

Anne Taylor Law, PLLC
Anne C. Taylor, Attorney at Law
Bar Number: 5836
PO Box 2347
Coeur d'Alene, Idaho 83816
Phone: (208) 512-9611
iCourt Email: info@annetaylorlaw.com

Jay W. Logsdon, Interim Public Defender
Kootenai County Public Defender's Office
PO Box 9000
Coeur d'Alene, Idaho 83816
Phone: (208)446-1700

Elisa G. Massoth, PLLC
Attorney at Law
P.O. Box 1003
Payette, Idaho 83661
Phone: (208)642-3797; Fax: (208)642-3799

Assigned Attorney:

Anne C. Taylor, Public Defender, Bar Number: 5836
Jay W. Logsdon, Chief Deputy Public Defender, Bar Number: 8759
Elisa G. Massoth, Attorney at Law, Bar Number: 5647

**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 NUMBER CR01-24-31665

**MOTION FOR DEFENDANT TO WEAR
STREET CLOTHING TO ALL PUBLIC
HEARINGS**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby requests this Court to provide an Order for Mr. Kohberger to attend all public hearings in street

clothing. This motion is based on the 5th 6th, 8th and 14th Amendment to the United States Constitution, and Article I, § 1, 6, 7, and 13 of the Idaho Constitution. This request is owing to the public nature of the case and vast dissemination of images of Mr. Kohberger.

The United States Supreme Court in *Estelle, Corrections Director v. Williams* 425 U.S. 501 (1976) recognized that causing a person to appear in front of his or her jury in jail clothing would impact the presumption of innocence. Mr. Kohberger respectfully requests all public hearings be considered prejudicial similarly.

In the years that have passed since the *Estelle* case was decided technology has changed public access to the accused. The public has the ability to “attend” public hearings through live streamed hearings. Potential jurors are exposed to every hearing. Mr. Kohberger, having been recently granted a change of venue due to the ongoing, vast, and prejudicial pretrial publicity, recognizes the continued media coverage may impact his right to a fair impartial jury. As such, avoiding coverage in jail clothing is one thing that can reduce prejudice.

During the short time between Mr. Kohberger’s transport to Ada County and the drafting of this motion Mr. Kohberger’s defense team is aware of at least 900 media stories, many of which have focused on Mr. Kohberger’s recent booking photo depicting facial hair. As was placed in the record at the hearing to change venue, expert testimony is that public interest will not wane. This testimony continues to be accurate given the extensive nature of media coverage in the immediate past 5 days. Much of the media coverage and social media posts focus on Mr. Kohberger’s appearance. Authorizing Mr. Kohberger to wear street clothing to all public hearings is one way to reduce potential for prejudice.

Counsel for Mr. Kohberger has had the opportunity to speak with the Ada County Sheriff command staff about street clothing for hearings and they are able to accommodate this request if so ordered by the court.

DATED this 20 day of September, 2024.



Anne C. Taylor
ANNE TAYLOR LAW, PLLC

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 20 day of September, 2024 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov
Elisa Massoth – via Email: legalassistant@kmrs.net


