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Jay Weston Logsdon, Chief Deputy Litigation, Bar Number: 8759

IN THE SUPREME COURT OF THE STATE OF IDAHO

**THE ASSOCIATED PRESS; RADIO
TELEVISION DIGITAL NEWS
ASSOCIATION;
SINCLAIR MEDIA OF BOISE,
LLC/KBOI-TV (BOISE); THE
MCCLATCHY
COMPANY, LLC; STATES NEWSROOM
dba IDAHO CAPITAL SUN; THE
SEATTLE TIMES; TEGNA INC./KREM
(SPOKANE), KTVB (BOISE) AND KING
(SEATTLE); EASTIDAHONEWS.COM;
THE LEWISTON TRIBUNE;
WASHINGTON
STATE ASSOCIATION OF
BROADCASTERS; ADAMS
PUBLISHING GROUP dba
POST REGISTER; IDAHO PRESS CLUB;
IDAHO EDUCATION NEWS; KXLY-TV/4
NEWS NOW AND KAPP/KVEW-TV—
MORGAN MURPHY MEDIA KXLY-TV/4
NEWS NOW; SCRIPPS MEDIA, INC., dba
KIVI-TV, a Delaware corporation; BOISE
STATE PUBLIC RADIO; THE TIMES-
NEWS; THE SPOKESMANREVIEW/
COWLES COMPANY; COEUR D'ALENE
PRESS; THE NEW YORK TIMES
COMPANY; DAY365 dba BOISEDEV;**

LAWNEWZ, INC.; SCRIPPS MEDIA, INC., a Delaware corporation; ABC, INC.; WP COMPANY LLC, dba THE WASHINGTON POST; SOCIETY OF PROFESSIONAL JOURNALISTS,

Petitioners,

V.

SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, COUNTY OF LATAH; HONORABLE MEGAN E. MARSHALL, MAGISTRATE JUDGE,

Respondents.

Supreme Court Docket No. 50482-2023

PETITION TO INTERVENE AS REAL PARTY IN INTEREST

COMES NOW, Bryan C. Kohberger, by and through their attorney, Jay Weston Logsdon, Chief Deputy Litigation, and hereby petitions to intervene as a respondent in this action pursuant to I.A.R. 7.1 and as permitted by I.A.R. 5(a). Intervention is warranted because Bryan C. Kohberger’s right to Due Process and an unbiased jury cannot be fully represented or protected by the Respondents, and his rights will be impaired if he is not permitted to intervene.

This Motion is timely as the petition was filed very recently and no responsive pleadings have been filed by the Respondent. To determine timeliness, the court considers three factors: “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.” [*United States v. Washington*, 86 F.3d 1499, 1503 \(9th Cir.1996\)](#) (quoting [*United States ex rel. McGough v. Covington Technologies Co.*, 967 F.2d 1391, 1394 \(9th Cir.1992\)](#)). In this matter, not only is the filing of the petition very recent, but counsel for the Petitioners has indicated it will be refileing the Petition with verification. If granted leave to intervene, Mr. Kohberger is prepared to comply with all time frames set by this Court.


The Petitioner's request is replete with arguments as to balancing the rights of the public and media against Mr. Kohberger's rights. This Court should permit Mr. Kohberger to defend himself, rather than require the Respondents to do so by proxy.

Before filing this Motion, counsel for Mr. Kohberger conferred with counsel for the petitioners and respondents. Counsel for Judge Marshall indicated that they have no objection to this request to intervene.

For the reasons discussed herein, Bryan C. Kohberger respectfully requests that the Court grant his Motion to Intervene in this matter as a respondent.

DATED this 15 day of February, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER
KOOTENAI COUNTY PUBLIC DEFENDER

BY: 

JAY WESTON LOGSDON
CHIEF DEPUTY LITIGATION
ASSIGNED ATTORNEY

CERTIFICATE OF DELIVERY


I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 17 day of February, 2023 addressed to:

Second Judicial District of the State of Idaho,
County of Latah
Attn: Roland Gammill
Trial Court Administrator
Latah County Courthouse
X Via Email:
TCA2@co.nezperce.id.us

Deborah A. Ferguson
Attorney for Hon. Megan E. Marshall
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Wendy Olson
Attorney for Petitioners
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Bradley Rudley
Attorney for Potential Real Party in
Interest X Via Email:
paservice@latahcountyid.gov



CERTIFICATE OF UNCONTESTED MOTION

The undersigned does hereby certify that he has contacted counsel for Judge Marshall and is authorized to represent that counsel has no objection to this motion.

Dated and certified this 13 day of February 2023,