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

STATE OF IDAHO,
Plaintiff,

V.

BRYAN C. KOHBERGER,
Defendant.

Case No. CR01-24-31665

PARTIES' JOINT PROPOSED
JURY INSTRUCTION
REGARDING TIP LEADING TO
INVESTIGATION OF THE
DEFENDANT

COMES NOW the State of Idaho and Defendant, Bryan C. Kohberger, to submit the proposed jury instruction as provided below.

INTRODUCTION

In its April 18, 2025, Order Memorializing Oral Rulings on Motions in Limine, the Court advised the parties to meet and confer regarding a jury instruction to explain the "tip" that caused law enforcement to investigate Defendant. The parties have agreed on the proposed jury instruction below, which relates to the testimony of Moscow Police Department Corporal Brent

Payne.

The State intends to ask foundational questions of Corporal Payne to elicit the testimony addressed in the proposed instructions. Specifically, the State intends to ask (i) whether law enforcement received tips that it investigated between November 13, 2022, and December 19, 2022, (ii) if any of those tips had been substantiated, and (iii) if law enforcement received a tip on December 19, 2022, that caused them to investigate Defendant.

Defendant does not stipulate to parts (i) and (ii) of the anticipated testimony and reserves the right to cross-examine Corporal Payne about that testimony but will not address Investigative Genetic Genealogy (“IGG”).

PROPOSED JURY INSTRUCTION

PARTIES’ JOINT PROPOSED INSTRUCTION NO. 1

You heard Corporal Payne testify that the investigation team received a tip on December 19, 2022, that caused them to investigate the defendant, Bryan C. Kohberger.

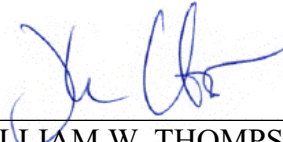
This testimony was admitted for the limited purpose of explaining what caused law enforcement to investigate the defendant. You are not to consider this testimony for any purpose other than the limited purpose of when and why law enforcement first investigated the defendant. You are not to speculate as to the source or substance of the tip.

Source: ICJI 308 (modified)

CONCLUSION

The parties respectfully ask the Court to adopt their proposed jury instruction regarding the December 19, 2022, tip.

DATED this 8th day of May 2025.



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CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the PARTIES' JOINT PROPOSED JURY INSTRUCTION REGARDING TIP LEADING TO INVESTIGATION OF THE DEFENDANT were served on the following in the manner indicated below:

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

Dated this 9th day of May 2025.

