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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 *SECOND* POST-PRELIMINARY HEARING STATUS REPORT CONCERNING DISCOVERY** Case No. 251403576 Honorable Tony F. Graf, Jr.

INTRODUCTION[1]

Over recent months, the Court has inquired of the State at each hearing in this matter concerning the status of discovery. The State typically informs the Court that it has passed on to Mr. Robinson's defense team all or a vast majority of the discovery that it has received from the

[1] At the conclusion of the last hearing in this matter, the Court stated that it had not yet had sufficient opportunity to review Mr. Robinson's first *Status Report Concerning Discovery*. Therefore, this *Second Status Report* is essentially a refiling of that initial report, with updated information presented in bold and italicized type. Future updates will build upon this filing but will not unnecessarily reiterate the background information presented here.

Utah State Bureau of Investigation. The purpose of this *Second Post-Preliminary Hearing Status Report Concerning Discovery* is to provide the Court with a more comprehensive and nuanced understanding of the scale of the discovery in this matter, the work that must be done by members of the defense team to convert raw discovery productions into material that can be meaningfully and efficiently reviewed by counsel and other members of the defense team, and the current status of that work. For purposes of this *Second Status Report*, the discovery that has actually been produced, to date, by the State is divided into three categories although, as the Court will see below, there is overlap between them.

The first category, which is designated here as "**Documentary, Forensic, and Miscellaneous Digital Evidence**" includes, *inter alia,* law enforcement reports, laboratory reports and related forensic materials, law enforcement body camera recordings, handwritten notes, audio and video recordings of investigation and of interviews with witnesses, crime scene diagrams and other diagrams, surveillance video from public and private entities and persons, background investigation reports, scene photographs, photographs of the execution of searches, search warrants applications, affidavits, and non-digital returns, evidence logs, photographs of seized evidence, medical reports and other miscellaneous documents and digital files.

The second category, which is designated here as "**Digital Evidence Requiring Specialized Processing and Analysis"** includes copies (more properly designated as "images") of the entire contents of seized devices such as telephones, tablets, computers, external hard drives and other memory devices, native files of stored communications and other data obtained via search warrants from cellular telephone companies, cellular tower owners, and social media companies.

The third category, which is designated as **"Forensic Discovery"** addresses data and materials requested from the State that it has not yet provided and which the FBI and ATF may not produce absent an order of this Court directing them to do so.

While there is nothing in the Utah Rules of Evidence that distinguishes between the three categories of discovery denominated above, it is, in counsels' view, a useful conceptual way for counsel and the Court to understand the scope and complexity of the evidence in this case.

1. DOCUMENTARY, FORENSIC, AND MISCELLANEOUS DIGITAL EVIDENCE

On March 27, 2026, Mr. Robinson filed a motion to vacate or continue the preliminary hearing. Dkt. 466. Attached to that filing as *Addendum 1* was a declaration of Richard G. Novak, with exhibits, outlining the status of discovery at that point in time, noting that as of March 18, 2026, the defense had received 25 discovery productions from the State via the Axon platform, consisting of 19,612 files. *See* Dkt. 466, Add. 1, Ex. B. Since March 18, 2026, the State has continued to produce new batches of discovery on a regular basis consisting of an additional **11,371** files, with the most recent production being ***September 22, 2026*****,** for a total of ***30,983 files*** received over ***49 separate productions to date***. *See* Exhibit A attached hereto.

In order to disseminate discovery to counsel and other members of the defense team in a timely manner and to support meaningful and efficient review of the content, the defense paralegal follows a three-step protocol for organizing the disclosure which includes:

1) downloading the production via Axon and confirming completeness, initial organization per UCAO categorization, and logging of discovery productions in order to make it available for *preliminary* review by counsel and the defense team;
2) "top-level" processing which includes OCR/checking searchability of files, editing filenames with descriptive information including assigned Bates number,

splitting/combining files where necessary, identifying duplicates, Bates stamping, and indexing files with basic coding to include Bates, UCAO category, date, brief description and file type[2]; and

3) conducting a thorough review of each file to add more detailed coding including authors, witnesses, organizations, evidence items, other relevant content, as well as a brief summary of the file, and to further identify duplicates and missing files.

As of ***October 12, 2026***, step 1 has been completed on 100% of the disclosures received to date. Step 2 has been completed on approximately ***25%*** of the disclosures (***7, 813 files***). Step 3 has been completed on approximately 22% of the disclosures (***6,948 files***). *See* Ex. A.[3]

While the defense has been diligently working its way through the disclosures, it is an inherently time-consuming process that is, in this instance, further complicated and slowed by a number of factors, including the way in which much of the discovery is produced by SBI, some of the limitations of the Axon platform by which it is shared, and the sheer volume of law enforcement agencies involved in the investigation.[4]

Use of Axon as a discovery review platform is not a tenable option for the defense.[5] Therefore, it is necessary to download each discovery production from Axon and preliminarily

[2] Once the discovery has cleared Step 2, it is considered "ready" for meaningful and efficient review by counsel.

[3] The paralegal with lead responsibility for processing this discovery has worked on this matter, on average, 100 hours per month since October 2025.

[4] 40 law enforcement or other government agencies have been identified to date.

[5] "Axon Evidence" started out essentially as a body-worn video ingestion and review platform for law enforcement. While the company is making further strides into the e-discovery review genre of cloud-based software with each update, the platform does not yet provide the level of functionality necessary to meet all of the discovery review, organization, and management needs of a defense team in a case of this magnitude, and its limitations were known to the defense

organize it in a manner that is quickly accessible to the defense team. This is a time-consuming, multi-step process. Productions download through multiple compressed (.zip) files that need to be "unzipped". Depending upon the size and file types, this step alone can take several hours to complete for a single production. The task is complicated when there are duplicate filenames for distinctly different files—which is the case for thousands of files produced to date (mostly image and video files). Because none of the original filenames include the Bates number, when there are duplicate filenames within the same production, additional care must be taken to ensure that each file is being associated to the correct corresponding Bates number once it has been downloaded. Additionally, although the UCAO categorizes the discovery in Axon by assigning the files to various folders, Axon only displays the immediate folder in which a file is assigned. If the file is in a *subfolder*, the Axon table only displays the subfolder and there is no way to determine the parent folder or full path without making educated guesses and opening individual folders to attempt to locate the file. While this doesn't affect being able to access and download the file within the dated production folder, it does affect being able to ascertain UCAO's categorization of the file.

Another circumstance often slowing the process is that the format of many of the files provided do not allow for straightforward OCR processing to make the text searchable. Our paralegal has found this to be the case in almost every production that has contained a significant number of pdf documents. This means that, although our paralegal batch-runs the productions for text recognition, every file must be checked individually to ensure it is searchable. Files that do not properly OCR must be individually reformatted by the paralegal to accept the OCR.

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when UCAO informed the defense that it is the platform through which they would transmit discovery to the defense.

Related to the importance of every file being text-searchable are the numerous handwritten witness statements and law enforcement officer investigative notes. These must also be handled individually to ensure the contents will be recognized in a searchable keyword database.

The way in which SBI provides the material to UCAO also slows the review process. Many of the files provided by SBI do not contain any identifying information as to what the file is, who or what it might relate to, and how or when the file was obtained or by whom. And many documents reference attachments or corresponding files that are not actually provided in the same production as the "parent" file (i.e. emails or law enforcement reports with attachments). Although the categorization done by UCAO can be very helpful in answering some of these questions for portions of the material, many questions remain, requiring the defense to conduct additional time-consuming but necessary review processes in order to a) attempt to further identify the materials by cross-referencing other items in discovery, and/or b) prepare a comprehensive discovery request for items confirmed to be missing or for supplementary information as to the files unable to be identified.[6]

The above examples are not intended to be criticisms directed at UCAO, SBI or Axon, as every discovery organization project comes with its own challenges, but are instead meant to explain to the Court the challenges specific to this case and how they affect the pace at which the discovery review process is progressing.

[6] There are many files that are not conducive to transfer through Axon, including program files. The State and Defense Counsel have and will continue to communicate to obtain copies of native files from SBI for those files that do not correctly transfer via Axon. This process creates additional delay in receiving and processing discovery for both the State and the defense.

2. DIGITAL EVIDENCE REQUIRING SPECIALIZED PROCESSING AND ANALYSIS

The discovery produced in this matter includes a substantial volume of digital evidence that requires forensic processing before substantive review can be completed. Specifically, on March 13, 2026, the defense received a hard drive containing approximately 12.1 terabytes of digital forensic data, with 6,425 folders and 613,023 files. This production includes extractions of six mobile devices, fourteen forensic images of computer hard drives, and seven warrant returns or account records produced by third-party service providers.[7]

Before reviewing these data, each data source must first be imported into an appropriate forensic analysis platform and processed so that the underlying files, databases, application records, system information, and metadata can be identified and made available for examination. Depending upon the source and format of the evidence, this work is performed using forensic tools including Cellebrite Physical Analyzer, Magnet AXIOM, Forensic Toolkit (FTK), and other specialized software.

The mobile device extractions contain approximately 2,915,822 individual artifacts generated by the devices and their applications, including text messages and other communications, call records, contacts, photographs and videos, internet activity, application data, location-related information, files and attachments, system records, deleted or partially recovered data, and associated timestamps and metadata.[8] The forensic software parses the

[7] The fourteen forensic images include one encrypted laptop that cannot presently be accessed and three images that were produced more than once.

[8] In digital forensics, an "artifact" is an individual item or record of data stored on a device or within an application. Artifacts can include text and chat messages, call records, photographs and videos, internet history, application activity, data-usage records, location information, files and attachments, timestamps, and system logs. Some artifacts contain information created by a user, while others are generated automatically by the device or an application as it operates. Forensic

underlying device databases and file systems to organize this data into a form that can be searched and reviewed.

The computer hard drive images contain approximately 4,887,847 individual artifacts associated with user activity, applications, operating systems, and other data stored within the imaged file systems. The forensic images of the computer hard drives require a comparable process. As part of the processing workflow, each image must be verified against its "hash value" to confirm the integrity of the forensic copy and then ingested into forensic software.[9] The file systems are indexed and processed to identify user-created files, communications, internet activity, application data, system information, deleted files, and other potentially relevant material. Although the artifact counts for the mobile devices and computer images do not correspond one-to-one with unique documents requiring manual review, they reflect the volume of underlying data that must be processed, searched, filtered, categorized, and evaluated during the forensic review.

The initial service provider returns from Apple, Google, Discord, AT&T, and Verizon amount to approximately 183 gigabytes. These third-party returns constitute a separate category of digital discovery. Additionally, on August 18, 2026, the defense received another return from Apple totaling approximately 170 gigabytes, which has not yet been processed or reviewed.

Returns from providers such as Apple, Google, and Discord contain account information,

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software identifies and organizes these artifacts so that they can be searched, reviewed, and compared with other information.

[9] A "hash value" is a number that is often represented as a sequence of characters and is produced by an algorithm based upon the digital contents of a drive, medium, or file. If the hash values for the original and copy are different, then the copy is not identical to the original. If the hash values for the original and copy are the same, it is highly improbable that the original and copy are not identical." Fed. R. Evid. 902(14) advisory committee's note (2017).

communications, attachments, activity logs, metadata, and other records in formats specific to each provider. The Discord return alone contains over 1,000,000 communications.[10] Returns from carriers such as AT&T and Verizon contain cell site location information ("CSLI"). In this case there are at least 25,253 location records. These records are either processed into a report format or mapped, then organized, reviewed, and, where appropriate, compared with evidence obtained from the relevant devices, computer images, or other sources of similar data.

The review therefore proceeds in stages: (1) verifying and organizing the source data; (2) importing and processing the data with appropriate forensic platforms; (3) identifying and categorizing potentially relevant artifacts; (4) conducting targeted searches and substantive review; and (5) cross-referencing information among the devices, computer images, and provider returns. The forensic processing and substantive review is ongoing. The following chart indicates the current stage of review for each type of data described above:

Data Type	Current Stage of Review
Mobile Device Extractions	Stage Two
Computer Hard Drive Extractions	Stage Two
Returns from service providers	Stage One

Additionally, on July 20, 2026, the defense received a hard drive containing approximately 660 gigabytes of "FARO" 3D data.[11] Unlike the device extractions and provider

[10] On October 9, 2026, Mr. Robinson's counsel requested that SBI/UCAO reproduce the Discord data to the defense in the identical digital format (i.e. thumb drives) that were used by Discord to produce the data to SBI/UCAO. The State has acknowledged that request during recent meetings of counsel.

[11] "FARO" refers to a 3D laser-scanning system used to digitally capture and reconstruct a physical scene by recording millions of precise measurement points that together form a three-dimensional model of the space.

returns described above, these data are not communications or user files. They are high-density spatial measurement data files that must be processed and registered into a navigable 3D representation before they can be examined or interpreted. This FARO production includes the raw scan data, rather than a finished report or exported images. Possession of the raw data therefore does not, standing alone, permit counsel to meaningfully assess the scene reconstruction or any measurements, representations, or conclusions derived from it. Reviewing the raw FARO 3D data requires both specialized software capable of processing, registering, and displaying the individual scans and resulting point-cloud data, such as FARO SCENE and Zone 3D, and technical expertise necessary to operate that software and evaluate the resulting reconstruction and measurements.

Meaningful review of one party's FARO presentation requires the other party to identify and retain a qualified expert with the appropriate software and training to process the data and assist counsel in evaluating both the underlying scans and any reconstruction, measurements, or conclusions derived from them. That work constitutes a separate technical review process which is qualitatively different from and in addition to the forensic processing and substantive review of the mobile devices, computer images, and third-party provider data described above.

3. FORENSIC DISCOVERY DISPUTES AND THE FORTHCOMING MOTION

Attached to the defense's motion to continue the preliminary hearing was a March 25, 2026, *Second Request for DNA and Other Forensic Discovery*, following up the defense's September 30, 2025 *Formal Request For Discovery Pursuant To URCP 16 And Request For 404(B) Notice* (Dkt. 61). The State responded to the second request for discovery by providing the defense cover letters and other materials from the FBI and the ATF which indicated that

some, but certainly not all, of the material requested in the second request was being provided prior to the preliminary hearing.

In addition, in its opposition to the defense's motion to continue the preliminary hearing, the State took the position that "[b]ecause 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." (Dkt. 476 at 10).

During the preliminary hearing itself, when the defense sought to question the FBI's DNA expert about the reliability of her results, the State objected, claiming that:

> [S]tudies supporting this science, studies opposing this science, testimony from this expert or that expert about what is reliable, what is not, what's more reliable, what's less reliable, factors that affect all those determinations, those are all very, very complex decisions. There will be probably multiple-day hearings dealing with that. And a probable cause determination is just not the place to conduct that kind of thorough, in-depth and searching analysis.

Preliminary Hearing Transcript, July 7, 2026 at 172.

In preparation for the extensive reliability hearings that the State alluded to, the defense is in the process of working with its retained experts to prepare expert declarations which will be filed in support of a motion to compel the forensic discovery that the State, through the FBI and the ATF, has refused to provide. ***That motion does, however, await further information from UCAO concerning exactly what the FBI and ATF will disclose to the defense and the conditions under which those disclosures will occur absent judicial intervention.***

CONCLUSION

Now that Mr. Robinson's defense team has had an opportunity to prepare this comprehensive and up to date ***second*** status report on discovery, it will, if requested by the Court

to do so, provide the Court with regular written updates in advance of future hearings in this matter.

RESPECTFULLY SUBMITTED this 21st day of October, 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 21st day of October, 2026, thereby serving all attorneys of record.

/s/ Staci Visser

Exhibit A

Defense Discovery Processing / Coding
Status Chart

Prod #	Date of Production	Size [GB]	Number of Files	Number of Files Downloaded and Organized for Preliminary Review by Counsel (limited org)	Number of Files Processed for Coding	Number of Files Fully Coded (Detailed)	Notes Re Partially Processed and/or Coded Productions
1	2025.10.10	16.8	83	83	83	61	22 AV files not yet coded
2	2025.10.15	674.3	783	783	783	749	27 AV files not yet coded 7 Lab files not yet coded
3	2025.10.23	132.2	581	581	581	552	29 AV files not yet coded
4	2025.10.29	58.5	101	101	101	11	90 AV files not yet coded
5	2025.11.06	321.4	111	111	111	24	87 AV files not yet coded
6	2025.11.13	493.8	72	72	72	30	42 AV files not yet coded
7	2025.11.17	2.5	817	817	817	788	29 SWs not yet coded
8	2025.11.19	65.6	1289	1289	1289	1265	24 AV files not yet coded
9	2025.11.25	47.5	226	226	226	48	178 AV files not yet coded
10	2025.12.02	66.1	1260	1260	1260	1186	74 AV files not yet coded
11	2025.12.05	183.2	833	833	833	833	
12	2025.12.09	13.9	1795	1795	330	320	1,465 document files not yet processed
13	2025.12.16	17.8	2570	2570	0	0	2,570 AV files not yet processed
14	2025.12.18	10.0	1338	1338	66	66	1,275 AV files not yet processed
15	2026.01.08	1.6	1892	1892	91	91	1,801 document files not yet
16	2026.01.09	2.0	1239	1239	11	11	1,228 document files not yet
17	2026.01.13	2.8	65	65	65	65	
18	2026.01.14	0.0	1	1	1	1	
19	2026.01.21	55.1	830	830	246	0	IN PROCESS
20	2026.01.27	0.4	6	6	0	0	Entire production not yet processed for coding and not yet coded
21	2026.02.17	4.9	339	339	0	0	Entire production not yet processed for coding and not yet coded
22	2026.02.25	8.9	117	117	0	0	Entire production not yet processed for coding and not yet coded
23	2026.03.05	69.7	1600	1600	0	0	Entire production not yet processed for coding and not yet coded
24	2026.03.12	29.2	1316	1316	0	0	Entire production not yet processed for coding and not yet coded

Defense Discovery Processing / Coding Status Chart

Prod #	Date of Production	Size [GB]	Number of Files	Number of Files Downloaded and Organized for Preliminary Review by Counsel (limited org)	Number of Files Processed for Coding	Number of Files Fully Coded (Detailed)	Notes Re Partially Processed and/or Coded Productions
25	2026.03.18	142.7	348	348	0	0	Entire production not yet processed for coding and not yet coded
26	2026.03.27	96.1	1420	1420	0	0	Entire production not yet processed for coding and not yet coded
27	2026.04.01	72.7	303	303	0	0	Entire production not yet processed for coding and not yet coded
28	2026.04.17	1.1	1991	1991	0	0	Entire production not yet processed for coding and not yet coded
29	2026.04.28	290.1	918	918	0	0	Entire production not yet processed for coding and not yet coded
30	2026.05.07	56.8	1671	1671	0	0	Entire production not yet processed for coding and not yet coded
31	2026.05.13	6.0	791	791	0	0	Entire production not yet processed for coding and not yet coded
32	2026.05.19	33.0	850	850	0	0	Entire production not yet processed for coding and not yet coded
33	2026.06.03	1.8	121	121	0	0	Entire production not yet processed for coding and not yet coded
34	2026.06.04	0.1	15	15	0	0	Entire production not yet processed for coding and not yet coded
35	2026.06.05	0.0	23	23	0	0	Entire production not yet processed for coding and not yet coded
36	2026.06.09	0.2	11	11	0	0	Entire production not yet processed for coding and not yet coded
37	2026.06.18	0.0	12	12	0	0	Entire production not yet processed for coding and not yet coded
38	2026.06.23	0.2	2	2	0	0	Entire production not yet processed for coding and not yet coded
39	2026.06.25	0.0	1	1	0	0	Entire production not yet processed for coding and not yet coded
40	2026.06.29	0.0	2	2	0	0	Entire production not yet processed for coding and not yet coded
41	2026.07.02	1.2	51	51	0	0	Entire production not yet processed for coding and not yet coded

Defense Discovery Processing / Coding Status Chart

Prod #	Date of Production	Size [GB]	Number of Files	Number of Files Downloaded and Organized for Preliminary Review by Counsel (limited org)	Number of Files Processed for Coding	Number of Files Fully Coded (Detailed)	Notes Re Partially Processed and/or Coded Productions
42	2026.07.07	0.2	1	1	0	0	Entire production not yet processed for coding and not yet coded
43	2026.07.22	101.3	671	671	0	0	Entire production not yet processed for coding and not yet coded
44	2026.08.04	16.9	6	6	0	0	Entire production not yet processed for coding and not yet coded
45	2026.08.18	168.5	765	765	0	0	Entire production not yet processed for coding and not yet coded
46	2026.09.08	3.5	847	847	847	847	
47	2026.09.09	1.6	707	707	707	707	
48	2026.09.16	0.1	182	182	182	182	
49	2026.09.22	0.0	10	10	0	0	Entire production not yet processed for coding and not yet coded
TOTALS FOR ALL PRODUCTIONS		3272.3 GB 3.3 TB	30,983	30,983 100%	7,813 25%	6,948 22%	