JEFFREY S. GRAY # 5852
Utah County Attorney
CHAD E. GRUNANDER # 9968
RYAN MCBRIDE # 13079
LAUREN HUNT # 14682
DAVID STURGILL # 7995
CHRISTOPHER D. BALLARD # 8497
Deputy Utah County Attorneys
100 East Center, Suite 2100
Provo, Utah 84606
Telephone: (801) 851-8026
Email: dcourt@utahcounty.gov

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

STATE OF UTAH, **Plaintiff,** **vs.** **TYLER JAMES ROBINSON** **Defendant.**	**MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE PRELIMINARY HEARING** **Case No. 251403576** **JUDGE TONY F. GRAF**

The State respectfully requests that the Court deny Defendant's motion to continue the preliminary hearing scheduled for May 18, 2026.

FACTS

Charlie Kirk was shot and killed on September 10, 2025. Defendant, Tyler Robinson, was charged with Mr. Kirk's murder on September 16, 2025. To date, the State's prosecutors have disclosed all evidence "that is presently and reasonably available" to them, as required under Rule 16. Utah R. Crim. P. 16(a)(2). To be more precise, as of April 1, 2026, counsel for the State had

provided approximately 100% of discoverable material in its possession to the defense. In other words, the defense has what the State has. And much of this discovery was presented long ago.

On December 11, 2025, the preliminary hearing was set for the week of May 18, 2026. On March 12, 2026, the State informed defense counsel of its witness and exhibits. Concurrent with this filing, the State provided defense counsel a witness list containing the names of its anticipated witnesses, a list of approximately thiry-five exhibits it intends to offer, together with Bates numbers for the exhibits and Bates numbers for reports describing the testimony of the witnesses. The list also contains the dates on which each item of discovery was provided to the defense.

With the exception of a photograph of a burnt note (provided on January 9, 2026), doorbell surveillance from a single property (provided January 21, 2026), a DNA report regarding items found in Defendant's apartment (provided January 21, 2026), and a toolmarks report (provided March 12, 2026), each of the witnesses and exhibits have been known to the defense for at least six months before the preliminary hearing.[1] Most of the evidence to be presented at the preliminary hearing, including the DNA report regarding the rifle found at the scene, was provided to the defense in October of 2025. The State does not intend to offer evidence obtained through forensic extractions of electronics seized in this case. It does, however, intend to offer two exhibits which used cameras to record the contents of text messages. These recordings were provided to the defense on October 24, 2025.

ARGUMENT

[1] The State is currently in the process of obtaining a small number 1102 statements from witnesses whose involvement was described in police reports.

Defendant argues that the preliminary hearing should be continued until expert discovery is complete and he is prepared to address it through cross-examination and his own expert witnesses. In essence, Defendant asks the Court to attach trial rights to the preliminary hearing. Defendant puts the cart before the horse: expert discovery obligations attach to the *final* stages of pre-trial proceedings, not the initial ones. Contrary to Defendant's contention for expansive preliminary hearing rights, the Constitution limits the preliminary hearing to only one purpose: the determination of probable case. The extent to which discovery and due process rights apply at the preliminary hearing must be viewed in light of this very narrow purpose.

Accordingly, the preliminary hearing should go forward as scheduled. The State is ready to proceed with evidence establishing probable cause—i.e., evidence "support[ing] a reasonable belief that [the] offense[s] ha[ve] been committed and that the defendant committed" them. *State v. Lopez*, 2020 UT 61, ¶ 50, 474 P.3d 949. Thereafter, the Court should not continue the hearing unless the delay is necessary to ensure an accurate determination of probable cause. This is even more important in this case because an unnecessary delay would violate the victim's right, asserted by his duly designated representative, to a speedy trial. In this case, Defendant has not shown that a continuance will have any effect on the probable cause determination, and he has made no effort to do so. Instead, he has made a procedural argument that expansive due process rights attach to the very narrow hearing. But the law is clear—complete discovery is not required before the preliminary hearing. Further, the preliminary hearing is not the time to challenge expert testimony.

1. The Court should adopt the *State v. Lopez* analysis and deny Defendant's motion because he has not shown that a continuance is necessary to ensure an accurate probable cause determination.

1.1. *State v. Lopez* applies here.

In *State v. Lopez*, the Utah Supreme Court held that a defendant does not have a right to subpoena a victim for a preliminary hearing – and that the trial court must quash such a subpoena – unless the defendant "demonstrates that the subpoena is necessary to present specific evidence that is reasonably likely to defeat the showing of probable cause." 2020 UT 61, at ¶ 4. In reaching its decision, the court recognized: (1) the limited purpose of the preliminary hearing; (2) the admissibility of hearsay; (3) the low burden of proof, which does not allow the magistrate to weigh contradictory or impeachment evidence; and (4) the victim's rights. *Id.* at ¶¶ 43-49. In summary, the court held,

> A defendant has the general authority to "call witnesses" at a preliminary hearing, but a subpoena compelling alleged victims to testify is per se "unreasonable" when it seeks testimony that is immaterial to the probable-cause determination, would obviate the legal sufficiency of hearsay evidence, and would unnecessarily intrude on the rights of victims.

Id. at ¶ 53.

The Court then explained the process for considering a motion to quash a subpoena of a victim at the preliminary hearing. First, the court should hold the hearing. *Id.* at ¶ 54. After making a prima facie probable cause determination, the judge should consider the motion to quash the subpoena. *Id.* To survive the motion to quash the subpoena, the defense must show "that additional live testimony from the victim is necessary to present evidence on a specific point material to the probable cause determination, and that is reasonably likely to defeat the State's prima facie showing of probable cause." *Id.*

Lopez is directly analogous here because it dealt with the extent of due process required or even *allowed* at the preliminary hearing in light of victims' rights. The point of *Lopez,* as it pertains to this case, is that the purpose of the preliminary hearing does not go beyond the determination of probable cause. Where a defense motion affects victims' rights, the Court should strictly limit the hearing to its constitutional purpose.

In sum, this Court should follow the framework established in *Lopez*. The Court should (1) hold the preliminary hearing, *Id*. at ¶ 54; (2) determine whether the State has satisfied the probable cause standard; and (3) if so, address Defendant's motion to continue the preliminary hearing. *See id*. at ¶ 54.

1.2. Defendant has not shown that continuance is necessary.

Defendant has not indicated how additional discovery will defeat probable cause, which is a particularly difficult task because (1) rule 1102(b)(4) of the Utah Rules of Evidence deems "scientific, laboratory, or forensic reports and records" to be reliable hearsay admissible without foundation or the testimony of their author, and (2) because the Court does not weigh contrary testimony and must view the evidence in the light most favorable to the State. *State v. Virgin*, 137 P.3d 787, 793, 2006 UT 29, ¶ 24. Under *Lopez*, if the State makes a prima facie showing of probable cause at the preliminary hearing, then the Defendant may renew his motion to continue. But the Court should only grant that motion if he can show that additional testimony "is necessary to present evidence on a specific point material to the probable cause determination, and that it is reasonably likely to defeat the State's prima facie showing of probable cause." *Lopez*, 2020 UT

61, ¶ 54. If Defendant cannot make that showing, the Court should deny the motion to continue and the preliminary hearing should close.

The Court should note that the evidence the State anticipates consists of more than just the expert reports which are the basis of Defendant's motion. This provides another reason to wait until the close of the preliminary hearing to address Defendant's motion. Aside from forensic reports, the evidence will include images of Defendant at the scene, incriminating evidence in his possession, and multiple confessions. Consequently, even if Defendant could show that expert testimony and additional expert discovery would defeat expert conclusions tying him to the murder, it would not defeat probable cause.

Following the *Lopez* analysis ensures that the victim's right to speedy trial is not affected by an unnecessary motion to continue. It takes into account the limited purpose of the hearing, the burden of proof, and the principle that the Court does not weigh contradictory evidence at this stage. It also ensures that, if the evidence defense counsel seeks is reasonably likely to defeat probable cause, he gets the opportunity to present it. Accordingly, the State asks the Court to deny the motion to continue the preliminary hearing at this juncture, and rule on any renewed motion to continue after the State has rested its preliminary hearing evidence.

2. Defendant's analysis puts the cart before the horse.

Defendant's argument that the preliminary hearing cannot take place "without full and complete discovery of all information underlying any forensic analysis," Def. Mot. 17, and a full opportunity to attack expert opinions, *id.* at 2, misunderstands the limited purpose of the

preliminary hearing and discovery rights as they apply at this stage. In addition, his position would create chaos in practice.

2.1. The constitution does not require either complete discovery or the opportunity to fully challenge expert testimony at the preliminary hearing.

Defendant cites the Utah Constitution which allows the use of reliable hearsay, "if appropriate discovery is *allowed* as defined by statute or rule." Def. Mot. 10, citing Art. 1, Sec. 12 (emphasis added). He also cites Rule 16 to argue that the Utah Constitution should be interpreted to mean that all material in the possession of law enforcement, including law enforcement forensic experts, must be provided prior to the preliminary hearing. Def. Mot. 10-11. But Defendant misunderstands the nature of the preliminary hearing and the rules governing discovery.

2.1.1. The Court should consider discovery obligations in light of the preliminary hearing's limited purpose and scope.

As Defendant acknowledges, the preliminary hearing serves a gatekeeping function to determine whether the evidence "warrants further proceedings," Def. Mot. 9 (citing *State v. Zahn,* 2008 UT App 56, ¶ 3), which should take place "either before or promptly after arrest." Def. Mot. 23 (citing *Gerstein v. Pugh*, 420 U.S. 103, 124-25); *see also* Utah R. Crim.P. 7(e) (preliminary hearing to take place within 14 days of the request). The preliminary hearing is Utah's equivalent to the grand jury indictment. It is designed to be one of the earliest stages of the criminal process as a protection for the accused so that he does not have to bear the burden of trial and incarceration where probable cause is lacking.

Because the preliminary hearing is an early-stage proceeding—designed not to determine guilt but to "ferret out groundless and improvident prosecutions", *State v. Schmidt*, 2015 UT 65, ¶

19, 356 P.3d 1204 (cleaned up)—the level of due process required is far lower than at trial. "The findings of probable cause may be based, in whole or in part, on reliable hearsay." Utah R. Crim. P. 7B(b). By definition, "evidence establishing the foundation for or authenticity of any exhibit," "scientific, laboratory, or forensic reports and records," and "medical and autopsy reports and records," are reliable hearsay admissible without the need for 702 or other foundation or testimony from the author. Utah R. Evid. 1102(b).

The court may not weigh contradictory testimony and must view all evidence in the light most favorable to the State because those matters are reserved for the trier of fact. *Virgin*, 2006 UT 29, ¶ 24. "A magistrate has discretion to decline bindover only where the facts presented by the prosecution provide no more than a basis for speculation – as opposed to providing a basis for a reasonable belief." *Schmidt,* 2015 UT 65, at ¶ 187. In other words, even if Defendant's experts disagree with the State's experts, which at this point is groundless speculation, it would not affect the probable cause determination.

Important trial rights to not apply to the preliminary hearing. The right to confrontation does not apply, *State v. Timmerman*, 218 P.3d 590, 594-96, 2009 UT 58, ¶¶ 13-15, subpoena rights are limited, *Lopez*, 2020 UT 61, ¶ 37, and Fourth Amendment suppression rights do not apply. Utah R. Crim. P. 7B(b). The preliminary hearing is not the place to raise constitutional challenges. *State v. Arghittu*, 2015 UT App 22, ¶ 30. It does not serve a discovery purpose, *State v. Labrum*, 2025 UT 12, ¶ 59, and it is not a discovery device to give the defendant notice of the evidence, facts, or theory of the State's case. *State v. Williamson*, 2024 UT App 141, ¶ 48.

Because the purpose of the preliminary hearing is so narrow, defense counsel does not have a similar motive for cross-examination as at trial, and, as a result, cross-examination of preliminary hearing witnesses does not satisfy confrontation rights. *State v. Goins*, 423 P.3d 1236, 1242, 2017 UT 61, ¶ 37. In fact, in *Goins*, the Utah Supreme Court went so far as to say that defense counsel could reasonably forego vigorous cross examination at the preliminary hearing given the hearing's limited purpose. *Id.* at ¶ 34. ("A defense attorney who assumes that the magistrate will conduct a preliminary hearing that comports with article I, section 12 does not have an incentive to prepare to thoroughly cross-examine on credibility.")

Reading the rules as Defendant requests would displace the constitutionally narrow preliminary hearing with a much more robust trial-like proceeding which would go far beyond the hearing's purpose. Contrary to controlling legal standards and precedent, Defendant's proposal expands the due process rights afforded at the preliminary hearing and, like the defense proposal rejected in *Lopez*, "would obviate the legal sufficiency of hearsay evidence."

2.1.2. Expert discovery is due before trial, not before preliminary hearing.

Defendant cites no authority establishing that expert discovery must be complete before the preliminary hearing. In fact, the law expressly establishes otherwise. Utah Code § 77-17-13 states,

> If the prosecution or the defense intends to call any expert to testify in a felony case at trial or any hearing, excluding a preliminary hearing held pursuant to Rule 7 of the Utah Rules of Criminal Procedure, the party intending to call the expert shall give notice to the opposing party as soon as practicable but not less than 30 days before trial or 10 days before the hearing.

Expert notice requires production of "a copy of the expert's report" or "a written explanation of the expert's proposed testimony," as well as "results of any tests or other specialized data." *Id.* Presumably, the reason expert notice does not apply to preliminary hearings is because of that hearing's limited purpose.

Complete expert discovery appears to be precisely what Defendant has requested here. In other words, contrary to statute, Defendant wants full expert notice now rather than before trial. Because expert notice requirements, including discovery of foundational materials, are expressly excluded from the preliminary hearing by the expert notice statute, Defendant has no basis for seeking a continuance on the grounds of allegedly inadequate expert discovery.

2.1.3. "Appropriate discovery" means only all material in the prosecutor's possession at the time of the preliminary hearing.

The language of Article I, Section 12, states that reliable hearsay is admissible at preliminary hearings "if appropriate discovery is *allowed* as defined by rule or statute." Utah Const. art. I, §12 (emphasis added). The provision therefore does not require that all discovery be "provided" to the defense before the preliminary hearing. Rather it requires only that "appropriate discovery" be "allowed" to enable the defendant to adequately prepare for trial and address any facts or inferences that were supported only by reliable hearsay at a preliminary hearing. *Id.*

Rule 16, which governs discovery in criminal cases, requires only that before preliminary hearing, the prosecutor disclose evidence that is reasonably available to *him*, not to the entire prosecution team. The rule distinguishes "the prosecution team" from "the prosecutor." Rule 16(a)(1) states, "the ***prosecutor*** must disclose to the defendant the following material or

information directly related to the case of which the ***prosecution team*** has knowledge or control: …" Rule 16(a)(2), regarding timing of mandatory disclosures, states,

> The ***prosecutor's*** duty to disclose under paragraph (a)(1) is *a continuing duty as the material or information becomes known to the* ***prosecutor***. The ***prosecutor's*** disclosures must be made *as soon as practicable* following the filing of an information, except that a ***prosecutor*** must disclose all evidence that the ***prosecutor*** relied upon to file the information within five days after the day on which the ***prosecutor*** receives a request for discovery from the defendant. In every case, all material or information listed under paragraph (a)(1) that is *presently and reasonably available* to the ***prosecutor*** must be disclosed before the preliminary examination, if applicable, or before the defendant enters a plea of guilty or no contest or goes to trial, unless otherwise waived by the defendant.

id. (emphasis added). Rule 16 is further informed by *Brady v. Maryland* and its progeny, particularly as it relates to trial rights, but the rule also sets out a practical standard applicable to the preliminary hearing stage: the prosecutor cannot provide what he doesn't possess and what he doesn't know about. That is why the rule states that "all material or information listed under paragraph (a)(1) that is *presently and reasonably available* to the ***prosecutor*** must be disclosed before the preliminary examination." *See id.* (emphasis added).

This distinction matters because, at the stage of a preliminary hearing, investigation and expert discovery are often incomplete. Detectives and analysts may be continuing their investigations, reducing them to writing, finalizing them and approving them for dissemination. Rule 16 acknowledges this fact by recognizing that discovery is a continuing duty which requires disclosure "as the material … becomes known to the prosecutor," and limiting the scope of completed discovery at the preliminary hearing to material "presently and reasonably available to the prosecutor." Utah R. Crim. P. 16(a)(2). Furthermore, in contrast to the provisions of the rule which apply to trial discovery (requiring notice at least 14 days before trial), rule 16 gives no

deadline for preliminary hearing discovery. Defendant cites no authority requiring complete discovery prior to the preliminary hearing. And he cites no authority interpreting rule 16(a)(2) as it applies to preliminary hearing discovery. Instead, he cites two cases, *State v. Shabata*, 678 P.2d 785 (Utah 1984), and *State v. Knight,* 734 P.2d 913, n. 5 (Utah 1987), which deal with police withholding evidence through the trial. These cases give no guidance related to the standards governing preliminary hearing discovery and they certainly do not compel complete discovery prior to the preliminary hearing. While the State agrees that it must provide all discoverable material in the possession of law enforcement before trial, the State disagrees that discovery obligations for *all material* in the possession of law enforcement attach before the preliminary hearing. Instead, the language of rule 16(a)(2) governs.

As an investigation continues, investigators (both experts and non-experts) document their work and provide it to records specialists who process it and provide it to the prosecutors, who review, redact, and Bates number the files and then provide them to the defense. That process is taking place regularly in this case. Because expert investigation will properly continue until an expert deadline near trial, the Court should understand that material "presently and reasonably available to the prosecutor" in this context means only investigation and expert material which has been finalized, processed and provided to the prosecutor to date.

2.2. Defendant's suggestion would create chaos in the criminal process.

If the Court were to adopt Defendant's approach, the State would have to either (1) complete all expert investigation and discovery before the preliminary hearing or (2) delay additional investigation until after the preliminary hearing. This is an untenable position. It would

be both inefficient and prejudicial to all parties – conflicting with principles of judicial economy and speedy trial rights. Instead, the rules should be read to encourage early preparation, including expert investigation, even where that expert investigation and disclosure of that investigation will not be finished before a preliminary hearing.

The fact that the rules expressly anticipate ongoing investigation and discovery, especially expert discovery, demonstrates the flaw in Defendant's position. Indeed, "[a]t this stage of the proceeding the evidence required to show probable cause is relatively low because the assumption is that the prosecution's case will only get stronger as the investigation continues." *State v. Clark*, 20 P.3d 300, 303, 2001 UT 9, ¶ 10. Of course, as investigation continues, so will discovery. As a result, the incompletion of expert investigation and expert discovery, by either side, is not a basis to delay the preliminary hearing.

2.3. The *Longcrier* analysis is not helpful here.

Defendant argues that *Layton City v. Longcrier*, 943 P.2d 655 (Utah Ct. App. 1997), provides the proper analysis for considering a motion to continue a preliminary hearing. *Longcrier,* however, dealt with a trial court's denial of a defendant's motion to continue *trial* so the defendant could obtain legal counsel. *Id.* Ultimately, the court held that the trial court did not abuse its discretion by denying the motion to continue. *Id*. at 661.

In contrast, this case does not deal with either of the two important aspects of *Longcrier*: the right to counsel (at trial) or the continuance of the trial. This distinction matters because the degree of due process to which the defendant is entitled varies based on the proceeding. This is true as it relates to the admissibility of evidence, the right to confront, expert notice, discovery,

and the consequences of the hearing. As a result, while *Longcrier* provides a framework that may have some helpful elements, it is not the controlling test. Instead, the Court should follow the *Lopez* analysis described above because it deals with the level of due process allowed specifically at a *preliminary hearing*. Regardless, if the court did not abuse its discretion in *Longcrier* when it denied the motion to continue the *trial* to give the defendant time to hire counsel, it is hard for Defendant in this case to claim an abuse of discretion for the Court to deny a motion to continue the much less rigorous *preliminary hearing* where Defendant is represented by capable counsel.

3. The State has satisfied its discovery obligations.

As of April 1, 2025, the State has provided approximately 100% of materials in its possession to the defense.[2] The State provided all material it relied on to charge the case by the end of October, 2025.[3] The State has worked closely with SBI's records specialist and Defendant's records paralegal to ensure the efficient transfer of discovery materials from the many law enforcement agencies to the Utah County Attorney's Office and to the defense. All parties have been gracious and cooperative in working through the voluminous records. That effort began even before the State filed charges and continues to date.

On March 12, 2026, more than two months before the preliminary hearing, the parties met and the State informed the defense of its expected preliminary hearing witnesses and exhibits. In conjunction with this opposition to Defendant's Motion to Continue, the State is also providing

[2] "Approximately" because file sharing can be unsuccessful, the State is screening potential duplicates and where it has redacted documents, it does not provide the unredacted copies. In circumstances of unsuccessful file sharing, the paralegals for the parties work to identify problematic or incomplete files and coordinate re-sharing.

[3] Defense counsel stipulated to waive the 5-day discovery period in this case because the volume of material necessitated the creation of a discovery portal for discovery transmission and in order arrange an orderly Bates numbering system.

Defendant with its list of anticipated witnesses and exhibits. The State intends to offer approximately thirty-five exhibits, consisting of photographs of evidence, surveillance videos, the autopsy report, photographs of text messages, and forensic reports. Apart from edits for publication of previously provided videos and written 1102 statements for foundational matters and perhaps one non-foundational witness, the State has provided discovery of all exhibits and witnesses it intends to offer at the preliminary hearing.[4] With only a few exceptions, Defendant has had the preliminary hearing exhibits and underlying reports describing witness testimony for more than six months before the preliminary hearing. The DNA report analyzing the rifle, rounds found in the rifle, a towel found with the rifle, and a screwdriver found near the sniper's perch was provided on October 24, 2025. Given that rule 16 does not include a disclosure deadline for preliminary hearing discovery, and that these disclosures exceeded the trial deadline for witness and exhibit discovery, the State has adequately satisfied its preliminary hearing discovery obligations.

The State continues to provide expert materials and other reports as they are finalized and processed. It should be no surprise that expert discovery, including digital forensics, biological forensics, and ballistics are incomplete. Again, by statute, the State has until 30 days before *trial* to complete expert discovery. *See* Utah Code. § 77-17-13. Some tests have yet to be performed. For example, as Defendant notes, the FBI has not completed "a second comparative bullet analysis," Def. Mot. 22, which is necessary because the original analysis concluded that the "bullet jacket fragment [recovered from Mr. Kirk] could not be identified or excluded" as having been

[4] The list provided to the defense represents the State's anticipated evidence. However, with the preliminary hearing still six weeks away, the State may add additional exhibits, which will be disclosed as soon as the decisions are made.

fired from the rifle found at the scene. Dckt #284, Ex. 2. What Defendant neglects to mention is that the reason the FBI has not completed this second comparative analysis is because he objected to it. Dckt. #284. He can hardly complain that the test has not been conducted when he is the reason it has not been conducted. This circumstance demonstrates the absurdity of waiting for completion of all expert investigation and discovery before the preliminary hearing. Any discovery delay is not the product of dilatory performance on the State's part, but of the process of investigation, which, in this circumstance, includes litigation of the investigatory process.

In this case, the State has dedicated substantial resources to undertake and complete expert investigation at the earliest stages of the proceedings. Neither the State nor the victim should be punished for its initiative by staying the proceedings until the most complex area of investigation and trial discovery is finished.[5] The court proceedings can move forward concurrently with the investigation as they usually do. If the investigation is not complete by the time of trial, delay will then be appropriate.

CONCLUSION

The Court should apply the *Lopez* analysis here because it considers the unique limited due process rights which attach to the preliminary hearing, as well as victims' rights. Under *Lopez,* the Court must deny Defendant's motion to continue because he has not shown that continuance will impact the probable cause finding. Granting the motion and continuing the hearing would not only

[5] Delay usually prejudices the prosecution. As the saying goes, justice delayed is justice denied. Indeed, "Delay is not an uncommon defense tactic" because "as the time between the commission of the crime and trial lengthens, witnesses may become unavailable or their memories may fade. If the witnesses support the prosecution, its case will be weakened, sometimes seriously so." *Barker v. Wingo,* 407 U.S. 514, 519-21 (1972). Delay also impacts the victim's (and Defendant's) speedy trial rights, the perception of legitimacy of the justice system, and creates a void of information which fosters distrust and baseless speculation. *See U.S. v. Bert*, 814 F.3d 70, 83 (2d. Cir. 2016).

unnecessarily delay prosecution of this case but would also violate the victim's speedy trial rights. Defendant may renew his motion after the State has closed its preliminary hearing evidence, but he can succeed only if he demonstrates that a continuance will allow him to present evidence which is reasonably likely to defeat that State's probable cause showing. Otherwise, his motion to continue unjustifiably expands the purposes of the preliminary hearing.

Defendant's preferred analysis puts the cart before the horse by attaching late-stage rights to one of the earliest stages of the proceedings. His course would not only delay advancement of the proceedings but would delay the threshold determination of probable cause which exists to prevent needless incarceration for the lengthy period of trial preparation. Furthermore, if the Court were to adopt Defendant's argument, the only way for the State to timely advance the case would be to pause all investigation (expert and otherwise) until after the preliminary hearing once the investigation met the probable cause threshold. This result is contrary to controlling law and conflicts with principles of judicial economy, efficiency, and speedy trial.

For these reasons, the Court should adopt the *Lopez* approach and deny Defendant's motion to continue unless he can show it is necessary to a fair determination of probable cause.

Dated April 3, 2026.

UTAH COUNTY ATTORNEY'S OFFICE

/s/ Ryan McBride
Deputy Utah County Attorney

CERTIFICATE OF SERVICE

A copy of this filing was served on all counsel of record via the Court's electronic filing system on April 3, 2026.

/s/ Ryan McBride