The Order of the Court is stated below:
Dated: September 26, 2025 10:22:33 PM **/s/** TONY F GRAF JR
District Court Judge

KATHRYN N. NESTER (13967)
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Attorneys for Defendant

IN THE FOURTH JUDICIAL DISTRICT COURT, PROVO DEPARTMENT

IN AND FOR UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	**FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING APPOINTMENT OF RULE 8 COUNSEL** Case No. 251403576 Judge Tony F. Graf Jr.

THIS MATTER IS BEFORE THE COURT on Defendant's request for the appointment of counsel in his criminal proceeding pursuant to Rule 8 of the Utah Rules of Criminal Procedure and the Utah Indigent Defense Act. The Court hereby finds as follows:

1. Defendant has been charged with one count of Aggravated Murder, a first-degree felony, in violation of section 76-5-202 of the Utah Code. The State has indicated its intent on the record that it intends to seek the death penalty. Therefore, Defendant has been charged with an offense for which the punishment may be death. Furthermore, he has been charged with other felonies, and there is a substantial probability that the penalty to be imposed may be confinement in jail or prison. The Court concludes Defendant is entitled to two attorneys whose combined experience meets the requirements of rule 8 of the Utah Rules of Criminal Procedure.
2. Kathryn N. Nester has been appointed by the Utah County Commission to represent the Defendant in this matter. Ms. Nester has elected Mr. Richard G. Novak and Mr. Michael N. Burt as co-counsel in this matter.
3. On September 16, 2025, the Court determined that Defendant was indigent for the purpose of appointing counsel and orders the Rule 8 qualifications of counsel be filed prior to the hearing on September 29, 2025.
4. On September 25, 2025, Ms. Nester filed declarations describing her qualifications, and the qualifications of co-counsel, to appear as counsel and co-

counsel in this case.

5. Ms. Nester is an attorney duly licensed to practice law in the State of Utah and is qualified under Rule 8 of the Utah Rules of Criminal Procedure to be appointed as lead defense counsel for an indigent defendant charged with an offense for which the punishment may be death.

6. The Court concludes that Ms. Nester is a suitable appointee to represent Defendant as lead counsel in this case under Rule 8 of the Utah Rules of Criminal Procedure.

7. Ms. Nester has requested Mr. Richard G. Novak and Mr. Michael N. Burt, serve as co-counsel in this case. Both Mr. Novak and Mr. Burt are duly licensed to practice law in the State of California. This Court has admitted Mr. Novak and Mr. Burt to practice in the State of Utah pursuant to Ms. Nester's duly filed Motion and Consent for Pro Hac Vice Admission of Out of State Counsel and as such, Mr. Novak and Mr. Burt are admitted to practice in Utah, in this case.

8. The Court finds Mr. Novak to be suitable and qualified to act as co-counsel in this matter.

9. The Court finds Mr. Burt to be suitable and qualified to act as co-counsel in this matter.

Based on the foregoing findings, and good cause appearing, the Court hereby orders as follows:

ORDER

IT IS HEREBY ORDERED that Kathryn N. Nester, Richard G. Novak, and Michael N. Burt are appointed to represent Defendant as counsel in this criminal case. This is the order of the Court for the matter addressed herein. No further order is necessary.

*****IT IS SO ORDERED*****

******THIS ORDER SHALL BECOME EFFECTIVE WHEN ELECTRONICALLY SIGNED BY THE COURT ON THE FIRST PAGE HEREIN.******

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2025, I caused a true and correct copy of the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING APPOINTMENT OF RULE 8 COUNSEL** to be filed via electronic filing, which provides automatic notice to the prosecution of record.

/s/ Kathryn Nester