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IN THE FOURTH JUDICIAL DISTRICT COURT, PROVO DEPARTMENT

IN AND FOR THE COUNTY OF UTAH, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. TYLER JAMES ROBINSON, Defendant.	**DEFENDANT TYLER JAMES ROBINSON'S STANDING OBJECTIONS TO THE STATE'S PRELIMINARY HEARING EXHIBITS** Case No. 251403576 Honorable Tony F. Graf, Jr.

Defendant, Tyler James Robinson ("Mr. Robinson"), by and through undersigned counsel hereby files these standing objections to the exhibits the State intends to admit at the preliminary hearing in keeping with his prior filings challenging the use of Utah Constitution, article I, section 12 and Utah Rule of Evidence 1102 to deprive him of constitutional rights. Mr. Robinson notes that additional objections will be made during the hearing regarding specific exhibits but the following standing objections are made to ensure adequate preservation and in the interest of judicial economy.

Mr. Robinson maintains that the admission of exhibits and testimony presumptively admissible and reliable under Utah Rule of Evidence 1102 and Utah Const. art. I, § 12 violates his constitutional rights in this capital proceeding. Specifically, doing so:

- Violates the Eighth Amendment requirement for a heightened standard of reliability in factfinding procedures in a capital proceeding, *see Ford v. Wainwright*, 477 U.S. 399, 411 (1986); *Deck v. Missouri*, 544 U.S. 622, 632 (2005); *Beck v. Alabama*, 447 U.S. 625, 638 (1980).
- Violates Mr. Robinson's right to the effective assistance of counsel under the Sixth Amendment at a critical stage in this capital prosecution by preventing the confrontation and cross-examination of witnesses, *see Coleman v. Alabama*, 399 U.S. 1, 10 (1970); *State v. Montes*, 2019 UT App 74, ¶ 38;
- As applied by this Court, violates Mr. Robinson's Sixth Amendment right and right under Utah Rule of Criminal Procedure 7B to compel witnesses to testify;
- Violates Mr. Robinson's rights to due process and equal protection under the Fourteenth Amendment, *see Goldberg v. Kelly*, 397 U.S. 254, 269 (1970);

- Violates the separation of powers provision of Utah Const. art. V, § 1 by allowing the legislative branch to subsume the reliability determination that must be made by the Court by legislatively enacted rules.

In keeping with these principles and arguments, while recognizing this Court's prior ruling on these issues (*see* Dkt 631), Mr. Robinson lodges these objections:

1. Mr. Robinson objects to the use of hearsay pursuant to URE 1102(b)(3) and Utah Const. art. I, § 12 to lay foundation and authenticate all of the State's exhibits including photographs and video recordings for which the attesting officer does not have personal knowledge as would be required at trial pursuant. The failure to produce witnesses with personal knowledge of the content of the exhibit, including how the exhibit was created, prevents this Court from assessing the reliability of the evidence, and violates each of the state and federal constitutional rights referred to above in this capital proceeding
2. Mr. Robinson objects to the admission of the medical examiner report under Utah Rule of Evidence 1102(b)(5) without the testimony of the medical examiner. The failure to produce the medical examiner to testify and be cross-examined prevents this Court from assessing the reliability of the report and its contents and deprives Mr. Robinson of each of the state and federal constitutional rights referred to above in this capital proceeding.
3. Mr. Robinson objects to the use of hearsay pursuant to URE 1102(b)(6) and Utah Const. art. I, § 12 to allow testifying peace officers to testify to statements made by non-testifying peace officers to a testifying peace officer. The failure to produce the declarant prevents this Court from assessing the reliability of the statements relayed through other officers and deprives Mr. Robinson of each of the state and federal constitutional rights referred to above in this capital proceeding.

4. Mr. Robinson objects to the use of hearsay pursuant to URE 1102(b)(8) and Utah Const art. I, § 12 to allow the admission of written or recorded statements from witnesses who will not be testifying at the preliminary hearing, including the witness who Mr. Robinson has been prohibited from calling by the Court's order. *See* Dkt 625. The failure of the State to produce the declarant and the Court's order prohibiting Mr. Robinson from compelling the testimony of a declarant prevents this Court from assessing the reliability of the evidence proffered and deprives Mr. Robinson of each of the state and federal constitutional rights referred to above, in this capital proceeding. This objection is specific to the following exhibits the defense is currently aware the State intends to admit at the hearing: 5.1, 6.1, 7.1, 8.1, 12.3, 13, 14, 16.

As noted above, Mr. Robinson will state his additional objections and the bases for them as to the entirety and/or portions of each exhibit, at the time that the State proffers each specific exhibit, during the course of the preliminary hearing.

RESPECTFULLY SUBMITTED this 3rd day of July, 2026.

/s/ Kathryn N. Nester
Kathryn N. Nester

/s/ Richard G. Novak
Richard G. Novak

/s/ Michael N. Burt
Michael N. Burt

/s/ Staci Visser
Staci Visser

Attorneys for Defendant, Tyler James Robinson

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via the Court's electronic filing system on the 3rd day of July, 2026, thereby serving all attorneys of record.

/s/ Staci Visser