STACI A. VISSER (14358)
BROWN, BRADSHAW & MOFFAT, L.L.P.
422 North 300 West
Salt Lake City, Utah 84103
Telephone: (801) 532-5297
Facsimile: (801) 532-5298
Email: staci@brownbradshaw.com

IN THE FOURTH JUDICIAL DISTRICT, PROVO

IN AND FOR UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	**DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR ISSUANCE OF ORDER TO SHOW CAUSE** Case No. 251403576 Judge Tony F. Graf

I, Staci Visser, under the penalty of perjury, declare the following:

1. I am attorney duly licensed in the State of Utah since October of 2012. My Utah bar number is 14358.
2. Mr. Robinson is represented by a team of four criminal defense attorneys. I am one of those attorneys.
3. The Utah County Attorney's Office ("UCAO") is represented by a team of six attorneys including Jeffrey Gray, the Utah County Attorney, and the UCAO public relations officer or spokesperson, Christopher Ballard.
4. The UCAO has made public statements about the case facts, evidence, litigation, victim, victim's family, and Mr. Robinson's guilt or innocence since the outset. This case began with Utah County Attorney Jeffrey Gray making such statements in a

forty-minute press conference. *See, e.g.*, PBS News, *WATCH: Utah officials announce charges, including murder, against alleged Charlie Kirk shooter* (Sept. 16, 2025, 4:11 PM EDT), https://www.pbs.org/newshour/politics/watch-utah-officials-announce-charges-including-murder-against-alleged-charlie-kirk-shooter.

5. The UCAO has excused the abundance of information discussed in this and other statements by government officials with the filing of an overly detailed and extensive probable cause statement that gave no regard to the ethical duties to which all Utah attorneys are bound.
6. Recent events demonstrate that unless this Court intervenes, the UCAO will continue to make public statements in violation of both ethical duties and this Court's orders.

Relevant Procedural History

7. On September 22, 2025, the Court issued an order governing the conduct of the lawyers participating in this criminal case. The order is title **Protection Order Re: Pre-Trial and Trial Publicity** ("*Pretrial Publicity Order*"). *See* Doc. 23.[1]
8. The Pretrial Publicity Order directs that the lawyers "who have participated, who are now participating, or who will yet participate in the investigation or litigation of this case in any way" must "strictly comply" with the provisions of Utah Rule of Professional Conduct 3.6. *See id.*
9. The Court cited the language from Rule 3.6 that prohibits a lawyer from making "an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicate proceeding in the matter." *See id.*

[1] Documents contained in the court record are cited by docket entry number unless otherwise attached to this Declaration.

10. Comment [5] of Rule 3.6 describes certain subject matter "that are more likely than not have a material prejudicial effect on a proceeding, particularly when they refer to a civil matter triable to a jury, a criminal matter or any other proceeding that could result in incarceration." These include:
    a. "the performance or results of any examination or test . . . or the identify or nature of physical evidence expected to be presented;"
    b. "any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;"
    c. "the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty[.]"
11. The *Pretrial Publicity Order* also incorporates language from Utah Rule of Professional Conduct 3.8 (Special Responsibilities of a Prosecutor) requiring lawyers to not "intentionally, knowingly, or recklessly permit a witness, investigator, consultant, staff member, or other member of the prosecution or defense team to make extrajudicial statements which, if made by the lawyer, would violate Rule 3.6."
12. On November 6, 2025, the State filed a *Motion to Amend or Clarify Court's Pre-Trial and Trial Publicity Order (Dkt. #23)*, asking for modifications of the Court's *Pretrial Publicity Order*. *See* Doc. 167. The motion was signed by Christopher Ballard. *Id*. at 9.
13. The Court granted the State's motion to clarify and the Court clarified the duties of counsel in informing witnesses that they should not make statements prohibited by Rule 3.6. *See* Doc. 242.

14. The Utah County Attorney's Office is fully aware of their ethical obligations under Utah Rules of Professional Conduct 3.6 and 3.8 as demonstrated by the emails sent by members of the prosecution team to law enforcement and other agencies before charges were filed against Mr. Robinson. *See* Doc. 358 (Attachment D to *State's Memorandum Opposing Defendant's Motion to Exclude Still Photographers, TV Cameras and Microphones from the Courtroom*) (Attachment A).
15. In these letters to law enforcement and other agencies, UCAO emphasized, "DO NOT … MAKE COMMENTS ON HIS CHARACTER OR YOUR BELIEF OF HIS GUILT." These letters also list the categories of prohibited statements under Rule 3.6, Comment [5]. *Id.*
16. On March 27, 2026, Mr. Robinson filed a motion to vacate or continue the preliminary hearing. In detailing why good cause exists to continue or vacate the preliminary hearing, Mr. Robinson referenced forensic testing by the ATF that he may seek to have introduced at the preliminary hearing.
17. Mr. Robinson did not request that the motion to continue be filed privately based upon this Court's *Rulings and Orders on Classification and Closure Motions* (Doc. 460). Therein, the Court denied Mr. Robinson's motion to classify the motion filed January 9, 2026 as private.
18. The ATF report at issue in the January 9, 2026 motion is the same as the evidence cited in the motion to continue. The defense concern with filing this inconclusive report publicly was that doing so was, in effect, a work-around for Rule 3.6 and sought to avoid the public reaction that occurred despite the defense efforts.

19. The State objected to classifying the January 9, 2026 motion and evidence as private. Doc. This was despite the State's earlier email avoiding a public filing regarding the same evidence, for the same reason. *See* Attachment B.

Facts Supporting Violation of Pretrial Publicity Order

20. On March 31, 2026, the online news entity TMZ published an article entitled, "Charlie Kirk Murder Suspect PROSECUTORS SLAM HIS CLAIMS Bullet Doesn't Match." The article states:

> Attorney Christopher Ballard tells us, "Generally when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other. There's just not enough there to determine whether the bullet was fired by a particular firearm. We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing – and then we will present all of that evidence at the trial."

https://www.tmz.com/2026/03/31/tyler-robinson-prosecutor-says-bullet-results-were-inconclusive/ (Attachment C).

21. The article further quotes Mr. Ballard, "He told us, 'Can't speak about specific evidence, but the evidence that we detailed in the charging document is a general summary of the evidence that shows Tyler Robinson committed this crime.'"

22. Finally, TMZ states, "Ballard added, 'He is presumed innocent. The ultimate decision will be up to the jury – we believe we will be able to overcome his presumption of innocence.'"

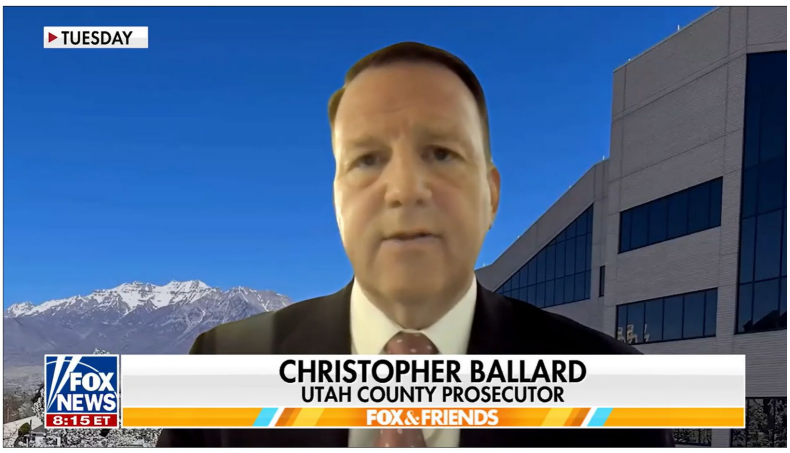
23. Also on March 31, 2026, USA Today reported communications with Christopher Ballard, writing:

> When asked about the defense's characterization of the ATF report, Christopher D. Ballard, a spokesperson for the Utah County Attorney's Office, told USA TODAY ethical rules prohibit him from speaking publicly about forensic testing and test results.

> "But I can say generally that when the results of a bullet fragment analysis come back as inconclusive, that means only that the fragment did not contain enough detail for the examiner to determine whether the characteristics on the fragment were consistent with having been fired by a particular firearm," Ballard said.
>
> Ballard confirmed the FBI and ATF are adding information to the initial reports, which prosecutors expect will include data supporting the initial conclusions. "As soon as the State receives those supplemental reports, we will provide them to the defense," he said.

N'dea Yancey-Bragg, *Does the bullet match? Key issue emerges in Charlie Kirk murder case*, USA TODAY (March 31, 2026, 6:05 p.m. ET), https://www.usatoday.com/story/news/nation/2026/03/31/tyler-robinson-link-charlie-kirk-bullet-match/89399761007/ (Attachment D).

24. On April 1, 2026, Mr. Ballard also appeared on Fox News where he attempted to explain away the results of forensic testing on a bullet fragment. *See* Fox And Friends, *Kirk murder suspect's lawyers seek delay amid questions with ballistics*, FOX NEWS (April 1, 2026), https://www.foxnews.com/video/6392351409112. The description of this video describes, "Christopher Ballard, Utah County Prosecutor, and Bernard Zappor, retired ATF agent, debunk these claims, stating bullet fragments were too damaged for conclusive analysis, but shell casings matched."



Fox And Friends April 01, 2026 · 02:12 · CLIP

Kirk murder suspect's lawyers seek delay amid questions with ballistics

Fox News correspondent Claudia Cowan reports on lawyers for Tyler Robinson seeking a delay in the preliminary hearing as the defense claims an ATF summary report indicates inability to identify the bullet from the rifle.

Claudia Cowan reports on lawyers for Tyler Robinson, the Kirk murder suspect, seeking to delay the preliminary hearing by six months. The defense claims ballistics fragments didn't match the suspected rifle. Christopher Ballard, Utah County Prosecutor, and Bernard Zappor, retired ATF agent, debunk these claims, stating bullet fragments were too damaged for conclusive analysis, but shell casings matched.

25. On April 2, 2026, Politifact published an article online quoting from an email sent by Mr. Ballard to the media entity:

> "When the results of a bullet fragment analysis come back as 'inconclusive,' that does not mean that the rifle did not fire the bullet," Christopher Ballard, a spokesperson for the Utah Country [sic] Attorney's Office and part of the prosecution team, wrote in an email to PolitiFact. "There just aren't enough marks on the fragment to make a conclusion one way or the other as to whether the bullet fragment was fired by the particular rifle."

Loreben Tuquero, *Does a bullet analysis clear Charlie Kirk's suspected killer? What an 'inconclusive' result means*, POLITIFACT (April 2, 2026), https://www.politifact.com/article/2026/apr/02/charlie-kirk-tyler-robinson-bullet-inconclusive/ (Attachment E).

26. The Politifact article cites the following as a source for the article:

> Email exchange, Christopher Ballard, spokesperson for the Utah County Attorney's Office, April 1, 2026

27. Mr. Ballard's statements to media outlets spread to other media outlets.

28. Without any inclusion of any statement regarding Mr. Robinson's presumption of innocence, The Standard wrote:

> State prosecutor Christopher Ballard told TMZ that the apparent evidence gap was not an issue.
>
> "Generally, when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other," he told the outlet.
>
> "We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing -- and then we will present all of that evidence at the trial."

Charlie Kirk murder: suspect's lawyer says uncertainty on bullet, THE STANDARD (April 1, 2026, 11:43 HKT), https://www.thestandard.com.hk/world/article/328258/Charlie-Kirk-murder-suspects-lawyer-says-uncertainty-on-bullet (Attachment F).

29. Based upon the evidence that the UCAO was communicating about the evidence in this case with the media, Mr. Robinson requested discovery from the UCAO specific to this concern, the Court's pretrial publicity order, and the ethical guidelines in

Utah Rules of Professional Conduct 3.6 and 3.8. *See* Doc. 474 (*Defendant Tyler James Robinson's Request for Discovery*).

30. The UCAO objected to the request for discovery on April 10, 2026. *See* Doc. 495.

31. It is apparent from what is known that the UCAO is making public statements about the forensic testing conducted in the case. These statements were not made in response to a public statement made by the defense because the defense has made no public statements.

32. It is also apparent from these statements that the UCAO is offering its opinion as to Mr. Robinson's guilt. Declaring that the State has "ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder" is the functional equivalent of stating that Mr. Robinson is "guilty."

33. At no point have any of Mr. Robinson's counsel (or anyone on the defense team) made any public statements about the facts, evidence, litigation, prosecutors, victim, victim's family, or anything else in this case. This Court will search in vain to find ***any*** public statements made by the defense attorneys in this matter, ever.

I DECLARE under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my knowledge and understanding.

Executed this 16th day of April, 2026 in Salt Lake City, State of Utah.

/s/ Staci Visser
Staci Visser

ATTACHMENT A

From: Ryan McBride
Sent: Monday, September 15, 2025 9:25 AM
To: Christopher Ballard [redacted]@utahcounty.gov>; [redacted]@americanfork.gov>; [redacted]@byu.edu; [redacted]@lehi-ut.gov>; [redacted]@lindoncity.org>; [redacted]@lonepeakpolice.com>; [redacted]@mapleton.org; [redacted]@orem.gov; [redacted]@payson.org; [redacted]@pgcity.org; [redacted]@provo.org; [redacted]@salemcity.org>; [redacted]@santaquin.org>; [redacted]@saratogaspringscity.com; [redacted]@spanishfork.org>; [redacted]@springville.org; [redacted]@uvu.edu; [redacted]@utahcounty.gov>; [redacted]@fbi.gov; [redacted]@fbi.gov; [redacted]@fbi.gov
Cc: Jeff Gray [redacted]@utahcounty.gov>; Chad Grunander [redacted]@UtahCounty.gov>
Subject: RE: Legal Guidance Re: Media Statements

All,
As media continues to cover this case and we are seeing a lot of comments by officials, I want to reiterate the importance of the rules governing media relations from the State and Government. I have once again attached our media relations letter. I have also included some clarifications below.

The comment to Rule 3.6 of the rules of professional responsibility (applicable to some beyond the prosecutor via rule 3.8) reads as follows:

> [5] There are certain subjects that are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to a criminal matter or any other proceeding that could result in incarceration. These subjects relate to:

1

(i) the character, credibility, reputation or criminal record of a suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;
(ii) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission or statement given by a defendant or suspect ***or that person's refusal or failure to make a statement***; (emphasis is mine)
(iii) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
(iv) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration; or
(v) information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

The rule in its entirety is available here: https://legacy.utcourts.gov/rules/view.php?type=ucja&rule=13-3.6. Please thoroughly consult the rule before making any public statement.

Remember that information contained in the public record is fair game. Officials are on firm ground when they rely on the booking probable cause statement and, in the future, on the probable cause statement that will be included in the Criminal Information. With this in mind, I am asking that your teams carefully consider the parameters outlined in the rule above and my attached letter.

I know the public has an extraordinary interest in this case and leaders have the duty to ensure our citizenry know they are safe from the shooter. The leaders of our state and country have every right and expectation to speak about this case. But it has to be done right. We will likely have to deal with every public statement via time-consuming litigation that is made outside of the parameters we have explained. Improper statements will at the least cost us time in getting to trial. At worst, they could have much graver consequences to the case.

For now, the safest course is to hold off on commenting about specific evidence not yet included in the public record until my office makes them part of the public record in the filing of the information, after we have time to review the evidence and reports to ensure their reliability and admissibility. This will avoid risk in the criminal prosecution.

Finally, I don't know who the PIOs are for your organizations. I am relying on you to pass this information up or down the chain of command to the appropriate people.

Thank you

Ryan McBride
General Crimes Division Chief
Utah County Attorney's Office
100 East Center St., Ste. 2100
Provo, Utah 84606
(801) 851-8026

From: Christopher Ballard [redacted]@utahcounty.gov>
Sent: Friday, September 12, 2025 7:54 AM
To: [redacted]@americanfork.gov>; [redacted]@byu.edu; [redacted]@lehi-ut.gov>; [redacted]@lindoncity.org>; [redacted]@lonepeakpolice.com>; [redacted]@mapleton.org; [redacted]@orem.gov; [redacted]@payson.org; [redacted]@pgcity.org; [redacted]@provo.org; [redacted]@salemcity.org>; [redacted]@santaquin.org>; [redacted]@saratogaspringscity.com; [redacted]@spanishfork.org>; [redacted]@springville.org; [redacted]@uvu.edu; [redacted]@utahcounty.gov>; [redacted]@fbi.gov
Cc: Jeff Gray [redacted]@utahcounty.gov>; Ryan McBride [redacted]@UtahCounty.gov>; Chad Grunander [redacted]@UtahCounty.gov>
Subject: Legal Guidance Re: Media Statements

Chiefs and others,

Please carefully review the attached letter regarding ethical rules that bind prosecutors and, by extension, law enforcement agencies in making statements to the media.

Please ensure that your PIO's and other officers strictly adhere to this guidance, especially in making statements regarding the Charlie Kirk shooting at UVU.

Christopher D. Ballard

General Counsel / Chief of Staff
Public Information Officer
Utah County Attorney's Office
100 East Center Street, Ste. 2100
Provo, UT 84606
801-851-[redacted] (phone)
801-851-8099 (fax)
[redacted]@utahcounty.gov

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UTAH COUNTY ATTORNEY

Jeffrey S. Gray, Utah County Attorney
Chad E. Grunander, Chief Deputy
Christopher D. Ballard, Chief of Staff
Christine Scott, Major Crimes Division Chief
Ryan McBride, General Crimes Division Chief
Paul Jones, Civil Division Chief
Steven G. Adams, Bureau of Investigations Chief
Haley Christensen, Office Manager
Tammy Paynter, Confidential Assistant

100 East Center Street, Suite 2100
Provo, Utah 84606
p: 801.851.8026
f: 801.851.8051

Date: 9/12/2025

Re: Media statements re Tyler Robinson/Charlie Kirk

To all personnel likely to make media statements regarding the Charlie Kirk case:

The Utah County Attorney's Office has an ethical obligation to "exercise reasonable care to prevent investigators, law enforcement personnel," and others from making public comments which "have a substantial likelihood of materially prejudicing" the trial process in criminal cases. I write to satisfy that obligation and provide guidance to you regarding statements to the media.

Rule 3.6 of the Rules of Professional Conduct for attorneys outlines the parameters of permissible statements and can be found here. While these rules generally apply to attorneys, prosecutors have a special duty to ensure law enforcement and other officials adhere to these rules in criminal cases as well. See Rule 3.8(e). The point of the rules is ensure the defendant is afforded a fair trial by an impartial jury.

Key limitations to keep in mind include the following:

- Statements should be limited to information included in the public record – meaning the probable cause statement used in booking and legal papers filed in the case, like the charging document.
- Statements can include that the investigation is ongoing;
- Statements can include the next step of the criminal court process;
- Statements can include the date and place of the arrest; and
- Statements can include the names of officers and agencies involved in the investigation.

Statements should avoid the following:

- Statements about the defendant's character;
- Statements about the defendant's criminal history;
- Opinions about the defendant's guilt or proper punishment; and
- Any other statements which could risk violating the defendant's right to a fair trial.

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UTAH COUNTY ATTORNEY

Jeffrey S. Gray, Utah County Attorney
Chad E. Grunander, Chief Deputy
Christopher D. Ballard, Chief of Staff
Christine Scott, Major Crimes Division Chief
Ryan McBride, General Crimes Division Chief
Paul Jones, Civil Division Chief
Steven G. Adams, Bureau of Investigations Chief
Haley Christensen, Office Manager
Tammy Paynter, Confidential Assistant

100 East Center Street, Suite 2100
Provo, Utah 84606

p: 801.851.8026

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Prejudicial statements made to the media and public have created significant legal issues in high profile cases – which can cause the case to be moved to another county, sanctions on prosecutors, and even dismissal. We want to avoid those issues in all cases. Accordingly, we invite you to contact our office with any questions about this topic, especially when your agency receives press inquiries on high-profile cases.

Sincerely,

/s/ Ryan McBride
General Crimes Division Chief

ATTACHMENT B

Staci Visser

From: Christopher Ballard <CBallard@utahcounty.gov>
Sent: Monday, December 22, 2025 12:00 PM
To: kathy@nesterlewis.com; richard@rgnlaw.com; mb@michaelburtlaw.com; Staci Visser
Cc: Charlie Kirk team
Subject: Notice of Intent to Conduct Non-Destructive Testing
Attachments: 2025-12-22 State's Notice of Intent to Conduct Non-Destructive Testing.pdf

Counsel,

Attached is a Notice of Intent to Conduct Non-Destructive Testing of a bullet jacket fragment and lead fragments. I am not filing this with the Court because I don't want it public, or have to file a motion to have it classified as non-public. My reasoning for proceeding this way is that the comment to Rule 3.6 of the Utah Rule of Professional Responsibility lists "the performance or results of any examination or test" and "the identity or nature of physical evidence expected to be presented" as subjects to avoid in public comments. I will, however, file a certificate of service with the court. Hopefully, this is a matter we can handle without needing to involve the court.

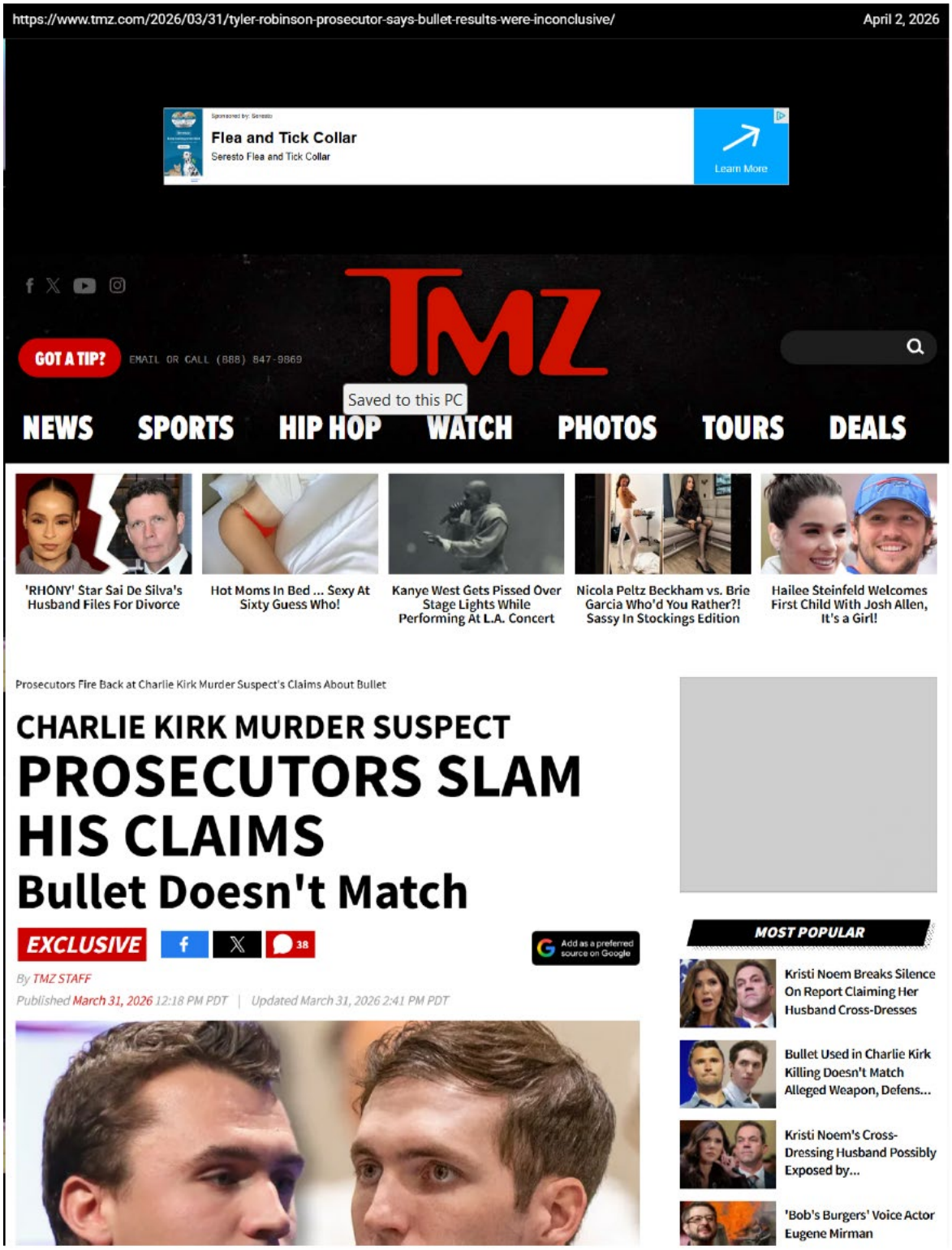
Also, I recognize that I'm sending this three days before Christmas. If you need a couple more weeks to decide how you will respond, please just let us know. We're happy to have a phone conference if you have any questions about the testing.

Christopher D. Ballard

General Counsel / Chief of Staff
Public Information Officer
Utah County Attorney's Office
100 East Center Street, Ste. 2100
Provo, UT 84606
801-851-8073 (phone)
801-851-8099 (fax)
cballard@utahcounty.gov

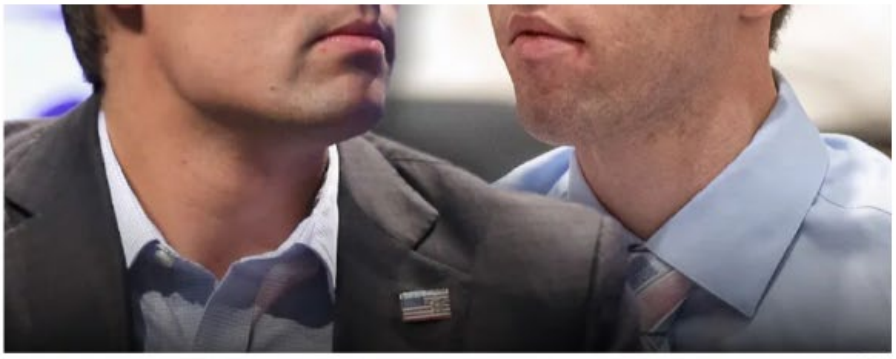
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ATTACHMENT C



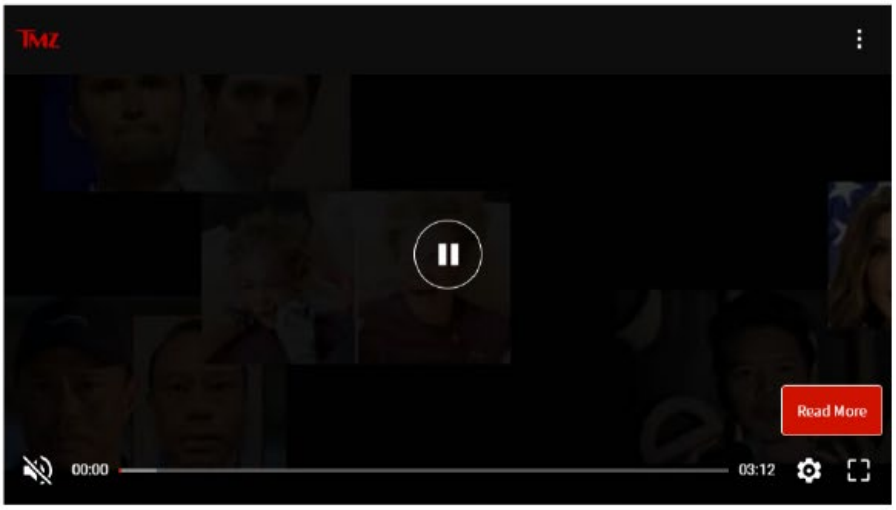


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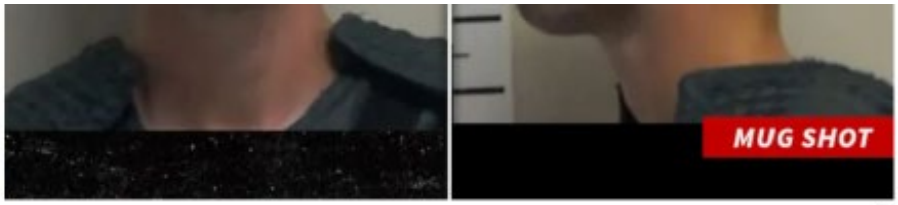
Getty

The attorney prosecuting **Tyler Robinson** in the case concerning **Charlie Kirk**'s killing tells TMZ the bullet matching test results were inconclusive ... but that doesn't remove Tyler from suspicion.



Attorney **Christopher Ballard** tells us, "Generally when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other. There's just not enough there to determine whether the bullet was fired by a particular firearm. We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing -- and then we will present all of that evidence at the trial."





FBI

As we reported ... Tyler's defense team argued there's a **discrepancy** between the ballistic evidence and the weapon prosecutors say is connected to Robinson.



In a filed motion, they wrote, "The defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence."

But Ballard says this isn't expected to derail their case against Robinson.



KSL News Utah

He told us, "Can't speak about specific evidence, but the evidence that we detailed in the charging document is a general summary of the evidence that shows Tyler Robinson committed this crime."

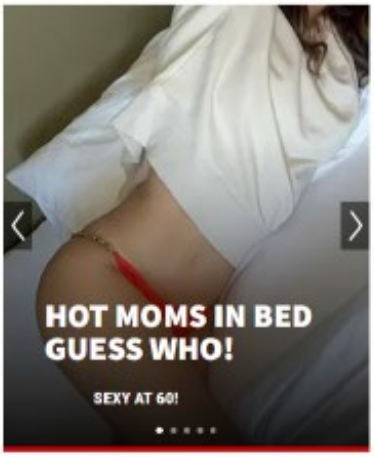
Ballard added, "He is presumed innocent. The ultimate decision will be up to the jury -- we believe we will be able to overcome his presumption of innocence."



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AD

HOT GALLERIES VIEW ALL







Getty

As you know ... Robinson **allegedly confessed** to his father that he **shot and killed** Kirk on the Utah Valley University campus on Sept. 10. Robinson's father reportedly told a youth pastor, who happens to work with the U.S. Marshals, and Robinson ultimately surrendered at the Washington County Sheriff's Office, around 10 PM on Sept. 11.

The aggravated murder charge Robinson is facing could get him the death penalty if convicted.

NATION

Charlie Kirk Add Topic +

Does the bullet match? Key issue emerges in Charlie Kirk murder case

Defense attorneys say law enforcement has not linked a bullet found during Charlie Kirk's autopsy to the rifle allegedly used in the shooting.



N'dea Yancey-Bragg
USA TODAY

Updated March 31, 2026, 6:05 p.m. ET

Advertisement



Defense says bullet may not be linked to alleged weapon in Kirk case

Attorneys for the man accused of fatally shooting Charlie Kirk said a federal agency did not connect the bullet autopsy to the alleged murder weapon.

- Did ATF confirm bullet-rifle link in Charlie Kirk case? →
- What legal implications arise from unmatched bullet evidence? →
- Is FBI conducting additional bullet analysis for trial? →

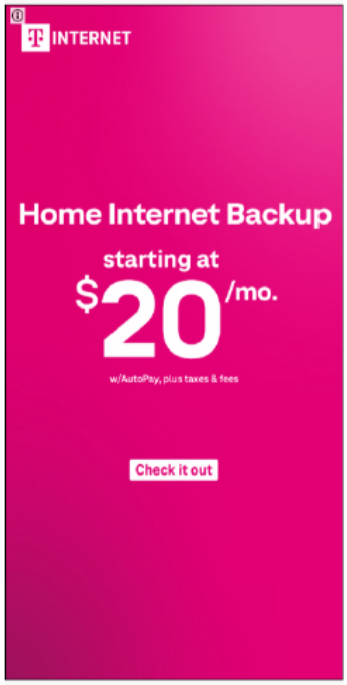
DeeperDive BETA | Did ATF confirm bullet-rifle link in Charlie Kirk cas →

Attorneys for the man accused of shooting conservative activist Charlie Kirk said a federal law enforcement agency did not connect the bullet found during autopsy to the suspected murder weapon.

Tyler Robinson has been charged with aggravated murder and other felonies in Kirk's death. Kirk, 31, was killed Sept. 10 while speaking to students at Utah Valley University in Orem, Utah.

Authorities had said the gun used to assassinate Kirk was a Mauser 98, a common bolt-action rifle typically used for hunting. The hunting rifle, which had a heavier .30-06 caliber, dates back decades as German-made military surplus with millions produced and resold in the United States, experts told USA TODAY.

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Charlie Kirk remembered in memorials: Conservative activist was shot while speaking in Utah

Conservative activist and Turning Point USA cofounder Charlie Kirk died after being shot during an event at Utah Valley University in Orem, Utah.

Officials recovered the weapon near the scene of the shooting with one spent cartridge in the chamber and three unfired bullets etched with meme-influenced messages.

More: What we know about the gun used in the Charlie Kirk assassination

Robinson's attorneys said in a court filing that they have received a summary report from the Bureau of Alcohol, Tobacco, Firearms and Explosives "which indicates that the ATF was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson."

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"Although the State has not indicated an intent to produce this report at the preliminary hearing, the defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence," the court filing said.

Robinson's attorneys said the FBI is conducting a second comparative bullet analysis and a bullet lead analysis, but it was not yet complete. The defense asked Judge Tony Graf to delay the preliminary hearing, scheduled for May, in part because the team has not gotten the case files and protocols related to these analyses and other evidence from prosecutors.

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The defense did, however, receive a hard drive with more than 600,000 files in a meeting March 12 with prosecutors, according to the court filing.

That came on top of the 20,000 files the defense team had already received, which included 31 hours of audio and more than 700 hours of video.

Robinson's attorneys said it would take at least 60 days to review the evidence they have and determine whether more has not yet been turned over to them.

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"The defense team has devoted, and will continue to devote, significant resources to processing discovery, including identifying materials not yet received to inform readiness for the preliminary hearing," the court filing said. "However, the defense team is realistic and the comprehensive review required to determine what is missing will take hundreds of hours."

When asked about the defense's characterization of the ATF report, Christopher D. Ballard, a spokesperson for the Utah County Attorney's Office, told USA TODAY ethical rules prohibit him from speaking publicly about forensic testing and test results.

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"But I can say generally that when the results of a bullet fragment analysis come back as inconclusive, that means only that the fragment did not contain enough detail for the examiner to determine whether the characteristics on the fragment were consistent with having been fired by a particular firearm," Ballard said.

Ballard confirmed the FBI and ATF are adding information to the initial reports, which prosecutors expect will include data supporting the initial conclusions. "As soon as the State receives those supplemental reports, we will provide them to the defense," he said.

Utah County Attorney Jeff Gray has said he will seek the death penalty for Robinson. Robinson is set to return to court April 17 for hearing on a defense motion to ban cameras from the courtroom.

This story has been updated to add new information.

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Does a bullet analysis clear Charlie Kirk's suspected killer? What an 'inconclusive' result means

CRIME GUNS



Tyler Robinson, who is accused of fatally shooting Charlie Kirk, appears during a hearing in Fourth District Court in Provo, Utah, Dec. 11, 2025. (AP)



By Loreben Tuquero
April 2, 2026

New court filings in Utah's case against Tyler Robinson, the suspect in Charlie Kirk's murder, gave way to widespread claims that a bullet analysis exonerates him.

Robinson's lawyers wrote in a March 27 court filing that the Bureau of Alcohol, Tobacco, Firearms and Explosives was "unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson."

In a previous court filing from March 10, lawyers for news media seeking public disclosure quoted an ATF report that the defense counsel had cited. The report compared a bullet jacket fragment from Kirk's autopsy to a recovered rifle and determined the comparison to be "inconclusive."

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These led to reports, including a March 30 Daily Mail headline that read, "Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims."

On social media, former congresswoman Marjorie Taylor Greene, conservative commentator Candace Owens and others spotlighted the news and hinted that it showed far less is known about Kirk's killing than has been reported.

The ATF report has not been made public.

PolitiFact spoke to forensic science and criminology experts who said an "inconclusive" finding on a bullet fragment like this is not uncommon, and it does not rule out that the weapon used in Kirk's killing was the same one linked to Robinson.

"When the results of a bullet fragment analysis come back as 'inconclusive,' that does not mean that the rifle did not fire the bullet," Christopher Ballard, a spokesperson for the Utah Country Attorney's Office and part of the prosecution team, wrote in an email to PolitiFact. "There just aren't enough marks on the fragment to make a conclusion one way or the other as to whether the bullet fragment was fired by the particular rifle."

It is also incorrect to say that the bullet "did not match" the rifle, the experts said. The bullet may simply be too small or too deformed for examiners to provide an accurate analysis.

How ballistics examination works

To match a bullet to a suspected firearm, examiners look at shell casings and projectiles recovered from crime scenes and autopsies. They inspect these objects for points where the ammunition made contact with the firearm.

Bernard Zapor, retired ATF special agent in charge and faculty associate at Arizona State University's School of Criminology & Criminal Justice, said the mechanical process of shooting a firearm leaves marks on the shell casing, the primer and the projectile.

"If there's enough of the projectile recovered, then it can be examined," he said.

When a bullet leaves a rifle's barrel, for instance, the rifle's inside leaves marks on the outside of the bullet, said Stephanie Walcott, assistant professor at the Virginia Commonwealth University's Department of Forensic Science.

Examiners run tests by firing the same type of ammunition from an identical weapon into a water tank, or other type of bullet recovery system, so the projectile will not be deformed.

Examiners can then compare the microscopic rifling marks between the crime scene bullet and the test-fired bullets to conclude that they originated from the same type of firearm, Walcott said.

Multiple factors can lead to an 'inconclusive' finding

An inconclusive result is "very common" especially with rifle bullets, Walcott said, because they travel with high energy and velocity and cause extreme damage to both the target and the bullet.

When a bullet is fired from a barrel, it interacts with internal rifling that includes spiral grooves. That spiral pattern spins the bullet as it travels down and exits. That pattern can vary according to the number of grooves, the width of those grooves, and the direction of the spiral.

If the bullet had a different type of rifling than the recovered firearm, then a match would be ruled out, Walcott said.

That's why it's "extremely misleading" to say that the "inconclusive" finding in the Kirk bullet analysis means the bullet "does not match" the rifle, Walcott said.

"In firearms and bullets, the rifling specification inside the barrel must be consistent with each other in order for an inconclusive to even be possible," she said. "If the bullet fragment showed a clear difference in the rifling characteristics, then it would have been an immediate elimination."

ATF firearms examiners are required to have two points of confirmation, Zapor said. They have to identify two marks to confirm that the projectile came from the round and was fired from the firearm, and they typically have to bring in another ballistics examiner to agree with their findings, he said.

"So it's a very high threshold to be able to say conclusively that the recovered projectile came from that shell casing, came from that firearm," Zapor said.

A 2022 study with a sample of 79 firearm and toolmark examiners found that the average participant reports an inconclusive examination in 20% of casework calls.

What other evidence is present in Robinson's case?

The defense team wrote that, according to the prosecution, the FBI is conducting a second comparative bullet analysis and a bullet lead analysis.

Ballard said he cannot comment on the additional testing apart from what is in the public record, "but there are different tests that can be done to attempt to determine whether a particular rifle fired the bullet."

Zapor said the bullet analysis is only one piece of evidence that will be presented to a jury. The State of Utah's charging document against Robinson included the following:

- Robinson surrendered to police at the Washington County Sheriff's Office the day after the Sept. 10 killing.
- Robinson's DNA was found on the rifle's trigger, other parts of the rifle, the fired cartridge casing, two of the three unfired cartridges and the towel used to wrap the rifle.

- Robinson instructed his roommate to delete text messages he'd sent regarding Kirk's killing and to avoid talking to the police.

"This definitely leaves the question of the bullet open with no clear answer, which can be frustrating but the evidence is what it is," Walcott said. "Sometimes, a forensic analysis can't give a definitive answer. They will have to rely on other investigative information to answer all of the questions."

PolitiFact Researcher Caryn Baird contributed to this report.

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ATTACHMENT F

INTERNATIONAL > WORLD

Charlie Kirk murder: suspect's lawyer says uncertainty on bullet

WORLD 01-04-2026 11:43 HKT



Roses and candles are placed next to a picture of Charlie Kirk during a vigil in front of the Embassy of the United States in Berlin, Germany, September 11. REUTERS/Annegret Hilse

Investigators probing the murder of right-wing political activist Charlie Kirk cannot connect the bullet that killed him with the rifle they believe the sole suspect used, US court papers filed by the defense show.

Tyler Robinson is accused of shooting Kirk at a Utah university campus last September, in a crime that rocked America and sent waves of grief through right-wing political circles.

At a court hearing in Utah, Robinson's attorneys said they needed more time to sift through the moutains of evidence the case has generated against their client.

They also raised concerns about the quality of that evidence, pointing to a summary of a report from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

"The defense has been provided with an ATF summary report which indicates that the ATF was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson," a court document dated March 27 says.

Lawyers also queried DNA evidence being presented in the case, which the ATF and FBI said could consist of "mixtures of up to 'five or more' individuals."

State prosecutor Christopher Ballard told TMZ that the apparent evidence gap was not an issue.

"Generally, when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other," he told the outlet.

"We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing — and then we will present all of that evidence at the trial."

Kirk's shocking death on September 10, which was captured on video, roiled US society for weeks, with President Donald Trump threatening a clampdown on the "radical left" that he and other conservatives blamed.

Authorities say Robinson shot Kirk from a rooftop across the campus of Utah Valley University because of the influential activist's views.

Robinson was arrested the day after the killing when his family persuaded him to turn himself in because they had recognized him in photographs issued by investigators.

He faces the death penalty if convicted of aggravated murder.

Kirk, a father of two, used his audiences on TikTok, Instagram and YouTube to build support for conservative positions, including strong criticism of the transgender rights movement.

In the wake of his murder, a number of people lost their jobs after backlash from conservatives emerged over what they posted online or said publicly about Kirk.

Comedian Jimmy Kimmel was briefly suspended from his show on the ABC network following government pressure after he said Trump's MAGA movement was trying to make political capital from the killing.

AFP

Charlie Kirk | murder | suspect | lawyer | uncertainty | bullet

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **Declaration** was served via the Court's electronic filing system on the 15th day of April, 2026, which served all attorneys of record.

/s/ Staci Visser
Staci Visser