

SEP 03 2026

TRENT TRIPPLE, Clerk
BY JANA MEYER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BRYAN C. KOHBERGER,

Petitioner,

vs.

STATE OF IDAHO,

Respondent.

Case No. CV01-26-15094

ORDER RE: SEALED
SUPPLEMENTAL
MEMORANDUM

Before the Court is Petitioner's "Motion to Maintain Ex Parte Status and to Seal Confidential Supplement to Motion to Disqualify" (Aug. 27, 2026). Petitioner has provided no basis—privilege¹ or otherwise—for withholding the Supplement from the State. Consequently, Petitioner is ORDERED to immediately serve the Supplement upon the Latah County Prosecutor.

IT IS FURTHER ORDERED that within seven (7) days of the filing date of this Order, Petitioner provide a detailed explanation of why I.C.A.R. 32(i)(3)(A) justifies sealing the Supplement in this matter. The Supplement will remain temporarily sealed pending the Court's review of Petitioner's explanation.

ORDERED and DATED this 3rd day of September, 2026.


Steven Hippler
District Judge

¹ Further, by asserting an ineffective assistance claim against trial counsel, Petitioner has waived any privilege over his communications with trial counsel relevant to the conduct placed at issue. *See*, I.R.E. 502(d)(3) "There is no privilege under this rule ... [a]s to communication relevant to an issue of breach of duty by the lawyer to the lawyer's client or by the client to the client's lawyer[.]" *Skelton v. Spencer*, 98 Idaho 417, 419, 565 P.2d 1374, 1376 (1977) (by alleging her attorneys coerced her into executing settlement agreement, defendant waived the attorney-client privilege for all communications relevant to the settlement process and the conduct of her former attorneys); *Tasby v. U.S.*, 504 F.2d 332 (8th Cir. 1974) (ineffective assistance of counsel claim waives privilege to the extent necessary to litigate it)).

CERTIFICATE OF SERVICE

I hereby certify that on 09/03/2026, I mailed (served) a true and correct copy of the ORDER RE: SEALED SUPPLEMENTAL MEMORANDUM to:

LATAH COUNTY PROSECUTOR'S OFFICE VIA EMAIL: paservice@latahcountyid.gov	☐ U.S. Mail, Postage Prepaid ☐ Interdepartmental Mail ☒ Electronic Mail ☐ Facsimile
Greg Rauch VIA EMAIL: nppd@mrlegal.com	☐ U.S. Mail, Postage Prepaid ☐ Interdepartmental Mail ☒ Electronic Mail ☐ Facsimile

TRENT TRIPPLE

Clerk of the District Court

By: _____

Deputy Clerk

