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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,

V.

STATE OF IDAHO,
Respondent.

Case No. CV01-26-15094

ANSWER TO PETITION FOR POST
CONVICTION RELIEF

COMES NOW, the State of Idaho, Respondent in the above-titled action, by and through Keith Scholl, Latah County Deputy Prosecuting Attorney, and based upon such information currently available to Respondent does hereby answer Bryan C. Kohberger's ("Petitioner") *Petition and Affidavit for Post Conviction Relief* in the above-titled action as follows:

I.

REQUEST FOR JUDICIAL NOTICE OF UNDERLYING CRIMINAL CASE

Pursuant to Idaho Code § 19-4906(a), the following material portions of the record in the underlying criminal case, CR01-24-31665 are filed herewith (Exhibit A):

- A1 Criminal Indictment, filed on May 16, 2023.
- A2 Plea Agreement, filed on July 2, 2025
- A3 Written Factual Basis, filed on July 2, 2025
- A4 Guilty Plea Advisory (Felony) filed on July 2, 2025
- A5 Judgment of Conviction, filed on July 23, 2025

II.

GENERAL RESPONSES TO PETITIONER POST-CONVICTION ALLEGATIONS

All allegations made by the Petitioner are denied by the Respondent unless specifically admitted herein.

III.

SPECIFIC ANSWERS TO PETITIONER POST-CONVICTION ALLEGATIONS

1. On information and belief, respondent admits to paragraph 1 of Petitioner's petition.
2. Answering paragraph 2, Respondent affirmatively alleges that the name of the Court which imposed judgment/sentence is The District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada. Respondent admits the location of the courthouse listed in the Petitioner's petition.
3. Answering paragraph 3(a), Respondent admits the case number is CR01-24-31665. Answering paragraph 3(b), Respondent affirmatively alleges that Petitioner was convicted of Burglary under Idaho §§ 18-1401, 1403, a felony in Count I, Murder in the First Degree under Idaho Code §§ 18-4001, 4002, 4003, 4004, a felony in Count II, Murder in the First Degree, under Idaho Code §§ 18-4001, 4002, 4003, 4004, a felony in Count III, Murder in the First Degree under Idaho Code §§ 18-4001, 4002, 4003, 4004, a felony in count IV, Murder in the First Degree under Idaho Code §§ 18-4001, 4002, 4003, 4004, a felony in Count V.
4. Answering Paragraph 4(a), Respondent admits Petitioner was sentenced on July 23, 2025.

Answering Paragraph 4(b), Respondent affirmatively alleges that the terms of the sentence are as follows:

- As to Count I, Respondent is sentenced to the custody of the State of Idaho Board of Correction for a fixed term of ten (10) years in prison. Said sentence runs consecutively to the sentences imposed in Counts II, III, IV, and V.
- As to Count II, Respondent is sentenced to the custody of the State of Idaho Board of Corrections for a fixed life term in prison, without the possibility of parole. Said sentence runs consecutively to the sentences imposed in Counts I, III, IV, and V.
- As to Count III, Respondent is sentenced to the custody of the State of Idaho Board of Corrections for a fixed life term in prison, without the possibility of parole. Said sentence runs consecutively to the sentences imposed in Counts I, II, IV, and V.
- As to Count IV, Respondent is sentenced to the custody of the State of Idaho Board of Corrections for a fixed life term in prison, without the possibility of parole. Said sentence runs consecutively to the sentences imposed in Counts I, II, III, and V.
- As to Count V, Respondent is sentenced to the custody of the State of Idaho Board of Corrections for a fixed life term in prison, without the possibility of parole. Said sentence runs consecutively to the sentences imposed in Counts I, II, III, and IV.

5. Respondent admits a finding of guilt was made after a plea of not guilty.

6. Respondent affirmably alleges that Respondent did not file a direct appeal within forty-two (42) days of the Judgment of Conviction and Commitment.

7. Answering Paragraph 7, Respondent denies the allegation that Petitioner received “ineffective assistance of counsel during the criminal proceedings”, Respondent denies “plea [sic] not knowingly or voluntarily entered because it was induced by unkept promises,” and Respondent denies “plea [sic] not voluntarily entered because of threats asserted by petitioner’s [sic] legal counsel.” Respondent further denies that any purported ineffective assistance of counsel prejudiced the Petitioner; and that the performance of Petitioner’s counsel failed to meet

any standard(s) imposed by the Sixth Amendment of United States Constitution and/or Article 1, §13 of the Idaho Constitution. The claim is nothing more than a conclusory allegation.

8. In answering Paragraph 8, no allegation is made, and no response is required. To the extent a response is required, Respondent denies.

9. In answering Paragraph 9, Respondent is without knowledge of the conversations Petitioner had with his counsel and therefore denies.

10. In answering Paragraph 10, no allegation is made, and no response is required. To the extent a response is required, Respondent denies.

11. In answering Paragraph 11, no allegation is made, and no response is required. To the extent a response is required, Respondent denies.

12. In answering Paragraph 12, no allegation is made, and no response is required. To the extent a response is required, Respondent denies.

13. In answering Paragraph 13, no allegation is made, and no response is required. To the extent a response is required, Respondent denies.

IV.

FIRST AFFIRMATIVE DEFENSE

Petitioner's petition fails to state any grounds upon which relief can be granted. I.C. § 19-4901(a-b); I.R.C.P. 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

Issues raised by Petitioner's Petition could have been raised on direct appeal and are forfeited and may not be considered in this post-conviction proceedings. I.C. § 19-4901(b). Petitioner has not made a substantial factual showing by affidavit, deposition, or otherwise, that the asserted basis for relief raises a substantial doubt about the reliability of the finding of guilt

and that such basis or bases for relief could not, in the exercise of due diligence, have been presented earlier. Thus, all the Petitioner's issues, which he could have raised on direct appeal, may not be considered.

THIRD AFFIRMATIVE DEFENSE

Petitioner's Petition for Post-Conviction Relief includes bare and conclusory allegations that are unsubstantiated or insufficiently substantiated by the affidavit of the Petitioner, records, or other admissible evidence, and therefore fails to raise a genuine issue of material fact. I.C. §§ 19-4902(a), 19-4903, and 19-4906. In alleging ineffective assistance of counsel, Petitioner has failed to show either prong of the two-prong test under *Strickland v. Washington*, 466 U.S. 668 (1984) and progeny as needed to show he is entitled to relief. First, Petitioner failed to show that his counsel's performance fell below an objective standard of reasonableness. *Id.* at 687-688; *see also Aragon v. State*, 114 Idaho 758, 762 (1988). This objective standard embraces a strong presumption that trial counsel was competent and diligent. *Baldwin v. State*, 145 Idaho 148, 154 (2008). Second, the Petitioner has failed to show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *See Strickland*, 466 U.S. at 691-694; *see also Hill v. Lockhart*, 474 U.S. 52, 59 (1985); *Ridgley v State*, 148 Idaho 671, 676-77 (2010).

FOURTH AFFIRMATIVE DEFENSE

Petitioner's freestanding claim of actual innocence is unrecognized under the Uniform Post Conviction Act. *Baker v. State*, 169 Idaho 284, 307 (Ct. App. 2021).

FIFTH AFFIRMATIVE DEFENSE

Petitioner has failed to show any constitutional, advisory, or due process obligation of his counsel to advise him of the collateral consequences of a guilty plea such as the conditions of

prison life or what incarceration would practically entail. *Jakoski v. State*, 136 Idaho 280, 285 (Ct. App 2001).

IV.

PRAYER FOR RELIEF

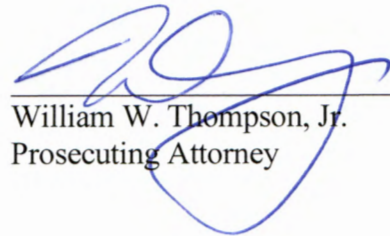
Wherefore, Respondent prays for relief as follows:

A. The Petitioner's claims for post-conviction relief be denied as he is not entitled to post-conviction relief as alleged, and that no purpose would be served any further proceeding pursuant to I.C. 19-4906(b).

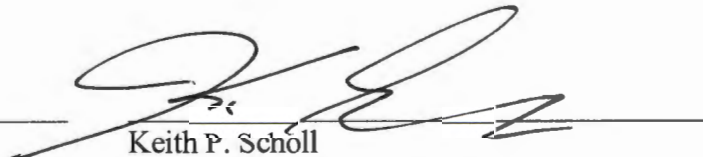
B. That the Petitioner's claims for post-conviction relief be summarily dismissed (Motion for Summary Dismissal to be filed by the Respondent pursuant to Idaho Code 19-4906(c)).

C. For such other and further relief as the Court deems necessary in the case.

Dated: August 25, 2026



William W. Thompson, Jr.
Prosecuting Attorney



Keith P. Schöll
Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the forgoing document were served on the following in the manner indicated below:

Greg Rauch
Attorney at Law
326 E. Sixth Street
Moscow, ID 83843

- ☐ U.S. Mail
- ☒ email
- ☐ Fax
- ☐ Hand Delivery
- ☒ iCourt Service

Dated this 25th day of August, 2026.


Kim K. Workman

MAY 16 2023 PM 5:04
CLERK OF DIST CT. LATAH
Admin 29-23-4
CASE NO. CR29-22-2805
BY DEPUTY

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,

DOB: 11/21/1994

SSN: ***-**-5842

Defendant.

Case No. CR29-22-2805

Grand Jury Case No. 29-23-4

INDICTMENT

BRYAN C. KOHBERGER is accused by the Grand Jury of Latah County by this Indictment, of the crimes of: BURGLARY, IDAHO CODE § 18-1401, 1403, a Felony in Count I; MURDER IN THE FIRST DEGREE, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count II; MURDER IN THE FIRST DEGREE, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count III; MURDER IN THE FIRST DEGREE, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count IV; and MURDER IN THE FIRST DEGREE, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count V, as follows:

COUNT I

BURGLARY

Idaho Code § 18-1401, 1403 a Felony

That the Defendant, BRYAN C. KOHBERGER, on or about November 13, 2022 in Latah County, State of Idaho, did unlawfully enter a residence, located at 1122 King Road, Moscow, with the intent to commit the felony crime of murder.

INDICTMENT

Page 1

REDACTED



COUNT II
MURDER IN THE FIRST DEGREE
Idaho Code § 18-4001, 4002, 4003, 4004, a Felony

That the Defendant, BRYAN C. KOHBERGER, on or about November 13, 2022, in Latah County, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation and with malice aforethought, kill and murder Madison Mogen, a human being, by stabbing Madison Mogen, from which she died.

COUNT III
MURDER IN THE FIRST DEGREE
Idaho Code § 18-4001, 4002, 4003, 4004, a Felony

That the Defendant, BRYAN C. KOHBERGER, on or about November 13, 2022, in Latah County, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation and with malice aforethought, kill and murder Kaylee Goncalves, a human being, by stabbing Kaylee Goncalves, from which she died.

COUNT IV
MURDER IN THE FIRST DEGREE
Idaho Code § 18-4001, 4002, 4003, 4004, a Felony

That the Defendant, BRYAN C. KOHBERGER, on or about November 13, 2022, in Latah County, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation and with malice aforethought, kill and murder Xana Kernodle, a human being, by stabbing Xana Kernodle, from which she died.

COUNT V
MURDER IN THE FIRST DEGREE
Idaho Code § 18-4001, 4002, 4003, 4004, a Felony

That the Defendant, BRYAN C. KOHBERGER, on or about November 13, 2022, in Latah County, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation and with malice aforethought, kill and murder Ethan Chapin, a human being, by stabbing Ethan Chapin, from which he died.

All of which is contrary to the form, force, and effect of the statutes in such case made and provided and against the peace and dignity of the State of Idaho.

A TRUE BILL

Presented in open Court this 16 day of May, 2023.

Presiding Grand Juror
Latah County, State of Idaho

LATAH COUNTY PROSECUTOR'S OFFICE
WILLIAM W. THOMPSON, JR., ISB No. 2613
PROSECUTING ATTORNEY
ASHLEY S. JENNINGS, ISB No. 8491
SENIOR DEPUTY PROSECUTING ATTORNEY
JOSHUA D. HURWIT, ISB. No. 9527
SPECIAL DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
522 S. Adams Street, Ste. 211
Moscow, ID 83843
Phone: (208) 883-2246
paservice@latahcountyid.gov

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

V.

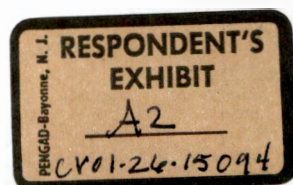
BRYAN C. KOHBERGER,
Defendant.

Case No. CR01-24-31665

PLEA AGREEMENT

THE STATE OF IDAHO, by and through the Latah County Prosecuting Attorney's Office,
the Defendant Bryan C. Kohberger, and the Defendant's attorney, Anne Taylor, stipulate to the
following Plea Agreement:

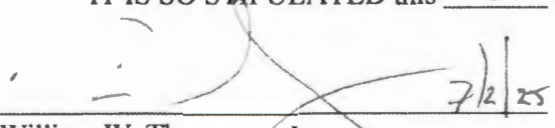
PLEA AGREEMENT



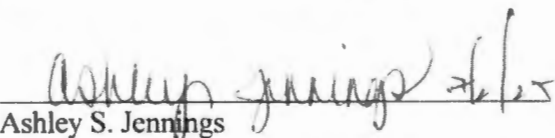
1. The Defendant will enter guilty pleas to the following counts: Burglary, Idaho Code § 18-1401, 1403, a Felony in Count I; Murder in the First Degree, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count II; Murder in the First Degree, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count III; Murder in the First Degree, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count IV; and Murder in the First Degree, Idaho Code § 18-4001, 4002, 4003, 4004, a Felony in Count V; as stated in the Indictment.
2. The Defendant will be sentenced to ten (10) years fixed for Count I.
3. The Defendant will receive fixed consecutive life sentences for Counts II-V.
4. The State may seek restitution orders regarding funeral expenses and Crime Victims Compensation reimbursement in an amount to be determined.
5. Defendant understands (a) the nature of the charge to which the Defendant agrees to plead guilty and acknowledges that he is not being coerced into entering his plea of guilty; (b) the consequences of pleading guilty, including the maximum penalties that may be imposed and any mandatory minimum penalties; and that (c) by pleading guilty he waives his rights to a jury trial, to confront accusers, and to refrain from incriminating himself. Defendant further acknowledges that he is satisfied with his legal representation, has reviewed with his attorney all possible defenses, and by his plea of guilty voluntarily waives those defenses and all claims based upon his constitutional rights.
6. Defendant understands that, if were to proceed to trial, he would have a right to appeal, including but not limited to (a) any issues decided by the Court prior to the Defendant's guilty plea, including any rulings on the admissibility of evidence; (b) the judgment, including the finding of guilt and any issues regarding the guilty plea; and (c) the sentence. Further, the Defendant understands that, if were to proceed to trial, he would have the right to file a motion under Idaho Criminal Rule 35 seeking a reduction of the sentence. The Defendant hereby knowingly, voluntarily, and intelligently waives all rights to appeal any and all issues in this case and waives the right to file a motion pursuant to Idaho Criminal Rule 35.

7. This is the entire agreement and understanding between the parties.

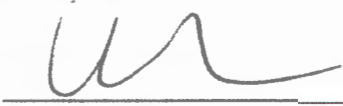
IT IS SO STIPULATED this 30 day of June 2025.



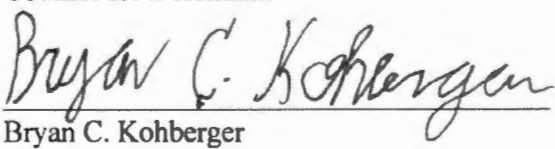
William W. Thompson, Jr.
Latah County Prosecuting Attorney



Ashley S. Jennings
Senior Deputy Prosecuting Attorney



Anne Taylor
Counsel for Defendant



Bryan C. Kohberger
Defendant

Written Factual Basis

I hereby admit responsibility to Count 1: I. C. 18-1403 **Burglary which requires the following elements**: On November 13, 2022, in Latah County, State of Idaho, the unlawful entry of a residence located at 1122 King Road, Moscow with the intent to commit the crime of murder.

I hereby admit responsibility to Count 2: I. C. 18-4003(a) **Murder in the First Degree which requires the following elements**: On November 13, 2022, in Latah County, State of Idaho, the willful, unlawful, deliberate, with premeditation and with malice aforethought, killing and murder Madison Mogen.

I hereby admit responsibility to Count 3: I. C. 18-4003(a) **Murder in the First Degree which requires the following elements**: On November 13, 2022, in Latah County, State of Idaho, the willful, unlawful, deliberate, with premeditation and with malice aforethought, killing and murder Kaylee Goncalves.

I hereby admit responsibility to Count 4: I. C. 18-4003(a) **Murder in the First Degree which requires the following elements**: On November 13, 2022, in Latah County, State of Idaho, the willful, unlawful, deliberate, with premeditation and with malice aforethought, killing and murder Xana Kernodle.

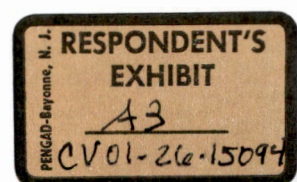
I hereby admit responsibility to Count 5: I. C. 18-4003(a) **Murder in the First Degree which requires the following elements**: On November 13, 2022, in Latah County, State of Idaho, the willful, unlawful, deliberate, with premeditation and with malice aforethought, killing and murder Ethan Chapin.

I plead guilty to Counts 1, 2, 3, 4 and 5 of my own volition.

Dated the 01 ^{July}~~June~~ of 2025

Bryan C. Kohberger

Bryan C. Kohberger



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO
Plaintiff,

Case No. 01-24-31665

Guilty Plea Advisory (Felony)

v.

Bryan C. Kohberger
Defendant.

Idaho Criminal Rule 11(e)

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: Bryan C. Kohberger Signature: Bryan C. Kohberger
Date: 06.27.2025
Age: 30 Date of Birth: 11-21-1994

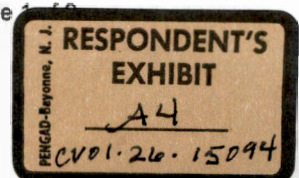
STATEMENT OF CONSTITUTIONAL RIGHTS
(Please initial each response)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elect to have a trial, the State may not call you as a witness or ask you any questions. If you do decide to testify the State will be permitted to ask you questions and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent as to the elements of the crime(s) to which I am entering this plea. BK

2. The waiver of your right to remain silent applies to your plea of guilty to the crime(s) in this case. Unless otherwise stated in your plea agreement, even after pleading guilty, you still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). Unless otherwise stated in your plea agreement, you can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

☒ I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. BK



N/A ☒ I understand that as a term of my plea agreement, I have waived my right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. 00

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the Judge for an attorney. You may be required to reimburse the county for the cost of this representation. BK
4. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the Judge; or 2) you are found guilty at a jury trial. I understand that by pleading guilty I am waiving my right to be presumed innocent. BK
5. You have the right to a speedy and public jury trial before twelve persons. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. You are not required to do so, however. The State must convince all of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am **waiving** my right to a speedy and public jury trial. BK

6. You have the right to question (confront) the witnesses testifying against you. This occurs during a jury trial. At trial, the State must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call witnesses of your choosing to testify on your behalf. If you do not have the funds to bring those witnesses to court, the State will pay the cost of bringing your witnesses to court and will compel their attendance by the use of the subpoena power of the court.

I understand that by pleading guilty I am waiving my right to question (confront) the witnesses against me, and present witnesses and evidence in my defense. BK

7. The State has the burden of proving you guilty beyond a reasonable doubt. I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. BK

QUESTIONS REGARDING ABILITY TO ENTER PLEA

(Please answer every question. If you do not understand a question, consult your attorney before answering.) Please check the correct answer

1. Do you read and write the English language? YES X NO ____
If not, have you been provided with an interpreter to help you fill out this form? ~~NA~~ YES ____ NO ____
Do you want an Interpreter? ~~NA~~ YES ____ NO X
2. What is your true and legal name? Bryan C. Kohberger
3. What was the highest grade of school you completed? Master's level
4. If you did not complete high school, have you received either a general education diploma or high school equivalency diploma? YES ____ NO ____
5. Are you currently under the care of a mental health professional? YES ____ NO X
6. Have you ever been diagnosed with a mental health disorder? YES X NO ____
If so, what was the diagnosis and when was it made?
Feb 2025: Autism (level 1); OCD; ADHD; ARFID
7. Are you currently prescribed any medication? YES X NO ____
If yes, what medications are you taking at this time?
Levothyroxine 100mcg
- If you answered "yes," have you taken your prescription medication during the past twenty-four (24) hours? YES X NO ____
8. In the last forty-eight (48) hours, have you taken any medication or drugs, including over the counter, or have you consumed any alcoholic beverages which you believe affect your ability to understand these questions or to make a reasoned and informed decision in this case? ~~YES~~ NO X OK
9. Are you under the influence of any alcohol, drugs, or other medication at this time? YES ____ NO X
10. Are you capable of understanding these proceedings? YES X NO ____
11. Do you claim that you are mentally incapable of understanding these proceedings or what it means to plead guilty to a crime? YES ____ NO X
12. Is there anything going on in your life that affects your ability to enter a voluntary guilty plea? YES ____ NO X
13. Are you having any difficulty in understanding what you are doing by filling out this form? YES ____ NO X
14. Is there any other reason that you cannot make a reasoned and informed decision in this case? YES ____ NO X
If yes, what is the reason? _____

PLEA AGREEMENT

15. Is your guilty plea the result of a plea agreement? YES X NO

If so, what are the terms of that plea agreement? (If available, a written plea agreement must be attached hereto as "Addendum 'A'")

see attached

16. If a written plea agreement was done, have you read the plea agreement? YES X NO

17. Do you understand your plea agreement? YES X NO

18. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement:

a. I understand that my plea agreement is a non-binding plea agreement. This means that the Court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence. The Court is not bound by the agreement, if the District Court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. I understand I do not have the right to withdraw my guilty plea if the Court chooses not to follow the agreement.

b. I understand that my plea agreement is a binding plea agreement. This means that, I will not be allowed to withdraw my plea of guilty and proceed to a jury trial.

BK

19. Has your attorney or anyone else forced or coerced you in any way into accepting this plea agreement? YES NO X

20. Have any other promises been made to you that have influenced your decision to plead guilty? YES NO X

21. Has anyone told you what your sentence will be? YES X NO

If so, what have you been promised?

4 fixed life sentences consecutive and without the potential for parole; as well as 10 years

APPELLATE RIGHTS

22. Is this a conditional guilty plea in which you are reserving your right to appeal any specified adverse ruling? YES NO X

What rulings have you reserved the right to appeal?

None

23. If it is not a conditional guilty plea do you understand that by pleading guilty you are waiving your right to appeal any ruling made by the judge prior to entering your guilty plea?

YES X NO

24. Have you waived your right to appeal your sentence as part of your plea agreement?

YES X NO

Under what condition can you appeal your sentence?

POTENTIAL SENTENCE

I am charged with the crime(s) of:

I understand the Minimum & Maximum - Fine and Imprisonment:

Count 1: I.C. 18-403 - Arson BK - 10 years

Count 2: I.C. 18-403(a) - Murder BK - fixed life

25. If you plead guilty to more than one crime do you understand that your sentences for each crime could be ordered to be served either **concurrently** (at the same time) or **consecutively** (one after the other)?

YES X NO

26. Do you understand that if you plead guilty and you commit crimes in the future, this conviction could be considered in the future case and could cause more severe penalty in the future case?

YES X NO

ADDITIONAL CONSEQUENCES OF A GUILTY PLEA

27. Are you currently on probation or parole?

YES NO X

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole (**WHICH MEANS THAT ANY SUSPENDED SENTENCE COULD BE IMPOSED AND ANY PAROLE REVOKED**)?

YES NO

28. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, inability to obtain legal status in the United States, and/or denial of an application for United States citizenship?

YES X NO

29. Does the crime to which you will plead guilty require you to register as a **sex offender**? I.C. § 18-8304.

YES NO X

30. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? I.C. § 19-5304.

YES X NO

31. Are you pleading guilty to a crime for which you may be required to pay the **costs of prosecution and investigation**? I.C. § 37-2732 (k), I.C.R. 33(d)(2).

YES NO X

If so, have you and the State agreed upon the amount of this reimbursement?

YES NO

If you have, what is the amount? _____

32. Have you agreed to pay restitution as a condition of your plea agreement? YES X NO _____
33. Do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be? YES X NO _____
34. Is a license suspension required as a result of a guilty plea in this case? YES _____ NO X _____
35. Do you understand that if you plead guilty you will be required to submit a DNA sample and right thumbprint impression to the State? I.C. § 19-5506. YES X NO _____
36. Are you pleading guilty to a crime for which the Court could impose a civil penalty for a crime of violence of up to \$5,000, payable to the victim of the crime? I.C. § 19-5307. YES X NO _____
37. Do you understand that if you plead guilty to a felony, you will lose your right to **vote** in Idaho during the period of your sentence? Id. Const. art. 6, §3. YES X NO _____
38. Do you understand that if you plead guilty to a felony, you will lose your right to **hold public office** in Idaho during the period of your sentence? Id. Const. art. 6, §3. YES X NO _____
39. Do you understand that if you plead guilty to a felony, you will lose your right to **perform jury service** in Idaho during the period of your sentence? Id. Const. art. 6, §3. YES X NO _____
40. Do you understand that if you plead guilty to a felony and or to a misdemeanor crime of domestic violence you will lose your right to purchase, possess, or carry **firearms**? I.C. § 18-310, 18 U.S.C. § 922(g)(9). YES X NO _____
41. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? I.C. §§ 19-2514, 37-2739. YES X NO _____

RELATIONSHIP WITH YOUR ATTORNEY

42. Have you had sufficient time to discuss your case with your attorney? YES X NO _____
43. Have you had adequate time to fill out this form? YES X NO _____
44. Have you had adequate access to your attorney's assistance in filling out this form? YES X NO _____
45. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "discovery." Have you had the opportunity to review the discovery provided by your attorney? YES X NO _____

46. Do you want your attorney to take any further action in this case? YES ___ NO X
47. If you are not a citizen of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship? N/A YES X NO ___
OK
48. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES X NO ___
49. Are you satisfied with your attorney's representation? YES X NO ___

If not, please state why you are dissatisfied?

50. Do you understand that by pleading guilty you will waive (or give up) any defenses, both factual and legal, that you believe you may have in this case? YES X NO ___

IF YOUR GUILTY PLEA IS THE RESULT OF A PLEA AGREEMENT REACHED THROUGH MEDIATION:

51. Did you voluntarily enter mediation? YES ___ NO X
52. Did anyone force you, or coerce you, to enter into the plea agreement in the mediation? YES ___ NO X
53. Were you satisfied with the conduct of the mediation? N/A YES ___ NO ___

ENTRY OF PLEA

54. Are the answers throughout this form your own answers? YES X NO ___
55. Are you entering your plea freely and voluntarily? YES X NO ___
56. Are you admitting to all the elements of the crime(s) to which you are pleading guilty? YES X NO ___
57. Or are you pleading guilty because you are entering an Alford Plea? YES ___ NO X
58. If you are entering an Alford Plea, do you understand that the Court will consider you just as guilty as if you enter a non-Alford plea? N/A YES ___ NO ___
59. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue(s) with your attorney? YES ___ NO X
60. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? N/A YES ___ NO ___
61. Do you need any additional time before you enter your guilty plea(s)? YES ___ NO X

62. Do you understand that if the Court accepts your guilty plea(s) that you may not be able to withdraw your plea(s) at a later date? YES X NO
63. Is there anything else you want to tell the court about why you are pleading guilty? YES NO X
64. Have you discussed the elements of the offense(s) for which you are charged with your attorney? YES X NO

I have answered the questions on pages 1-7 of this Guilty Plea Advisory Form truthfully, I understand all of the questions and answers herein, I have had the opportunity to discuss each question and answer with my attorney, and I have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.

06.29.2025
Dated

Bryon C. Kohberger
Signature of Defendant

Bryan C. Kohberger
Typed/Printed Name

I have reviewed this form with the Defendant.

6/29/25
Dated

[Signature]
Signature of Attorney

6/29/2025
7/29/2025

E. Miller, Esq. M. S. S. S.
[Signature] Backa Barlow

POST PLEA RIGHTS

A presentence investigation will be ordered by the Court unless both you and the State waive that report and the Court approves that waiver. If waived, you will not be eligible for probation. The Court may order evaluations as part of this investigation **AND THESE REPORTS WILL BE USED TO DETERMINE YOUR SENTENCE. Unless you have waived the right to remain silent as part of your plea agreement, you have the right to remain silent during all proceedings and interviews from now until sentencing WHICH INCLUDES THE PRESENTENCE INVESTIGATION AND ANY COURT ORDERED EVALUATIONS.**

The information in the presentence interview and any evaluations (which will include any statements you make in these processes) will be used by the Court in determining your sentence. In particular if you are ordered to undergo a psychosexual evaluation (which can include a polygraph examination), a domestic violence evaluation, a substance abuse evaluation or a mental health examination (which can include a psychological or psychiatric examination) you will be asked extensive questions and your answers to those questions may be used against you during sentencing.

1. Have you discussed the right to remain silent with your attorney? YES X NO
2. Do you understand the nature of this right? YES X NO
3. Do you understand that you may waive this right? YES X NO
4. Have you waived any of this right in your plea agreement? YES X NO
5. Do you have any questions concerning either this right or the waiver of these rights? YES NO X
6. Have you discussed with your attorney your rights regarding your attorney's attendance and presence during the presentence investigation or these various evaluations? YES X NO
7. Do you want the Court to order any particular evaluations to assist the Court in determining your sentence in this case? YES NO X

If yes, which evaluations and why?

I ACKNOWLEDGE THE FOREGOING POST PLEA RIGHTS.

06.29.2025
Dated

Bryan C. Kohberger
Signature of Defendant

Bryan C. Kohberger
Typed/Printed Name

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

-vs-

BRYAN C. KOHBERGER,

DOB: 11/21/1994

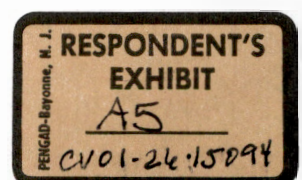
SSN: XXX-XX-5842

Defendant.

Case No. CR01-24-31665

**JUDGMENT OF CONVICTION
AND COMMITMENT**

On July 23, 2025, William Thompson, Ashley Jennings, Joshua Hurwit, Jeffery Nye, and Madison Allen, counsel for the State of Idaho, and Defendant, BRYAN C. KOHBERGER, with his counsel, Anne Taylor, Elisa Massoth, Jay Logsdon, and Bicka Barlow, appeared before this Court for sentencing. Defendant was duly informed of the Indictment returned against him for the crimes of COUNT I. BURGLARY, FELONY, I.C. §§ 18-1401, -1403; COUNT II. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; COUNT III. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; COUNT IV. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; and COUNT V. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004, each crime committed on or about November 13, 2022, and his pleas of guilty to Counts I, II, III, IV, and V on July 2, 2025. Defendant waived his right to a presentence investigation report.



Defendant and his counsel were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against Defendant, and if Defendant or his counsel wished to offer any evidence or to make a statement on behalf of Defendant, or to present any information to this Court in mitigation of punishment; and this Court, having accepted such statements, and having found no legal cause or reason why judgment and sentence should not be pronounced against Defendant at this time; does render its judgment of conviction, as follows:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant is guilty of the crimes of COUNT I. BURGLARY, FELONY, I.C. §§ 18-1401, -1403; COUNT II. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; COUNT III. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; COUNT IV. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004; and COUNT V. MURDER IN THE FIRST DEGREE, FELONY, I.C. §§ 18-4001 -4002, -4003, -4004, and that he be sentenced, pursuant to the Uniform Sentence Law of the State of Idaho, I.C. § 19-2513, as follows:

COUNT I. BURGLARY, FELONY: Defendant is sentenced to the custody of the State of Idaho Board of Correction for a FIXED term of ten (10) years in prison, with such sentence to commence immediately. Said sentence shall run consecutively to the sentences imposed on Counts II, III, IV, and V.

COUNT II. MURDER IN THE FIRST DEGREE, FELONY: Defendant is sentenced to the custody of the State of Idaho Board of Correction for a FIXED LIFE term in prison, without the possibility of parole, and with such sentence to commence immediately. Said sentence shall run consecutively to the sentences imposed on Counts I, III, IV, and V.

COUNT III. MURDER IN THE FIRST DEGREE, FELONY: Defendant is sentenced to the custody of the State of Idaho Board of Correction for a FIXED LIFE term in prison, without the possibility of parole, and with such sentence to commence immediately. Said sentence shall run consecutively to the sentences imposed on Counts I, II, IV, and V.

COUNT IV. MURDER IN THE FIRST DEGREE, FELONY: Defendant is sentenced to the custody of the State of Idaho Board of Correction for a FIXED LIFE term in prison, without the possibility of parole, and with such sentence to commence immediately. Said sentence shall run consecutively to the sentences imposed on Counts I, II, III, and V.

COUNT V. MURDER IN THE FIRST DEGREE, FELONY: Defendant is sentenced to the custody of the State of Idaho Board of Correction for a FIXED LIFE term in prison, without the possibility of parole, and with such sentence to commence immediately. Said sentence shall run consecutively to the sentences imposed on Counts I, II, III, and IV.

Pursuant to I.C. § 18-309, Defendant shall be given credit for the time already served upon the charges specified herein, which is nine hundred thirty-seven (937) days as of July 23, 2025.

IT IS FURTHER ORDERED that as to each count, Defendant shall pay the following: County Justice Fund and Current Expense Surcharge fee in the amount of \$10.00 pursuant to I.C. § 31-4602; Court Costs and Fees in the amount of \$17.50 pursuant to I.C. § 31-3201A; Court Technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5); Crime Victims Compensation fee in the amount of \$75.00 pursuant to I.C. § 72-1025; Emergency Surcharge fee in the amount of \$100.00 pursuant to I.C. § 31-3201H; Peace Officer & Detention Officer Disability Fund fee in the amount of \$3.00 pursuant to I.C. § 72-1105; Peace Officer Training fees in the amount of \$15.00 pursuant to I.C. § 31-3201B; and Victim Notification Fund fee in the amount of \$15.00 pursuant to I.C. § 31-3204, to be paid through the Clerk of the Court.

The parties were not prepared to stipulate to restitution. The State is directed to notice restitution for hearing if the parties cannot stipulate to an amount within sixty (60) days.

Pursuant to I.C. § 18-112A, on each of Counts I, II, III, IV, and V, Defendant is hereby assessed and ordered to pay a maximum fine of \$50,000.00, for a total amount of \$250,000.00, payable through the Clerk of the Court.

Pursuant to I.C. § 19-5307, on each of Counts II, III, IV, and V, Defendant is hereby assessed and ordered to pay an additional fine of \$5,000.00, for a total amount of \$20,000.00. The fine on each count shall operate as a civil judgment against Defendant and shall be entered on behalf of the family of the victim named in the Indictment. An Order is to be submitted to this Court by the State.

Defendant shall comply with the No Contact Orders entered by this Court at the time of sentencing.

Defendant shall submit a DNA sample and right thumbprint impression to authorities, pursuant to I.C. § 19-5506, within ten (10) days of this judgment.

Defendant shall be remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho. The Clerk shall deliver a copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of Defendant.

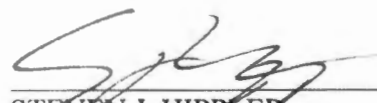
NOTICE OF RIGHT TO APPEAL

Pursuant to the Plea Agreement entered by this Court on July 2, 2025, Defendant, BRYAN C. KOHBERGER, waives all rights to appeal any and all issues in this case and waives the right to file a motion pursuant to Idaho Criminal Rule 35. Nonetheless, should Defendant elect to file a notice of appeal, it must be filed within forty-two (42) days from the entry of this judgment.

You are further notified that you have the right to be represented by an attorney in any appeal, that if you cannot afford to retain an attorney, one may be appointed at public expense. Further, if you are a needy person, the costs of the appeal may be paid for by the State of Idaho. If you have questions about your appeal rights, you should consult your present lawyer.

IT IS SO ORDERED.

Dated this 23rd day of July 2025.



STEVEN J. HIPPLER
Administrative District Judge

CERTIFICATE OF SERVICE

I hereby certify that on 7/23/2025, I served a true and correct copy of the **JUDGMENT OF CONVICTION AND COMMITMENT** to:

ADA COUNTY JAIL

VIA EMAIL: acsocourtdocs@adacounty.id.gov

IDAHO DEPARTMENT OF CORRECTION

VIA EMAIL: centralrecords@idoc.idaho.gov

PRESENTENCE INVESTIGATION TEAM (PSI) & DEPARTMENT OF PROBATION & PAROLE

VIA EMAIL: dist4@idoc.idaho.gov

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PROSECUTING ATTORNEY

ASHLEY JENNINGS

SENIOR DEPUTY PROSECUTING ATTORNEY

JOSHUA D. HURWIT

SPECIAL DEPUTY PROSECUTING ATTORNEY

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VIA EMAIL: emassoth@kmrs.net

IDAHO STATE PUBLIC DEFENDER'S OFFICE

JAY W. LOGSDON

FIRST DISTRICT PUBLIC DEFENDER

VIA EMAIL: jay.logsdon@spd.idaho.gov

LAW OFFICE OF BICKA BARLOW

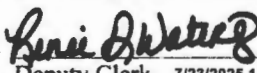
BICKA BARLOW

PRO HAC VICE

VIA EMAIL: bickabarlow@sbcglobal.net

TRENT TRIPPLE

CLERK OF THE COURT

By: 
Deputy Clerk 7/23/2025 1:38:44 PM