

Committee: State Court of Idaho

Chair members: Javier Alejandro Apodaca Cuevas,
Elías Montiel Ramírez, Evelyn Montiel Salgado

Topic: State of Idaho v. Bryan Kohberger



I. INTRODUCTION

The State Court of Idaho begins with the history of the Idaho Territory. Idaho was made a territory on March 4, 1863 and in 1919, the Constitution provided for five Justices, composed of a Chief Justice and four Justices. That is the present size of the Court. The Supreme Court is also responsible for the administration and supervision of the trial courts and Court of Appeals as well as the operations of the Administrative Office of Courts. The primary judicial work of the Idaho Supreme Court consists of hearing appeals and motions.

The sessions of the Idaho Supreme Court begins with the announcement that the Judges are entering the courtroom, this announcement is given by the Clerk and they give the instruction “All Rise”. While the Chief Justice and the Judges are being seated, the Clerk opens the Court, then the Chief Justice announces the title of the case and calls by name the lawyer that is going to be heard first. The lawyers of the parties present their arguments to the Court, the lawyers have limited time to present their arguments, although this time can be extended when the occasion warrants. The party bringing the appeal has the right to open and close the debate. Then the respondent’s lawyer presents reasons why they feel the case is justified.

The Supreme Court can hear oral arguments, but also they can decide that the case can be managed with briefs and without oral arguments, only if all parties agree. When the time of the lawyers to present their arguments is over, the Chief Justice asks the Clerk to end the court, the Judges file out and the Idaho Supreme Court is at an end. Before the court begins each member of the court should have read the briefs presented by both parts of the case. The court acts with many motions that are presented in oral arguments, so this court needs a big amount of reading

The Bryan Kohberger case is about four college students who were stabbed to death in the early morning hours of November, 13rd 2022. The students that were murdered were Kaylee Goncalves, Madison Mogen, Xana Kernodle, and Ethan Chapin, and they were found in an off-campus home in Moscow, Idaho. More than six weeks after the murders, Bryan Kohberger was arrested by the police, accused of perpetuating the crime. Kohberger was a doctoral student at Washington State University, which is only about a 15-minute drive from Moscow, Idaho. Investigators said that they found DNA evidence connecting him with the case, and that a search of his apartment uncovered a pillow with a “reddish stain”, a disposable glove and at least a dozen strands of hair. Kohberger is facing four counts of first-degree murder and a count of felony burglary. Now Kohberger is in jail in Latah County, Idaho, where he is being held without bail and awaiting his criminal trial.

II. HISTORY OF THE CONFLICT

A) Key actors

Brian Kohberger (born November 21, 1994): He is the main person involved in this case. Kohberger faces first-degree murder and robbery charges in the murders of the four students.

Megan Marshall: She is the Magistrate judge on this case.

Benjamin Mogen and Korie Hatrock : Their daughter was murdered.

Anne Taylor: She's the lawyer who represents Brian Kohberger in this case.

Cara Northington : She is one the victim's mother, her daughter was Xana Kernodle.

Steve Goncalves: He is Kaylee Gonclaves's father, Kaylee was a murder victim. Steve has criticized the police and the scientists regarding what they have said about the homicide.

Jim and Stacy Chapin: This couple are Ethan Chapin's parents, Etan Chapin was a victim.

Jeff Kernodle: He is Xana Kernodle's father, a murder victim. He has helped with investigations.

John Judge (September 20, 1944): He is the judge that read aloud Bryan Kohberger's rights.

B) Key events

November 13, 2022: Four students from the University of Idaho were stabbed to death in an off-campus residence in Moscow, Idaho.

November 25, 2022: The area law enforcement started searching for Bryan Kohberger's vehicle, and the WSU (Washington State University) police within days identified a white Elantra.

December 30, 2022: Bryan Kohberger was arrested at his parents house in Pennsylvania.

January 2, 2023: Kohberger's family declared to the media their condolences to the families and expressed their support and love for their son throughout the legal process.

January 3, 2023: Bryan Kohberger appeared in a Pennsylvania courtroom and waived his extradition to Idaho.

January 4, 2023: Bryan Kohberger is transported back to Idaho.

January 5, 2023: Bryan Kohberger was formally charged in Idaho.

January 12, 2023: Bryan Kohberger appeared in an Idaho court and waived his right to a speedy preliminary hearing.

May 17, 2023: A grand jury, which determines whether criminal charges should be brought, indicted Bryan on the same four murder charges he was already facing.

May 22, 2023: Bryan Kohberger at his arraignment did not answer when the judge asked him in the court how he pleaded to the charges.

June 26, 2023: The next hearing was scheduled in Moscow, Idaho.

October 6, 2023: Bryan Kohberger's trial is set and is expected to last 4 to 6 months.

III. CURRENT HAPPENINGS

In court, a judge read aloud the murder and robbery charges against Bryan Kohberger and asked if the suspect was prepared to announce his statement. Rather than making a statement, Kohberger's attorney chose to firstly remain silent, based on an Idaho criminal rule that allows a defendant to avoid verbally compromising guilt or innocence. This strategy, known as "staying mute," is not common, but has been used in similar cases, such as the Nikolas Cruz case, who was responsible for the shooting at Marjory Stoneman Douglas High School in Parkland, Florida.

There are multiple reasons defendants may choose to "remain silent," especially when the case is as high profile as Kohberger. Samuel Newton, a professor of law at the University of Idaho, has mentioned that Bryan may be keeping quiet to avoid criticism. Similarly, Newton mentioned that prosecutors and defense attorneys may also be negotiating a plea deal. Newton also says that Bryan Kohberger just doesn't want to cooperate with the case. Kohberger's attorney could not be considering a plea of not guilty by reason of insanity, as there is no insanity defense in Idaho.

Kohberger faces first-degree murder and robbery charges for the murders of four University of Idaho students. He is alleged to have broken into the victims house and repeatedly stabbed them before fleeing the scene. Although there is a gag order hiding much of the details of the case from the public, the trial is expected to take place in October 2023. Seattle attorney Anne Bremner asserted that the plea of not guilty is entered on behalf of the defendant, regardless of whether or not they choose to remain silent.

Bryan Kohberger has been held without bail since he was arrested in December at his parents' home in Pennsylvania and then transferred to Idaho, where he awaits trial. The trial is scheduled to begin on October 6 and is expected to last approximately six weeks. Prosecutors have 60 days from this week to submit in writing whether they plan to seek the death penalty in the case against Kohberger.

In addition, there are two hearings scheduled for June 9 2022, where requests submitted by a lawyer representing the family of one of the victims and a coalition of media outlets will be discussed. These requests are related to concerns about the limits of the gag order issued in the case. At this time, the gag order prohibits prosecutors, defense attorneys, attorneys for victims' families, and witnesses from making public statements about details of the case that are not publicly known.

IV. KEY POINTS

- **Irregularity in Evidence:**

Under Idaho law, to charge someone in this way there has to be some margin of evidence; however, in this case the jury misled as to the standard of evidence required for an indictment. Defense attorneys argue that the evidence provided should have met a high standard, however the evidence presented to the jury did not meet that standard, and if this is true, so it could be considered that the jury was told they could indict on a lower evidence standard the defense wants this indictment to be quashed or for the jury to order a preliminary hearing.

- **Defense paperwork:**

Days before the “**Irregularity in Evidence**” Kohberger's defense filed a paperwork saying if the case does go to trial they intend to present an alibi. In Idaho it is a requirement to inform the court of that, as the Kohberger's lawyers wrote “Evidence corroborating Mr. Kohberger being at a location other than the King Road address will be disclosed pursuant to discovery and evidentiary rules as well as statutory requirements.” This evidence may be offered through cross-examination of State Witnesses and defense experts.

- **Kohberger defense statement:**

The defense declared that Brian’ s DNA was placed at the crime scene, being only found fingerprints on the knife (touch DNA), this type of evidence is considered unreliable within forensic science due to the ease of its change and alteration. What the defense maintains is that the evidence found is not enough to prove that Brian Kohberger was at the place and

time of the crime scene, nor how his DNA got to the weapon used in the homicide. Adding to this there have been high restraints on the integration of genetic material found from the crime scene that the prosecution does not want to share with the defense. The practice of placing DNA is considerably common in cases similar to this and according to different forensics it is a possibility that this is the case.

- **Possible Testimony of Surviving Roommates:**

Bethany Funke and Dylan Mortenson, both 21, survived the November 13th attack, both of their testimonies are key to learning what happened that night. Mortenson gave the police the most detailed eye-witness testimony from the night of the murders. However, Funke's information and testimony provides an insight of what happened in the case but recently Ms. Funke's lawyers filed a request to quash the subpoena made by Kohberger's legal counsel for her presence and testimony in the trial.

- **Possibility of Death Penalty:**

If convicted, Brian Kohberger could face the death penalty in the State of Idaho as he is being accused of 4 counts of first degree murder.

V. SUBSEQUENT ACTIONS

The case of Bryan Kohberger is a case that has caused a lot of noise in Idaho and that undoubtedly has had an impact on many people. The November 13 murders came as a shock to Idahoans as four Idaho college students were stabbed to death in an off-campus home in Moscow, Idaho. Almost two weeks later, the police managed to find the vehicle of the presumed culprit, Bryan Kohberger. After six weeks, Bryan Kohberger was arrested at his parents' home in Pennsylvania.

The evidence that investigators have said are that they found DNA evidence connecting him with the case, and that a search of his apartment uncovered a pillow with a "reddish stain", a disposable glove and at least a dozen strands of hair.

After Bryan Kohberger was extradited to Idaho in court, a judge read aloud the murder and robbery charges against him. Furthermore, the judge asked him if he was

prepared to declare, Kohberger's attorney chose to remain silent, based on an Idaho criminal rule that allows a defendant to avoid verbally compromising guilt or innocence. Kohberger faces first-degree murder and robbery charges in the murders of the four students. He is alleged to have broken into the victims' house and repeatedly stabbed them before fleeing the scene.

VI. RESOURCES

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