

SEP 22 2026

TRENT TRIPPLE, Clerk
By ANNA 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 DENYING MOTION TO
SEAL SUPPLEMENTAL
MEMORANDUM

On August 27, 2026, Petitioner filed a “Sealed Supplemental Memorandum in Support of Motion to Disqualify Judge” (“Supplemental Memorandum”) and “Motion to Maintain Ex Parte Status and to Seal Confidential Supplement to Motion to Disqualify.” In its Order on the Motion, the Court required Petitioner to both disclose the Supplemental Memorandum to the State and file a detailed explanation justifying the sealing of the document. *See*, Order re: Sealed Supplemental Memorandum (September 3, 2026) (“Order”). Before the Court is Petitioner’s response to the Order.

Petitioner contends the Supplemental Memorandum contains “highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person,” thus justifying sealing the document under I.C.A.R. 32(i)(3)(A). Specifically, he contends the document contains protected content regarding “individualized health-related assessments, descriptions of confidential communications, and discussion of expert-assisted consultation.” Resp., p. 3. The privacy harm, he argues, is “the involuntary disclosure of those personal assessments and consultation details.” *Id.*, p. 4. He requests that the document be entirely sealed or selectively redacted to remove the “private” content.

The Court disagrees that the information contained in the Supplemental Memorandum is intimate, protected or will result in harm if disclosed. It simply describes—in very general terms—trial counsel’s concerns about Petitioner’s difficulty in comprehending adverse rulings and understanding their effect on the outcome of the case. Contrary to Petitioner’s

characterization of the material, it does not disclose private health-related information,¹ discussion of expert-assisted consultation or descriptions of any confidential communications. It does not discuss what the perceived difficulties were, why they arose, or what counsel's discussions were with Petitioner and/or his experts. Consequently, the Court DENIES Petitioner's motion to seal the Supplemental Memorandum.

In addition, Petitioner's response to the Order raised concern as to whether footnote 1 of the Order—which briefly discussed the law regarding waiver of the attorney-client privilege for communications relevant to an ineffective assistance of counsel claim—operated as a prospective determination as to the scope of the discovery waiver in this case. It does not. Rather, the footnote—which was included in the portion of the Order requiring Petitioner to disclose the Supplemental Memorandum to the State—simply meant to highlight that Petitioner could not rely on attorney-client privilege to withhold the Supplemental Memorandum from the State. IT IS SO ORDERED.

DATED this 17th day of September, 2026.



Steven Hippler
District Judge

¹ Much of the evidence submitted in the underlying criminal case regarding Petitioner's health-related conditions, including mental health, has been unsealed and is no longer private.

CERTIFICATE OF SERVICE

I hereby certify that on 09/22/2020, I mailed (served) a true and correct copy of the ORDER DENYING MOTION TO SEAL 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/Anna Meyer VIA EMAIL: adaclerk@ada.idcourts.gov	☐ U.S. Mail, Postage Prepaid ☐ Interdepartmental Mail ☒ Electronic Mail ☐ Facsimile

TRENT TRIPPLE

Clerk of the District Court

By: _____

Deputy Clerk

