

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the
Application for a Search
Warrant for

eBay Inc.,
ATTN Legal Department

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (E) and I.C. §74-124(1)(b), the court finds it necessary to seal in part and redact the record related the search warrant for the following reasons:


- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) It is necessary to preserve the right to a fair trial.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

1. The *Affidavit in Support of Search Warrant* is SEALED.
2. The *Search Warrant and Receipt and Inventory* be REDACTED.
3. This order will remain in effect until further order of the court.

Dated: 2/28/2023


Megan E. Marshall
Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the
Application for a Search
Warrant for

eBay Inc.,
ATTN Legal Department
Ph: 801-545-1385
Email:
Submit via <https://le.corp.ebay.com>

Latah County, Idaho
MPD Case No. 22-M09903

Case No.

ORDER SEALING SEARCH
WARRANT AND RELATED
DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until February 27, 2023, or further order of the Court, whichever occurs first.

SO ORDERED this 29th day of November, 2022.

Megan Marshall
Magistrate Judge

ORDER SEALING SEARCH
WARRANT AND RELATED DOCUMENTS

1

REDACTED

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, ID 83843
Phone: (208) 883-2246
ISB No. 8491
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the
Application for a Search
Warrant for

eBay Inc.,
ATTN Legal Department
Ph: 801-545-1385
Email:
Submit via <https://le.corp.ebay.com>

Latah County, Idaho
MPD Case No. 22-M09903

Case No.

MOTION TO SEAL SEARCH
WARRANT AND RELATED
DOCUMENTS

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:

1. Interfere with enforcement proceedings;

2. Constitute an unwarranted invasion of personal privacy,
3. Disclose the identity of a confidential source; and
4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 28th day of November, 2022.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF
THE APPLICATION
FOR A SEARCH WARRANT FOR

eBay Inc.,
ATTN Legal Department
Submit via <https://le.corp.ebay.com>

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 26st day of November, 2022, at approximately 7:07 o'clock P.M.,
the following peace officers: _____

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as
directed in said Search Warrant. Entrance was obtained by: _____

The person(s) found in said place were: _____

The property found and taken and the location within or upon said place and/or person(s) are
as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

ASIN 404016324938 DATA

ASIN 384887524661 DATA

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES

This Receipt and Inventory was made in the presence of: _____

A copy hereof was given to the following named person(s) on the _____ day of _____, 20____;

A copy hereof was left on this date in a conspicuous place in the place searched, there being no person(s) present during said search: EMAIL

DATED this 28 day of NOVEMBER, 2022.

WITNESS

JEM 162
PEACE OFFICER

The undersigned person(s) hereby acknowledge receiving a copy hereof on this _____ day of _____, 20____:

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
Moscow, Idaho 83843-0568
(208) 883-2246
ISB No.8491
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application)	Case No.
for a Search Warrant for:)	
)	
eBay Inc.,)	ORDER
ATTN Legal Department)	
Ph: 801-545-1385)	
Email:)	
Submit via https://lc.corp.ebay.com)	
)	
<u>MPD Case No. 22-M09903</u>)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other

appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 11/29/22



Megan E. Marshall
Magistrate Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application
for a Search Warrant for:

eBay Inc
ATTN Legal Department
Ph: 801-545-1385
Email:
Submit via <https://le.corp.ebay.com>

MPD Case No. 22-M09903

Case No.

SEARCH WARRANT

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING
ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause
establishing grounds for issuing a search warrant and probable cause to believe that the property
referred to and sought in or upon said premises consists of information for the crime(s) of homicide
in the possession or control of EBAY related to the sales of the following items for the period of
January 1, 2022 to present:

1. ASIN 404016324938, Ka-Bar Full Size US Marine Corps Fighting Knife
2. ASIN 384887534661, Ka-Bar 1217S, Leather Sheath, USMC Logo

The records and documents shall include but are not limited to:

- Account information for the above-named individuals/entities on eBay or affiliated websites including but not limited to: contact information, billing information, account opening date, account closing date, and any other information retained in connection with the identified accounts;
- Order details and purchase history for all transactions conducted by the above-named individuals/entities on eBay or any eBay affiliated storefront/webstore, including IP address information for purchases made;
- Payment information for payments made (or facilitated by) eBay to or from the above-named individuals/entities including payments through eBay or eBay supported platforms;
- All customer interaction records between eBay and the above-named individuals/entities and their representatives to include call notes, call recordings, emails and/or written correspondence;

located in or upon the following described premises,

eBay Inc
ATTN Legal Department
Ph: 801-545-1385
Email: _____
Submit via <https://le.corp.ebay.com>

INSTRUCTIONS FOR PRODUCTION OF ELECTRONICALLY (DIGITALLY) STORED RECORDS

Electronic Records

Electronically stored records shall be produced in electronic form and shall include those records held (1) in your record retention systems; and/or (2) by your technology, data, or other service provider(s).

Text Data

Text data relating to transactions (e.g., core data, history file) shall be produced within a data file: (1) using delimited ASCII text data format; or (2) within software that can export without loss of data to a non-proprietary file format; or (3) using commonly readable file format

set by agreement.

Text data files relating to transactions produced according to the above shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

Image Data

Image data shall be produced in graphic data files in a non-proprietary or commonly readable format with the highest image quality maintained. Image data of items associated with specific transactions (e.g., checks, deposits) shall be: (1) Produced in individual graphic data files with any associated endorsements; and (2) linked to corresponding text data by a unique identifier.

Encryption/Authentication

Electronically stored records may be transmitted in an encrypted container. Decryption keys shall be produced separately at the time the data are produced. Authentication, such as hash coding, may be set by agreement.

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, EBAY IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.**

EBAY SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 26th day of November, 2022, at
6:14 P.m.


Magistrate Judge