

SUMMARY STATEMENT

Associated Press v. Second Judicial District

Docket No. 50482

The Idaho Supreme Court has issued a unanimous opinion (5-0) dismissing an original jurisdiction action brought by a coalition of media companies (“Petitioners”) seeking to vacate a nondissemination order (or “gag order”) in the pending criminal action of *State of Idaho v. Bryan C. Kohberger*—a high-profile murder trial that has drawn worldwide publicity.

The media companies directly petitioned the Idaho Supreme Court to issue a writ of mandamus or a writ of prohibition to vacate a nondissemination order issued by the magistrate court. Petitioners argued that the order violates free speech provisions contained in both the U.S. and Idaho Constitutions, especially as they concern the ability of the press to cover matters of public interest. The Respondents and Intervenors (1) raised issues of standing and (2) argued that an extraordinary writ is an inappropriate remedy where the media has the ability to seek relief at the trial court level.

The Supreme Court first addressed the issue of standing. The Court concluded that based on the wording of the order, the Petitioners had sufficiently alleged a potential injury resulting from a “diminished ability to receive speech and effectively gather news.” Moreover, the Court noted that, if proven, “the media’s concern that the order’s provisions are vague, overbroad, unduly restrictive, and not narrowly drawn are not merely contrived ... [and] could improperly infringe on the press’s constitutional right to report on the case.” Thus, the Court determined that Petitioners had standing to assert their claim.

However, on the second issue, the Supreme Court determined that the Petitioners failed to meet the prerequisites for invoking its original jurisdiction. The Court held that extraordinary relief in the form of a writ of mandamus or prohibition is inappropriate where other plain, speedy, and adequate remedies of law remained available to the Petitioners, and there were no extraordinary circumstances to justify accepting the case at this time. The Court explained:

By failing to pursue a remedy from the magistrate court [that issued the nondissemination order] before pursuing an extraordinary remedy from this Court, Petitioners have forgotten that we are “the court of last resort in Idaho”—not the court of first resort.

Additionally, while the Supreme Court recognized the high public interest in this matter, and the media’s constitutional role in providing the public information concerning it, “those seeking to enforce [their rights] must still bow to the jurisdictional rules and procedural channels litigants are constrained to follow.”

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******