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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 STATE'S
REQUESTED JURY INSTRUCTIONS
UNDER SEAL**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby submits to the Court his Objections to the State's Requested Jury Instructions under seal.

The State provided the following list of proposed Jury Instructions; the Defense notes the following:

Preliminary Instruction

1. ICJI 001 (as modified; *see* Section II)

Objection – a portion of the State’s proposed Jury instruction is different from the ICJI. The difference does not reflect the Burden of Proof written in the ICJI or in other jury instructions.

Recess Instruction

1. ICJI 002 (as modified; *see* Section II)

No Objection

Pre-Proof Instructions

1. ICJI 101

Objection – not provided.

2. ICJI 102 (as modified; *see* Section II)

No Objection

3. ICJI 103

Objection - not provided.

4. ICJI 104

Objection – not provided.

5. ICJI 105

Objection – not provided.

6. ICJI 106 (as modified; *see* Section II)

Objection – this instruction is provided later as post proof number 17.

7. ICJI 107

Objection – not provided.

8. ICJI 108 (as modified; *see* Section II)

No Objection

9. ICJI 110 (as modified; *see* Section II)

No Objection

Post-Proof Instructions

1. ICJI 201

Objection - not provided.

2. ICJI 202

Objection – not provided.

3. Instruction adopted from ICJI 104 re circumstantial and direct evidence (*see* Section II)

Objection – This instruction takes only one section out of ICJI 104 and focusses on circumstantial versus direct evidence. The entire instruction should come in all in one or not at all.

4. ICJI 204

Objection – not provided.

5. ICJI 205
Objection – not provided.
6. ICJI 206
Objection – not provided.
7. ICJI 207
Objection – not provided.
8. Transition to charges and elements (*see* Section II)
Objection – this is not an ICJI.
9. ICJI 511 (as modified; *see* Section II)
No Objection
10. ICJI 515
Objection – not provided.
11. ICJI 701 (as modified; *see* Section II)
No Objection
12. ICJI 702
Objection – not provided.
13. ICJI 704A (as modified; *see* Section II)
Objection – this instruction is different than the ICJI; it does not include the State’s Burden of Proof.
14. Instruction re motive not an element (*see* Section II)
Objection – This is not an ICJI.
15. ICJI 340
Objection – not provided.
16. ICJI 208
Objection - not provided.
17. ICJI 700B (as modified; *see* Section II)
No Objection
18. ICJI 700C (as modified; *see* Section II)
No Objection
19. ICJI 301 (if applicable)
Objection – not provided.
20. ICJI 303 (as modified; *see* Section II)
No Objection
21. ICJI 308 (if applicable)
Objection – not provided.
22. ICJI 318 (if applicable)
Objection – not provided.

23. ICJI 319 (if applicable)

Objection – not provided.

24. ICJI 320 (if applicable)
Objection – not provided.

25. ICJI 344 (if applicable)
Objection – not provided.

26. ICJI 345
Objection – not provided.

27. ICJI 221 (as modified; *see* Section II)
Objection – ICJI 222 is more appropriate as ICJI 221 is used in cases with special circumstances.

Death Penalty Sentencing Instructions

1. ICJI 1701 (as modified; *see* Section II)
No Objection

2. ICJI 1702
Objection – not provided.

3. ICJI 1703
Objection - not provided.

4. ICJI 1704 (as modified; *see* Section II)
Objection – this instruction does not match the ICJI; it adds words to who is a “victim” for the purposes of victim impact statements.

5. ICJI 1705
Objection – not provided.

6. ICJI 1706
Objection – not provided.

7. ICJI 1707
Objection – not provided.

8. ICJI 1708 (as modified; *see* Section II)
No Objection

9. ICJI 1710
Objection – not provided.

10. ICJI 1713
Objection – not provided.

11. ICJI 1714
Objection – not provided.

12. ICJI 1716
Objection – not provided.

13. ICJI 1717
Objection – not provided.

14. ICJI 1718

Objection – not provided.

15. ICJI 1719 (as modified; *see* Section II)

Objection this instruction is different than the ICJI; it does not include the paragraph about execution. The instruction needs to include the paragraph but be updated with the law that applies in Idaho at the time the trial begins.

16. ICJI 1721

Objection – not provided.

17. ICJI 1722

Objection – not provided.

18. ICJI 1723

Objection – not provided.

19. ICJI 1724 (as modified; *see* Section II)

Objection – this instruction is different than the ICJI.

Post-Verdict Instruction

1. ICJI 232

Objection – not provided.

DATED this 21 day of April, 2025.



ANNE C. TAYLOR
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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 April, 2025 addressed to:

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