

CASE NO. CR 29-22-2805  
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LATAH COUNTY p.m.  
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,  
Plaintiff,

V.

BRYAN C. KOHBERGER  
Defendant.

Case No. CR29-22-2805

MOTION FOR PROTECTIVE  
ORDER

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves the Court for a protective order pursuant to I.C.R. 16(l) for information related to Investigative Genetic Genealogy. This case arises from a quadruple homicide. Law enforcement found the DNA of a potential suspect at the crime scene, and the FBI submitted the DNA to one or more publicly available genetic genealogy services to determine potential relatives of the suspect. The FBI then used common genealogical techniques to develop a family tree leading to Defendant. The State seeks to protect from disclosure the names and personal information of the hundreds of innocent relatives on the family tree, the names of the publicly available genetic genealogy services used, and certain

other information described below. The disclosure of this information is not required by Rule 16 of the Idaho Criminal Rules and should be protected from disclosure for the good cause described below, including the State's privilege to protect the identity of informers as described in Idaho Rule of Evidence 509.

#### FACTUAL BACKGROUND

On November 13, 2022, law enforcement found the bodies of Madison Mogen, Kaylee Goncalves, Xana Kernodle, and Ethan Chapin at 1122 King Road in Moscow, Idaho. All four victims died from apparent knife wounds. Law enforcement found a Ka-Bar knife sheath on a bed next to the bodies of Madison and Kaylee. The sheath was face down and partially under both Madison's body and the comforter on the bed. Law enforcement seized the Ka-Bar knife sheath pursuant to a search warrant. The Idaho State Police Lab in Meridian, Idaho, located DNA on the Ka-Bar knife sheath. The ISP laboratory determined the DNA came from a single source and that the source was male.

Once law enforcement had single-source DNA from the Ka-Bar knife sheath, they conducted what is called a short tandem repeat ("STR") analysis. STR DNA analysis involves looking at 20 regions within human DNA and allows law enforcement to make a direct comparison between two STR DNA profiles. Law enforcement submitted the STR DNA profile obtained from the Ka-Bar knife sheath to the Combined DNA Index System ("CODIS"), a database of STR DNA profiles from convicted offenders, arrestees, and crime scene evidence, to identify the source of the DNA. No match was found.

Unable to find a match using STR DNA analysis, law enforcement decided to use Investigative Genetic Genealogy to find a lead. Genetic genealogy allows individuals to trace

their lineage or connect with unknown family members using DNA. Typically, it involves sending a DNA sample, such as a tube of saliva, to a genetic genealogy service like Ancestry.com or 23andMe. The genetic genealogy service then creates a single nucleotide polymorphism (“SNP”) profile to use for genealogical purposes. A SNP profile is different than a STR DNA profile and is used more often for genealogical purposes.<sup>1</sup>

The genetic genealogy service then uses an algorithm to compare the user’s SNP profile to SNP profiles submitted to the genetic genealogy service by other users to determine ancestry and potential relatives. The genetic genealogy service shares with the user a list of potential relatives and, depending on the specific genetic genealogy service, personally identifying information on those individuals, like their name, email address, and the amount of DNA the user shares with the potential relatives. The user does not receive any genetic information pertaining to other database users (i.e., users’ DNA profiles are not shared with each other).

This same process, used frequently by members of the public, can also be used by law enforcement as part of their investigation—a technique referred to as Investigative Genetic Genealogy or “IGG.” Once a publicly available genetic genealogy service shows law enforcement potential relatives of the suspect, law enforcement applies traditional investigative and genealogical methods to build a family tree in an effort to follow the tree to the suspect or a close relative of the suspect. Family trees can be used to narrow down a potential suspect based on factors such as age, gender, opportunity, known physical

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<sup>1</sup> While an STR DNA analysis involves looking at 20 regions within human DNA, a SNP profile contains about 650,000 of the human genome’s 3.3 billion nucleotides.



































































