said	search:				<u>`</u>
DATED this <u>1st</u> d	ay of	December	, 202	<u>22</u> .	
			fem		
			FCm	162	
WITNESS		PEA	CE OFFICER		
The undersigned person(s	s) hereby ack	nowledge rece	iving a copy her	reof on this	day
		,20:			
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## RECEIPT AND INVENTORY

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PAGE 3_OF 3_PAGES

CLRK OF DIST CT. LATA CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Numerica Credit Union 14610 E Sprague Spokane WA, 99216 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/22 Q 9:50 am

Madall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Numerica Credit Union Attn: Legal Department 14610 E Sprague Spokane WA 99216 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video



SEARCH WARRANT

and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
- •

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to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Numerica Credit Union Attn: Legal Department 14610 E Sprague Spokane WA 99216 Phone: 509-535-7613

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, NUMERICA CREDIT UNION IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

NUMERICA CREDIT UNION SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:46 .m.

Magan (Marshall Magistrate Judge

Filed: 02/28/2023 09:06:40 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

Emashall Megan E. Marshall

Magistrate Judge

DEC 15 2022 PM5:02 CLRK OF DIST CT. LATAH

DEPUTY

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 12/15/22 p 12:00 pm

Magistrate Julige

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully. moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 14th day of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE **ASHLEY S. JENNINGS** SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application For a Search Warrant for:

Potlatch No 1 Financial Credit Union (P1FCU) Attn: Legal Department 1015 Warner Ave Lewiston, ID 83501

Case No. CR29-

**RETURN OF** SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock a.m., this 14th day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.



Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/22, I obtained a search warrant for P1FCU;
- (4) The warrant was served on 11/28/2022, by FedEx (fax, email, etc);
- (5) On 12/9/22, I received an mail from P1FCU which contained the requested **SB De. J** information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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IN THE MATTER OF	Case No
THE APPLICATION	
FOR A SEARCH WARRANT FOR	
P1FCU	RECEIPT AND
1015 Warner Ave	INVENTORY OF WARRANT
Lewiston, ID 83501	

On the <u>28</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>12:00</u> o'clock <u>A</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>FedEx</u>_____

•

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

-

**RECEIPT AND INVENTORY** 

PAGE 1_OF _3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial records for	
Financial records for	
Financial records for	<u> </u>
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

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<	
A copy hereof was given to the follow	wing named person(s) on the day of
	20;
A copy hereof was left on this date in	a conspicuous place in the place searched, there being i
person(s) present during said search:	
DATED this <u>14</u> day of	<u>December</u> , 20 <u>22</u> .
	JEn 162
	- FEN (62
VITNESS	PEACE OFFICER
The undersigned person(s) hereby ac	cknowledge receiving a copy hereof on this day of
The undersigned person(s) hereby ac	

## RECEIPT AND INVENTORY

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE **ASHLEY S. JENNINGS** SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case
for a Search Warrant for:	)	
	)	
Potlatch No1 Financial Credit Union (	P1FCU))	
Attn: Legal Department	)	ORD
1015 Warner Ave	)	
Lewiston, ID 83501	)	
	)	

No.

)ER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/22 p 12:04 pm.

on Emashall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or



SEARCH WARRANT

format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
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- ٠

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;

- Evidence of cash transactions and identifying information of individuals conducting cash transactions;
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, P1FCU IS** ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

P1FCU SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 **DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:33 р

<u>Megan (Marshall</u> Magistrate Judge

DEFU

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900 Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 8, 2023.

SO ORDERED this 12/9/22____

Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/9/22

TONYA DODGE Latah County Clerk of the Court

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ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Potlatch No1 Financial Credit Union (P1FCU) ATTN Legal Department 1015 Warner Ave Lewiston ID 83501 Ph: 208-746-8900 Case No.

# MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on November 27, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery November 28, 2022, by FedEx.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this  $\frac{M}{2}$  day of December, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 02/28/2023 09:08:56 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

gnin chashall Megan E. Marshall

Megan' E. Marshall Magistrate Judge

DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 6, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/5/220 4:15

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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DEC 5 2022 PM1:05 CLRK OF DIST CT. LATA

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

**RESPECTFULLY SUBMITTED this**  $\underline{\mathcal{D}}^{\mathsf{M}}$  day of December, 2022.

Sr. Deputy Prosecuting Attorney

dec 5 2022 PM4:32 CLRK of dist ct. lata

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Umpqua Bank	)	ORDER
Attn: Legal Order Processing	)	
280 S Capital Blvd	)	
Boise, Idaho 83702	)	
	)	
MPD Case No. 22-M09903	j	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/5/22 e 4:15 pm.

Shall [arshall

Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE **ASHLEY S. JENNINGS** SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702

Case No. CR29-

**RETURN OF** SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 1000 o'clock A.m., this 5 day of Picin Ber, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/5/22 REDACTED

FEM 162

### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/19/22, I obtained a search warrant for Umpqua;
- (4) The warrant was served on 11/21/2022 and 11/22/2022, by FedEx and email (fax, email, etc);
- (5) On 11/23/22, I received an e-mail from Umpqua which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

<u>FEn (62</u> (Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Umpqua Bank

280 S Capitol Blvd

Boise, ID 83702

Case No.

RECEIPT AND INVENTORY OF WARRANT

On the <u>22</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>1:21</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>FedEx and Email:</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial records for Ethan Chapin	
Financial records for Maddie Mogen	
Financial records for Xana Kernodle	
Financial records for Kaylee Goncalves	

**RECEIPT AND INVENTORY** 

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial records for .	
Financial records for	
Financial records for	
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RECEIPT AND INVENTORY

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PAGE_2_OF_3_PAGES

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A copy hereof was given to the following	named person(s) on the day of
, 20	
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	nspicuous place in the place searched, there being n
person(s) present during said search:	
DATED this 4 day of	, 20 <u>22</u> ,
	JEn 182
	PEACE OFFICER
WITNESS	PEACE OFFICER
	wledge receiving a copy hereof on this day o
, 20	<u>ا</u> :

# RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Case No.

SEARCH WARRANT

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video



SEARCH WARRANT

and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen, 1
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;
  - Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;

- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account:
- usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

المحاجب والمرجود المركز كما المحاج والمح

Umpqua Bank Attn: Legal Order Processing 280 S Capitol Blvd Boise ID 83702

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the

SEARCH WARRANT

property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 19th day of November, 2022, at 6:50 p__.m.

Megan Marshall Magistrate Judge

· ... SEARCH WARRANT 1. 1. 1. T. T. 4

Filed: 02/28/2023 09:10:50 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 2 27 2023

memashall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

10

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until April 5, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this <u>45</u> day of January, 2023. CU-17 PM

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Wells Fargo 877 W. Main St. Ste. 100

Boise, ID 83702

Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $\underline{4M}$  day of January, 2023.

TFN

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK DF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application For a Search Warrant for:

Wells Fargo 877 W Main St. Ste. 100 Boise, ID 83702 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock p.m., this 4th day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>01/04/2023</u> (Date)

in 162

REDACTED

**RETURN OF SEARCH WARRANT** 

# AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/28/2022, I obtained a search warrant for Wells Fargo;
- (4) The warrant was served on 11/28/22, by FedEx and email (fax, email, etc);
- (5) On 12/30/2022, I received an e-mail from Wells Fargo which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Latah County Sheriff's Department/Moscow Police Department/Idaho State Police.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

01/04/2023 (Date)

1

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
Wells Fargo	RECEIPT AND
877 W. Main St. Ste. 100	INVENTORY OF WARRANT
Boise, ID 83702	
On the <u>28th</u> day of <u>November</u>	, 20 <u>22</u> , at approximately o'clock
the following peace officers: Detective Law	rence Mowery
served the Search Warrant heretofore issued directed in said Search Warrant. Entrance w	
directed in said Search Warrant. Entrance w	upon the place and/or person(s) described therein yas obtained by: <u>FedEx</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>FedEx</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>FedEx</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>FedEx</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows:	ation within or upon said place and/or person(s)
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	ation within or upon said place and/or person(s)
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY <u>Financial Records for Ethan Chapin</u>	ation within or upon said place and/or person(s)

RECEIPT AND INVENTORY

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PAGE_1_OF_3_PAGES

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DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	
Financial Records for	~

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was given	to the following	named person(s	) on the	day of
	, 20	_;		
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	<b>A</b> are,			
A copy hereof was left on	this date in a co	nspicuous place	in the place searched,	, there being no
person(s) present during said	search:	<u></u>		
		_		
DATED this d	lay of	January		
		_	Lan 142	
			- Con IVE	
WITNESS		PEACE	OFFICER	
WITNESS		PEACE	OFFICER	Χ
	s) hereby acknow		OFFICER	
The undersigned person(		wledge receiving	OFFICER	
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The undersigned person(		wledge receiving	OFFICER	
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# RECEIPT AND INVENTORY

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PAGE<u>3</u> OF <u>3</u> PAGES

JAN 5 2023 AM7:18 CLRK OF DIST CT. LATA CASE NO

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1423 p U:17 PM.

nashall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video

# REDACTED

SEARCH WARRANT

and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- •
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to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;
- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702 Phone: 208-519-3300 Fax: 208-393-2466

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time) and with the following directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, WELLS** FARGO IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF ONE (1) YEAR OR UNTIL FURTHER ORDER OF THE COURT.

WELLS FARGO SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 27th day of November, 2022, at 2:51 .m.

Magan Marshall Magistrate Judge

DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

# ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 8, 2023.

SO ORDERED this 1219122.

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

## CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 129/22

TONYA DODGE Latah County Clerk of the Court

R

Deputy Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No.

# MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Wells Fargo 877 W. Main St. Ste. 100 Boise, ID 83702

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on November 27, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on November 28, 2022, by FedEx. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this day of December, 2022.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/01/2023 14:50:24 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,

V.

Plaintiff,

Case No. CR29-22-2805

ORDER TO REDACT AND UNSEAL

BRYAN C. KOHBERGER,

Defendant.

On January 27, 2023, this matter came before the court for a status hearing. The hearing was held via Zoom. Ashley Jennings appeared on behalf of the State of Idaho. Mr. Kohberger appeared in custody with his attorney, Anne Taylor.

Having weighed the interests in privacy and public disclosure, the court finds it prudent to unseal the records related to the status hearing on January 27, 2023 with redactions, including certain individuals' names, because the disclosure of this information might threaten or endanger the life or safety of said individuals. I.C.A.R. 32(i)(2)(D). Therefore, after due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the records related to the status hearing on January 27, 2023 be redacted and unsealed.

Dated: 3/1/2023

marshall

Magistrate Judge

Filed: 01/27/2023 15:42:22 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Oliphant, Jennifer

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT

Title of Action	State of Idaho vs. Bryan C. Kohberger	Judge: Megan E. Marshall
Type of Hearing	Minute Entry	Clerk: Jennifer Oliphant
Attorney for Plf.	Ashley Jennings	Recording: Z: 01/2023-01-27
Attorney for Def.	Anne Taylor	Case No. CR29-22-2805
Others Present	Bryan Kohberger	Date: January 27, 2023
		Time: 12:47 PM

#### OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Court noted the presence of counsel and the defendant and stated that the defendant is still in custody. Court noted that all parties were appearing via Zoom.

Court stated that this is the time set for the Status Conference. Court stated that this is a sealed recording of the proceeding, and the minutes will be sealed in the Court file. Court stated that the purpose of this hearing is to ensure the defendant is fully advised of his right to counsel and any potential conflict Ms. Taylor may have. Court further stated that the Court recently met with Ms. Jennings and Ms. Taylor, and it was determined that it would be prudent to have this hearing.

Court stated that Ms. Taylor is the appointed public defender for Kootenai County, and that Ms. Taylor's name is on nearly all letterhead for the Kootenai County Public Defender's Office, whether she is the acting attorney or not.

Court explained to the defendant that a conflict of interest can arise if counsel currently or previously represents an individual, or if there is some other conflict such that they would need to withdraw. Court stated that this Court generally leaves the issue of conflict and the decision if it is necessary to withdraw to each attorney on a case by case basis, and to allow counsel time to discuss this decision with the individual they are representing. Court stated that based upon discussion with counsel this morning it is the Court's understanding that the defendant is in agreement with Ms. Taylor continuing to represent him, and further stated that it is the Court's understanding that Ms. Taylor does not believe there is a conflict. The defendant stated that this is correct.

12:51 PM Ms. Taylor stated that her name appears on every document in the public defender's office, but below her name is the individual who actually represents the named individual in the case. Ms. Taylor stated the specific issue with the media has brought attention to

Jennifer Oliphant Court Minutes Page 1 are two cases involving Xana Kernodle's mother, Ms. Kernodle; Ms. Taylor stated that there was an open felony case that she was not assigned to and the case has since been conflicted out.

Ms. Taylor further stated that there was a 2017 Misdemeanor case, which was sentenced, and her office was waiting to withdraw from. Ms. Taylor stated that the public defender who represented Ms. Kernodle in that matter was who left the PD's office in September or October. Ms. Taylor stated that her practice is to transfer all cases that are pending withdrawal or have a bench warrant issued to her. Ms. Taylor stated that the 2017 case was assigned to her on October 20, and from October 20 until the date she withdrew Ms. Taylor stated that she had no contact or relationship with Ms. Kernodle, and has not met her or provided any legal advise. Ms. Taylor stated that most of what the media is reporting on regarding the Kootenai County cases is untrue.

Ms. Taylor stated that she has spoken with Bill Thompson and Ashley Jennings, and explained the above situation to them. Ms. Taylor stated that she has spoken with . at the ISB Bar Counsel's Office, who conferred with . and and all three do not believe that there is a conflict, so long as the defendant is comfortable with her remaining on as counsel. Ms. Taylor stated that there is no other person that she is connected to in this case, and stated that Mr. Kohberger is the only individual in this case to whom she owes a duty of advocacy and loyalty.

12:54 PM Upon inquiry from the Court, Ms. Jennings stated that this is her understanding as well.

Court questioned the defendant. The defendant stated that given the information he has heard and the conversations he has had with Ms. Taylor he feels comfortable proceeding with her as counsel.

12:55 PM Court advised the defendant of his right to have an attorney, and if he believes there is a conflict the Court can find and appoint different counsel. The defendant stated that he understood. Court questioned the defendant. The defendant stated that it is his wish to proceed with Ms. Taylor as counsel.

12:56 PM Court stated that there is a lot of speculation surrounding this case, and has spoken with the attorneys regarding staying focused on the facts. Court appreciates this issue being brought to the Court's attention, and stated that this information appropriately covers any concerns.

Court recessed at 1:05 PM.

Jennifer Oliphant Court Minutes Page 2

Filed: 03/07/2023 14:01:21 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Case No. CR29-22-2805

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

1. The Affidavit in Support of Search Warrant and the Amended Affidavit in Support of Search Warrant be SEALED.

2. The Search Warrant, Amended Search Warrant and Receipt and Inventory be REDACTED.

3. This order will remain in effect until further order of the court.

Dated: 31-7 2023

Megan H. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 Email: Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 8, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this <u>9</u> day of December, 2022. C 11:03 am

Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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# REDACTED

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 Email: MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS



- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $\underline{\mathcal{S}^{M}}_{}$  day of December, 2022.

ASHLEY S. PENNINGS V Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application For a Search Warrant for:

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock a.m., this 9th day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

<u>12/08/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 12/6/22, I obtained a search warrant for DoorDash;
- (4) The warrant was served on 12/6/22, by email (fax, email, etc);
- (5) On 12/7/2022, I received an e-mail from DoorDash which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Latah County Sheriff's Department/Moscow Police Department/Idaho State Police.

FURTHER your Affiant sayeth not.

LAWKENCE MOWENT

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/08/2022</u> (Date)

Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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H WARRANT FOR	Case No		
	RECEIPT AND		
th floor	INVENTORY OF WARRANT		
A 94103			
	, 20 <u>22_</u> , at approximately <u>3:35</u> o'clock <u>P</u> .N		
ce officers: <u>Detective Lawre</u>	nce Mowery		
found in said place were:			
found and taken and the locat	ion within or upon said place and/or person(s) as		
	LOCATION/PERSON		
OF PROPERTY			
found and taken and the locat	ion within or upon said place and/or p		

RECEIPT AND INVENTORY

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PAGE_1_OF_2_PAGES

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	_, 20;				
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A copy hereof was left on this da	te in a consnicuou	s place in the r	lace search	ed, there bein	1g na
person(s) present during said search					0
erson(s) present during said search	• · <u> </u>				
DATED this8 day of _	Decemb	er,	20 <u>22</u> .		
		75	<u></u>	162	
WITNESS	<u>_</u>	EACE OFFIC	ER		
The undersigned person(s) here	y acknowledge re	ceiving a copy	hereof on	this d	ay of
					<u> </u>
			<u></u>		

# RECEIPT AND INVENTORY

DEC 9 2022 AM11:19 CLRK OF DIST CT. LATA

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application ) for a Search Warrant for: ) DoorDash Inc. ) ATTN Legal Department ) 901 Market St ) 6th Floor ) San Francisco CA 94103 ) Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/9/22 e 11:03 am.

Legunt Mashall

Megan È. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 Email: Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe that the property

referred to and sought in or upon said premises consists of information related to the investigation of

the November 13, 2022, homicides that occurred at 1122 King Road in Moscow, Idaho, to include:

- all information in your possession or control related to sales, deliveries, purchases, and/or transactions made to 1122 King Road, Moscow, Idaho 83843 for the period of January 1, 2022 to present, to include:
  - o date and time of sales;
  - o date and time of deliveries;
  - o purchases and/or transactions;
  - o name and identification of the driver;
  - a full description of the vehicles used;
  - o any and all communications between drivers and the purchasers;

REDACTED



located in or upon the following described premises, located in Latah County, State of Idaho:

DoorDash Inc. ATTN Legal Department 901 Market St 6th Floor San Francisco CA 94103 Email: 1

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 6th day of December, 2022, at 3:14 p .m.

<u>Magan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 13:59:00 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Extreme Networks 6480 Via Del Oro San Jose, CA 95119

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Unushall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Extreme Networks 6480 Via Del Oro San Jose, CA 95119

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of CR29-22-2805, or further order of the Court, whichever occurs first.

SO ORDERED this 25 Daday of January, 2023. CU: 42 pM.

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Extreme Networks 6480 Via Del Oro San Jose, CA 95119 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 24 day of January, 2023.

**ASHLE** Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRX OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE

Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Extreme Networks 6480 Via Del Oro San Jose, CA 95119

)

Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss.

County of Latah

I, Lawrence Mowery, do certify the warrant was served via email by Det Neil Uhrig of the Post Falls Police Department, and the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 2 o'clock p.m., this 25 day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

<u>1/25/2023</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On December 12, 2022, I obtained a search warrant for Extreme Networks;
- (5) The warrant was served on December 12, 2022, via email
- (6) On December 14, 2022, I received an email from Det Neil Uhrig of the Post Falls
   Police Department stating he received the data to unlock the laptop;
- (7) Det Uhrig completed a forensic download of the data on the laptop;
- (8) A copy of the inventory receipt was emailed to
  - and
- (9) The data from the laptop was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>1/25/2023</u> (Date) AFFIDAVIT

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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

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Case No.

Extreme Networks

6480 Via Del Oro

San Jose, CA 95119

RECEIPT AND INVENTORY OF WARRANT

On the <u>12</u> day of <u>December</u>, 20<u>22</u>, at approximately <u>1519</u> o'clock <u>P</u>.M., the following peace officers: <u>Det Lawrence Mowery and Det Neil Uhrig (Post Falls Police Dept)</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>email</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Decrypted access to the following computer:	
EXTREME NETWORKS, SERVICE TAG:	

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
	<u> </u>
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was give	ven to the follow	ving named person	n(s) on the	day of
	, 20	i		
A copy hereof was let	ft on this date in	a conspicuous pla	ce in the place searched,	there being no
person(s) present during				
DATED this <u>25</u>	day of	January	, 20 <u>23_</u> .	
	<u> </u>	Det L	awrence Mowery - 162	
WITNESS		PEAC	CEOFFICER	
			AC8	
The undersigned per	son(s) hereby ac	knowledge receiv	ing a copy hereof on this	s day of
		<mark>_,</mark> 20:		
				······································

# RECEIPT AND INVENTORY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Extreme Networks 6480 Via Del Oro San Jose, CA 95119 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/25/2023 0 4:41 pm.

nempshall

Megan E. Marshal Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:	
Extreme Networks	
6480 Via Del Oro	
San Jose, CA 95119	
MDD Case No. 22 M00003	

Case No. CR29-

SEARCH WARRANT

WIPD Case NO. 22-WIU

#### ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN TO: ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and probable cause to believe property

consisting of there is probable cause to believe that the property referred to and sought in or

upon said premises consists of information related to the investigation of homicides that

occurred at 1122 King Road in Moscow, Idaho including:

REDACTED

Decrypted access to the following computer: EXTREME NETWORKS, SERVICE :, registered TAG: in the name of KAYLEE GONCALVES;

located in or upon the following premises:

Extreme Networks 6480 Via Del Oro San Jose, CA 95119

SEARCH WARRANT

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and to bring it promptly before the Court above named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 ____ DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), AND UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****EXTREME NETWORK SHALL DISCLOSE THE DESCRIBED** PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 12th day of December, 2022, at 11:23 р .m.

Megan Marshall Magistrate Judge

DEPUT

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

Extreme Networks 6480 Via Del Oro San Jose, CA 95119

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 22, 2023.

SO ORDERED this 12/23/22

all0

Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843 □ Mailed
 □ E-filed & Served / E-mailed
 □ Faxed
 ☑ Hand Delivered

Dated 12 23 22

TONYA DODGE Latah County Clerk of the Court

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search

Extreme Networks 6480 Via Del Oro San Jose, CA 95119 Case No.

#### MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 12th day of December, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on the 12th day of December, 2022, by email. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this Multary of December, 2022.

**i**S

Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:05:56 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805 ORDER TO SEAL AND REDACT

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Mashall

Megan'E. Marshall Magistrate Judge

DEPUTY

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 21, 2023, or further order of the Court, whichever occurs first.

so ordered 12/23/22 e. 2:42 pm ...

Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this Mulday of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### LATAH COUNTY PROSECUTOR'S OFFICE

Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 Case No. CR29-

# **RETURN OF SEARCH WARRANT**

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at <u>9:00</u> o'clock a.m., this <u>22nd</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/22/2022 (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On December 4, 2022, I obtained a search warrant for Google;
- (4) The warrant was served on December 5, 2022, by email (fax, email, etc);
- (5) On December 19, 2022, I received an e-mail from Google which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/22/2022</u> (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION	
FOR A SEARCH WARRANT FOR	
Google LLC and/or Google Payment Corp.	RECEIPT AND
1600 Amphitheatre Parkway	INVENTORY OF WARRANT
Mountainview, CA 94043	
R.	
On the <u>5th</u> day of <u>December</u>	, 20 <u>22_</u> , at approximately <u>4:46</u> o'clock <u>P</u> .N
the following peace officers: Detective Law	rence Mowery
directed in said Search Warrant. Entrance v	
directed in said Search Warrant. Entrance v	l upon the place and/or person(s) described therein vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were:	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were:	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were: The property found and taken and the log as follows:	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were: The property found and taken and the log	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were: The property found and taken and the log as follows:	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were: The property found and taken and the log as follows:	vas obtained by:
directed in said Search Warrant. Entrance v The person(s) found in said place were: The property found and taken and the log as follows:	vas obtained by:

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

A copy hereof was given to the follo	owing named person(s) on the d	ay of
, 2	20;	
>		
A copy hereof was left on this date in	n a conspicuous place in the place searched, there be	ng ne
person(s) present during said search:		
DATED this <u>22</u> day of	December, 20 <u>22</u> .	
	7En 162	
WITNESS	PEACE OFFICER	
	acknowledge receiving a copy hereof on this o	lay o
		lay o
The undersigned person(s) hereby a		lay o
The undersigned person(s) hereby a		lay o
The undersigned person(s) hereby a		lay o
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RECEIPT AND INVENTORY

PAGE 2_OF 2_PAGES

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case
for a Search Warrant for:	)	
	)	
Google LLC and/or Google Payment Corp.	)	ORD
1600 Amphitheatre Parkway	)	
Mountainview, CA 94043	)	
	)	
	× 1	

No.

DER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/23/22 e 2:42 pu

almabhall Megan E. Marshall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043

MPD Case No. 22-M09903

Case No. CR29-

SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime of homicide on the Google account of Kaylee Goncalves with the email address ("Account") from August 1, 2022 to November 19, 2022, for all business records and subscriber information, in any form kept, pertaining to

the Account, including:

- a. Names (including subscriber names, user names, and screen names);
- b. Addresses (including mailing addresses, residential addresses, business addresses, and email addresses, including alternate and recovery email addresses);

SEARCH WARRANT



- c. Telephone numbers, including SMS recovery and alternate sign-in numbers;
- d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions, including log-in IP addresses;
- e. Telephone or instrument numbers or other subscriber numbers or identities, including any temporarily assigned network address, SMS recovery numbers, Google Voice numbers, and alternate sign-in numbers
- f. Length of service (including start date and creation IP) and types of service utilized;
- g. Means and source of payment (including any credit card or bank account number); and
- h. Change history;
- i. The contents of all emails associated with the account, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;
- j. All records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and
- k. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken;

located at the following premises:

Google 1600 Amphitheatre Parkway Mountain View, CA 94043

and operates the publicly accessible website https://plus.google.com.

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, GOOGLE IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

GOOGLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this ______ day of December, 2022, at 11:59 .m.

<u>Megan (Marshall</u> Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 Case No.

# ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 20, 2023.

SO ORDERED this 12/20/220 2:33 pm

shall Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

## CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843 □ Mailed
 □ E-filed & Served / E-mailed
 □ Faxed
 ☑ Hand Delivered

# Dated 12 20 22

TONYA DODGE Latah County Clerk of the Court

B

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 Case No.

## MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 5th day of December, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on the 5th day of December, 2022, by email. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

1

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this _____ day of December, 2022.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:03:40 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805 ORDER TO SEAL AND REDACT

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

12 marshall

Megan E. Marshall Magistrate Judge



## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until April 5, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 4 day of January, 2023. O U-19 PM

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Machall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

JAN 4 2023 PM4:37 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountainview, CA 94043 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $_44^{+4}$  day of January, 2023.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Google LLC 1600 Amphitheatre Parkway Mountainview, CA 94043

:ss.

)

Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO )

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

1/4/2023 (Date)



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic
   Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On January 3, 2023, I obtained a search warrant for data associated with the Gmail account of
- (4) The warrant was served on January 3, 2023, by logging into the Google Law Enforcement Portal;
- (5) On January 4, 2023, I received an e-mail from Google instructing me to login and download the data obtained pursuant the warrant;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery - 162

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>1/4/2023</u> (Date)

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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

THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
Google LLC	RECEIPT AND
1600 Amphitheatre Parkway	INVENTORY OF WARRANT
Mountainview, CA 94043	
On the <u>3</u> day of <u>January</u>	, 20 <u>23</u> , at approximately <u>1517</u> o'clock <u>P</u> .
the following peace officers: <u>Det Lawrence</u>	e Mowery
directed in said Search Warrant. Entrance	
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by: _i
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by: _i
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by: _i
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by: <u>}</u>
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by: 1
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	ocation within or upon said place and/or person(s) a
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by: <u>}</u>

RECEIPT AND INVENTORY

PAGE_1_OF _3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON

RECEIPT AND INVENTORY

PAGE_2_OF_3_PAGES

			· · · · · · · · · · · · · · · · · · ·	
A copy hereof was give		ned person(s) or	n the	day of
A copy hereof was left	on this date in a consu	iouous place in :	the place searched t	here being no
person(s) present during sa				
DATED this4	_day ofJ	anuary	, 20 <u>23</u> .	
WITNESS		Lawrence I PEACE OF	Mowery FICER	- ng
The undersigned perso			copy hereof on this	day of
	, 20	_:		

# RECEIPT AND INVENTORY

JAN 5 2023 AH7:20 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Google LLC and/or Google Payment Corp.	)	ORDER
1600 Amphitheatre Parkway	)	
Mountainview, CA 94043	)	
	)	
MPD Case No. 22-M09903	_)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/4/23 p. 4:18 pm .

Megan E. Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Google LLC and/or Google Payment Corp.

MPD Case No. 22-M09903

1600 Amphitheatre Parkway Mountainview, CA 94043 Case No. CR29-22-2805

SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the investigations into the crime(s) of homicide at 1122 King Road, Moscow, Idaho on the Google account of Bryan C. Kohberger with any of the following identifiers: email address of ', and/or any Google Account(s) associated with the following telephone numbers and/or , or any Google Account(s) associated with the following International Mobile Equipment Identifier: , for all business records and subscriber information, in any form kept, pertaining to the Account, between January 1, 2021 to December 30, 2022, including:

SEARCH WARRANT

1

# REDACTED

- Google Account subscriber information, as defined in 18 U.S.C. § 2703(c)(2);
- Google Account recent activity logs and connected devices;
- Google email messages (Gmail) including drafts and those in the trash;
- Google Pay- Account information and transactions;
- Calendar- calendar events;
- Contacts people contact files;
- Photos- photos, videos and albums, and associated metadata;
- Drive- documents, spreadsheets, presentations and files, and associated metadata;
- Keep- titles and the notes;
- Hangouts and Chats- messages, including attachments such as photos;
- Location History- location data and deletion records;
- My activity- searches and browsing history, including activity from Web & App Activity, Google Assistant, and Google Home;
- Google Voice- Google Voice information, including Google Voice basic subscriber information, call logs, forwarding number, text messages, and voicemails;
- YouTube- Registration email, channel ID, display name, IP logs, and account registration information;
- Android- records for Android Devices, to include subscriber information, other associated accounts, cellular carrier information, and device/hardware information;
- Google Play- Google Play purchases made and Google Play applications downloaded;

located at the following premises:

Google LLC and/or Google Payment Corp. 1600 Amphitheatre Parkway Mountain View, CA 94043

and operates the publicly accessible website https://plus.google.com.

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>14</u> days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

## **THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, GOOGLE IS ORDERED NOT TO

SEARCH WARRANT

DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

GOOGLE SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 3rd day of January, 2023, at 2:41 <u>p</u>.m;

Megan (. Marshall Magistrate Judge

Filed: 03/07/2023 14:08:42 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Inland Cellular 960 West Pullman Rd Moscow, ID 83843

ORDER TO SEAL AND REDACT

MPD Case No. 22-M0990

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Mashall Megan E. Marshall

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Inland Cellular 960 West Pullman Rd Moscow, ID 83843

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 16, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this <u>19th</u> day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Inland Cellular 960 West Pullman Rd Moscow, ID 83843 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1

- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this 12th day of November, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE MICHAEL G. CAVANAGH DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 7427 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

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## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for: Inland Cellular 960 West Pullman Road Moscow, Idaho 83843 MPD Case No. 22-M09903

Case No. RETURN OF SEARCH WARRANT

STATE OF IDAHO ) :ss. County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>11/17/2022</u> (Date)

# REDACTED

**RETURN OF SEARCH WARRANT** 

#### **AFFIDAVIT OF (OFFICER)**

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On November 16, 2022, I obtained a search warrant for Inland Cellular Tower Records;
- (5) The warrant was served on November 17, 2022, via email to

#### 1 at 1044 hours;

- (6) On November 17, 2022, I received an email containing the requested data;
- (7) A copy of the inventory receipt was emailed to ; ;; and
- (8) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>November 17, 2022</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR Case # 22-M09903 Inland Cell Tower Data	) Case No ) RECEIPT AND ) INVENTORY OF WARRANT )
On the 17 day of November, 2022, a	at approximately 1044 o'clock A.M.,
The following peace officers: Det Lawrence	Mowery
Served the Search Warrant heretofore issue Therein as directed in said Search Warrant. Entr	ed upon the place and/or person(s) described rance was obtained by: Email
The person(s) found in said place were:	
The property found and taken and the location are as follows:	on within or upon said place and/or person(s)
DESCRIPTION OF PROPERTY	LOCATION/PERSON
Data Records associated with	
Inland Tower Data Dump	
RECEIPT AND INVENTORY PAGE	1 OF 2 PAGES

	<u>\</u>
A copy hereof was given to the following ,20 ;	named person(s) on thelay of
<u> </u>	
eing no person(s) present during said search: DATED this <u>17</u> day of <u>Not</u> WITNESS	
The undersigned person(s) hereby acknowle	edge receiving a copy hereof on this day
of ,20 :	<u>~</u>
RECEIPT AND INVENTORY PAGE	2 OF 2 PAGES

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LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.2613 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for: Inland Cellular 960 West Pullman Rd Moscow, Idaho 83843 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED <u>11/19/22 at 7:05 p.m.</u>

Megan Marshall Megan E. Marshall

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for:

Inland Cellular 960 W Pullman Rd Moscow, Latah County, Idaho

MPD Case No. 22-M09903

Case No. CR29-

SEARCH WARRANT

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Detective Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists records and information associated with certain cellular towers ("cell towers") and records generated by the cellular network that are in the possession, custody, and/or control of Inland Cellular, hereafter "the Service Provider," a cellular service provider; this data is in possession of the Service Provider and the data may contain evidence of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m. (Pacific Standard Time) including the following:

A. Search of all records and unique device/user identifiers pertaining to Timing

1

SEARCH WARRANT

# REDACTED

Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR) location information during the following listed dates, times and geographical boundaries (distance from GPS points):

GPS Coordinates: miles Date: November 13, 2022 (PST) Distance from Location: 0.50

Time: 3:00 a.m. – 5:00 a.m.

- B. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
  - i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), International Mobile Equipment Identities ("IMEI"), and the make and model of the device;
  - ii. the starting and ending date/time of the connection along with the duration;
  - for each communication with the network the tower and the "sector(s)" (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
  - iv. the service type for the communication;
  - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- C. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

SEARCH WARRANT

Inland Wireless 960 West Pullman Road Moscow, Idaho 83843

You are therefore commanded to search the above-described premises for the property

described above, to seize it if found and bring it promptly before the court above named. This

warrant shall be executed within 7 days of issuance, and is authorized for daytime

service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00

a.m. and 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, INLAND CELLULAR IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

INLAND CELLULAR SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at 9:24 p .m.

<u>Magan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 14:38:32 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

KA-BAR Knives, Inc. 200 Homer Street Olean, NY 14760

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

Unashall

Megan E. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

KA-BAR Knives, Inc. 200 Homer Street Olean, NY 14760

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 7, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/122 0 4:33 p Magistrate Judge

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

KA-BAR Knives, Inc. 200 Homer Street Olean, NY 14760 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $\underline{\neg} \mathcal{M}$  day of December, 2022.

ASHL Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 7 2022 PM4:40 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 2613 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Ka-Bar Knives, Inc 200 Homer Street Olean, NY 14760 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

:ss.

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STATE OF IDAHO )

County of Latah

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock p.m., this  $5^{\text{th}}$  day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

#### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/29/22, I obtained an amended search warrant for Ka-Bar;
- (4) The warrant was served on 11/29/2022, by email (fax, email, etc);
- (5) On 12/02/22, I received an e-mail from Ka-Bar which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

(Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION FOR A SEARCH WARRANT FOR	
	RECEIPT AND
Ka-Bar Knives Inc.	INVENTORY OF WARRANT
200 Holmer Street	
Olean, NY 14760	
On the <u>29th</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>231</u> o'clock <u>P</u> .
the following peace officers: <u>Detective La</u>	awrence Mowery
directed in said Search Warrant. Entrance	ed upon the place and/or person(s) described therein e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were	e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were	e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were The property found and taken and the l	e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were The property found and taken and the l as follows:	e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were The property found and taken and the l as follows: DESCRIPTION OF PROPERTY	e was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were The property found and taken and the l as follows: DESCRIPTION OF PROPERTY <u>Ka-Bar 1217</u>	e was obtained by:

RECEIPT AND INVENTORY

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PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY

Ka-Bar 9140

Ka-Bar 9169

Ka-Bar 9191

Distribution information regarding Blue Ridge Knives

Distribution information regarding

RECEIPT AND INVENTORY

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PAGE 2 OF 3 PAGES

## LOCATION/PERSON

;
conspicuous place in the place searched, there being no
conspicuous place in the place searched, there being no
conspicuous place in the place searched, there being no
December 2022
December 2022
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December , 2022
December , 20 <u>22</u> . LEN 162
LEn 162
LEN 162
Lettor /
PEACE OFFICER
owledge receiving a copy hereof on this day of
20:

## RECEIPT AND INVENTORY

PAGE_3_OF_3_PAGES

DEC 7 2022 PM4:40 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.2613 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Ka-Bar Knives, Inc 200 Homer Street Olean, NY 14760 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein:

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/7/22 4:33 PL

Emathall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

KA-BAR Knives, Inc. 200 Homer Street Olean, NY 14760 Ph: 800-282-0130 KA-BAR.com Email: Case No.

AMENDED SEARCH

WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of records and documents related to the crime(s) of homicide in the possession or control of KA-BAR Knives, Inc. related to the sales of the following items for the period of January 1, 2022 to present:

- 1. Ka-Bar 1217
- 2. Ka-Bar 1217S



- 3. Ka-Bar 1218
- 4. Ka-Bar 9128
- 5. Ka-Bar 9140
- 6. Ka-Bar 9169
- 7. Ka-Bar 9191
- 8. Distribution information regarding Blue Ridge Knives
- 9. Distribution information regarding
- 10. Distribution information regarding
- 11. Distribution information regarding
- 12. Distribution information regarding
- 13. Distribution information regarding

The records and documents (The terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this subpoena request. Supporting information can be provided to help identify surveillance video/images for some of the transactions.) shall include but are not limited to:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards.
  - Statement Data/Monthly Account Statements.
  - Identification of and name assigned on all Debit Cards on account.

- Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
- Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information.
- Wire transfers in and out including wire transfer instructions and evidence of requestor if possible.
- Evidence of cash transactions and identifying information of individuals conducting cash transactions.
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers.
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session.
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back).
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance.
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities.

located in or upon the following described premises,

KA-BAR Knives, Inc. 200 Homer Street Olean, NY 14760 Ph: 800-282-0130 KA-BAR.com Email:

## INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

#### Electronic Records

Electronically stored records shall be produced in electronic form and shall include those records held (1) in your record retention systems; and/or (2) by your technology, data, or other service provider(s).

#### Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a data file: (1) using delimited ASCII text data format; or (2) within software that can export without loss of data to a non-proprietary file format; or (3) using commonly readable file format set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

#### Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique

identifier.

Encryption/Authentication

Electronically stored records may be transmitted in an encrypted container. Decryption

keys shall be produced separately at the time the data are produced. Authentication, such as hash

coding, may be set by agreement.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT** PURPOSE, KA-BAR IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

KA-BAR SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 29th day of November, 2022, at 1:51 p..m.

Magan (Marshall Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

eBay Inc ATTN Legal Department Ph: 801-545-1385 Email: Submit via https://le.corp.ebay.com Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of records and documents related to the crime(s) of homicide in the possession or control of KA-BAR Knives, Inc. related to the sales of the following items for the period of January 1, 2022 to present:

- 1. Ka-Bar 1217
- 2. Ka-Bar 1217S

# REDACTED

- 3. Ka-Bar 1218
- 4. Ka-Bar 9128
- 5. Ka-Bar 9140
- 6. Ka-Bar 9169
- 7. Ka-Bar 9191
- 8. Distribution information regarding Blue Ridge Knives
- 9. Distribution information regarding
- 10. Distribution information regarding
- 11. Distribution information regarding
- 12. Distribution information regarding
- 13. Distribution information regarding

The records and documents (The terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this subpoena request. Supporting information can be provided to help identify surveillance video/images for some of the transactions.) shall include but are not limited to:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards.
  - Statement Data/Monthly Account Statements.
  - Identification of and name assigned on all Debit Cards on account.
  - Deposits and supporting documentation including but not limited to evidence of

cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.

- Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information.
- Wire transfers in and out including wire transfer instructions and evidence of requestor if possible.
- Evidence of cash transactions and identifying information of individuals conducting cash transactions.
- Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers.
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session.
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back).
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance.
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities.

located in or upon the following described premises,

#### KA-BAR Knives, Inc.

200 Homer Street Olean, NY 14760 Ph: 800-282-0130 KA-BAR.com Email:

#### INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

#### **Electronic Records**

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Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

#### Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique

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keys shall be produced separately at the time the data are produced. Authentication, such as hash

coding, may be set by agreement.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

******THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, KA-BAR IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

KA-BAR SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 28th day of November, 2022, at 6:55 P .m.

Magistrate Judge

Filed: 03/07/2023 14:56:15 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.

3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

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Megan E. Marshall Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 7, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/7/22 4.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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DEC 7 2022 AM11:48 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

**RESPECTFULLY SUBMITTED this**  $\mathcal{M}$  day of December, 2022.

ASHI Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>915</u> o'clock <u>a.m.</u>, this <u>7</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

12/07/2022 (Date)

REDACTED

eace Officer

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/29/22, I obtained a search warrant for Tinder;
- (4) The warrant was served on 11/29/2022 by email (fax, email, etc);
- (5) On 12/05//22, I received an e-mail from Tinder which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/07/2022</u> (Date)

<u>LEn 162</u> (Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

## IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Case No. _____

Match Group, LLC / Tinder Records

8750 N Central Expressway, Suite 1400

Dallas, TX 75231

RECEIPT AND INVENTORY OF WARRANT

On the <u>29</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>1:21</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Kaylee Goncalves	
4818	

**RECEIPT AND INVENTORY** 

PAGE 1 OF 2 PAGES

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named person(s) on the day of
spicuous place in the place searched, there being no
December , 20 <u>22</u> .
<u>December</u> , 20 <u>22</u> .
JEN 102
PEACE OFFICER
TEACE OFFICER
ledge receiving a copy hereof on this day of
:
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]

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## RECEIPT AND INVENTORY

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PAGE 2_OF 2_PAGES

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

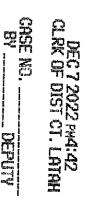
NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/7/22 0 4:30 pm.

Mashall

Megan E. Marshal Magistrate Judge



## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231 Case No. CR29-

SEARCH WARRANT

#### MPD Case No. 22-M09903

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime of homicide on the Tinder account of Kaylee Goncalves with any of the following Identifiers: Kaylee Goncalves, mobile phone number of -4818, email address(es) and/or

generated on or between January 1, 2021 to present; including:

• all personally identifying information and adult oriented personal information associated with the username and retained by the operators of the service including, by way of example and not limitation, biographical data, geographical location, electronic mail (email) address, profile information, primary picture, other private images, pictures, or videos, credit card information, and billing and information;

SEARCH WARRANT

# REDACTED

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- all device identifying information including, by way of example and not limitation, the identifierForVendor number, International Mobile Equipment Identifier (IMEI), and/or Mobile Equipment Identifier;
- all email, and instant message conversations. This shall include the content of all messages and all associated electronic files transmitted including, by way of example and not limitation, images, videos, and audio files;
- all geolocation data, including by way of example but not limitation, cell site location data, Global Positioning System (GPS) data, and Wi-Fi access point data;
- all internet protocol (IP) addresses and attendant information;
- Subscriber information involving accounts registered.
- all communications content and records, data files, deleted files, e-mail, text messages, the content of communications, conversation history, photographs, video, notes, or voicemail related to the account(s). This data will also include attachments, source, and destination addresses, time and date information, images, and any other records;
- Subscriber information, conversation history, photos and videos belonging to account holders communicating with Kaylee Goncalves;

Located at the following premises:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, MATCH/TINDER IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

# MATCH/TINDER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 29th day of November, 2022, at 5:34 P .m. a/a a/a a/a a/a a/a

Magistrate Judge

Filed: 03/07/2023 15:07:40 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

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Megan E. Marshall Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 8, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/9/22 0 10:50 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this gth day of December, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 92022 AM11:17 CLRK OF DIST CT. LATA

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application For a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>915</u> o'clock <u>a.m.</u>, this <u>8</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

<u>12/08/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic
   Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 12/6/22, I obtained a search warrant for Tinder;
- (4) The warrant was served on 12/6/2022 by email (fax, email, etc);
- (5) On 12/07//22, I received an e-mail from Tinder which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/08/2022</u> (Date)

Fen 162 Signature)

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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

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
Match Group, LLC / Tinder Records 8750 N Central Expressway, Suite 1400	RECEIPT AND INVENTORY OF WARRANT
Dallas, TX 75231	
On the <u>6</u> day of <u>December</u> the following peace officers: <u>Detective Law</u>	, 20 <u>22</u> , at approximately <u>3:27</u> o'clock <u>P</u> .M.,
directed in said Search Warrant. Entrance w	d upon the place and/or person(s) described therein as was obtained by:
The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	cation within or upon said place and/or person(s) are LOCATION/PERSON
1224	

RECEIPT AND INVENTORY

PAGE 1_OF _2_PAGES

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A copy hereof was	given to the follow	ving named person(s)	on the	day
	, 20	);		
			L	
		a conspicuous place i		
person(s) present duri	ng said search:			<u> </u>
		Describer	20.22	
DATED this	day of	December	, 20 <u>22</u> .	
		1	8 m (6	2
WITNESS		PEACE C		
	person(s) hereby ac	knowledge receiving	a copy hereof on thi	s da
The undersigned i		0	17	
The undersigned j		. 20 :		
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# RECEIPT AND INVENTORY

DEC 9 2022 AM11:18 CLRK OF DIST CT. LATA

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

)

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/9/22 e 10:510 am.

Megan E. Marshall

Magistrate Judge

DEPU

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231 Case No. CR29-

SEARCH WARRANT

### MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and there is probable cause to believe

that the property referred to and sought in or upon said premises consists of information

related to the investigation of the crime of homicide on the Tinder account of Madison

"Maddie" Mogen with the following IDENTIFIERS:

and/or

phone number -1224; generated on or between January 1, 2021 to present; including:

• all personally identifying information and adult oriented personal information associated with the username and retained by the operators of the service including, by way of example and not limitation, biographical data, geographical location, electronic mail (email) address, profile information, primary picture, other private images, pictures, or videos, credit card information, and billing and information;

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SEARCH WARRANT

# REDACTED

- all device identifying information including, by way of example and not limitation, the identifierForVendor number, International Mobile Equipment Identifier (IMEI), and/or Mobile Equipment Identifier;
- all email, and instant message conversations. This shall include the content of all messages and all associated electronic files transmitted including, by way of example and not limitation, images, videos, and audio files;
- all geolocation data, including by way of example but not limitation, cell site location data, Global Positioning System (GPS) data, and Wi-Fi access point data;
- all internet protocol (IP) addresses and attendant information;
- Subscriber information involving accounts registered.
- all communications content and records, data files, deleted files, e-mail, text messages, the content of communications, conversation history, photographs, video, notes, or voicemail related to the account(s). This data will also include attachments, source, and destination addresses, time and date information, images, and any other records;
- Subscriber information, conversation history, photos and videos belonging to account holders communicating with Madison Mogen;

Located at the following premises:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, MATCH/TINDER IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

#### MATCH/TINDER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 6th day of December, 2022, at p____.m. 3:17

<u>Magan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 15:09:29 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Unpudall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of case CR29-22-2805 or further order of the Court, whichever occurs first.

SO ORDERED this _ 2ND day of February, 2023. C 4:33 PM

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Magistrate Judbe

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>Jud</u> day of February, 2023.

ASHLE Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for: Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400 Dallas, Texas 75231 MPD Case No. 22-M09903

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 1:00 o'clock a.m., this 30th day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

1/30/2023 (Date)

REDACTED

#### AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On December 22, 2022, I obtained a search warrant for Tinder (Match Group);
- (5) The warrant was served on December 22, 2022, via Match Group LE Portal;
- (6) On January 26, 2023, I received an email directing me to a secure download for the requested data;
- (7) On January 30, 2023, I downloaded the data and an inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to ; and
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>January 23, 2023</u> (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
Match Group, LLC (Tinder)	RECEIPT AND
8750 N. Central Expressway, Suite 1400	INVENTORY OF WARRANT
Dallas, Texas 75231	
$\mathcal{P}_{\mathcal{N}}$	
On the <u>22</u> day of <u>December</u>	, 20 <u>22</u> , at approximately <u>1435</u> o'clock <u>P</u> .M.,
the following peace officers: Det. Lawrence	ce Mowery
The person(s) found in said place were	https://www.lert.matchgroup.com/
The property found and taken and the l as follows:	ocation within or upon said place and/or person(s) are
DESCRIPTION OF PROPERTY	LOCATION/PERSON
· · · · · · · · · · · · · · · · · · ·	
RECEIPT AND INVENTORY	PAGE_1_OF3_PAGES

	<u> </u>
Unique Identifiers	
	<u> </u>

RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

			·	
A copy hereof was	given to the follow	ing named person(s	) on the	day of
	, 20	;		
A copy hereof was	left on this date in a	a conspicuous place	in the place searched,	there being no
person(s) present durin				
	-			
DATED this 30	) day of	January	, 20 <u>23</u>	
		Det. La	wrence Mowery	
WITNESS			OFFICER	1-
			FE'	y
The undersigned n	erson(s) hereby ac	knowledge receivin	g a copy hereof on this	day o
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		_, _0,		
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				<u></u>

# RECEIPT AND INVENTORY

PAGE OF <u>3</u>PAGES

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

2/2/23 @ 4:33 pu. DATED ____

S Megan B

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231 Case No. CR29-

SEARCH WARRANT

#### MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and there is probable cause to believe

that the property referred to and sought in or upon said premises consists of information

related to the investigation of the November 13, 2022 homicides that occurred at 1122 King

Road, in Moscow, Idaho to include:

- All subscriber information between March 1, 2021, through March 31, 2021, including but not limited to biographical data, geographical location, user name, phone number associated, electronic mail (email) address, profile information, primary picture, other private images, pictures, or videos, credit card information, and billing and information for the following UID accounts:
  - 0 0

SEARCH WARRANT



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Located at the following premises:

0

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 14 days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, MATCH/TINDER IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

#### MATCH/TINDER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 22nd day of December, 2022, at 12:49 p.m.

Megan Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

### ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to April 5, 2023.

SO ORDERED this 144/23 C U:18 py

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 1503

TONYA DODGE Latah County Clerk of the Court

B

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

#### MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on December 22, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on December 22, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 4th day of January, 2023.

ASHLE Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:24:05 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3 1 2023

marchall Megan^{*}E. Marshall

Magistrate Judge



# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of case CR29-22-2805 or further order of the Court, whichever occurs first.

SO ORDERED this _ 200 day of February, 2023. 04:32 py

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Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, Texas 75231

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this Maday of February, 2023.

ASHLEY Sr. Deputy Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

)

)

In the Matter of the Application for a Search Warrant for: Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400 Dallas, Texas 75231 MPD Case No. 22-M09903

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 1:00 o'clock a.m., this 30th day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

1/30/2023 (Date)

REDACTED

#### AFFIDAVIT OF DET. LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by the Moscow Police Department in the official position of (1) Detective;
- Affidavit has been a trained and qualified peace office for 12 years; (2)
- I currently work the day shift, 7:00 a.m. to 5:00 p.m.; (3)
- On January 25, 2023, I obtained a search warrant for Tinder (Match Group); (4)
- The warrant was served on January 26, 2023, via Match Group LE Portal; (5)
- On January 26, 2023, I received an email directing me to a secure download for the (6) requested data;
- On January 30, 2023, I downloaded the data and an inventory was prepared for all the (7) items received;
- ind A copy of the inventory receipt was emailed to (8)
- The information received was placed into evidence at Moscow Police Department. (9)

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

January 30, 2023 (Date)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION FOR A SEARCH WARRANT FOR	
Match Group, LLC (Tinder)	RECEIPT AND
8750 N. Central Expressway, Suite 1400	INVENTORY OF WARRANT
Dallas, Texas 75231	
$\mathcal{O}$	
On the <u>26</u> day of <u>January</u>	, 20 <u>23</u> , at approximately <u>0922</u> o'clock <u>a</u> .
	Mowery
Lit C Warnent heretafore inguor	d upon the place and/or person(s) described thereir
directed in said Search Warrant. Entrance v	was obtained by:
The person(s) found in said place were:	
1	×
-	
The property found and taken and the lo	
	ocation within or upon said place and/or person(s)
as follows:	ocation within or upon said place and/or person(s)
as follows:	ocation within or upon said place and/or person(s)
as follows:	ocation within or upon said place and/or person(s)
as follows:	ocation within or upon said place and/or person(s)
as follows:	ocation within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
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· · · · · · · · · · · · · · · · · · ·	
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

A copy hereof was given to the following	named person(s) on the day of
, 20	;
<u> </u>	
A copy hereof was left on this date in a cor	nspicuous place in the place searched, there being no
person(s) present during said search:	
5	
DATED this <u>30</u> day of	January, 20 <u>23</u> .
	Det Lawrence Mowery
WITNESS /	PEACE OFFICER
	Feig
The undersigned person(s) hereby acknow	wledge receiving a copy hereof on this day of
,20	·
	·

## RECEIPT AND INVENTORY

CLRK OF DIST CT. LAIGH

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N Central Expressway, Suite 1400 Dallas, TX 75231 Case No.

ORDER

### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 2/2/2023 e 4:32 py.

marchall **Megan'** E

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231 Case No. CR29-

SEARCH WARRANT

## MPD Case No. 22-M09903

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the investigation of the crime(s) of homicide of Madison Mogen, Kaylee Goncalves, Xana Kernodle, and/or Ethan Chapin at 1122 King Road, Moscow, Idaho on the Tinder account of Bryan Kohberger with any of the following IDENTIFIERS: Email address(es) 1 and/or and/or

; and/or phone number

and/or IMEI

generated on or between June 1, 2022 to present including:

SEARCH WARRANT

1

# REDACTED

- all personally identifying information associated with any associated username and retained by the operators of the service including, by way of example and not limitation, biographical data, geographical location, electronic mail (email) address, profile information, primary picture, other private images, pictures, or videos, credit card information, and billing and information;
- all device identifying information including, by way of example and not limitation, the identifierForVendor number, International Mobile Equipment Identifier (IMEI), and/or Mobile Equipment Identifier;
- all email, and instant message conversations. This shall include the content of all messages and all associated electronic files transmitted including, by way of example and not limitation, images, videos, and audio files;
- all geolocation data, including by way of example but not limitation, cell site location data, Global Positioning System (GPS) data, and Wi-Fi access point data;
- all internet protocol (IP) addresses and attendant information;
- Subscriber information involving accounts registered;
- all communications content and records, data files, deleted files, e-mail, text messages, the content of communications, conversation history, photographs, video, notes, or voicemail related to the account(s). This data will also include attachments, source, and destination addresses, time and date information, images, and any other records;
- Subscriber information, conversation history, photos and videos belonging to account holders communicating with Bryan Kohberger;

located at the following premises:

Match Group, LLC Tinder Records 8750 N. Central Expressway, Suite 1400, Dallas, Texas 75231

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

## **THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, MATCH/TINDER IS ORDERED NOT TO

#### SEARCH WARRANT

DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

MATCH/TINDER SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

____ day of January, 2023, at GIVEN UNDER MY HAND and DATED this 25th 10:18 a .m.

Magan (Marshall Magistrate Judge

Filed: 03/07/2023 15:15:43 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

In what

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 3, 2023, or further order of the Court, whichever occurs first.

1

SO ORDERED 12/2/22 0 9:48 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

DEC 2 2022 AMB:29 LRK OF DIST CT. LATAH

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this 1st day of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Meta Platforms, Inc 1601 Willow Road Menlo Park, CA 94025 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

:ss.

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STATE OF IDAHO )

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock p.m., this 1st day of December,  $\frac{202.2}{2020}$ .

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

Peace Officer



**RETURN OF SEARCH WARRANT** 

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/21/22, I obtained a search warrant for Facebook;
- (4) The warrant was served on 11/21/22, by email (fax, email, etc);
- (5) On 11/30/2022, I received an e-mail from (Facebook, Instagram, cto.) which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Latah County Sheriff's Department/Moscow Police Department/Idaho State Police.

FURTHER your Affiant sayeth not.

wrence Mowern Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Case No. _____

Meta Platforms, Inc.,

1601 Willow Road

Menlo Park, CA 94025

RECEIPT AND INVENTORY OF WARRANT

On the <u>21st</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>6:03</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>LERS Portal</u>

The person(s) found in said place were: _____

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY	LOCATION/PERSON
FB	
INSTAGAAL	

RECEIPT AND INVENTORY

PAGE 1_OF 2_PAGES

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A copy hereof was given			on me	uay (
, , , , , , , , , , , , , , , , ,	, 20_			
A copy hereof was left or	n this date in a	a conspicuous place	in the place searched, the	ere being
person(s) present during said				
p				
DATED this <u>1</u>	day of	December	, 20 <u>22_</u> .	
		T	Em 162	
WITNESS		PEACE	OFFICER	
	(s) hereby ack	knowledge receiving	a copy hereof on this _	day
The undersigned person		20		
		, 20:		
The undersigned person		, 20:		
		, 20:		
		, 20:		
		, 20: 		
		, 20: 		
		, 20:		
		, 20: 		

## RECEIPT AND INVENTORY

PAGE 2_OF 2_PAGES

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Meta Platforms, Inc. 1601 Willow Road Menlo Park, CA 94025 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/22 8 9:48 am.

nana ball

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Meta Platforms, Inc. 1601 Willow Road Menlo Park, CA 94025 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and there is probable cause to believe

that the property referred to and sought in or upon said premises consists of information

related to the crime of homicide on the Facebook account of Xana Kernodle with the

following the IDENTIFIER: , from August 1, 2022 to November 19, 2022;

there is probable cause to believe property consists of information related to the crime of

homicide on the Instagram account of Xana Kernodle with the following IDENTIFIER:

from August 1, 2022 to November 20, 2022; all of the above should include:

- All user subscriber information to include, but not limited to, the FBID identification number, e-mail address, date and time stamp of account creation date displayed in GMT, most recent account log-ins in GMT, registered mobile number and verification on whether the number is publicly viewable;
- The length of service (including start date), the types of service utilized by the user

1

SEARCH WARRANT

# REDACTED

and the means and source of any payments associated with the service (including any credit card or bank account number) for the Facebook accounts listed above;

- User contact information to include name, birth date, contact email addresses, physical address, city, state, zip, home phone, cell phone, work phone, screen name and website;
- All privacy settings and other account settings;
- User Photoprint including all photos uploaded by that user ID and all photos uploaded by any user that has that user tagged, including any metadata, and EXIF data associated with the files, including date of upload and other metadata, if such information exists;
- All Neoprints, including profile contact information; mini-feed information; status updates, links to videos, photographs, articles, and other items; notes; wall posts; friend lists; including the friends' Facebook user identification members; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications, including any metadata associated with those files including date of upload and other metadata;
- Any and all communications and messages received by or sent from the screen/usernames including all private messages and pending friend requests;
- IP logs including all records of the IP addresses that logged into the accounts; and
- All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account; including contacts with support services and records of action taken;

located in or upon the following described premises to-wit:

Meta Platforms, Inc. Security Department/Custodian of Records 1601 Willow Rd Menlo Park, CA 94025 Fax: (650) 472-8007

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within  $\frac{7}{2}$  days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, META IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

META SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:38 p .m.

<u>Megan</u> <u>Marshall</u> Magistrate Judge

Filed: 03/07/2023 15:19:12 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

Inashall Megan E. Marshall

Magistrate Judge

dec 1 2022 PM3:07 CLRK OF DIST CT. LATAH CASE NO.

DEPU

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/1/22 1:10 PM

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u></u>day of November, 2022.

ASHLEY Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 1 2022 PM3:07 CLRK OF DIST CT. LATA

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	0
for a Search Warrant for:	)	
	)	
Meta Platforms, Inc.	)	C
1601 Willow Road 🦳	)	
Menlo Park, CA 94025	)	
	)	

MPD Case No. 22-M09903

Case No.

ORDER

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22.2 1:10 PM ×

Unachall

Megan E. Marshall Magistrate Judge

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Meta Platforms, Inc 1601 Willow Road Menlo Park, CA 94025 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock a.m., this 1st day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/01/2022 (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/20/22, I obtained a search warrant for Facebook;
- (4) The warrant was served on 11/20/22, by email (fax, email, etc);
- (5) On 11/21/2022, I received an e-mail from (Facebook, Instagram, etc.) which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Latah County Sheriff's Department/Moscow Police Department/Idaho State Police.

FURTHER your Affiant sayeth not.

HURZNEE MOWERT

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

(Signature)

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE APPLICATION FOR A SEARCH WARRANT FOR	Case No
Meta Platforms, Inc.,	RECEIPT AND
1601 Willow Road	INVENTORY OF WARRANT
Menlo Park, CA 94025	
On the 20th day of <u>November</u>	, 20 <u>22</u> , at approximately <u>10:41</u> o'clock <u>p</u> .
	wrence Mowery
The person(s) found in said place were:	
The property found and taken and the lo	ocation within or upon said place and/or person(s) a
The property found and taken and the lo as follows:	ocation within or upon said place and/or person(s) a
The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	ocation within or upon said place and/or person(s) a
The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY FB FB FB	cation within or upon said place and/or person(s) a LOCATION/PERSON
The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY FB FB FB	cation within or upon said place and/or person(s) a LOCATION/PERSON
The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY <b>FB</b>	cation within or upon said place and/or person(s) a LOCATION/PERSON

.

A copy hereof was given to the foll	owing named person(s) on the day o
,	20;
A copy hereof was left on this date	in a conspicuous place in the place searched, there being n
person(s) present during said search:	
DATED this <u>1st</u> day of	, 20 <u>22_</u> .
	AEm 162
	- 16n /6n
WITNESS	PÉACE OFFICER
The undersigned person(s) hereby	acknowledge receiving a copy hereof on this day o
The undersigned person(s) hereby	
	acknowledge receiving a copy hereof on this day o , 20:

## RECEIPT AND INVENTORY

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PAGE___OF ___PAGES

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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

In the Matter of the Application for a Search Warrant for:

Meta Platforms, Inc. 1601 Willow Road Menlo Park, CA 94025 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

## TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime of homicide on the Facebook accounts of

; and Kaylee Goncalves with the following IDENTIFIERS:

A, and from August

1, 2022, to November 18, 2022; there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime of homicide on the Instagram account of Kaylee Goncalves with the following IDENTIFIER:

(display name is

), from August 1, 2022, to November 18,

2022; and the above should include:

#### SEARCH WARRANT

# REDACTED

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- All user subscriber information to include, but not limited to, the FBID identification number, e-mail address, date and time stamp of account creation date displayed in GMT, most recent account log-ins in GMT, registered mobile number and verification on whether the number is publicly viewable;
- The length of service (including start date), the types of service utilized by the user and the means and source of any payments associated with the service (including any credit card or bank account number) for the Facebook accounts listed above;
- User contact information to include name, birth date, contact email addresses, physical address, city, state, zip, home phone, cell phone, work phone, screen name and website;
- All privacy settings and other account settings;
- User Photoprint including all photos uploaded by that user ID and all photos uploaded by any user that has that user tagged, including any metadata, and EXIF data associated with the files, including date of upload and other metadata, if such information exists;
- All Neoprints, including profile contact information; mini-feed information; status updates, links to videos, photographs, articles, and other items; notes; wall posts; friend lists; including the friends' Facebook user identification members; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications, including any metadata associated with those files including date of upload and other metadata;
- Any and all communications and messages received by or sent from the screen/usernames including all private messages and pending friend requests;
- IP logs including all records of the IP addresses that logged into the accounts; and
- All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account; including contacts with support services and records of action taken;

located in or upon the following described premises to-wit:

Meta Platforms, Inc. Security Department/Custodian of Records 1601 Willow Rd Menlo Park, CA 94025

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, META PLATFORMS IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURHER ORDER OF THE COURT.

META PLATFORMS SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 20th day of November, 2022, at 9:23 P .m.

Magistra

Filed: 03/07/2023 14:35:36 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R.  $32(i)(2)(\dot{A})$  and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

mashall Megan E. Marshall

Magistrate Judge

DEPUTY

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 3, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/2/22 e 9:49 am

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Meta Platforms, Inc. 1601 Willow Rd Menlo Park, CA 94025 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this _____ day of December, 2022.

ASHLEY S. JET Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Meta Platforms, Inc 1601 Willow Road Menlo Park, CA 94025 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock p.m., this 1st day of December, 2020.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic (1) Detective;
- Affidavit has been a trained and qualified peace office for 12 years; (2)
- (3) On 11/21/22, I obtained a search warrant for Facebook;
- The warrant was served on 11/21/22, by email (fax, email, etc); (4)
- On 11/30/2022, I received an e-mail from Instagram which contained the requested (5) information; no information was returned for
- An inventory was prepared for all the items received; and (6)
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowerv

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/01/2022 (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

#### IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Meta Platforms, Inc.,

1601 Willow Road

Menlo Park, CA 94025

Case No. _____

RECEIPT AND INVENTORY OF WARRANT

On the <u>21st</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>620</u> o'clock <u>P</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>LERS Portal</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

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RECEIPT AND INVENTORY

PAGE 1_OF 2_PAGES

· · · · · ·				
A copy hereof was giv	en to the follow	ing named person	(s) on the	day o
	, 20	;		
•				
A copy hereof was lef	t on this date in a	a conspicuous plac	e in the place se	arched, there being
person(s) present during		· ·		
person(b) present aming				
DATED this <u>1</u>	day of	December	, 20 <u>22</u>	
			len 1	
			Su 1	61
WITNESS		PEAC	E OFFICER	
The undersigned pers	son(s) hereby ac	knowledge receivi	ng a copy hereo	f on this day
		, 20:		
	<u></u>			

DEC 2 2022 AM10:26 CLRK OF DIST CT. LATA

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Meta Platforms, Inc. 1601 Willow Road Menlo Park, CA 94025

MPD Case No. 22-M09903

Case No.

ORDER

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/22 8 9:49 am

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Megarl E. Marshall Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for: Meta Platforms, Inc. 1601 Willow Road Menlo Park, CA 94025 MPD Case No. 22-M09903 Case No. CR29-

SEARCH WARRANT

#### TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe property

consists of information related to the crime of homicide on the Instagram accounts of

, and Ethan Chapin with the following the

**IDENTIFIERS:** 

, and from

August 1, 2022 to November 20, 2022, including:

- All user subscriber information to include, but not limited to, the FBID identification number, e-mail address, date and time stamp of account creation date displayed in GMT, most recent account log-ins in GMT, registered mobile number and verification on whether the number is publicly viewable;
- The length of service (including start date), the types of service utilized by the user and the means and source of any payments associated with the service (including any credit card or bank account number) for the Facebook accounts listed above;
- User contact information to include name, birth date, contact email addresses, physical address, city, state, zip, home phone, cell phone, work phone, screen name and website;

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SEARCH WARRANT

# REDACTED

- All privacy settings and other account settings;
- User Photoprint including all photos uploaded by that user ID and all photos uploaded by any user that has that user tagged, including any metadata, and EXIF data associated with the files, including date of upload and other metadata, if such information exists;
- All Neoprints, including profile contact information; mini-feed information; status updates, links to videos, photographs, articles, and other items; notes; wall posts; friend lists; including the friends' Facebook user identification members; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications, including any metadata associated with those files including date of upload and other metadata;
- Any and all communications and messages received by or sent from the screen/usernames including all private messages and pending friend requests;
- IP logs including all records of the IP addresses that logged into the accounts; and
- All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account; including contacts with support services and records of action taken;

located in or upon the following described premises to-wit:

Meta Platforms, Inc. Security Department/Custodian of Records 1601 Willow Rd Menlo Park, CA 94025 Fax: (650) 472-8007

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, META IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT.

### META SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:23 <u>p</u>.m.

<u>Magan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 14:11:18 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Moscow Police Department Forensic Lab 155 Southview Moscow, Latah County, Idaho 83843. Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 372023

-Omashall Megan'E. Marshall

Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for

Case No.

Moscow Police Department Forensic Lab 155 Southview Moscow, Latah County, Idaho 83843. ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until April 10, r further order of the Court, WINCHARD SO ORDERED this <u>10th</u> day of January, 2023. C 4:41 PM <u>Megnun Christophall</u> 2023, or further order of the Court, whichever occurs first.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Moscow Police Department Forensic Lab 155 Southview Moscow, Latah County, Idaho 83843. MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 10th day of January, 2023.

ASHLEY S. JENN Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Moscow Police Dept Forensic Lab 155 Southview Avenue Moscow, ID 83843 Case No. CR29-

**RETURN AFFIDAVIT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 2:00 o'clock p.m., this 10th day of January, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

1/10/2023 (Date)

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- On 1/9/2023 I obtained a search warrant for Data Extraction from Bryan Kohberger's
   Phone located on USB External HD with Serial Number ;
- (4) The warrant was served on 1/9/2023, in person at the Moscow Police Department –
   Forensic Lab;
- (5) An inventory was prepared for all the items received;
- (6) A copy of the warrant and inventory sheet were left with the drive and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery - 162

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>1/9/2023</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION FOR A SEARCH WARRANT FOR	
Moscow Police Dept - Forensic Lab	RECEIPT AND
155 Southview Ave	INVENTORY OF WARRANT
Moscow ID 83843	
R,	
On the <u>9</u> day of <u>January</u>	, 20 <u>23</u> , at approximately <u>1350</u> o'clock <u>P</u>
the following peace officers: <u>Det Lawrence</u>	Mowery
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>Key - Computer Forensic Lab</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the log	l upon the place and/or person(s) described therei was obtained by: <u>Key - Computer Forensic Lab</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>Key - Computer Forensic Lab</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the log as follows:	was obtained by: <u>Key - Computer Forensic Lab</u> cation within or upon said place and/or person(s)
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	was obtained by: <u>Key - Computer Forensic Lab</u> cation within or upon said place and/or person(s)
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY <u>USB External HD - SN</u>	was obtained by: <u>Key - Computer Forensic Lab</u> cation within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE 1_OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
,	

RECEIPT AND INVENTORY

PAGE 2_OF 3_PAGES

A copy hereof v	vas given to the follow	wing named person(s) on the day
	, 20	0;
	<u> </u>	
A copy hereof y	was left on this date in	a conspicuous place in the place searched, there being
person(s) present d	luring said search: wi	
DATED this	9 day of	January, 20 <u>23</u> .
DATED uns	uuj vi	
		Lawrence Mowery
		PEACE OFFICER
WITNESS		
WITNESS		FEZ
	ed nerson(s) hereby ac	FER
The undersigned		cknowledge receiving a copy hereof on this day
The undersigned	ed person(s) hereby ac	cknowledge receiving a copy hereof on this day
The undersigned		cknowledge receiving a copy hereof on this day
The undersigned		cknowledge receiving a copy hereof on this day
The undersigned		cknowledge receiving a copy hereof on this day
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### RECEIPT AND INVENTORY

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PAGE 3 OF 3 PAGES

CLRK OF DIST CT. LATAH

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Moscow Police Dept Forensic Lab 155 Southview Avenue Moscow, ID 83843 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 1/10/230 4:41 pm.

all

Magistrate Judge

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Moscow Police Department Forensics Lab 155 Southview Moscow, Latah County, Idaho 83843. Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe property consisting

of a Seagate 2TB External USB Drive with Serial Number

for evidence regarding the

investigation into the crimes of homicide of Madison Mogen, Kaylee Goncalves, Xana Kernodle, and

Ethan Chapin at 1122 King Road, Moscow, Idaho, including:

• Data compilations relating to or containing information indicating, suggesting, or related to violence, a fight, or motive/hostility for any of the same, to include without limitation ledgers, papers, lists, books, notes, letters, calendars, diaries, tapes, photographs, audio, videos, or other media or similar documents or items, computer and communications devices capable of storing electronic data, other electronic storage devices and media, and access to contents of all of the above;



- Records of communications;
- Written/text communications including emails, SMS text messages, MMS messages, and other communications, including but not limited to, third-party applications such as Kik, Whatsapp, Facebook, Instagram;
- Contacts stored;
- Location information;
- Location information stored in any cloud account associated with the phone if said account credentials can be obtained from the forensic image of the phone;
- Internet history, bookmarks, and/or associated cloud accounts;
- Written and audio recorded notes or any cloud account associated with the device;
- Indicia of residency in, or ownership or possession of, the premises and any of the above items:

located in or upon the following described premises, located in Latah County, State of Idaho:

The Moscow Police Department is located at 155 Southview, in Moscow, Idaho. The Forensics Lab is located on the second floor of the Moscow Police Department.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 9th _____ day of January, 2023, at 3:10 p .m.

Magan (Marshall Magistrate Judge

Filed: 03/07/2023 14:13:32 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 372023

Megan E. Marshall Magistrate Judge

DEPUIV

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 21, 2023, or further order of the Court, whichever occurs first.

so ordered 12/23/22 C 2:43 pM Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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Dec 22 2022 PM3:27 Clrk of Dist Ct. Lata

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this *Mul* day of December, 2022.

ly suring ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

DEC 23 2022 PM4:09 CLRK OF DIST CT. LATA

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/23/22 12:43 pm

Finaball

Megan E. Marshall Magistrate Judge

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131

)

Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss.

County of Latah

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>9:00</u> o'clock <u>a.m.</u>, this <u>22nd</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/22/2022</u> (Date)

Peace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/19/22, I obtained a search warrant for Paypal/Venmo;
- (4) The warrant was served on 11/19/2022, by email (fax, email, etc);
- (5) On 11/21/2022, Financial Specialist Agent Michael Douglass received an e-mail from Paypal/Venmo with the requested information; on 12/12/2022, I received an e-mail from Douglass which contained the requested information.
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/22/2022 (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
Paypal/Venmo	RECEIPT AND
2211 North First St.	INVENTORY OF WARRANT
San Jose, CA 95131	
On the 10th day of November	, 20 <u>22</u> , at approximately <u>9:27</u> o'clock <u>F</u>
the following peace officers:	
served the Search Warrant heretofore issued directed in said Search Warrant. Entrance	
directed in said Search Warrant. Entrance	
directed in said Search Warrant. Entrance	
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY <u>Financial Records for Ethan Chapin</u>	was obtained by:

PAGE_1_OF _3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
Financial Records for	
Financial Records for	<u> </u>
Financial Records for	
<u> </u>	

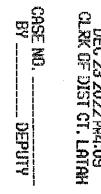
RECEIPT AND INVENTORY

PAGE_2_OF _3_PAGES

A copy hereof was given to the follow	wing named person(s) on the day of
	20;
A sony horsef was left on this date in	n a conspicuous place in the place searched, there being no
erson(s) present during said search:	
DATED this day of	December . 2022
DATED uns uny or	,,,
	Agn 162
/ITNESS	PEACE OFFICER
The undersigned nervon(a) hereby a	cknowledge receiving a conv hereof on this day of
	cknowledge receiving a copy hereof on this day of
The undersigned person(s) hereby a	

## RECEIPT AND INVENTORY

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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

In the Matter of the Application for a Search Warrant for:

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Ph: 402-935-2050 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

SEARCH WARRANT

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or

# **REDACTED**

format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- •
- •
- ٠

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;

 Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;

. . . . .

• Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;

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- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131

۰.

3

Ph: 402-935-2050

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 ____ DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

_ day of November, 2022, at GIVEN UNDER MY HAND and DATED this 19th 6:49 p .m.

<u>Megan</u> <u>Marshall</u> Magistrate Judge

SEARCH WARRANT

DEPU

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Case No.

#### ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

1

shall be returned is extended to March 3, 2023.

SO ORDERED this 12/2/22 0 3:43 pt

Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 10 502

TONYA DODGE Latah County Clerk of the Court

Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Paypal/Venmo Attn: Global Asset Protection Team 2211 North First St. San Jose, CA 95131 Case No.

#### MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 19th day of November, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on the 19th day of November, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this <u>Mo</u> day of December, 2022.

ASHLEY S. JENNINGS Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:16:03 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Case No. CR29-22-2805

Reddit.com 520 3rd Street San Francisco, CA 94107 lawenforcement@reddit.com

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Margarall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search

Reddit.com 520 3rd Street San Francisco, CA 94107 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 21, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/23/22 0 2:45 PM Magistrate Court

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

REDACTED

CLRK OF DIST CT. LHTHM

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search

Reddit.com 520 3rd Street San Francisco, CA 94107 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1



- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this Muday of December, 2022.

Sr. Deputy Prosecuting Attorney

DEC 23 2022 PM4:11 CLRK OF DIST CT. LATA

DEPU

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings

Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Reddit.com 520 3rd Street San Francisco, CA 94107 Case No. CR29-

# RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 9:00 o'clock a.m., this  $22^{nd}$  day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/22/2022 (Date)

n 102



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for Twelve (12) years;
- (3) On November 20, 2022, I obtained a search warrant for Reddit.com;
- (4) The warrant was served on December 1, 2022, by email (fax, email, etc);
- (5) On December 19, 2022, I received an e-mail from Reddit.com which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/22/2022</u> (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Case No
RECEIPT AND
INVENTORY OF WARRANT
<u>, 2022</u> , at approximately <u>2:09</u> o'clock <u>F</u>
nce Mowery
illing and along and/or person(s)
tion within or upon said place and/or person(s)
tion within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE_1_OF_2_PAGES

	day of
	named person(s) on the day of
, 20	
A copy hereof was left on this date in a co	nspicuous place in the place searched, there being r
person(s) present during said search:	
DATED this day of	<u>December</u> , 20 <u>22</u> .
	Jon (or
WITNESS	PEACE OFFICER
	the second se
	wledge receiving a copy hereof on this day of
,20	):

# RECEIPT AND INVENTORY

PAGE 2_OF 2_PAGES

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Reddit.com	)	ORDER
520 3 rd Street	)	
San Francisco, CA 94107	)	
	)	
MPD Case No. 22-M09903	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/23/22 2:45 pm .

Megan E. Marshall Marshall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Reddit.com 520 3rd Street San Francisco, CA 94107 Case No. CR29-

SEARCH WARRANT

#### MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable

cause establishing grounds for issuing a search warrant and there is probable cause to believe

that the property referred to and sought in or upon said premises consists of information

related to the crime of homicide on the Reddit account of Kaylee Goncalves with any of the

following Identifiers: Kaylee Goncalves, mobile phone number of -4818, email

address(es)

and/or

generated on or between January 1, 2021 to present, including:

- All basic subscriber information, such as information collected when a user creates a new Reddit account, alters information at a later date, or otherwise interacts with the Reddit website and/or application ("app") including but not limited to:
  - o Reddit user/subscriber known legal name/identity
  - o Email address
  - Phone number

SEARCH WARRANT

1

# REDACTED

- o Reddit display name
- o Reddit account creation date and Internet Protocol (IP) address
- Time stamp and IP address of Reddit account logins and log-outs
- o Address
- Date of birth
- o Gender
- o Billing information
- Expanded subscriber information, including but not limited to:
  - Non-content related records and/or information about the above-listed target user(s) and/or account(s), including but not limited to user preferences and communication headers;
  - Any and all records concerning the above-listed account holders/identifiers including, but not limited to, metadata about a user's content;
  - Any stored user files (to include all photographs in their original file format, including metadata information);
- Location data, including but not limited to:
  - Any and all records concerning the above-listed target user(s) and/or account(s) including, but not limited to, location data;
- Reddit user communications content, including but not limited to:
  - Public posts, comments, votes, and other information regarding the substance of the target user(s)/account(s)'s publicly available communications;
  - Private/non-public messages and/or communications between users/accounts, posts, comments, votes, and other information regarding the substance of the user(s)/account(s)'s non-public communications;
- Internet Protocol (IP) address information, including but not limited to, all IP address information regarding the IP address used at the time of account creation, and any IP address information stored by Reddit for the above-listed target user(s)/account(s);
- Other identifying data, if collected by Reddit, including but not limited to any information on the device(s) used to access the target account(s), including the type of devices, model numbers, International Mobile Equipment Identifier (IMEI) numbers, phone numbers, Global Positioning System (GPS) locations, and/or IP addresses;

located at the following premises:

Reddit.com 520 3rd Street San Francisco, CA 94107

This court order will be electronically submitted to Reddit.com via their online Law Enforcement

records system at:

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, REDDIT IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

REDDIT SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 1st day of December, 2022, at 12:27 .m.

<u>Magan Masahall</u> Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

#### ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

Reddit.com 520 3rd Street San Francisco, CA 94107

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 14, 2023.

SO ORDERED this 12/15/22_____

Magistrate Judge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

1

#### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843

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

Dated 12/20/20

TONYA DODGE Latah County Clerk of the Court

puty Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Reddit.com 520 3rd Street San Francisco, CA 94107 Case No.

#### MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

#### MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issuedDecember, 2022The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on December 1, 2022, by email. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 14th day of December, 2022.

ASHL

Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:21:06 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Emachall

Megan E. Marshall Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12522 shall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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DEC 5 2022 PM3:49 CLRK OF DIST CT. LATA

DEPUT

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this TM day of December, 2022.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

DEPUI

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

Snap Inc., (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 1:30_0'clock p.m., this <u>5</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

ace Officer

REDACTED

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/21/22, I obtained a search warrant for Snapchat;
- (4) The warrant was served on 11/21/2022, by email (fax, email, etc);
- (5) On 11/29/22, I received an e-mail from Snapchat which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

#### IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Snap Inc., (Snapchat)

2772 Donald Douglas Loop North

Santa Monica, CA 90405

Case No. _____

RECEIPT AND INVENTORY OF WARRANT

On the <u>21</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>10:16</u> o'clock <u>A</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

DESCRIPTION OF PROPERTY	

LOCATION/PERSON

 A

RECEIPT AND INVENTORY

PAGE 2_OF 3_PAGES

A copy hereof	was given t	o the follow	ving named perso	on(s) on the		day of
	-					,
		, 20	, <u> </u>			
	1.0	d* 1. *.				
			a conspicuous pl	ace in the place	searched, there t	eng n
person(s) present	during said	search:				
DATED this	-5 d	av of	December	. 20 22		
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WITNESS			PEA	CE OFFICER		
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CLRK OF DIST CT. LATA CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Snap Inc., (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/5/22 e 4:22 pm.

marshall Megan E. Marshall

Magistrate Judge

DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405

MPD Case No. 22-M09903

Case No. CR29-

SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe there is

information regarding the crime(s) of homicide on the Snap Accounts of Xana Kerrnodle,

Kaylee Goncalves, Ethan Chapin,

, and 🗋

, with the following IDENTIFIERS;

, and

between August 1, 2022 and November

20, 2022, to include:

- a. All subscriber information including email address, phone number, display name, Snapchat creation date and IP address; timestamp and IP address of account logins and logouts;
- b. All logs of previous snaps, stories, and chats;
- c. All location data for each Snapchat user;
- d. All user content including communications or other messages sent or received

SEARCH WARRANT

# REDACTED

1

by the accounts;

- All information about connections between the accounts and third-party e. websites and applications;
- f. All records pertaining to communications between Snapchat and any person regarding the user or the user's Snapchat accounts, including contacts with support services, and all records of actions taken, including suspensions of the accounts:

which is stored at premises owned, maintained, controlled, or operated by Snapchat, Inc., a

free online messaging application at:

Custodian of Records Snap Inc. 2772 Donald Douglas Loop North Santa Monica, CA 90405

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, SNAP INC. (SNAPCHAT) IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR SIX MONTHS OR UNTIL FURTHER ORDER OF THE COURT.

SNAP INC. (SNAPCHAT) SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:29 p.m.

Magan (Marshall Magistrate Judge

SEARCH WARRANT

Filed: 03/07/2023 14:19:17 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Unidall

Megan E. Marshall Magistrate Judge

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

so ordered 12/2/22 p 9:29

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405

Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>lst</u> day of December, 2022.

ASHL

Sr. Deputy Prosecuting Attorney

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Snap Inc., (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>4:00</u> o'clock <u>P</u>.m., this <u>b</u> day of <u>December</u>, 20**77**.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/01/2022 (Date)

Peace Officer



1

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic
   Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/21/22, I obtained a search warrant for Snapchat;
- (4) The warrant was served on 11/21/2022, by email (fax, email, etc);
- (5) On 11/29/22, I received an e-mail from Snapchat which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

<u>Lawrence Mowery</u> Affiant I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that

the foregoing is true and correct.

<u>12/01/2022</u> (Date)

Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

## IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT FOR

Snap Inc., (Snapchat)

2772 Donald Douglas Loop North

Santa Monica, CA 90405

Case No. _____

RECEIPT AND INVENTORY OF WARRANT

On the <u>21</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>10:16</u> o'clock <u>A</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by:

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

RECEIPT AND INVENTORY

PAGE 1_OF 2_PAGES

	<u> </u>
A copy hereof was given to the following n	named person(s) on the day o
, 20;	
······································	
A copy hereof was left on this date in a con	spicuous place in the place searched, there being
person(s) present during said search:	
person(s) present during said scalen.	
DATED this lst day of	December, 2022.
	JEn 142
WITNESS	PEACE OFFICER
The undersigned person(s) hereby acknow	vledge receiving a copy hereof on this day
,20	

# RECEIPT AND INVENTORY

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CLRK OF DIST CT. LATR

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Snap Inc., (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/2022 p 9:29 am

Megan E. Marshall

Magistrate Judge

DEPU

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Snap Inc. (Snapchat) 2772 Donald Douglas Loop North Santa Monica, CA 90405

MPD Case No. 22-M09903

Case No. CR29-

SEARCH WARRANT

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe there is

information regarding the crime(s) of homicide, on the Snap Account Maddison "Maddie"

Mogen with the following IDENTIFIER:

between August 1, 2022 and

November 19, 2022 including:

- a. All subscriber information including email address, phone number, display name, Snapchat creation date and IP address; timestamp and IP address of account logins and logouts;
- b. All logs of previous snaps, stories, and chats;
- c. All location data for each Snapchat user;
- d. All user content including communications or other messages sent or received by the accounts;
- e. All information about connections between the accounts and third-party websites and applications;

1

SEARCH WARRANT

# REDACTED

f. All records pertaining to communications between Snapchat and any person regarding the user or the user's Snapchat accounts, including contacts with support services, and all records of actions taken, including suspensions of the accounts;

located in or upon the following described premises owned maintained, controlled, or operated by Snap Inc. (Snapchat):

Custodian of Records Snap Inc. 2772 Donald Douglas Loop North Santa Monica, CA 90405

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, SNAP INC. (SNAPCHAT) IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN **RESPONSE TO THE SEARCH WARRANT FOR SIX MONTHS OR** UNTIL FURTHER ORDER OF THE COURT.

SNAP INC. (SNAPCHAT) SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this ^{21st} day of November, 2022, at 10:00 a .m.

Magan (Marshall Magistrate Judge

SEARCH WARRANT

Filed: 03/07/2023 14:41:05 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

T-Mobile 4 Sylvan Way Persippany, NJ 07054

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

Megan E. Marshall Magistrate Judge

DEPU

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

T-Mobile 4 Sylvan Way Persippany, NJ 07054 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 3, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/2/22 0 9:47 an

1

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

OF DIST CT. LATAN

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

T-Mobile 4 Sylvan Way Persippany, NJ 07054 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

1

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this  $15^{+}$  day of December, 2022.

ASHLEY

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

T-Mobile 4 Sylvan Way Persippany, NJ 07054 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 4:00 o'clock P, m., this 1 day of **December**, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

Peace Officer

REDACTED

**RETURN OF SEARCH WARRANT** 

#### AFFIDAVIT OF LAWRENCE MOWERY

#### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/26/22, I obtained an amended search warrant for T-Mobile;
- (4) The warrant was served on 11/26/2022, by email (fax, email, etc);
- (5) On 11/28/22, I received an e-mail from T-Mobile which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/01/2022</u> (Date)

<u>Cn/62</u> Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR T-Mobile	RECEIPT AND
4 Sylvan Way	INVENTORY OF WARRANT
Persippany, NJ 07054	
On the <u>26</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>8:59</u> o'clock <u>1</u>
the following peace officers: <u>Detective Lav</u>	vrence Mowery
served the Search Warrant heretofore issued directed in said Search Warrant. Entrance v	
directed in said Search Warrant. Entrance	d upon the place and/or person(s) described there was obtained by:
directed in said Search Warrant. Entrance were:	was obtained by:
directed in said Search Warrant. Entrance were:	was obtained by:
directed in said Search Warrant. Entrance were: The person(s) found in said place were: The property found and taken and the lo	was obtained by:
directed in said Search Warrant. Entrance were: The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:
directed in said Search Warrant. Entrance were: The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by:
directed in said Search Warrant. Entrance were: The person(s) found in said place were: The property found and taken and the lo as follows: DESCRIPTION OF PROPERTY	was obtained by:

RECEIPT AND INVENTORY

PAGE_1_OF_2_PAGES

<u></u>				
A copy hereof was give			<u> </u>	day o
	, 20	;		
A copy hereof was left	on this date in a cot	spiculous place in the i	lace searched there l	being r
person(s) present during sa	ud search: <u>GPS Co</u>	bordinates:		<u>.                                    </u>
		Develop	20.22	
DATED this <u>1</u>	_ day of	December,	, 20 <u>22</u> .	
		-La	- 162	
WITNESS		PEACE OFFIC	EK	
	n(s) hereby acknow	wledge receiving a cop	y hereof on this	_ day o
The undersigned perso		:		
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The undersigned perso	, 20			
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# RECEIPT AND INVENTORY

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CLRK OF DIST CT. LATAH

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

T-Mobile 4 Sylvan Way Persippany, NJ 07054 Case No.

ORDER

MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/2/22 9:47 am

machael Megan E. Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

T-Mobile Attn: Law Enforcement Relations Group 4 Sylvan Way Parsippany, NJ 07054 Case No. CR29-

AMENDED SEARCH WARRANT

## MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe property consists of records generated by the cellular network that are in the possession, custody, and/or control of T-Mobile, hereafter "the Service Provider," a cellular service provider; Affiant further says that this data is in possession of the Service Provider and believe that the data may contain of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m.

(Pacific Standard Time) including the following:

A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR), Call Detail Records for voice, Short Message Service (SMS), and data connections during the following listed dates and times that utilized towers

1

AMENDED SEARCH WARRANT

# REDACTED

that provide coverage to:

B.

GPS Coordinates: Date: November 13, 2022 (PST) Distance from Location: 2 miles Time: 3:00 a.m. – 5:00 a.m.

- C. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
  - i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), International Mobile Equipment Identities ("IMEI"), and the make and model of the device;
  - ii. the starting and ending date/time of the connection along with the duration;
  - iii. for each communication with the network the tower and the "sector(s)" (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
  - iv. the service type for the communication;
  - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- D. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

T-Mobile

2

Attn: Law Enforcement Relations Group 4 Sylvan Way Parsippany, NJ 07054

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime AND nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, T-MOBILE/T-MOBILE AMERICA IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

T-MOBILE/T-MOBILE AMERICA SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 26th day of November, 2022, at 1:40 P.m.

DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

T-Mobile Attn: Law Enforcement Relations Group 4 Sylvan Way Parsippany, NJ 07054 Case No. CR29-

SEARCH WARRANT

## MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe property consists of records and information associated with certain cellular towers ("cell towers") and records generated by the cellular network that are in the possession, custody, and/or control of T-Mobile, hereafter "the Service Provider," a cellular service provider; for data is in possession of the Service Provider and that the data may contain of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m. (Pacific Standard Time) including the following:

A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR)

1

SEARCH WARRANT

# REDACTED

location information during the following listed dates, times and geographical boundaries (distance from GPS points):

GPS Coordinates: Date: November 13, 2022 Distance from Location: 0.50 miles Time: 3:00 a.m. - 5:00 a.m. (PST)

- B. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
  - i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), International Mobile Equipment Identities ("IMEI"), and the make and model of the device;
  - ii. the starting and ending date/time of the connection along with the duration;
  - iii. for each communication with the network the tower and the "sector(s)" (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
  - iv. the service type for the communication;
  - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- C. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

T-Mobile

SEARCH WARRANT

Attn: Law Enforcement Relations Group 4 Sylvan Way Parsippany, NJ 07054

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime AND nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. And 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, T-MOBILE/T-MOBILE AMERICA IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN **RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90** DAYS OR UNTIL FURTHER ORDER OF THE COURT.

T-MOBILE/T-MOBILE AMERICA SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at 9:27 р .m.

<u>Megan Marshall</u> Magistrate Judge

SEARCH WARRANT

Filed: 03/07/2023 14:26:52 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

T-Mobile 4 Sylvan Way Parsippany, NJ 07054

ORDER TO SEAL AND REDACT

Latah County, Idaho MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

un Emperhall Megan E. Marshall

Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

T-Mobile 4 Sylvan Way Parsippany, NJ 07054

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 16, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this <u>19th</u> day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

T-Mobile 4 Sylvan Way Parsippany, NJ 07054 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this _____ day of November, 2022.

ASH

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE MICHAEL G. CAVANAGH DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 7427 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for: T-Mobile 4 Sylvan Way Parsippany, NJ 07054 MPD Case No. 22-M09903

> ) :ss.

)

Case No. RETURN OF SEARCH WARRANT

STATE OF IDAHO

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 3:26 o'clock p.m.., this 18th day of November, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>11/18/2022</u> (Date)



**RETURN OF SEARCH WARRANT** 

#### **AFFIDAVIT OF (OFFICER)**

#### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On November 16, 2022, I obtained a search warrant for TMobile Call Data Records;
- (5) The warrant was served on November 17, 2022, via Snapchat Law Enforcement Portal;
- (6) On November 18, 2022, I received an email with the requested data;
- (7) On November 18, 2022, I downloaded the data and an inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to and
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>November 18, 2022</u> (Date)

(Signature)

AFFIDAVIT

## IN THE DISTRICT COURT OF THE SECOND JUDICAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	) Case No
THE APPLICATION	)
FOR A SEARCH WARRANT FOR 🦯	) RECEIPT AND
Case # 22-M09903	INVENTORY OF WARRANT
TMobile Call Data Records	
	at approximately 1029 o'clock A.M.,
The following peace officers: Det Lawrence	ce Mowery
Served the Search Warrant heretofore issu	ued upon the place and/or person(s) described
Therein as directed in said Search Warrant. En	atrance was obtained by: email
The person(s) found in said place were:	
The property found and taken and the locat	tion within or upon said place and/or person(s)
are as follows:	
DESCRIPTION OF PROPERTY	LOCATION/PERSON
Data Records associated with	
3	
RECEIPT AND INVENTORY	1 OF 2 PAGES
PAGE	

······································	
A copy hereof was given to the following na ,20 ;	amed person(s) on thelay of
	conspicuous place in the place searched, there
ing no person(s) present during said search:	
DATED this <u>18</u> day of <u>Nover</u>	mber, 2022
	An
WITNESS	PEACE OFFICER
The undersigned person(s) hereby acknowledg	ge receiving a copy hereof on this day
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RECEIPT AND INVENTORY PAGE	2 OF 2 PAGES

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
T-Mobile	)	
Attn: Law Enforcement Relations Group	)	ORDER
4 Sylvan Way	)	
Parsippany, NJ 07054	)	
MPD Case No. 22-M09903	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

11/19/22 at 6:58 p.m. DATED

Megan Marshall Megan E. Marshall

Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

)

In the Matter of the Application for a Search Warrant for:

T-Mobile or T-Mobile America Records 4 Sylvan Parsippany, NJ 07054 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

#### TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe property

consists of certain evidence of the crime(s) of homicide to-wit, user account information,

location data, and stored communications held by T-Mobile, described in further detail as

follows:

To the extent that the information is within the possession, custody, or control of T-Mobile, hereafter "the Service Provider," including any messages, records, files, logs, or information that have been deleted but are still available to the Service Provider or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Service Provider is required to disclose the following information to the government for the following listed account(s) and/or number(s):





For the time period of: August 1, 2022 to Present

T-Mobile Wireless Number: Subscriber Name: Unknown

T-Mobile Wireless Number: Subscriber Name: Unknown

# To include both Historical Records and Real Time/Provisional Records

- 1. All customer/subscriber information, including any listed addresses, other listed telephone number(s), social security number(s), dates of birth, name(s), address(es), any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI, SUPI), activation date and deactivation date, and point of purchase or location device was purchased if applicable.
- 2. Device Purchase Information. This is specifically to include the Date, Time and Location of where the device or any pre-paid refill cards were purchased as well as any information maintained about the purchase to include store name, store number, terminal number, and amount of purchase.
- 3. Any email addresses associated with the account or with the device that is currently on file and stored in the normal course of business of the Service Provider.
- 4. Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for the Service Provider, of any cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data activity.
  - a. In the event the requested Call Detail Records contain other Service Provider customer numbers, identified as either incoming or outgoing calls, the Service Provider will provide subscriber information to the specific numbers identified, if requested.

- 5. Cell site information, to include all known cell towers associated with outgoing and incoming calls (Call Detail Records). This information is to include any sector information, azimuth for each identified sector, cell site location, handoff tower and sector, time on tower information, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, Data activity, including IP sessions and destination addresses that were produced, these records are also included in this request.
- 6. Cell site locations for all Service Provider Cell Sites, sector information, including azimuth headings, in the regional market associated with the requested cell site information.
- 7. Location information, to include any estimated or known longitude and latitude of the cellular device's current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States.
- 8. Location information can be in the form of historical records. This would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, estimated margin of error, direction and distance from the tower, and other location related information commonly referred to as Real Time Tool (RTT), Timing Advance Information, Location Database of Record (LocDBoR). This further includes any other report similar in nature that would provide an estimate of the cellular phone on the Service Provider's network.
- 9. All text message and/or MMS messages, including message content, currently stored in the normal course of business for the Service Provider, to include any cloud services which allow for the long-term storage of both voicemails and SMS/MMS messages.
- 10. Cloud Data, any content that may have been backed up to Cloud Storage for the listed dates/times. If said Cloud Storage has been provided by a third-party provider, please provide relevant contact information for that provider.
- 11. It is further requested that all records and information required, if any, pursuant to the search warrant, be provided in a commercially reasonable electronic format such as Microsoft Excel and that those records be delivered via electronic mail to Detective Lawrence Mowery at

The above-described evidence is located within the following described premises:

**T-Mobile** Attn: Law Enforcement Relations Group 4 Sylvan Way Parsippany, NJ 07054

Please provide this information to Lawrence Mowery at digital format on a compact disk in Excel, PDF or TXT format.

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You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, T-MOBILE/T-MOBILE AMERICA IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN **RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90** DAYS OR UNTIL FURTHER ORDER OF THE COURT.

T-MOBILE/T-MOBILE AMERICA SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF **ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at 9:26 .m. P

Magan Marshall Magistrate Judge

Filed: 03/07/2023 14:43:20 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Umpqua Bank 609 South Washington Street Moscow, Idaho 83843 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant and the Amended Affidavit in Support of Search Warrant be SEALED.
- 2. The Search Warrant, Amended Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Schashall Megan E. Marshall

Magistrate Judge

DEPUT

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Umpqua Bank 609 South Washington Street Moscow, Idaho 83843 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 6, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/5/22 0 4:14 Magistrate Judge

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

DEC 5 2022 PM1:04 LRK OF DIST CT. LATAH

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Umpqua Bank 609 South Washington Street Moscow, Idaho 83843 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u><u>51</u> day of December, 2022.</u>

ASHL Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Umpqua Bank	)	ORDER
609 South Washington Street	ý	
Moscow, Idaho 83843	ý	
	)	
MPD Case No. 22-M09903		

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/5/22 4:14 pm

Mashall

Megan E. Marshall Magistrate Judge

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Umpqua Bank 609 South Washington Street Moscow, Idaho 83843 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>1000</u> o'clock <u>A</u>...m., this <u>5</u> day of <u>Disinger</u>, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

-162

REDACTED

**RETURN OF SEARCH WARRANT** 

#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/19/22, I obtained a search warrant for Umpqua;
- (4) The warrant was served on 11/21/2022 and 11/22/2022, by FedEx and email (fax, email, etc);
- (5) On 11/23/22, I received an e-mail from Umpqua which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
Umpqua Bank	RECEIPT AND
609 South Washington Street	INVENTORY OF WARRANT
Moscow, Idaho 83843	
On the <u>22</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>1:21</u> o'clock <u>F</u>
the following peace officers: Detective Law	vrence Mowery
	l upon the place and/or person(s) described there was obtained by: <u>FedEx and Email</u> :
directed in said Search Warrant. Entrance w	vas obtained by: <u>FedEx and Email</u>
directed in said Search Warrant. Entrance w	l upon the place and/or person(s) described there was obtained by: <u>FedEx and Email:</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>FedEx and Email</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were:	vas obtained by: <u>FedEx and Email:</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc	vas obtained by: <u>FedEx and Email:</u>
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows:	vas obtained by: <u>FedEx and Email:</u> cation within or upon said place and/or person(s) LOCATION/PERSON
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc as follows: DESCRIPTION OF PROPERTY	vas obtained by: <u>FedEx and Email:</u> cation within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE 1_OF 2_PAGES

A copy hereof was give	ven to the followi	ing named person(s)	) on the	day of
	, 20_	;		
	<u> </u>			
A copy hereof was lef	t on this date in a	conspicuous place	in the place searched, t	here being no
person(s) present during	said search:			
DATED this <u>4</u>	day of	December	, 20 <u>22_</u> .	
			in 162	
		$ \mathcal{A}$		
WITNESS		PEACE	OFFICER	
The undersigned pers	son(s) hereby ack	nowledge receiving	a copy hereof on this	day of
,,,,,,,,,	,	, 20:		
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# RECEIPT AND INVENTORY

PAGE_2_OF_2_PAGES

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Umpqua Bank 609 South Washington Street Moscow, Idaho 83843

MPD Case No. 22-M09903

Case No.

ASJ 12/5/22-AFFIDAVIT FOR SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe that the property

referred to and sought in or upon said premises consists information related to a crime(s) of

homicide committed at 1122 King Road in Moscow, Idaho for exterior camera surveillance footage

from November 12, 2022 at 9:00 p.m. PST to November 13, 2022 at 12:00 p.m. PST; located in or

upon the following described premises, located in Latah County, State of Idaho:

Umpqua Bank 609 South Washington Street Moscow, ID 83843

With service of warrant at:

Umpqua Bank -Legal Processing

PO Box 1820 Roseburg, OR 97470

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 ____ DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 19th day of November, 2022, at 6:45 р .m.

<u>Magan Marshall</u> Magistrate Judge

Filed: 03/07/2023 14:45:25 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

United Parcel Service (UPS) 615 North Grand Ave Pullman, WA 99163

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant and the Amended Affidavit in Support of Search Warrant be SEALED.
- 2. The Search Warrant, Amended Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH

United Parcel Service (UPS) 615 North Grand Ave Pullman, WA 99163 WARRANT AND RELATED DOCUMENTS

## MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/15/22 @ 12:00 pm.

Magistrate Audge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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DEC 14 2022 PM4:11 XLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

United Parcel Service (UPS) 615 North Grand Ave Pullman, WA 99163 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this H

ASHL Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

DEC 15 2022 PM4:59 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 2613 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for: Case No. CR29-

United Parcel Service (UPS) 615 North Grand Ave Pullman, WA 99163 RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Detective Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at <u>9:00</u> o'clock <u>a</u>.m., this <u>14th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/14/2022 (Date)

Peace Officer



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 12/2/22, I obtained an amended search warrant for UPS;
- (4) The warrant was served on 12/5/2022, by email (fax, email, etc);
- (5) On 12/05/22, I received an e-mail from UPS which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

-Em / 6 L (Signature)

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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

IN THE MATTER OF THE APPLICATION	Case No
FOR A SEARCH WARRANT FOR	
United Parcel Service (UPS)	RECEIPT AND
615 North Grand Ave	INVENTORY OF WARRANT
Pullman, WA 99163	
On the <u>5</u> day of <u>December</u>	, 20 <u>22</u> , at approximately <u>8:34</u> o'clock <u>4</u> .N
the following peace officers: Detective Law	ence Mowery
directed in said Search Warrant. Entrance w	as obtained by:
directed in said Search Warrant. Entrance w	
directed in said Search Warrant. Entrance w The person(s) found in said place were:	as obtained by:
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc	as obtained by:
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loca as follows:	as obtained by:
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loc	as obtained by:
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directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY	ation within or upon said place and/or person(s) ar
directed in said Search Warrant. Entrance w The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY	as obtained by:

A copy hereof	was given to the fol	lowing named	l person(s) or	n the	day o
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	was left on this date				, there being
person(s) present o	luring said search:				
	14 days of	Dece	mher	20.22	
DATED this	<u>14</u> day of				
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# RECEIPT AND INVENTORY

PAGE 2_OF 2_PAGES

CLRK OF DIST CT. LATA CASE NO. _____ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.2613 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	C
for a Search Warrant for:	)	
	)	
United Parcel Service (UPS)	)	
615 North Grand Ave	)	0
Pullman, WA 99163	)	
	)	
MPD Case No. 22-M09903	)	

Case No.

ORDER

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/22 @ 12:00 pm.

Inashall,

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

United Parcel Service (UPS) 615 North Grand Ave. Pullman, Washington, 99163 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Brett Payne, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe that the property

referred to and sought in or upon said premises consists of information related to the crime of

homicide, to include:

• Any and all video that is recorded and stored on any delivery trucks that were in Moscow Idaho between the dates of November 6th 2022 through November 14th 2022,

located in or upon the following described premises:

United Parcel Service (UPS)

615 North Grand Ave. Pullman, Washington, 99163

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN <u>7</u> DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this <u>2nd</u> day of December, 2022, at 10:12 <u>a</u>.m.

Megan Marshall Magistrate Judge

Filed: 03/07/2023 14:47:39 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921 Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Unpublicle Megan E. Marshall

Megan E. Marshall Magistrate Judge

DEPUTY

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 28, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 15 day of November, 2022. O 1:15 PM machall

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

NOV 30 2022 AM10:51 LRK OF DIST CT. LATA

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON, JR. PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 2613 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 2022.

Prosecuting Attorne

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE William W. Thompson Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 2613 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921 Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9:00 o'clock a.m., this 30 day of Novmeber, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

11/30/22

Leace Officer



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/16/22, I obtained a search warrant for Verizon Wireless Cell Tower;
- (4) The warrant was served on 11/17/2022, by email (fax, email, etc);
- (5) On 11/17/22, I received an e-mail from Verizon which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department.

FURTHER your Affiant sayeth not.

LANRENCE MOWERY

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

 $\frac{11/35/22}{(Date)}$ 

Han (62 nature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

Case No.

Verizon Wireless 180 Washing Valley Road

Bedminster, NJ 07921

RECEIPT AND INVENTORY OF WARRANT

On the <u>17th</u> day of <u>November</u>, 20<u>22</u>, at approximately <u>9:35</u> o'clock <u>a</u>.M., the following peace officers: <u>Detective Lawrence Mowery</u>

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as directed in said Search Warrant. Entrance was obtained by: <u>fax 888-636-0026</u>

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are

as follows:

D	ES	CR	IPT	ION	OF	PR	OP	ERTY
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LOCATION/PERSON

GPS Coordiantes _____,

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

				<u> </u>
A copy hereof was given	to the following r	named person(s) or	n the	day c
	, 20;			
A copy hereof was left or				
person(s) present during said	1 search:			<u> </u>
DATED this <u>30</u>	day of	November	, 20 <u>22_</u> .	
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WITNESS		PEACE OF	FICER	
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The undersigned norman		ricuge receiving a	wpy notices on ans	
The undersigned person				
The undersigned person				

CLRK OF DIST CT. LATAH CASE NO.

LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.2613 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)
for a Search Warrant for:	)
Verizon Wireless	)
Attn: Custodian of Records	)
180 Washington Valley Road	)
Bedminster, NJ 07921	)
	)
MPD Case No. 22-M09903	)

ORDER

Case No.

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/1/22 C 1:15 pm.

(Mathall Megan E. Marshall

Magistrate Judge

DEPUT

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

#### TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Detective Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to that the property referred to and sought in or upon said premises consists of records and information associated with certain cellular towers ("cell towers") and records generated by the cellular network that are in the possession, custody, and/or control of Verizon Wireless, hereafter "the Service Provider," a cellular service provider; this data is in possession of the Service Provider and that the data may contain evidence of a homicide between November 13, 2022 from 3:00 a.m. to 5:00 a.m. (Pacific Standard Time) including the following:

A. Search of all records and unique device/user identifiers pertaining to Timing Advance, Real Time Tool (RTT), Location Database of Record (LocDBoR)

1

SEARCH WARRANT

# REDACTED

location information during the following listed dates, times and geographical boundaries (distance from GPS points):

GPS Coordinates: Date: November 13, 2022 Distance from Location: 0.50 miles Time: 3:00 a.m. – 5:00 a.m. (PST)

- B. For each search area described above, the Service Provider is required to disclose all records and other information (not including the contents of communications) about all communications made and all cellular device interactions with the network that have generated location information that falls within the defined search area during the corresponding timeframe(s) listed above, including records that identify:
  - i. the unique identifiers for each wireless device that generated a Timing Advance, RTT, and/or LocDBoR record within the search area for each location, including Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Numbers ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), International Mobile Equipment Identifiers ("IMSI"), International Mobile Equipment Identifiers ("IMEI"), and the make and model of the device;
  - ii. the starting and ending date/time of the connection along with the duration;
  - iii. for each communication with the network the tower and the "sector(s)" (i.e. the face(s) of the tower(s)) that received a radio signal from the locally served wireless device for both starting and ending points of the communication;
  - iv. the service type for the communication;
  - v. the estimated latitude and longitude (along with confidence level) and the distance from the tower for both the starting and ending points of the communication contained within the Timing Advance, RTT, and/or LocDBoR records.
- C. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified in above if some part of the communication occurred during the relevant timeframe(s) listed above;

The above-described evidence is located within the following described premises:

Verizon Wireless

SEARCH WARRANT

Attn: Verizon Security Assistance Team 180 Washington Valley Road Bedminster, NJ 07921 Fax- 888-667-0026

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime and nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, VERIZON IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

VERIZON SHALL DISCLOSE THE DESCRIBED PROPERTY AND **INFORMATION WITHIN 14 DAYS OF ISSUANCE.**** 

GIVEN UNDER MY HAND and DATED this 16th ____ day of November, 2022, at 9:30

<u>Magan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 14:29:52 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D) and I.C. §74-124(1)(c), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person;
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals; and
- (3) Disclosure would constitute an unwarranted invasion of personal privacy.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- This order will remain in effect until further order of the court. 3.

Dated: 3/7/2023

Chardhall Megan E. Marshall

Magistrate Judge

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless, Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921

Latah County, Idaho (MPD/LCSO/ISP) Case No. 22-M09903 Case No.

#### ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 16, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this ______ 19th ____ day of November, 2022.

Megan Marshall

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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LATAH COUNTY PROSECUTOR'S OFFICE WILLIAM W. THOMPSON, JR. PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 2613 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon wireless, Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho (MPD/LCSO/ISP) Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

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1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u>(</u>day of November, 2022.

Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE MICHAEL G. CAVANAGH DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No. 7427 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for: Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road MPD Case No. 22-M09903

Case No. RETURN OF SEARCH WARRANT

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>11/17/2022</u> (Date)



#### AFFIDAVIT OF (OFFICER)

STATE OF IDAHO ) :ss.

)

County of Latah

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On November 16, 2022, I obtained a search warrant for Verizon Phone Records;
- (5) The warrant was served on November 17, 2022, via fax to 888-667-0026;
- (6) On November 17, 2022, I received an email directing me to a secure download for the requested data;
- (7) On November 17, 2022, I downloaded the data and an inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to , and
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>November 17, 2022</u> (Date)

ng-

(Signature)

AFFIDAVIT

#### IN THE DISTRICT COURT OF THE SECOND JUDICAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF THE APPLICATION					) Case No		
FOR A SEARCH WARRANT FOR Case # 22-M09903				OR		ECEIPT	AND F WARRANT
Ver	rizon	Phone Re	cords				
On the	17	day of	November,	2022,	at approximately	0935	o'clock A.M.,
The follow	wing	- peace offi	cers: De	Lawren	ice Mowery		

Served the Search Warrant heretofore issued upon the place and/or person(s) described Therein as directed in said Search Warrant. Entrance was obtained by: fax 888-67-0026

The person(s) found in said place were:

The property found and taken and the location within or upon said place and/or person(s) are as follows:

DESCRIPTION OF PROPERTY

**3** ·

#### LOCATION/PERSON

Data Records associated with

RECEIPT AND INVENTORY PAGE 1 OF 2 PAGES

This Receipt and Inven	tory was made in	the presence of: n/a
------------------------	------------------	----------------------

A copy hereof was given to the following ,20 ;	named person(s) on thelay of
A copy hereof was left on this date in a	a conspicuous place in the place searched, th
being no person(s) present during said search:	
DATED this 17 day of Nov	rember 2022
DATED this <u>17</u> day of <u>Nov</u>	
	tez
WITNESS	PEACE OFFICER
The undersigned person(s) hereby acknowle	edge receiving a copy hereof on this day
of:	
······	
RECEIPT AND INVENTORY PAGE	2 OF 2 PAGE

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

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In the Matter of the Application for a Search Warrant for: Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921 Case No.

ORDER

#### MPD Case No. 22-M09903

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 11/19/22 at 7:01 p.m.

Megan Marshall Megan E. Marshall

Magistrate Judge

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NJ 07921 Case No. CR29-

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause

establishing grounds for issuing a search warrant and probable cause to believe property

consists of certain evidence of the crime(s) of homicide to-wit, user account information,

location data, and stored communications held by Verizon Wireless, described in further

detail as follows:

To the extent that the information is within the possession, custody, or control of Verizon Wireless, hereafter "the Service Provider," including any messages, records, files, logs, or information that have been deleted but are still available to the Service Provider or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Service Provider is required to disclose the following information to the government for the following listed account(s) and/or number(s):

For the time period of: August 1, 2022 to Present

SEARCH WARRANT



Verizon Wireless Number: Subscriber Name: Unknown at this time

Verizon Wireless Number: Subscriber Name: Unknown at this time

Verizon Wireless Number: Subscriber Name: Unknown at this time

#### To include both Historical Records and Real Time/Provisional Records

- 1. All customer/subscriber information, including any listed addresses, other listed telephone number(s), social security number(s), dates of birth, name(s), address(es), any other customer identifying information, mobile handset or device identifiers/serial numbers (MEID, ESN, IMSI, IMEI, SUPI), activation date and deactivation date, and point of purchase or location device was purchased if applicable.
- 2. Device Purchase Information. This is specifically to include the Date, Time and Location of where the device or any pre-paid refill cards were purchased as well as any information maintained about the purchase to include store name, store number, terminal number, and amount of purchase.
- 3. Any email addresses associated with the account or with the device that is currently on file and stored in the normal course of business of the Service Provider.
- 4. Call detail records, including detailed information in reference to all known outgoing and incoming calls associated with the account, dates and times calls were made, and duration of all calls made or received. This is to include any other pertinent call detail records including special features codes, or any other codes that are maintained in the normal course of business for the Service Provider, of any cellular numbers identified in the course of the investigation. In addition to voice calls, this would also include any detail records showing text messages, MMS messages, or data activity.
  - a. In the event the requested Call Detail Records contain other Service Provider customer numbers, identified as either incoming or outgoing calls, the Service Provider will provide subscriber information to the specific numbers identified, if requested.

- 5. Cell site information, to include all known cell towers associated with outgoing and incoming calls (Call Detail Records). This information is to include any sector information, azimuth for each identified sector, cell site location, handoff tower and sector, time on tower information, and any other related material that would be necessary to identify the location and sector in reference to the cell site information associated with the call detail records. In the event text messages, MMS messages, Data activity, including IP sessions and destination addresses that were produced, these records are also included in this request.
- 6. Cell site locations for all Service Provider Cell Sites, sector information, including azimuth headings, in the regional market associated with the requested cell site information.
- 7. Location information, to include any estimated or known longitude and latitude of the cellular device's current location, or approximate location, information received by cell tower(s) in reference to direction and distance from the tower a device may be located (timing and triangulation information). Radio Frequency signal strengths, direction, and transmission information. The geographical constraints of location information will be limited to the United States.
- 8. Location information can be in the form of historical records. This would include any reports of device activity that would include the approximate latitude and longitude of the device at the time of the activity, estimated margin of error, direction and distance from the tower, and other location related information commonly referred to as Real Time Tool (RTT), Timing Advance Information, Location Database of Record (LocDBoR). This further includes any other report similar in nature that would provide an estimate of the cellular phone on the Service Provider's network.
- 9. All text message and/or MMS messages, including message content, currently stored in the normal course of business for the Service Provider, to include any cloud services which allow for the long-term storage of both voicemails and SMS/MMS messages.
- 10. Cloud Data, any content that may have been backed up to Cloud Storage for the listed dates/times. If said Cloud Storage has been provided by a third-party provider, please provide relevant contact information for that provider.
- 11. It is further requested that all records and information required, if any, pursuant to the search warrant, be provided in a commercially reasonable electronic format such as Microsoft Excel and that those records be delivered via electronic mail

SEARCH WARRANT

#### to Detective Lawrence Mowery at

The above-described evidence is located within the following described premises:

Verizon Wireless Attn: Verizon Security Assistance Team 180 Washington Valley Road Bedminster, NJ 07921 Fax- 888-667-0026

Please provide this information to Lawrence Mowery at digital format on a compact disk in Excel, PDF or TXT format.

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within 7 days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW** ENFORCEMENT PURPOSE, VERIZON IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

VERIZON SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 16th day of November, 2022, at 9:28 P..m.

Megan (Marshall Magistrate Judge

in

SEARCH WARRANT

Filed: 03/07/2023 14:49:56 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant and the Amended Affidavit in Support of Search Warrant be SEALED.
- 2. The Search Warrant, Amended Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/1/2023

chrabball

Megan E. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 14, 2023, or further order of the Court, whichever occurs first.

so ordered 12/15/22e 11:58 and

Magistrate Lindge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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OLC 14 ZVZZ PM4: 11 CLRK OF DIST CT. LATA

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716

MPD Case No. 22-M09903

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this <u><u><u></u></u> day of December, 2022.</u>

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application For a Search Warrant for:

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716 Case No. CR29-

RETURN OF SEARCH WARRANT

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before Judge Megan E. Marshall at 9 o'clock a.m., this 14th day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)



#### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) On 11/21/22, I obtained a search warrant for Walmart;
- (4) The warrant was served on 11/28/22, by email (fax, email, etc);
- (5) On 12/09/2022, I received an e-mail from Walmart which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department

FURTHER your Affiant sayeth not.

LAURENCE MOWERY

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/14/2022</u> (Date)

 $f_{Sw}$  (62 (Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION FOR A SEARCH WARRANT FOR	
FUK A SEARCH WARKANT FUR	
Wal-Mart Stores Inc.	RECEIPT AND INVENTORY OF WARRANT
702 SW 8th St	INVENTORI OF WINDOW!
Bentonville, AR 72716	
On the <u>28th</u> day of <u>November</u>	, 20 <u>22</u> , at approximately <u>1:16</u> o'clock <u>P</u>
	nce Mowery
served the Search Warrant heretofore issued u directed in said Search Warrant. Entrance wa	pon the place and/or person(s) described therein s obtained by:
directed in said Search Warrant. Entrance wa	
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca	s obtained by:
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca as follows:	s obtained by: tion within or upon said place and/or person(s)
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY	s obtained by:
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY <u>Ka-Bar KA1217S, USMC Fighting Knife Sheath</u>	s obtained by: tion within or upon said place and/or person(s)
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY	s obtained by: tion within or upon said place and/or person(s)
directed in said Search Warrant. Entrance wa The person(s) found in said place were: The property found and taken and the loca as follows: DESCRIPTION OF PROPERTY <u>Ka-Bar KA1217S, USMC Fighting Knife Sheath</u>	s obtained by: tion within or upon said place and/or person(s)

RECEIPT AND INVENTORY

PAGE_1_OF _2_PAGES

A copy hereof was given to the following named	person(s) on the day
, 20;	
<u> </u>	
A copy hereof was left on this date in a conspicuo	us place in the place searched, there being
erson(s) present during said search: _	
DATED this <u>14</u> day of <u>Decem</u>	nber , 2022
	75m 167
VITNESS	PEACE OFFICER
The undersigned person(s) hereby acknowledge	receiving a copy hereof on this da
, 20:	

# RECEIPT AND INVENTORY

PAGE_2_OF_2_PAGES

dec 15 2022 PM4:59 CLRK OF DIST CT. LATA

DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Wal-Mart Inc.	)	
Attn Legal Department	)	ORDER
702 SW 8 th St	)	
Bentonville, AR 72716	)	
	)	
MPD Case No. 22-M09903	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other

1

appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/15/220 11:58 am.

oun Empirohall

Megan E. Marshall Magistrate Judge

DEPUTY

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716 Case No.

SEARCH WARRANT

MPD Case No. 22-M09903

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises consists of records and/or documents ("records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video

REDACTED

surveillance/images pertaining to account transactions (to include account opening, deposit,

withdrawals, etc.) are included with this subpoena request. Supporting information can be

provided to help identify surveillance video/images for some of the transactions) for the crime(s)

# of homicide in the possession or control of Wal-Mart related to the sales of the following items

# for the period of January 1, 2022 to present:

# 1. Ka-Bar KA1217S, USMC Fighting Knife Sheath;

# 2. Ka-Bar Full Size USMC Straight Edge Knife;

The records shall include but are not limited to:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - o Signature cards.
  - Statement Data/Monthly Account Statements.
  - Identification of and name assigned on all Debit Cards on account.
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information.
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible.
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions.
  - Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers.
  - Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account: usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account

including Internet Protocol (IP) addresses for this account and date, time and duration of each session.

- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back).
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance.
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities.

Located at the following premises:

Wal-Mart Stores Inc ATTN Legal Department 702 SW 8th St Bentonville AR 72716 Ph: 479-277-5619 Email:

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court abovenamed. THIS WARRANT SHALL BE EXECUTED WITHIN _7 __ DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, WAL-MART IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

## WAL-MART SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 21st ____ day of November, 2022, at 4:36 p....,

<u>Megan Marshall</u> Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716 Case No.

## ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,

and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant

shall be returned is extended to March 6, 2023.

SO ORDERED this

Magistrate Ludge

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT

### CERTIFICATE OF DELIVERY

I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr. Latah County Prosecuting Attorney Latah County Courthouse Moscow, ID 83843 □ Mailed
 □ E-filed & Served / E-mailed
 □ Faxed
 ☑ Faxed
 ☑ Hand Delivered

Dated 12 5 22

TONYA DODGE Latah County Clerk of the Court

By Clerk

ORDER FOR EXTENSION TO RETURN SEARCH WARRANT LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

# STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

## MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Wal-Mart Stores Inc. Attn Legal Department 702 SW 8th St Bentonville, AR 72716

# MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 21st day of November, 2022 The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Detective Lawrence Mowery on the 28th day of November, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 5th/₂ day of December, 2022.

ASHLE

Sr. Deputy Prosecuting Attorney

MOTION FOR EXTENSION TO RETURN SEARCH WARRANT

Filed: 03/07/2023 14:51:50 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Yahoo! Custodian of Records Oath Holdings Inc. 701 First Ave Sunnyvale, CA 94089

ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

redall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

ORDER SEALING SEARCH

WARRANT AND RELATED DOCUMENTS

701 First Ave Sunnyvale, CA 94089

Custodian of Records Oath Holdings Inc.

Yahoo!

### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 6, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/01/22 0 2:25 pu norphall Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

1

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No.

Yahoo! Custodian of Records Oath Holdings Inc. 701 First Ave Sunnyvale, CA 94089 MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 1. Interfere with enforcement proceedings;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $5^{\text{M}}$  day of December, 2022.

Sr. Deputy Prosecuting Attorney

Dec 6 2022 PM4:48 CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Yahoo! Custodian of Records Oath Holdings Inc. 701 First Ave Sunnyvale, CA 94089 Case No. CR29-

### **RETURN OF SEARCH WARRANT**

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 4:00 o'clock p.m., this <u>5th</u> day of December, 2022.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

<u>12/05/2022</u> (Date)

REDACTED

**RETURN OF SEARCH WARRANT** 

### AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- That I am employed by Moscow Police Department in the official position of Forensic (1) Detective;
- Affidavit has been a trained and qualified peace office for Twelve (12) years; (2)
- On December 01, 2022, I obtained a search warrant for Yahoo; (3)
- The warrant was served on December 01, 2022, by email (fax, email, etc); (4)
- On December 02/2022, I received an e-mail from Yahoo which contained the (5) requested information;
- An inventory was prepared for all the items received; and (6)
- The information received was placed into evidence at the Moscow Police Department. (7)

FURTHER your Affiant sayeth not.

Lawrence Mowery

Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/05/2022 (Date)

(Signature)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No		
THE APPLICATION FOR A SEARCH WARRANT FOR			
Yahoo!	RECEIPT AND		
701 First Ave	INVENTORY OF WARRANT		
Sunnyvale, CA 94089			
P.			
On the <u>lst</u> day of <u>December</u>	, 20 <u>22</u> , at approximately <u>1:55</u> o'clock <u>p</u> .M.,		
the following peace officers: <u>Detective La</u>	wrence Mowery		
served the Search Warrant heretofore issue	ed upon the place and/or person(s) described therein as		
directed in said Search Warrant. Entrance	was obtained by:		
https://lawenforcementrequests.oath.com			
The person(s) found in said place were:			
	<u> </u>		
The property found and taken and the l	ocation within or upon said place and/or person(s) are		
	beation within of apoil only place many of provide ()		
as follows:	LOCATION/PERSON		
DESCRIPTION OF PROPERTY	LOCATION/LEGON		

RECEIPT AND INVENTORY

PAGE_1_OF_2_PAGES

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# RECEIPT AND INVENTORY

PAGE_2_OF _2_PAGES

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, Idaho 83843-0568 (208) 883-2246 ISB No.8491 paservice@latah.id.us

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Yahoo!	)	
Custodian of Records	)	ORDER
Oath Holdings Inc.	)	
701 First Ave	)	
Sunnyvale, CA 94089	)	
	)	
MPD Case No. 22-M09903		

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/10/22

Unashall

Megan E. Marshall Magistrate Judge

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Yahoo! Custodian of Records, Oath Holdings Inc. 701 First Ave Sunnyvale, CA 94089

MPD Case No. 22-M09903

Case No. CR29-

SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime of homicide on the Yahoo! account of Kaylee Goncalves with the email address from August 1, 2022 to November 19, 2022

including:

The contents of all emails associated with the account from August 1, 2022 to November 19, 2022, including stored or preserved copies of emails sent to and from the account, draft emails, the source and destination addresses associated with each email, the date and time at which each email was sent, and the size and length of each email;

SEARCH WARRANT



- All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- The types of service utilized;
- All records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and
  - All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken;

located at the following premises:

Yahoo! Custodian of Records, Oath Holdings Inc. 701 First Ave Sunnyvale, CA 94089

This court order will be electronically submitted to Yahoo! via email at

You are therefore commanded to search the above-described premises for the property described above, to seize it if found and bring it promptly before the court above named. This warrant shall be executed within <u>7</u> days of issuance, and is authorized for daytime or nighttime service (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. PST), and under the following special directions:

**THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, YAHOO! IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.

YAHOO! SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

SEARCH WARRANT

GIVEN UNDER MY HAND and DATED this <u>1st</u> day of December , 2022, at <u>12:18</u> <u>p</u>.m.

<u>Megan (Marshall</u> Magistrate Judge

Filed: 03/07/2023 14:54:15 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076 ORDER TO SEAL AND REDACT

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

- 1. The Affidavit in Support of Search Warrant is SEALED.
- 2. The Search Warrant and Receipt and Inventory be REDACTED.
- 3. This order will remain in effect until further order of the court.

Dated: 3/7/2023

Unashall Megan E. Marshall

Magistrate Judge

DEPUTV

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of case CR29-22-2805 or further order of the Court, whichever occurs first.

SO ORDERED this 240 day of February, 2023. C. 4:37 PM

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Magistrate Judge

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 3. Constitute an unwarranted invasion of personal privacy,
- 4. Disclose the identity of a confidential source; and/or
- 5. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of case CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this Md day of February, 2023.

Sr. Deputy Prosecuting Attorney

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

LATAH COUNTY PROSECUTOR'S OFFICE Ashley S. Jennings Sr. Deputy Prosecuting Attorney

Latah County Courthouse P.O. Box 8068 Moscow, ID 83843-0568 (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for: Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076

Case No. CR29-

**RETURN OF SEARCH WARRANT** 

MPD Case No. 22-M09903

STATE OF IDAHO ) :ss. )

County of Latah

I, Lawrence Mowery, the officer by whom this Warrant was executed, do certify the appended inventory contains a true and detailed account of all property taken by me or other officers pursuant to this Warrant, and that this Warrant and property have been duly returned before the Court at 11:00 o'clock a.m., this 2 day of February, 2023.

I certify under penalty of perjury pursuant to the law the State of Idaho that the foregoing

is true and correct.

2/2/2023 (Date)



### AFFIDAVIT OF DET. LAWRENCE MOWERY

### STATE OF IDAHO ) :ss. County of Latah )

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by the Moscow Police Department in the official position of Detective;
- (2) Affidavit has been a trained and qualified peace office for 12 years;
- (3) I currently work the day shift, 7:00 a.m. to 5:00 p.m.;
- (4) On January 25, 2023, I obtained a search warrant for YikYak;
- (5) The warrant was served on January 26, 2023, via YikYak Law Enforcement Portal;
- (6) On January 27, 2023, I received an email containing data pursuant to the warrant;
- (7) An inventory was prepared for all the items received;
- (8) A copy of the inventory receipt was emailed to und
- (9) The information received was placed into evidence at Moscow Police Department.

FURTHER your Affiant sayeth not.

Detective Lawrence Mowery - 162 Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

February 1, 2023 (Date)

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF	Case No
THE APPLICATION	
	RECEIPT AND
<u>Yik Yak, Inc.</u>	INVENTORY OF WARRANT
28475 Greenfield Rd, Suite 113, #7226	
Southfield, MI 48076	
On the <u>26</u> day of <u>January</u>	, 20 <u>23</u> , at approximately <u>8:32</u> o'clock _
the following peace officers: Det. Lawrence	e Mowery
served the Search Warrant heretofore issued directed in said Search Warrant. Entrance	
directed in said Search Warrant. Entrance	d upon the place and/or person(s) described ther was obtained by:
directed in said Search Warrant. Entrance	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:
directed in said Search Warrant. Entrance The person(s) found in said place were: The property found and taken and the lo as follows:	was obtained by:

RECEIPT AND INVENTORY

PAGE 1 OF 3_PAGES

DESCRIPTION OF PROPERTY	LOCATION/PERSON
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RECEIPT AND INVENTORY

PAGE 2 OF 3 PAGES

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A copy hereof was given to the	following named perso	n(s) on the	1
	_, 20,		
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			41 1
A copy hereof was left on this da		ace in the place searched,	there b
person(s) present during said search	n: .		
		20.22	
DATED this <u>2</u> day of	February	, 20 <u>23</u> ,	
		awrence Mowery	
WITNESS	PEAG	CE OFFICER	
		Je .	
The undersigned person(s) here	by acknowledge received	ving a copy hereof on thi	s
		<u> </u>	
		2	

# RECEIPT AND INVENTORY

PAGE 3 OF 3 PAGES

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Yik Yak, Inc. 🔨	)	ORDER
28475 Greenfield Rd, Suite 113, #7226	)	
Southfield, MI 48076	)	
	)	
MPD Case No. 22-M09903;	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 2/2/20230 4:37 pm.

Marchall

Megan E. Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for:

Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076 MPD Case No. 22-M07622 Case No. CR29-

SEARCH WARRANT

# TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING ANY LAW OF THE STATE OF IDAHO.

Detective Lawrence Mowery, having given me proof, upon oath, this day showing

probable cause establishing grounds for issuing a search warrant and probable cause to

believe there is information related to the investigation of the homicide(s) of Madison Mogen,

Kaylee Goncalves, Xana Kernodle, and/or Ethan Chapin at 1122 King Road, Moscow, Idaho

on the Yik Yak account of Bryan Kohberger with any of the following IDENTIFIERS: Email

address(es)

and/or

and/or

; and/or phone number

; and/or IMEI

generated on or between June 1, 2022 to present including:

- a. The unique User ID number of the account that is assigned by Yik Yak;
- b. Registration date and time for the accounts;

REDACTED

- c. Registration IP address of the accounts;
- e. Current usernames and tag numbers;
- f. If the users are paid subscribers, and any limited billing information;

1

SEARCH WARRANT

- IP addresses and session start-timestamps for the last 90 days; g.
- h. Messages and attachments stored whether it is in a server or in a direct message regarding the above;

located in or upon the following described premises:

Yik Yak, Inc. 28475 Greenfield Rd, Suite 113, #7226 Southfield, MI 48076

You are therefore commanded to search the above-described premises for the property

described above, to seize it if found and bring it promptly before the court above named. This

warrant shall be executed within 7 days of issuance, and is authorized for daytime

service only (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00

a.m. And 10:00 p.m. PST), and under the following special directions:

**YIK YAK, INC. SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 25th day of January, 2023, at 10:29 a .m.

Megan (Marshall Magistrate Judge

Filed: 03/07/2023 15:22:53 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for Case No. CR29-22-2805

ORDER TO SEAL

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921

Latah County, Idaho MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court. Dated: 3/7/2023

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Megan'E. Marshall Magistrate Judge

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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

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 3, 2023, or further order of the Court, whichever occurs first.

so or turtner or us 200 day of December, 2022. C 9:44 an <u>equilation</u> day of December, 2022. C 9:44 an

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

DEC 2 2022 AM8:29 CLRK DF DIST CT. LATA

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LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SENIOR DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Verizon Wireless Attn: Custodian of Records 180 Washington Valley Road Bedminster, NY 07921 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

Latah County, Idaho MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this 15^t day of December, 2022.

ASHI Senior Deputy Prosecuting Attorney

Filed: 03/07/2023 15:21:07 Second Judicial District, Latah County Julie Fry, Clerk of the Court By: Deputy Clerk - Reeves, Tamzen

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

#### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Washington State University Office of the Registrar 1815 NE Wilson Road French Administration Building Room 346 Pullman, WA 99163 Case No. CR29-22-2805

ORDER TO SEAL

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, the court finds it necessary to seal the record related to the search warrant because it is necessary to preserve the right to a fair trial. I.C.A.R. 32(i)(2). After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court.

Dated: 3/7/2023

marchall

Megan E. Marshall Magistrate Judge

CASE NO	
January	125,2023
CLERK OF DIS LATAH (	
BY	DEPHTY

#### IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

### STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Washington State University Office of the Registrar 1815 NE Wilson Road French Administration Building Room 346 Pullman, WA 99163 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and throughout the entirety of CR29-22-2805, or further order of the Court, whichever occurs first.

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SO ORDERED this  $25^{10}$  day of January, 2023.

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

JAN 24 2020 PM4:20 CLRX OF DIST CT. LATAK CASE NJ. _____DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Washington State University Office of the Registrar 1815 NE Wilson Road French Administration Building Room 346 Pullman, WA 99163 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

- 1. Interfere with enforcement proceedings;
- 2. Deprive a person of a right to a fair trial or an impartial adjudication;
- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and/or
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection throughout the entirety of CR29-22-2805.

Wherefore, the State respectfully prays that the Court seal from public disclosure the

Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein

under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 24th day of January, 2023.

ASHLEY S. JENNINGS) Sr. Deputy Prosecuting Attorney



# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheater Parkway Mountain View, CA 94043 https://lers.google.com Case No. CR29-22-2805

ORDER TO SEAL

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court. Dated: 3|8|2.023

Mashall

Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheatre Parkway Mountain View, CA 94043

Latah County, Idaho MPD Case No. 22-M09903 Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

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SO ORDERED 12/2/22

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ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

CLRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheatre Parkway Mountain View, CA 94043 Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

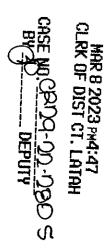
1. Interfere with enforcement proceedings;

- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124. RESPECTFULLY SUBMITTED this 15t day of December, 2022.

Sr. Deputy Prosecuting Attorney



# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheater Parkway Mountain View, CA 94043 https://lers.google.com Case No. CR29-22-2805

ORDER TO SEAL

MPD Case No. 22-M09903

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and I.C. §74-124(1)(e), the court finds it necessary to seal the records related to the search warrant for the following reasons:

- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) Production of such records would disclose investigative techniques and procedures.

After due consideration and with good cause,

IT IS HEREBY ORDERED that the record herein shall be SEALED until further order of the court.

Dated: 3/8/2023

Megarl E Marshall Magistrate Judge

## IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheater Parkway Mountain View, CA 94043 https://lers.google.com Case No.

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 2, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/1/22 01:12 PM

ORDER SEALING SEARCH WARRANT AND RELATED DOCUMENTS

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DEC 1 2022 AMI1:08 LRK OF DIST CT. LATA

LATAH COUNTY PROSECUTOR'S OFFICE ASHLEY S. JENNINGS SR. DEPUTY PROSECUTING ATTORNEY Latah County Courthouse P.O. Box 8068 Moscow, ID 83843 Phone: (208) 883-2246 ISB No. 8491 paservice@latah.id.us

# IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE

## STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application for a Search Warrant for

Google Services 1600 Amphitheater Parkway Mountain View, CA 94043 https://lers.google.com Case No.

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

#### MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

MOTION TO SEAL SEARCH WARRANT AND RELATED DOCUMENTS

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- 2. Constitute an unwarranted invasion of personal privacy,
- 3. Disclose the identity of a confidential source; and
- 4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this  $\cancel{\mathscr{P}}$  day of November, 2022.

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Sr. Deputy Prosecuting Attorney