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

**STATE OF IDAHO,**

**Plaintiff,**

**V.**

**BRYAN C. KOHBERGER,**

**Defendant.**

**CASE NUMBER CR01-24-31665**

**NOTICE OF FILING DEFENDANT'S  
OBJECTIONS TO THE JUROR  
QUESTIONNAIRE UNDER SEAL**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby submits to the Court the Defendant's Objections to the Jury Questionnaire.

**PART I. GENERAL BACKGROUND**

- Questions 3 and 8 are the same question.
- Question 21 combines Defense requested questions 19 and 20. Defense objects to the topics being combined.

- Question 23 queries about reading habits. The Defense requests a new query about media habits be added next in sequence. **The Defense requests the question cover traditional mainstream media sources as well as social media sources including following You Tube, Tik Tok and Facebook groups.**

## **PART II. EMPLOYMENT HISTORY**

- Question 31 queries about employment; the Defense requests part of the query include information about the prospective **juror's role as a supervisor.**
- Question 32 queries about education or training in a variety of areas; the Defense requests **"vehicle identification"** be added to the list.

## **PART III. EDUCATION**

- Question 36, the Defense requests the query include the prospective juror's **major and minor fields of study.**

## **IV. GENERAL ATTITUDES AND KNOWLEDGE OF THE LAW**

- Question 38, the Defense objects to this wording and requests the wording in Defense Suggested Questionnaire number 36 be substituted. That language:

**"Presumption of Innocence One of the fundamental principles of our legal system is that when a person is charged with a crime, he must be presumed to be innocent. This presumption of innocence is only overcome if the prosecution presented enough evidence to convince you beyond a reasonable doubt that he is guilty.**

**If you are selected as a juror in this case, will you have any difficulty accepting and/or applying the rule of law that Bryan Kohberger must be presumed to be innocent? YES: \_\_\_\_\_ NO: \_\_\_\_\_"**

- The Defense has noted that the suggested query regarding burden of proof; the defense requests the following language be added into the final Juror Questionnaire:

**"The State/Prosecution, has the burden of proving that Bryan Kohberger is guilty beyond a reasonable doubt. This burden never shifts to the defense. The defendant never has to prove that he is innocent. No defendant is ever required to testify. A defendant is not required to present any evidence.**

**If the prosecution does not prove every element of an offense beyond a reasonable doubt, the jury must find the defendant not guilty of that offense.**

**Do you understand this legal principle? YES: \_\_\_\_\_ NO: \_\_\_\_\_**

**Will you follow this legal principle? YES \_\_\_\_\_ NO \_\_\_\_\_**

**Do you foresee any difficulty in applying this legal principle? YES \_\_\_\_\_ NO \_\_\_\_\_"**

- The Defense requests the following version of the Constitutional Right to Remain Silent be given:

**Under our Constitution, a defendant in a criminal case has the right to remain silent. A defendant is not required to testify or to present any evidence at all.**

**a. Do you feel that a defendant should be required to testify?**

Yes \_\_\_\_ No \_\_\_\_

**b. In many cases, a defendant, with the advice of their attorney, may choose to not testify. There are a variety of reasons this decision may be made. If this happens, do you believe it means that the defendant is probably guilty or has something to hide? Yes \_\_\_\_ No \_\_\_\_**

**c. If Mr. Kohberger does not testify will you agree NOT to speculate as to the reason? YES \_\_\_\_ NO \_\_\_\_**

**d. If Mr. Kohberger does not testify will you be able to presume his is innocent? YES \_\_\_\_ NO \_\_\_\_**

**e. If the defendant exercises his Constitutional right to remain silent and does not testify, the jury will be instructed that they may not use his silence as evidence of guilt and the jury may not even discuss the fact the defendant did not testify. Can you follow this instruction and not consider the defendant's silence as an indication of guilt? Yes \_\_\_\_ No \_\_\_\_**

- Questions 40 and 49, while not worded identically cover the same information.

## **V. ATTITUDE REGARDING THE DEATH PENALTY**

- Question 50 and subparts. The Defense objects. The question and its subparts are work to expose views of opposition to the death penalty. This is objectionable under *Morgan v. Illinois*. The Defense requests the prospective jurors receive the question proposed in the Defense requested Questionnaire as follows:

**“In this case, the State has filed a notice of intention to seek the death penalty. This means that if, and only if, Mr. Kohberger is found guilty of first-degree premeditated murder there will be a separate trial known as a sentencing proceeding. During this sentencing proceeding, other evidence may be presented to the jury. You are not to draw any conclusions about why you are being asked questions about the death penalty before this trial has commenced. Do not think that anyone has determined that a sentencing proceeding will be required or that Mr. Kohberger will be found guilty of any offense. This is very important. If the defendant is convicted of first-degree murder, the same jury that determined guilt may be asked to determine the appropriate sentence in a separate proceeding. In the sentencing phase of the case, the prosecution is required to establish the existence of an aggravating circumstance(s), which the prosecution asserts support the death penalty. On the other hand, the defense will present mitigating circumstances to the jury, which the defense asserts support a penalty of life imprisonment. Aggravating circumstances are factors set out by statute**

**and alleged by the State in support of a death sentence. Mitigating circumstances are anything about the defendant or the facts of the case that, in fairness or mercy, indicate that a sentence other than death is appropriate. If you find the defendant guilty, the alternative to the death penalty is a sentence of life imprisonment.**

**Are you opposed to discussing your viewpoint about the death penalty with the parties during Voir Dire? YES \_\_\_\_\_ NO \_\_\_\_\_**

**Do you feel the death penalty is used: \_\_\_\_\_ Too often \_\_\_\_\_ Too seldom \_\_\_\_\_  
Don't know, please explain: \_\_\_\_\_**

- Question 51 Defense requests the following question be asked following 51 or 51 be eliminated:

**“Have you participated in Idaho legislative process regarding any aspect of the death penalty including how Idaho carries out the death penalty? YES \_\_\_\_\_ NO \_\_\_\_\_”**

- Question 53 Defense objects. Discussion of a prospective juror's feelings about the death penalty is more appropriate in person so the Court and the parties can assess the prospective juror's responses.

#### **PART VI. KNOWLEDGE OF THE CASE**

- Question 56 Defense requests the prospective jurors be asked if they have watched Dateline episodes.

Defendant requests the following question be added:

**“If you did follow this case, has that caused you to already form an opinion regarding the guilt or 32 innocence Bryan Kohberger in this case? Yes \_\_\_\_\_ No \_\_\_\_\_”**

- Question 61 and Question 62 - Defendant objects - The coverage of this case has been pervasive. It is in the media every day. There has been a lot of misinformation throughout the pendency and any prospective juror that has read, heard or watched the coverage cannot set aside what they have read, seen or heard. Bias runs deep and strong depending on many potential connections to the case or to stories read seen or heard. The change of venue was granted for this reason.
- The Defense noted that the requested questions related to Mr. Kohberger's diagnoses, and we request that query be added back in. The query is:

**“The evidence in this case may include testimony about Autism Spectrum Disorder, Obsessive Compulsive Disorder, Attention Deficit Hyperactivity Disorder, and Eating Disorders.**

**Do you have a strong opinion about hearing that kind of evidence? Yes \_\_\_\_\_  
NO \_\_\_\_\_**

- a. If YES, what is that opinion \_\_\_\_\_ 1
- b. Which disorder? \_\_\_\_\_ 1
- c. Are you familiar with Autism? Yes \_\_\_\_\_ NO \_\_\_\_\_
- d. Have you, or a family member or close friend been diagnosed with any of the disorders listed above? Yes \_\_\_\_\_ NO \_\_\_\_\_”

DATED this 21 day of May, 2025.



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ANNE C. TAYLOR  
ANNE TAYLOR LAW, PLLC

### **CERTIFICATE OF DELIVERY**

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 21 day of May, 2025 addressed to:

Latah County Prosecuting Attorney –via Email: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)

Elisa Massoth – via Email: [legalassistant@kmrs.net](mailto:legalassistant@kmrs.net)

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