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Attorneys for Plaintiff

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	STIPULATED MOTION REGARDING ORDER TO PRESERVE EVIDENCE Case No. 251403576 Judge Tony F. Graf, Jr.

The parties hereby jointly move the Court to: (1) set aside its prematurely entered October 20, 2025, order entitled "Order Granting Motion to Preserve Evidence" (Dkt. #107); and (2) enter in its place the parties' Stipulated Order to Preserve Evidence attached as Exhibit 1 to this stipulated motion.

FACTS

1. On October 8, 2025, Defendant filed a Motion to Preserve Evidence. *See* Dkt. #75.

2. Twelve days later, on October 20, 2025, and before the State's deadline to respond had expired, the Court entered an order entitled "Order Granting Motion to Preserve Evidence." *See* Dkt. #107.

3. No party filed a request to submit the motion for decision.

4. On October 22, 2025, the State filed a Response to Defendant's Motion to Preserve Evidence (Dkt. #117), and a Motion to Set Aside the October 20, 2025, Order Granting Motion to Preserve Evidence (Dkt. #116).

5. The parties have since engaged in discussions regarding these issues and reached an agreement on the wording of an order requiring the preservation of evidence. A copy of that proposed stipulated order is attached as Exhibit 1, and filed simultaneously with this stipulated motion. *See* Utah R. Civ. P. 7(j)(6)(A) (requiring a proposed order to accompany a stipulated motion).

STIPULATED MOTION

As evidenced by their signatures below, the parties have agreed on the wording of an order to preserve evidence. *See* Exhibit 1. The parties therefore jointly move the Court to enter the attached stipulated order: (1) setting aside the Court's prematurely entered October 20, 2025, order; and (2) governing the preservation of evidence going forward.

The parties agree that entering the attached stipulated order will resolve Defendant's Motion to Preserve Evidence (Dkt. #75), and the State's Motion to Set Aside the October 20, 2025, Order (Dkt. #116).

DATED November 3, 2025.

UTAH COUNTY ATTORNEY'S OFFICE

s/ Christopher D. Ballard
Christopher D. Ballard
Deputy Utah County Attorney

Attorneys for Plaintiff

NESTER LEWIS PLLC
Kathryn N. Nester

LAW OFFICE OF MICHAEL BURT PC
Michael N. Burt

s/ Michael N. Burt
(Signed with permission received via email)

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on November 3, 2025, I filed the foregoing STIPULATED MOTION REGARDING ORDER TO PRESERVE EVIDENCE through the court's electronic filing system, which served a copy to all counsel of record.

s/ Christopher D. Ballard
Christopher D. Ballard

EXHIBIT 1

JEFFREY S. GRAY #5852
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IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	STIPULATED ORDER: (1) SETTING ASIDE OCTOBER 20, 2025, ORDER GRANTING MOTION TO PRESERVE EVIDENCE; AND (2) GRANTING IN PART MOTION TO PRESERVE EVIDENCE Case No. 251403576 Judge Tony F. Graf, Jr.

This matter comes before the Court on Defendant's Motion to Preserve Evidence (Dkt. #75), and the State's Motion to Set Aside the October 20, 2025, Order Granting Motion to Preserve Evidence (Dkt. #116).

Given the parties' stipulation regarding the wording of an order requiring the preservation of evidence, the Court hereby enters the following:

ORDER

1. The October 20, 2025, Order entitled "Order Granting Motion to Preserve Evidence" (Dkt. #107) is hereby SET ASIDE.

2. The Court GRANTS in part Defendant, Tyler James Robinson's Motion to Preserve Evidence (Dkt. #75) and ORDERS the Utah County Attorney's Office, its agents and any law enforcement agencies involved in the investigation of this case, to preserve all evidence in their custody or under their control, involved in the investigation of this case.

3. Notwithstanding this general order to preserve all evidence, the Utah County Attorney's Office may release or dispose of an item of evidence if:

(a) it notifies defense counsel of its intent to release or dispose of the evidence; and

(b) defense counsel does not object within 14 days of receiving notice, or defense counsel agrees to the release or disposal of the evidence.

4. Further, this Court ORDERS the Utah County Attorney's Office and any law enforcement agency involved in the investigation of this case to notify defense counsel prior to any potentially destructive testing and/or examination. If defense counsel does not object within 14 days of receiving notice, or defense counsel agrees to the potentially destructive testing and/or examination, the testing and/or examination may proceed. Testing and/or examination is potentially destructive only when it is likely to entirely

consume a piece of evidence, or an extract from that piece of evidence, or is likely to change the character of a piece of evidence.

—END OF ORDER—

—COURT SEAL IS AFFIXED TO THE FIRST PAGE OF THIS ORDER—