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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.	**DEFENSE MEMORANDUM REGARDING SCHEDULING ISSUES AND EXHIBITS THERETO** Case No. 251403576 Honorable Tony F. Graf, Jr.

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INTRODUCTION

At the most recent hearing in this matter, the Court scheduled a pretrial conference for October 23, 2026, advising the parties of the Court's intent "to set trial dates." Doc 755, at 176. On October 2, 2026, the Court entered an *Order Requiring Prehearing Memoranda Regarding Trial Preparation and Scheduling ("Order")*. Doc 753.

This *Defense Memorandum Regarding Scheduling Issues* addresses, *inter alia*, each of the six numbered topics set forth in the *Order*, to the extent that Mr. Robinson's counsel are able to do so, given the status of discovery production and review, the status of the defense fact and mitigation investigations, past rulings of this Court, future anticipated motions practice, and the strict ethical and professional limitations on the disclosure of attorney work product.

A complete and unfiltered response to some of the Court's inquiries as set forth in the *Order* necessarily would require counsel to violate their ethical and professional duties to zealously protect their work product and the confidentiality of case-related communications. This Court clearly appreciates those ethical and professional limitations on the disclosure of such information, as the *Order* explicitly "does not require disclosure of privileged information or protected attorney work product." *Order* at 2.

Having carefully considered whether "protected information is necessary to explain a scheduling request," Mr. Robinson's counsel do not believe doing so is necessary at this time, as explained below, although it appears that Canon 2.9(A)(4)

of the Utah Code of Judicial Conduct which governs "ex parte communications" would be the most "appropriate protective procedure under applicable law" (*Order* at 2) if such disclosures become necessary.[1]

Notwithstanding those limitations, Mr. Robinson provides below significant detailed information concerning his counsels' view of the course of future proceedings, including a detailed proposed pretrial motions schedule divided into nine "phases" that cover the fourth quarter of 2026 through the second quarter of 2029 (attached hereto as Exhibit A), a necessarily speculative *approximation* of when, based upon the current status of this case the Court might consider targeting the start of a capital trial, *the third quarter of 2029*, and counsel's best assessment of the length of time required for each phase of a capital trial and the total length of that trial, which Mr. Robinson's counsel estimate to be *six to seven months*.

PROPOSED ORDERS

Mr. Robinson respectfully suggests that the Court proceed as follows:

1) Direct the parties to meet and confer and thereafter propose to the Court in writing cut-off dates for the filing of the "immediate motions" ("Phase I") and "discovery related motions" ("Phase II") that Mr. Robinson presently anticipates filing during the balance of 2026 and during the first quarter of 2027, and during

[1] Canon 2.9(A)(4) provides, in pertinent part: "(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows: (4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge."

the second quarter of 2027, respectively, after which the Court would set dates for the hearings on those motions, some of which are anticipated to require an evidentiary hearing and would therefore need to be coordinated with the availability of lay and expert witnesses.

2) Tentatively target the beginning of a six-to-seven-month trial during the third quarter of 2029.

3) Direct the parties to each file discovery status reports at the beginning of each quarter, with the first report being due in mid-January 2027.

4) Schedule quarterly hearings in 2027 and 2028 that are specifically devoted to assessment of the continuing viability of beginning trial during the third quarter of 2029.

DISCUSSION

I. Counsel's Heightened Constitutional Obligations in Capital Cases Must Necessarily Inform the Court's Scheduling Orders.

A capital trial is unlike a non-capital trial. From the point of view of the State, the inception of a capital case requires obtaining a legal determination that the elements are met to establish a death-eligible capital murder as codified in Utah Code Ann. § 76-5-202 (2025). From the Court's point of view, a capital case requires the appointment of specially qualified and trained defense counsel, planning for a more involved and lengthy period for pretrial motions, preparing for weeks of jury selection, and navigating five decades of Supreme Court jurisprudence unique to capital cases.

From the point of view of defense counsel, appointment to a capital case brings with it a slew of responsibilities that apply in no other context. Those responsibilities are described, justified, and explained in the American Bar Association's Guideline for the Appointment and Performance of Counsel in Death Penalty Cases ("Guideline(s)").[2] "Today, it is universally accepted that the responsibilities of defense counsel in a death penalty case are uniquely demanding, both in the knowledge that counsel must possess and in the skills he or she must master." *Id.* at 923. *See* U.S. Const. amends VI, VIII, XIV; Utah Const. art. I, §§ 7, 9, 12.

A. Counsel Has an Ongoing, Heightened Duty to Investigate Both Guilt-Phase and Penalty-Phase Matters.

Capital defense counsel have, at every stage, "an obligation to conduct thorough and independent investigations relating to the issues of both guilt and penalty." Guideline 10.7, at 1015; *see also Powell v. Alabama*, 287 U.S. 45, 57 (1932). This normal and ordinary duty of defense counsel is "intensified" and "broadened" by the nature of capital trials. Guideline 10.7 Commentary, at 1016; *see also Taylor v. State*, 2007 UT 12, ¶ 47, 156 P.3d 739 (duty to investigate "magnified in death penalty cases").

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[2] American Bar Association, *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases,* 31 Hofstra L. Rev. 913 (2003), *available at* https://www.americanbar.org/groups/committees/death_penalty_representation/resources/aba_guidelines/2003-guidelines/.

Further, counsel's duty "to investigate and present mitigating evidence is now well established." Guideline 10.7 Commentary, at 1021[3]; *see, e.g., Wiggins v. Smith*, 539 U.S. 510, 538 (2003) (overturning conviction due to counsel's failure to conduct reasonable mitigation investigation); *Williams v. Taylor*, 529 U.S. 3362, 395-96 (2000) (same); *Battenfield v. Gibson*, 236 F.3d 1215, 1229 (10th Cir. 2001) ("In addition to hampering [defense counsel's] ability to make strategic decisions, [defense counsel's] failure to investigate [defendant's background] clearly affected his ability to competently advise [defendant] regarding the meaning of mitigation evidence and the availability of possible mitigation strategies.").

Mitigation investigations must consider all aspects of a defendant's life and "penalty phase preparation requires extensive and generally unparalleled investigation in personal and family history." Guideline 10.7 Commentary, at 1022 (citation omitted). Counsel, with the assistance of trained professionals, are tasked with locating and speaking to family members and "virtually everyone else who knew the client and his family" to include neighbors, teachers, doctors, religious leaders, friends, coworkers, employers, and others. *Id*. at 1024. Record gathering is likewise extensive and time-consuming, with the guidelines instructing that records of all matters "should be requested concerning not only the client, but also his parents, grandparents, siblings, cousins, and children." *Id*. at 1024-25; *See, e.g.,*

[3] *See also* Guideline 10.11, at 1055 ("counsel at every stage of the case have a continuing duty to investigate issues bearing upon penalty and to seek information that supports mitigation or rebuts the prosecutor's case in aggravation").

Jermyn v. Horn, 266 F.3d 257, 307 (3d Cir. 2001) (counsel ineffective for failing to obtain school records that disclosed childhood abuse). This is so because the sentencer in a death penalty case "must consider in mitigation, anything in the life of a defendant which might militate against the appropriateness of the death penalty for that defendant[.]" Guideline 10.7 Commentary, at 1022; *see Eddings v. Oklahoma*, 455 U.S. 104, 113-15 (1982); *Lockett v. Ohio*, 438 U.S. 586, 604 (1978).

Counsel must also track media reports and public response to the case which, as the Court is aware, is an immense task in a high-profile case like Mr. Robinson's. *Id*. at 1027. This aspect of investigation is necessary to inform issues of venue, pretrial publicity, and "to monitor the public statements of potential witnesses[.]" *Id.*

B. Counsel Has a Duty to Forcefully Assert Legal Claims and Make a Sufficient Record of Those Claims Through Briefing, Evidence, and Argument.

The Guidelines also require capital defense counsel to "consider all legal claims potentially available" and "thoroughly investigate the basis for each potential claims[.]" Guideline 10.8, at 1028. Each claim must be evaluated in light of:

> (a) the unique characteristics of death penalty law and practice; and
>
> (b) the near certainty that all available avenues of post-conviction relief will be pursued in the event of conviction and imposition of a death sentence; and
>
> (c) the importance of protecting the client's rights against later contents by the government that the claim has been waived, defaulted, not exhausted, or otherwise forfeited; and

(d) any other professionally appropriate costs and benefits to the assertion of the claim.

Id. And when Counsel asserts a claim, they must do so "as forcefully as possible" and "ensure that a full record is made of all legal proceedings in connection with the claim." *Id*. at 1028-29.[4]

Indeed, "[o]ne of the most fundamental duties of an attorney defending a capital case at trial is the preservation of any and all conceivable errors for each stage of appellate and post-conviction review. Failure to preserve an issue may result in the client being executed even though reversible error occurred at trial." Guideline 10.8 Commentary, at 1030 (citation omitted). This duty includes preserving issues "calling for a change in existing precedent" and objecting "to anything that appears unfair or unjust even if it involves challenging well-accepted practices." *Id*. at 1032.

Due to the difficulty of preserving issues fully during trial, the Guidelines instruct that issues should be set out in written motions filed prior to trial. *Id*. at 1033. Further, capital counsel must "assert legal claims even though their prospects of immediate success on the merits are at best modest." *Id*. at 1033-34.[5] Indeed, "[i]f

[4] Counsel also must consider and seek interlocutory appellate review or relief outside of the capital litigation proceeding where appropriate. *Id*. at 1030-31.

[5] The duty to preserve issues is all the more pressing in light of the Utah Legislature's changes to subject matter jurisdiction statutes during the 2026 session. When a death sentence is imposed, neither the district court, Utah Code § 78A-5-102(12); nor the Utah Supreme Court, Utah Code § 78A-3-102(5)(a), have subject matter jurisdiction over claims for ineffective assistance of counsel. This means that trial counsel in Utah must file any and all motions, ensure the adequacy of the record, and engage in lengthy objection to potential error at virtually every

a claim, whether meritorious or not, is being litigated anywhere in the country, counsel is likely to be charged with knowledge that the 'tools to construct their constitutional claim' exist and be expected to raise it." *Id*. at 1032, n.235 (quoting *Engle v. Isaac*, 456 U.S. 107, 133 (1982)).

C. Counsel Must Devote Substantial Time to Jury Selection Issues.

Counsel must also "devote substantial time" to jury selection in a capital case. *Id*. at 1051. The guidelines recognize the "critical" nature of jury selection in a capital case that requires the acquisition and processing of a large volume of data. *Id*. at 1051. Further, counsel must challenge procedures for the selection of jurors through the filing of motions in accordance with the heightened duty to preserve and litigate attendant to capital case representation. *Id*. at 1049.

Jury selection in this case will require extraordinary efforts of the entire defense team and likely additional experts. As has been addressed by the Court in the past, the high-profile nature of Mr. Robinson's case presents extra challenges and it is particularly relevant in all stages of the jury selection process. Additional care must be taken when addressing issues of venue, the creation of questionnaires, the review of questionnaires by the party's respective teams, and during in person, individual, voir dire.[6]

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opportunity to ensure that no error is left unpreserved and thus evade direct review.

[6] The timing of each of these components is also important as they build upon each other. For example, the questionnaires must be sent out and returned with sufficient time for the parties to receive, review, and confer on the initial questionnaires with the initial goal of agreeing on jurors that may be excused for

In conclusion, the duties of counsel are many and great. The schedule and time estimates herein are offered with the specific purpose and intent to provide Mr. Robinson with constitutionally effective capital representation to which he is entitled.

II. Identification, *at This Time,* of a *Specific* Date on Which This Matter Will Definitively Be Ready for Trial Requires Unreliable Speculation.

Mr. Robinson's counsel recognize and respect the Court's desire to identify and set a *realistic* trial date. It is our considered view, however, that forecasting *specifically* when this complex death penalty matter, which has been pending for only one year, will *definitively* be ready for trial is an exercise that, at this time, will necessarily be infected with false precision.

Two areas of pretrial preparation which demonstrate the risk of false precision in identifying *at this time* a specific date on which the trial can begin are: 1) the present status of discovery production, processing, and coding and the impending discovery litigation, and 2) the complex and time-consuming pretrial motions practice which must be conducted before this matter is ready for trial. These two areas of pretrial preparation are discussed below in detail.

Before addressing those two factors, Mr. Robinson's counsel would be remiss in not mentioning that there are two additional areas of pretrial preparation which

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cause without those individuals appearing in court. This will significantly reduce the burden on court resources that would be caused by the appearance of thousands of individuals that provide questionnaire responses. This is only possible, however, if questionnaires are returned several weeks before in person voir dire begins, thus requiring questionnaires to be finalized months before trial begins.

also implicate significant unknowns at this time: 1) the defense's privileged fact investigation and 2) its privileged mitigation investigation.[7] These two aspects of the defense's pretrial preparation are *not* discussed in this public filing, nor would they be disclosed in a closed hearing, for the reasons discussed above. It is our view, however, defense counsels' ethically mandated inability to disclose anything about these two critical aspects of trial preparation does not interfere with this Court's ability to assess the propriety of selecting a specific trial date *at this time* nor, if this Court decides to select a specific target date, when that should be. If, at some point in the future, the course of discovery and the completion of the nine phases of pretrial motions practice outlined here outpace other privileged aspects of the defense's preparation for trial, it may be necessary and appropriate for the Court to consider information provided to it *in camera* pursuant to Judicial Canon 2.9(A)(4).

The present status of discovery and the motions practice outlined by the defense below demonstrate that the setting of a firm trial date *at this time* is not in the interests of justice. It will create unrealistic expectations for the public and the victim's representative, it may cause counsel for both parties to give short shrift to constitutionally required activities, it may rush this Court to deliberate upon and

[7] The mitigation investigation is guided, in part, by the American Bar Association's *Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*, published in Hofstra Law Review Vol. 36 (Spr. 2008) and attached hereto as Exhibit B. It is also guided by the American Bar Association's *Guidelines for the Appointment & Performance of Defense Counsel in Death Penalty Cases* (2008), available at https://www.americanbar.org/groups/committees/death_penalty_representation/resources/aba_guidelines/2003-guidelines/.

enter rulings on important and complex pretrial motions, and it may jeopardize Mr. Robinson's right to a capital proceeding that has the utmost reliability, a requirement of the Eighth Amendment to the United States Constitution.

III. Discovery Production and Processing for Review by Counsel and Other Members of the Defense Team, and Impending Discovery Litigation.

At this point in time, defense counsel cannot predict with any certainty when the State will complete its discovery obligations, notwithstanding UCAO's reported efforts to do so. Nor can defense counsel predict with any certainty when the discovery that has been received and that will in the future be received would be fully processed by professionals assisting the defense, reviewed by defense counsel, and subjected to independent fact and expert-facilitated investigation. Nor can defense counsel predict the extent to which such discovery will require further requests for discovery, proceedings to compel the production of documents from third parties, or this Court's intervention in those processes.

The status of discovery production by the UCAO is not, of course, a matter that lies within the realm of confidential and privileged defense work product and communications. Based upon the frequent good faith communications that have taken place between counsel for the parties since the last hearing, including after the issuance of the *Order*, Mr. Robinson's counsel anticipate that the memorandum filed by the UCAO will address their current, ongoing efforts to identify on an agency-by-agency basis discovery that has not yet been produced to SBI and thereafter to Mr. Robinson's defense team.

It is clear however, even at this stage, that the UCAO has identified additional discovery to be produced, and the parties have already discussed multiple disputed discovery matters that they intend to litigate in the near term.

By way of examples only, the parties will need to litigate a number of discovery issues related to the reliability of DNA testing by the FBI and ATF, and the FBI's plan for further destructive ballistics testing. The Court has been apprised of these disputed issues since well before the preliminary hearing.

It is also very likely that Mr. Robinson will have to exercise his independent pretrial subpoena power to obtain a wide range of discoverable documents now known to be in the possession of Utah Valley University ("UVU") and its agents, if it does not produce all such documents to the State.[8] Mr. Robinson recently transmitted to the UCAO a detailed informal request for discovery of relevant

[8] On September 27, 2026, UVU released to the public a 158-page report entitled "*After-Action Report for Utah Valley University: An Independent Review of the Events Surrounding September 10, 2025 and Recommendations for Future Event Safety and Security*" *available at* https://www.uvu.edu/externalreview/ ("*After-Action Report*"). According to the *After-Action Report*, "The Project Team reviewed a broad range of documents, records, communications, and digital evidence relevant to the planning, response, investigation, and follow-up associated with the September 10, 2025 event. These materials included University and Utah Valley University Police Department (UVUPD) written policies and procedures, emergency management and crisis communications plans, event planning and scheduling records, security planning materials, behavioral threat assessment and management protocols, training materials and records, mutual aid and dispatch-related records, incident reports, interview summaries, communications logs, emails, social media monitoring materials, and available video, audio, and digital evidence. Document review occurred throughout the assessment as additional materials were identified, requested, and provided. The information was considered alongside interviews, timelines, and other evidence reviewed by the Project Team." (*After-Action Report* at 8).

documents UVU and its agents have not produced to the State, and the UCAO is presently considering which of those documents or categories of documents it will specifically request UVU to produce. As to those discoverable documents which UCAO does not seek to obtain from UVU or UVU refuses to produce, Mr. Robinson will seek through a third-party subpoena.

Prior to the last hearing, Mr. Robinson filed a discovery status report which has been updated and filed concurrently with this memorandum**.** While the progress of Mr. Robinson's defense team in processing discovery is technically protected work product, this information is shared so that the Court has an opportunity to appreciate the complexity and volume of discovery, the time that has been required to process the discovery to date, and the amount of discovery that has been received but that has not yet been processed for efficient review by counsel and other members of the defense team.

The updated chart attached to the second discovery status report demonstrates that as of October 16, 2026, 100 percent of the 31,000 files produced by the UCAO through September 22, 2026, have been downloaded and organized in a limited manner for "*preliminary"* review by counsel, 25 percent of those files have been fully processed for substantive coding, and 22 percent have been fully coded.[9] The bottom line with respect to discovery is that it is presently impossible for defense counsel to know when this important pretrial work will be substantially

[9] As of October 19, 2026, UCAO has not produced any discovery since September 22, 2026.

completed, in part because of the manner in which discovery has been produced and in part because the quantum and timing of future discovery productions, either by UCAO or in response to third party subpoenas, is, of course, unknown.

That is not to say that defense counsel will *never* be able to advise the Court on the period of time needed to substantially complete this work and the fact investigation, mitigation investigation, and expert work that is informed by the content of discovery. The amount of time that will be required cannot be accurately predicted until other events unfold in this matter, including the additional discovery tasks that the UCAO has explained it is presently undertaking and the impending discovery related motions practice described both above and below.

IV. Defense-Proposed Motions Litigation Schedule.

As explained in Part I above, the defense in a capital case has an obligation to fully litigate a wide range of pretrial motions, including those which may seek a change in current law, lest future changes in the law become unavailable to Mr. Robinson for relief. It is undersigned counsels' experience that it is only *after* a significant portion of the pretrial litigation has been completed that the Court and the parties can meaningfully assess with more reliability and precision when the matter may actually be ready for trial.[10]

[10] While each capital case is unique, the anecdotal experiences with other court's efforts to engage in scheduling may be instructive. It is not unusual for courts to amend their capital case scheduling orders, including postponements of trial, as proceedings progress. For example, in *United States v. Daniel Chavez, et al.*, a potential capital prosecution in the Northern District of California (Case No. 15-cr-285-LHK), the district court issued eighteen amended scheduling orders over a ten-year period of time. The prosecution was initiated in 2015 and ultimately concluded

Mr. Robinson's counsel have devoted a significant amount of time since this matter was last before the Court to developing a "*Pretrial Motions Scheduling Outline*" which identifies with some specificity the nature of the pretrial motions that we presently intend to file, and which visualizes the phasing, or staging, of those motions, and identifies which may require evidentiary hearings and which may require extended presentation of evidence of argument. This *Pretrial Motions Scheduling Outline*, with some modifications, was shared with the UCAO in advance of consultations among counsel for the two parties. Those consultations occurred on October 1, 2026 and again on October 7, 2026.

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with a settlement in 2025. Mr. Novak was counsel for Mr. Chavez, who was charged with multiple racketeering murders. In *United States v. Paul Anthony Ciancia,* an authorized federal capital case in the Central District of California (Case No. 13-cr-902-PSG), the district court continued trial four times over the course of the proceedings, which began in November 2013 and concluded with a settlement in December 2016. Mr. Ciancia was a young man with no prior criminal history who shot and killed a TSA Officer at Los Angeles International Airport in late 2013. Mr. Novak was counsel for Mr. Ciancia. In another authorized federal capital case in the Eastern District of California, *United States v. James Leon Guerrero* (Case No. 08-cr-259-PMP), the district court continued trial three times over the course of the proceedings which began in August 2008 and concluded with a settlement in July 2014. Mr. Leon Guerrero was serving a life sentence in federal prison when he, with another inmate, killed a federal correctional officer. Mr. Novak was counsel for Mr. Leon Guerrero. Collectively, Mr. Robinson's counsel have many more examples of authorized and potential capital cases in which they served as counsel and in which courts have found that the interests of justice require multiple modifications to case management orders and multiple continuances of trial dates based upon the way in which pretrial litigation and defense preparation unfold. Again, every case is different but, to quote the United States Supreme Court, "death *is* different." *Ford v. Wainwright*, 477 U.S. 399, 411 (1986) ("In capital proceedings generally, this Court has demanded that factfinding procedures aspire to a heightened standard of reliability (citation omitted) This especial concern is a natural consequence of the knowledge that execution is the most irremediable and unfathomable of penalties; that death is different.")

The *Pretrial Motions Scheduling Outline* will necessarily be updated in both the content of the future motions practice envisioned by Mr. Robinson's counsel and the schedule for that litigation, as that litigation and other aspects of trial preparation proceed.[11] However, counsel have identified nine phases of pretrial litigation, each of which would involve multiple motions or other filings, responsive briefing, argument and, as to many but not all of the motions, the presentation of evidence, and decisions by this Court thereafter.

Given the other professional responsibilities of Mr. Robinson's counsel, this Court's obligations to the balance of the litigants who have cases before it and its other responsibilities, and in light of the frequency with which this Court has been able to convene motions hearings in this case over the past 13 months, each of these nine phases has been assigned a quarter during the calendar years 2027 through 2029. Of course, some motions may proceed more quickly to resolution, while others may require further time for development. Some motions identified in the *Pretrial*

[11] The following material contingencies were considered when fashioning the *Pretrial Motions Scheduling Outline*: 1) the ongoing processing of the voluminous discovery received in this case that may inform the need for additional motions, 2) the timely disclosure of evidence in possession of law enforcement agencies that has not yet been provided to the State and therefore, not yet provided to the defense for processing, 3) the timely disclosure of documents that must be obtained through subpoena and/or motion, 4) the availability of expert witnesses to review and evaluate documents not yet produced to the defense, 5) the availability of expert witnesses to prepare reports based upon such documents, 6) the availability of expert witnesses to testify at evidentiary hearings, and 7) the availability of the Court to convene pretrial motion hearings to take evidence, as necessary, hear argument on and issue ruling on the motions the defense litigates prior to trial.

Motions Scheduling Outline may ultimately not be necessary, and there is little doubt the need for others will emerge later.

The parties agree, it is Mr. Robinson's understanding, that it would be wholly unworkable for this Court to set a single deadline on which all pretrial motions are due. Capital cases are not amenable to the type of pretrial motions practice that may be appropriate in misdemeanors or less complex felony matters. While the parties do not agree on how much time is necessary to undertake all of the pretrial motions practice that is presently visualized by Mr. Robinson's counsel, phased litigation of pretrial motions is a case management plan that they do agree upon. More specifically, the *Pretrial Motions Scheduling Outline* proposes:

1) The filing and litigation of a number of "immediate" motions during the remainder of the fourth quarter of 2026 and the first quarter of 2027 ("Phase I");
2) The filing and litigation of a number of "discovery related" motions during the second quarter of 2027 ("Phase II");
3) The filing of motions to suppress and exclude evidence on constitutional and statutory grounds during the third quarter of 2027 ("Phase III");
4) The filing of challenges to Utah's death penalty statutory scheme and the application of that scheme to this matter and the litigation of those challenges during the fourth quarter of 2027 ("Phase IV");
5) The filing and litigation of motions related to the State's proposed guilt phase experts in the first quarter of 2028 ("Phase V");

6) The filing and litigation of motions related to the State's proposed non-expert guilt phase evidence in the second quarter of 2028 ("Phase VI");

7) The filing and litigation of motions related to the State's proposed penalty phase experts in the third quarter of 2028 ("Phase VII");

8) The filing and litigation of motions related to the State's proposed non-expert penalty phase evidence in the fourth quarter of 2028 ("Phase VII");

9) The filing and litigation of venue issues in the first quarter of 2029 ("Phase VIII"),

10) The lodging of a proposed jury questionnaire and the filing and litigation of motions related to all jury selection procedures and jury instructions in the second quarter of 2029 ("Phase IX").

Obviously, some portions of the *Pretrial Motions Scheduling Outline* presume that this Court will have set concomitant deadlines for the State to make certain pretrial disclosures, specifically with respect to their experts, their non-expert witnesses, and their exhibits. This schedule does *not* take into consideration the impact of motions that may be filed by the State Nor, of course, does it take into consideration additional motions that may need to be filed as a result of matters which come to the attention of defense counsel over the coming period of time.

V. A Potential Target Time Period for Beginning Jury Selection Based Upon the Pretrial Motions Scheduling Outline.

Aside from the scheduling consequences that would flow from a judicial decision to grant Mr. Robinson's future motion for change of venue, an issue addressed below, the *Pretrial Motions Scheduling Outline* suggests that this Court

and the parties could identify the *third quarter of 2029* as a presently realistic period of time for the beginning of trial. However, counsel believe that the more realistic path is to proceed with the pretrial motions practice outlined here and for the Court to gauge on a quarterly basis, as the matter progresses, the continuing viability of selecting a trial date in the third quarter of 2029. That gauging could occur on a quarterly basis, beginning as soon as the "immediate motions" identified for filing and litigation this quarter and during the first quarter of 2027 have been resolved.

VI. Counsel's Other Professional Obligations.

While a vigorous, rigorous, searching, and constitutionally sound defense of Mr. Robinson is the highest priority of each of his attorneys, and each has made adjustments to the balance of their professional practice in order to achieve and maintain that rigor, counsel do have obligations to other courts and to other clients which must be taken into consideration. Those most pressing obligations which inform the *Pretrial Motions Scheduling Outline* are set forth in more detail in Exhibit C.

In summary, however, Ms. Nester is counsel in multiple criminal cases set for trial in the first three quarters of 2027. Mr. Burt is counsel in a complex murder case in Contra Costa County, California, which is likely to proceed in the first quarter of 2027 with four to six months of pretrial motions followed immediately thereafter by a four-to-five-month trial. Mr. Novak has a non-capital federal racketeering murder case involving multiple defendants firmly set for trial in the

second quarter of 2027 in the Central District of California and another of the same nature firmly set to begin in the first quarter of 2028 in the Northern District of California. Ms. Visser is counsel in matters set for trial, including before this Court, in the first and third quarters of 2027.[12]

VII. Venue Issues

This Court has repeatedly acknowledged over the past 13 months the defense's well-founded concern that as this matter moves toward trial, the judiciary will need to make decisions that ensure that the unprecedented pretrial publicity and social-political commentary associated with this matter do not interfere with Mr. Robinson's constitutional right to a fair trial. The State has expressed its own concerns about the impact of media coverage and public discourse on its ability to obtain a fair trial for the People of the State of Utah. While a thorough and rigorous jury selection process will no doubt be part of that effort, whenever and wherever the trial is conducted, the Court has acknowledged that it may be necessary to consider whether Mr. Robinson can obtain a fair trial within this District. Of course, that is not to suggest that the Court has prejudged that question in any way. However, to be clear, Mr. Robinson does intend to undertake a venue study and, depending upon the results of that study, may move this Court for an order changing the venue for Mr. Robinson's capital trial.

[12] These other professional obligations do not include counsels' numerous time-consuming responsibilities in capital and non-capital appeals, capital and non-capital *habeas corpus* proceedings, and other matters.

Mr. Robinson's *Pretrial Motions Scheduling Outline* identifies venue litigation as occurring in Phase VIII, immediately after completion of all of the other pretrial litigation, save issues related to jury selection and jury instructions.

It is the view of Mr. Robinson's counsel that in light of the extensive publicity that accompanies and follows every hearing in this matter, the most accurate moment for assessment of the manner in which pretrial publicity has impacted potential jury pools would be after the litigation of the issues identified in Phases I through VII, as the hearings conducted in those phases will again expose the future jury pool to information, facts, opinions, trial strategies, argument and social-political commentary not presented to a jury nor subject to rules of evidence. A venue assessment conducted too early in the pretrial litigation process would fail to capture the impact on potential jury pools of subsequent exposure to media coverage and social-political commentary, and the subsequent formation of opinions which constitute impermissible bias.

Any trial date selected by this Court would, by necessity, be subject to reconsideration if there were a ruling that venue does need to be changed. Of course, a change in venue would also implicate distribution of a juror questionnaire which, in this case, very well may need to be sent to far more than the over 1700 potential jurors who received a questionnaire in the *State v. Richins* aggravated murder case recently in Summit County.

Mr. Robinson's counsel will be prepared to discuss this issue on October 23, 2026, but the points here are, in summary: 1) venue litigation, if necessary, should

not be undertaken until after all of the other substantive pretrial litigation has occurred, and 2) any trial date set or envisioned by this Court should be subject to the *proviso* that the venue for trial may change and that distribution of juror questionnaires and decisions concerning other jury selection procedures will necessarily also be contingent upon the outcome of any venue litigation.

VIII. Tentative Scheduling of a Capital Trial During the Third Quarter of 2029 Is Consistent with Utah Court Data on the Length of Time to Trial in Aggravated Murder and Capital Cases.

Capital cases, particularly those that make it to trial with the State still seeking the death penalty, are rare in Utah so data is necessarily limited. However, information regarding current and recent past aggravated murder cases prosecuted in Utah demonstrates that targeting the start of a capital trial in this matter less than 48 months after the commencement of the prosecution is consistent with decisions made by courts in those cases. *See* Exhibit D

Three Utah County aggravated murder prosecutions which began *prior to* the instant case (*Carrion*, *Jayne*, and *Erickson*) are not yet set for trial. A Box Elder County aggravated murder prosecution (*Bate*) which began prior to the instant case is set for approximately ten weeks of trial in May to August of 2028. Two Weber County aggravated murder cases (*Costello* and *Emille*) filed in July 2017 resulted in pretrial dispositions in late 2022. One Salt Lake County aggravated murder case (*French*) filed in early 2018 resulted in a pretrial disposition in July 2020. Another Salt Lake County aggravated murder case (*Maestas*) filed in 2004 proceeded to trial in 2008, *a pretrial litigation period of 39 months*. A Box Elder County aggravated

murder case (*Griffin*) filed in 2005 proceeded to trial in 2008, *a pretrial litigation period of 40 months*. The *Baum* prosecution in Utah County was filed in 2018 and proceeded to trial in 2022, *a 48 month pretrial litigation period*. The most recent capital trial in Utah (*State v. Lovell*) required 43 months of litigation between remand and trial. *See* Exhibit D.

While the data are limited because it is so rare for an aggravated murder case in Utah to proceed to trial as a *capital* prosecution, there are two conclusions that can be drawn from them. First, it is premature to set a firm trial date. Second, if the Court determines that it must, a trial scheduled to begin during the third quarter of 2029, less than four years after the initial filing, is wholly consistent with recent practices in other aggravated murder cases.

IX. Time Required for Trial from Jury Selection Through Penalty Phase Deliberations.

In response to inquiries from counsel for the parties, court staff informed counsel that the Court anticipates being in session for trial five days per week for approximately 5.5 hours per day, with one day per *month* set aside for mid-trial motions. Based upon this information, the complexity of this case, the significant level of pretrial publicity and social-political discourse to date, counsel's experience in and knowledge of the nature of the proceedings in other high visibility capital and non-capital homicide cases, and consultations with the UCAO, Mr. Robinson's counsel presently estimate that:

1) Beginning with in court *voir dire* after a full assessment of completed juror questionnaires, *capital* jury selection may require as much as two months[13];
2) Presentation of evidence during the innocence/guilt phase of the capital trial may require as much as six weeks to two months;
3) Jury deliberations after the conclusion of that phase may require as much as two weeks;
4) Presentation of evidence during any penalty phase that is necessary may require as much as six weeks to two months;
5) Jury deliberations after the conclusion of any penalty phase that may be necessary may require as much as two weeks.

Mr. Robinson's counsel suggest that the Court anticipate that the entire trial, if the State continues to seek the penalty of death, could be at least six months, from the beginning of capital jury selection through the completion of penalty phase deliberations.[14]

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[13] Again, every case is different, yet other complex, high visibility cases may be instructive. With respect to the time required for jury selection, the district court presiding over *United States v. Gendron*, an authorized federal capital prosecution in the Western District of New York estimated that jury selection in that case would require three to four months. (*United States v. Gendron*, Western District of New York (Buffalo) Case No. 1:22-cr-00109-LJV-1, Doc. No. 135 entered on Feb. 2, 2024) ("Time estimation for jury trial is approximately 5 to 6 months with jury selection for picking a capital eligible jury taking about 3 to 4 months of that estimation"). Ms. Nester reports that in the recently completed non-capital aggravated murder prosecution of Kouri Richins in Summit County, Utah, of the 1723 jurors who completed and returned juror questionnaires, approximately 1427 of them were excused for cause *before* in-court voir dire had begun.

[14] The following material contingencies inform the estimated amount of time each phase of the capital trial may require: 1) the time in advance of in-court *voir dire*

Mr. Robinson's counsel also take this opportunity to reflect upon realistic expectations concerning the number of hours that jurors will actually hear evidence during a typical day of courtroom proceedings. It is Mr. Robinson's understanding that the Court anticipates each day of court proceedings would run from 9:30 a.m. to 4:30 p.m., with 80 minutes during which court would not be is session each day.

It is counsels' collective experience that in a complex criminal trial, even one which does not involve the State's pursuit of the punishment of death, the Court will need to address on a regular basis throughout the trial disputes between the parties which arise concerning the admissibility of certain items of evidence or of anticipated testimony. It is impossible for all such issues to be anticipated well in advance of trial.

This is especially the case when the State produces supplemental witness statements memorialized during interviews conducted during final trial preparation, as it always does, when other additional discovery is disclosed during

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that has been allotted for the parties and the Court to review and confer upon receipt of questionnaires, and the procedure ultimately adopted by the Court for individual *voir dire,* 2) rulings on admissibility of expert witness testimony and the admissible scope of expert witness testimony, 3) rulings on the admissibility of exhibits, 4) rulings on other motions *in limine*, 5) timely disclosure of the State's witness lists for each trial phase, which inform the defense's witness lists for each trial phase; 6) timely disclosure of the State's exhibits for each trial phase, which inform the Defense's exhibits for each trial phase, 7) the availability of State and defense witnesses, 8) procedures adopted by the Court to address objections as they arise during trial; 9) procedures adopted by the Court to address motions as they arise during the presentation of evidence, and 10) potential delays attributable to jurors, 11) potential delays attributable to media entities failing to comply with this Court's orders, and 12) potential delays attributable to security measures.

trial, as it always is, when exhibits marked for identification go beyond those disclosed well in advance of trial, as often occurs, or when the order of proof has to be adjusted because of witness availability. It very well may be that many court days begin and/or end with the Court presiding over *in limine* proceedings that will shape the next day's presentation of evidence.

In light of counsels' obligations in a capital prosecution, Mr. Robinson's counsel anticipate that most of these *real time* evidentiary disputes will be presented to the Court in the form of written motions *in limine* as trial proceeds. An assessment of the time actually required to try this case to a jury should take these mid-trial law and motion issues into consideration.

X. Number of Alternates.

Due to the anticipated length of trial and the concerns regarding pretrial and trial publicity that will undoubtedly persist during the trial, the defense requests that there be no less than six alternates.

CONCLUSION

Based upon the foregoing, Mr. Robinson respectfully requests that this Court issue orders as outlined in the Proposed Orders section of this memorandum.

RESPECTFULLY SUBMITTED this 21st day of October, 2026.

/s/ Kathryn N. Nester
Kathryn N. Nester

/s/ Michael N. Burt
Michael N. Burt

/s/ Richard G. Novak
Richard G. Novak

/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

State v. Robinson Defense Pretrial Motions Scheduling Outline

Phase	General Description	Detailed Descriptions (non-exclusive)	Proposed Time for Briefing/Hearing	Days for Hearings on Motions	Evidentiary Hearing
I	**Immediate Motions**	A motion to quash portions of this court's decision to bind Mr. Robinson over for trial	**4th Qtr 2026/1st Qtr 2027**	One or less	No
I	**Immediate Motions**	A motion under the U.S. Constitution to require that the felony charges filed by the State be presented to a grand jury.	**4th Qtr 2026/1st Qtr 2027**	One or less	No
I	**Immediate Motions**	A motion for review of this Court's earlier ruling denying Mr. Robinson's motion to permit him to appear at all pre-trial proceedings without being shackled, and a related motion to compel the Utah County Sheriff to comply with a subpoena for documents related to its security assessment resulting in the shackling of Mr. Robinson during court proceedings.	**4th Qtr 2026/1st Qtr 2027**	One or less	**Yes**
I	**Immediate Motions**	As necessary, a motion to compel disclosure of the records utilized by the Administrative Office of the Courts to compile its jury pool, in order to assess the extent to which a jury venire in this County complies with the fair cross-section requirements of the U.S. Constitution and related Utah Constitutional and statutory rights of defendants.	**4th Qtr 2026/1st Qtr 2027**	One or less	No
I	**Immediate Motions**	Other motions, to be determined.	**4th Qtr 2026/1st Qtr 2027**	One or less	Unknown

II	**Discovery Related Motions**	Discovery of documents and information relevant to anticipated State forensic expert testimony and to facilitate defense forensic examinations and review of State forensic expert opinions.	**2nd Qtr 2027**	More than one court day	**Yes**
II	**Discovery Related Motions**	Discovery of additional social media materials beyond those sought by the State pursuant to administrative subpoenas and/or warrants.	**2nd Qtr 2027**	One or less	**Yes**
II	**Discovery Related Motions**	Production by the State of law enforcement reports, notes, images and other materials that are *referenced in* discovery that has been received but have not been produced.	**2nd Qtr 2027**	One or less	No
II	**Discovery Related Motions**	Discovery or compliance with subpoenas compelling the production of documents in the possession of UVU and others which were reviewed by the authors of UVU's *After Action Report* and relied upon for their findings, as well as those which are the basis for the claims raised by the victim representative in a letter to UVU and other entities in Sept. 2026.	**2nd Qtr 2027**	One or less	**Yes**
II	**Discovery Related Motions**	Litigation on Mr. Robinson's motion prohibiting destructive testing of ballistics evidence without permitting Mr. Robinson's ballistics and other experts to observe that testing and/or without memorializing the destructive testing through video-recording which can be utilized by Mr. Robinson's experts to assess the methodologies employed and conclusions reached by the FBI during that destructive testing.	**2nd Qtr 2027**	One or less	**Yes**

III	**Motions to Suppress and Exclude**	Motions to suppress evidence obtained via administrative subpoenas, warrants, consent searches, or other means which implicate Mr. Robinson's rights under the Fourth, Fifth, Sixth and Eighth Amendments to the U.S. Constitution and his parallel rights under the Utah Constitution.	**3rd Qtr 2027**	Multiple full court days	**Yes**
III	**Motion to Suppress and Exclude**	Motion to exclude DNA evidence based upon destruction of samples.	**3rd Qtr 2027**	One or less	**Yes**
IV	**Death Penalty Challenges**	Motions related to the constitutionality of Utah's death penalty statute and other portions of the Utah Code which are implicated by this prosecution, both facially and as applied to this case, as well as, inter alia, the constitutional infirmities of the decision to seek death being unilaterally made by an elected official without any formal protocol, and without providing Mr. Robinson with any opportunity to participate in that unilateral decision-making process.	**4th Qtr 2027**	Multiple full court days	**Yes**
V	**State Guilt Phase Expert Issues**	Motions to compel further State guilt-innocence phase expert disclosures	**1st Qtr 2028**	Multiple full court days	No
V	**State Guilt Phase Expert Issues**	Motions concerning the admissibility of the State's proposed expert opinion evidence under *Daubert* and other constitutional, statutory, and common law authorities	**1st Qtr 2028**	Multiple full court days	**Yes**
VI	**State Guilt Phase Evidence Issues**	Motions to compel sufficiently early disclosure of the state's anticipated guilt-innocence phase witnesses and exhibits in order to permit Mr. Robinson to determine what motions in limine are and are not necessary to be filed prior to trial.	**2nd Qtr 2028**	Multiple full court days	No

VI	**State Guilt Phase Evidence Issues**	Motions in limine concerning the admissibility of the state's proposed exhibits and anticipated witness testimony.	**2nd Qtr 2028**	Multiple full court days	**Yes**
VII	**State Penalty Phase Expert Issues**	Motions to compel further State penalty phase expert disclosures.	**3rd Qtr 2028**	Multiple full court days	No
VII	**State Penalty Phase Expert Issues**	Motions concerning the admissibility of the State's proposed penalty phase expert opinion evidence under the Eighth Amendment, Daubert and other constitutional, statutory, and common law authorities.	**3rd Qtr 2028**	Multiple full court days	**Yes**
VII	**State Penalty Phase Evidence Issues**	Motions to compel sufficiently early disclosure of the state's anticipated penalty phase witnesses and exhibits, including an "informational outline" in order to permit Mr. Robinson to determine what motions in limine are and are not necessary prior to trial.	**4th Qtr 2028**	One or less	No
VII	**State Penalty Phase Evidence Issues**	Motions in limine concerning the admissibility of the State's proposed exhibits and anticipated witness testimony during penalty phase, including but not limited to penalty phase evidence that may or may not be admissible under Utah Code **§§** 76-3-207-2(a)(iii) and (a)(iv).	**4th Qtr 2028**	Multiple full court days	**Yes**

VIII	**Venue Issues**	Motion for change of venue after the completion of significant portions of the pre-trial litigation in order to capture the effects of further pre-trial publicity on the potential jury pool in Utah County and in another comparison county within the State of Utah, which should be fully litigated and ruled upon **before** the Court sends a written jury questionnaire to any venire.	**1st Qtr 2029**	Multiple full court days	**Yes**
IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Preparation, exchange, judicial review of proposed written jury questionnaire(s).	**2nd Qtr 2029**	One or less	No
IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Distribution of approved and return of completed questionnaire.	**2nd Qtr 2029**	n/a	n/a
IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Time for the parties to review completed questionnaires, to meet and confer concerning for cause excusals of jurors based upon questionnaire alone and for the court to make decisions on disputed for cause challenges based upon the JQ alone.	**2nd Qtr 2029**	Multiple full court days	No
IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Motion pursuant to Utah Code § 76-3-207(c)(ii).	**2nd Qtr 2029**	One or less	No

IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Motions concerning the manner in which voir dire is conducted by the court and counsel	**2nd Qtr 2029**	One or less	No
IX	**JURY QUESTIONNAIRE, VOIR DIRE PROCEDURES, and PEREMPTORY CHALLENGES**	Motions concerning the number of peremptory challenges available to the parties during jury selection	**2nd Qtr 2029**	One or less	No
IX	**JURY INSTRUCTIONS**	Litigation of jury instructions for both phases	**2nd Qtr 2029**	One or less	No
X	**TRIAL**	Jury selection, trial and deliberations guilt phase and penalty phase	**4-6 months beginning in 3rd Qtr 2029**		

Exhibit B

SUPPLEMENTARY GUIDELINES FOR THE MITIGATION FUNCTION OF DEFENSE TEAMS IN DEATH PENALTY CASES

INTRODUCTION

The ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (2003 revision) assign to lead counsel (at Guideline 10.4(B)) the responsibility for conducting a thorough investigation relating to both guilt and penalty, regardless of any statement by the client opposing such investigation. (Guideline 10.7) To meet this responsibility, lead counsel must assemble a capital defense team consisting of no fewer than two qualified attorneys, an investigator, and a mitigation specialist – with at least one member of that team qualified by training and experience to screen for the presence of mental or psychological disorders or impairments. (Guidelines 4.1 and 10.4 C).

Inherent in the approach to competent capital defense dictated by the Guidelines is the recognition that the mitigation function is multi-faceted and multi-disciplinary, even though ultimate responsibility for the investigation of such issues rests irrevocably with counsel. Because the mitigation function is of utmost importance in the defense of capital cases, and because counsel must rely on the assistance of experts, investigators and mitigation specialists in developing mitigating evidence, these supplementary interdisciplinary performance standards are necessary to ensure that all members of the defense team perform in accordance with prevailing national norms when representing a client who may be facing execution.

These Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases were developed in cooperation with the ABA Death Penalty Representation Project to assist its work and to reflect prevailing professional norms. They are the result of a two-year drafting and review process by experts in the field of death penalty litigation. These Supplementary Guidelines provide comprehensive, up-to-date guidance for all members of the defense team, and will provide useful guidance to judges and defense counsel on selecting, funding and working with mitigation specialists. Following the Guidelines will help ensure effective assistance of counsel for all persons charged with or convicted of capital crimes. These Supplementary Guidelines explain in greater detail the elements of the mitigation function of capital defense teams. Because they are consistent with, elucidate and incorporate by reference the ABA

Guidelines, these Supplementary Guidelines follow the same general organizational structure as the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

The skills, abilities, and functions outlined in these Supplementary Guidelines must be present throughout the defense team, and the responsibility for the development and presentation of mitigation evidence must be incorporated into the defense case at all stages of the proceedings from the moment the client is taken into custody, and extending to all stages of every case in which the jurisdiction may be entitled to seek the death penalty, including initial and ongoing investigation, pretrial proceedings, trial, appeal, post-conviction review, clemency proceedings and any connected litigation. The duty to investigate, develop and pursue avenues relevant to mitigation of the offense or penalty, and to effectively communicate the fruits of those efforts to the decision-makers, rests upon defense counsel.

GUIDELINE 1.1—OBJECTIVE AND SCOPE OF GUIDELINES

A. The objective of these Guidelines is to summarize prevailing professional norms for mitigation investigation, development and presentation by capital defense teams, in order to ensure high quality representation for all persons facing the possible imposition or execution of a death sentence in any jurisdiction. All capital defense teams must be comprised of individuals who, through their experience, training and function, strive to fulfill the constitutional mandate that the sentencer consider all evidence in support of a sentence other than death. Mitigation evidence includes, but is not limited to, compassionate factors stemming from the diverse frailties of humankind, the ability to make a positive adjustment to incarceration, the realities of incarceration and the actual meaning of a life sentence, capacity for redemption, remorse, execution impact, vulnerabilities related to mental health, explanations of patterns of behavior, negation of aggravating evidence regardless of its designation as an aggravating factor, positive acts or qualities, responsible conduct in other areas of life (e.g. employment, education, military service, as a family member), any evidence bearing on the degree of moral culpability, and any other reason for a sentence less than death.

B. These Guidelines apply from the moment that counsel is appointed and extend to all stages of every case in which the jurisdiction may be entitled to seek the death penalty, including initial and ongoing investigation, pretrial proceedings, trial, appeal, post-conviction review, competency-to-be-executed proceedings, clemency proceedings and any connected litigation.

Cross- References:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 1.1—Objective and Scope of Guidelines; 4.10—The Defense Team and Supporting Services.

GUIDELINE 4.1—THE CAPITAL DEFENSE TEAM: THE ROLE OF MITIGATION SPECIALISTS

A. In performing the mitigation investigation, counsel has the duty to obtain services of persons independent of the government and the right to select one or more such persons whose qualifications fit the individual needs of the client and the case. Applications to the court for the funding of mitigation services should be conducted ex parte, in camera, and under seal.

B. Counsel has a duty to hire, assign or have appointed competent team members; to investigate the background, training and skills of team members to determine that they are competent; and to supervise and direct the work of all team members. Counsel must conduct such investigation of the background, training and skills of the team members as will determine that they are competent and must ensure on an ongoing basis that their work is of high professional quality.

C. All members of the defense team are agents of defense counsel. They are bound by rules of professional responsibility that govern the conduct of counsel respecting privilege, diligence, and loyalty to the client. The privileges and protections applicable to the work of all defense team members derive from their role as agents of defense counsel. The confidentiality of communication with persons providing services pursuant to court appointment should be protected to the same extent as if such persons were privately retained. Like counsel, non-attorney members of the defense team have a duty to maintain complete and accurate files, including records that may assist successor counsel in documenting attempts to comply with these Guidelines.

D. It is counsel's duty to provide each member of the defense team with the necessary legal knowledge for each individual case, including features unique to the jurisdiction or procedural posture. Counsel must provide mitigation specialists with knowledge of the law affecting their work, including an understanding of the capital charges and available defenses; applicable capital statutes and major

state and federal constitutional principles; applicable discovery rules at the various stages of capital litigation; applicable evidentiary rules, procedural bars and "door-opening" doctrines; and rules affecting confidentiality, disclosure, privileges and protections.

Cross- References:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 4.1—The Defense Team and Supporting Services.
ABA Model Rules of Professional Conduct 1.3—Diligence; 1.6—Confidentiality of Information; 1.7—Conflict of Interest: Current Clients; 1.8—Conflict of Interest: Current Clients: Specific Rules; 1.9—Duties to Former Clients; 1.10—Imputation of Conflicts of Interest: General Rule; 1.11—Special Conflicts of Interest for Former and Current Government Officers and Employees; 1.14—Client with Diminished Capacity; 2.3—Evaluations for Use by Third Person.

GUIDELINE 5.1—QUALIFICATIONS OF THE DEFENSE TEAM

A. Capital defense team members should demonstrate a commitment to providing high quality services in the defense of capital cases; should satisfy the training requirements set forth in these Supplementary Guidelines; and should be skilled in the investigation, preparation and presentation of evidence within their areas of expertise.

B. The defense team must include individuals possessing the training and ability to obtain, understand and analyze all documentary and anecdotal information relevant to the client's life history. Life history includes, but is not limited to: medical history; complete prenatal, pediatric and adult health information; exposure to harmful substances in utero and in the environment; substance abuse history; mental health history; history of maltreatment and neglect; trauma history; educational history; employment and training history; military experience; multi-generational family history, genetic disorders and vulnerabilities, as well as multi-generational patterns of behavior; prior adult and juvenile correctional experience; religious, gender, sexual orientation, ethnic, racial, cultural and community influences; socio-economic, historical, and political factors.

C. Mitigation specialists must be able to identify, locate and interview relevant persons in a culturally competent manner that produces confidential, relevant and reliable information. They must be skilled interviewers who can recognize and elicit information about mental health signs and symptoms, both prodromal and acute, that may manifest over the client's lifetime. They must be able to establish rapport with witnesses, the client, the client's family and significant others that will be sufficient to overcome barriers those individuals may have against the disclosure of sensitive information and to assist the client with the emotional impact of such disclosures. They must have the ability to advise counsel on appropriate mental health and other expert assistance.

D. Team members must have the training and ability to use the information obtained in the mitigation investigation to illustrate and illuminate the factors that shaped and

influenced the client's behavior and functioning. The mitigation specialist must be able to furnish information in a form useful to counsel and any experts through methods including, but not limited to: genealogies, chronologies, social histories, and studies of the cultural, socioeconomic, environmental, political, historical, racial and religious influences on the client in order to aid counsel in developing an affirmative case for sparing the defendant's life.

E. At least one member of the team must have specialized training in identifying, documenting and interpreting symptoms of mental and behavioral impairment, including cognitive deficits, mental illness, developmental disability, neurological deficits; long-term consequences of deprivation, neglect and maltreatment during developmental years; social, cultural, historical, political, religious, racial, environmental and ethnic influences on behavior; effects of substance abuse and the presence, severity and consequences of exposure to trauma. Team members acquire knowledge, experience, and skills in these areas through education, professional training and properly supervised experience.

F. Mitigation specialists must possess the knowledge and skills to obtain all relevant records pertaining to the client and others. They must understand the various methods and mechanisms for requesting records and obtaining the necessary waivers and releases, and the commitment to pursue all means of obtaining records.

Cross- References:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 10.7—Investigation; 4.1—The Defense Team and Supporting Services; 5.1—Qualifications of Defense Counsel.

GUIDELINE 6.1—WORKLOAD

Counsel should ensure that the workload of defense team members in death penalty cases is maintained at a level that enables counsel to provide each client with high quality legal representation in accordance with these supplementary Guidelines and the ABA Guidelines as a whole. In the case of mitigation specialists on the staff of an institutional defender office, the office should implement mechanisms to ensure that their workload is maintained at a level that enables them to provide each client with high quality services and assistance in accordance with these Guidelines.

Cross- Reference:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 6.1—Workload.

GUIDELINE 8.1—TRAINING

A. All capital defense team members should attend and successfully complete, at least once every year, a specialized training program that focuses on the defense of death penalty cases offered by an organization with substantial experience and expertise in the defense of persons facing execution and committed to the national standard of practice embodied in these supplemental Guidelines and the ABA Guidelines as a whole.

B. Funding should be provided for team members to receive effective training and continuing professional education in their respective fields of expertise.

Cross- Reference:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 8.1—Training.

GUIDELINE 9.1—FUNDING AND COMPENSATION

Non-attorney members of the defense team should be fully compensated at a rate that is commensurate with the provision of high quality legal representation and reflects the specialized skills needed to assist counsel with the litigation of death penalty cases. Flat fees, caps on compensation, and lump-sum contracts are improper in death penalty cases.

Cross- Reference:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 9.1—Funding and Compensation.

GUIDELINE 10.3—OBLIGATIONS OF TEAM MEMBERS RESPECTING WORKLOAD

All members of the defense team in death penalty cases should limit their caseloads to the level needed to provide each client with high quality legal representation in accordance with these supplementary Guidelines and the ABA Guidelines as a whole.

Cross Reference:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 10.3—Obligations of Counsel Respecting Workload.

GUIDELINE 10.4—THE DEFENSE TEAM: THE ROLE OF COUNSEL WITH RESPECT TO MITIGATION SPECIALISTS

A. Counsel bears ultimate responsibility for the performance of the defense team and for decisions affecting the client and the case. It is the duty of counsel to lead the team in conducting an exhaustive investigation into the life history of the client. It is therefore incumbent upon the defense to interview all relevant persons and obtain all relevant records and documents that enable the defense to develop and implement an effective defense strategy.

B. Counsel guides the defense team and, based on consultation with team members and experts, conducts ongoing reviews of the evidence, assessments of potential witnesses, and analyses of the most effective manner in which to convey the mitigating information. Counsel decides how mitigation evidence will be presented.

Cross- References:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 10.4—The Defense Team. ABA Model Rules of Professional Conduct 5.3—Responsibilities Regarding Nonlawyer Assistant.

GUIDELINE 10.11—THE DEFENSE CASE: REQUISITE MITIGATION FUNCTIONS OF THE DEFENSE TEAM

A. It is the duty of the defense team to aid counsel in coordinating and integrating the case for life with the guilt or innocence phase strategy.

B. The defense team must conduct an ongoing, exhaustive and independent investigation of every aspect of the client's character, history, record and any circumstances of the offense, or other factors, which may provide a basis for a sentence less than death. The investigation into a client's life history must survey a broad set of sources and includes, but is not limited to: medical history; complete prenatal, pediatric and adult health information; exposure to harmful substances in utero and in the environment; substance abuse history; mental health history; history of maltreatment and neglect; trauma history; educational history; employment and training history; military experience; multi-generational family history, genetic disorders and vulnerabilities, as well as multi-generational patterns of behavior; prior adult and juvenile correctional experience; religious, gender, sexual orientation, ethnic, racial, cultural and community influences; socio-economic, historical, and political factors.

C. Team members must conduct in-person, face-to-face, one-on-one interviews with the client, the client's family, and other witnesses who are familiar with the client's life, history, or family history or who would support a sentence less than death. Multiple interviews will be necessary to establish trust, elicit sensitive information and conduct a thorough and reliable life-history investigation. Team members must endeavor to establish the rapport with the client and witnesses that will be necessary to provide the client with a defense in accordance with constitutional guarantees relevant to a capital sentencing proceeding.

D. Team members must provide counsel with documentary evidence of the investigation through the use of such methods as genealogies, social history reports, chronologies and reports on relevant subjects including, but not limited to, cultural, socioeconomic, environmental, racial, and religious issues in the client's life. The manner in which

information is provided to counsel is determined on a case by case basis, in consultation with counsel, considering jurisdictional practices, discovery rules and policies.

E. It is the duty of the defense team members to aid counsel in the selection and preparation of witnesses who will testify, including but not limited to:

1. Expert witnesses, or witnesses with specialized training or experience in a particular subject matter. Such experts include, but are not limited to:

a. Medical doctors, psychologists, toxicologists, pharmacologists, social workers and persons with specialized knowledge of medical conditions, mental illnesses and impairments; substance abuse, physical, emotional and sexual maltreatment, trauma and the effects of such factors on the client's development and functioning.

b. Anthropologists, sociologists and persons with expertise in a particular race, culture, ethnicity, religion.

c. Persons with specialized knowledge of specific communities or expertise in the effect of environments and neighborhoods upon their inhabitants.

d. Persons with specialized knowledge of institutional life, either generally or within a specific institution.

2. Lay witnesses, or witnesses who are familiar with the defendant or his family, including but not limited to:

a. The client's family, extending at least

three generations back, and those familiar with the client;

b. The client's friends, teachers, classmates, co-workers, employers, and those who served in the military with the client, as well as others who are familiar with the client's early and current development and functioning, medical history, environmental history, mental health history, educational history, employment and training history, military experience and religious, racial, and cultural experiences and influences upon the client or the client's family;

c. Social service and treatment providers to the client and the client's family members, including doctors, nurses, other medical staff, social workers, and housing or welfare officials;

d. Witnesses familiar with the client's prior juvenile and criminal justice and correctional experiences;

e. Former and current neighbors of the client and the client's family, community members, and others familiar with the neighborhoods in which the client lived, including the type of housing, the economic status of the community, the availability of employment and the prevalence of violence;

f. Witnesses who can testify about the applicable alternative to a death sentence and/or the conditions under which the alternative sentence would be served;

g. Witnesses who can testify about the adverse impact of the client's execution on the client's family and loved ones.

F. It is the duty of team members to gather documentation to support the testimony of expert and lay witnesses, including, but not limited to, school, medical, employment, military, and social service records, in order to provide medical, psychological, sociological, cultural or other insights into the client's mental and/or emotional state, intellectual capacity, and life history that may explain or diminish the client's culpability for his conduct, demonstrate the absence of aggressive patterns in the client's behavior, show the client's capacity for empathy, depict the client's remorse, illustrate the client's desire to function in the world, give a favorable opinion as to the client's capacity for rehabilitation or adaptation to prison, explain possible treatment programs, rebut or explain evidence presented by the prosecutor, or otherwise support a sentence less than death.

G. It is the duty of the team members to aid counsel in preparing and gathering demonstrative evidence, such as photographs, videotapes and physical objects (e.g., trophies, artwork, military medals), and documents that humanize the client or portray him positively, such as certificates of earned awards, favorable press accounts and letters of praise or reference.

Cross References:

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 4.1—The Defense Team and Supporting Services; 10.7—Investigation; 10.10.1—Trial Preparation Overall; 10.11—The Defense Case Concerning Penalty.

Exhibit C

DECLARATION OF KATHRYN N. NESTER

I, Kathryn N. Nester, declare as follows:

1. Along with attorneys Richard G. Novak, Michael Burt, and Staci Visser, I am counsel for defendant Tyler James Robinson in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. This declaration is submitted in support of Mr. Robinson's *Memorandum Regarding Scheduling Issues*. It sets forth my other significant responsibilities as counsel, some but not all of which are highlighted in the body of the *Memorandum*.

3. On January 13, 2027, I will begin trial in a multiple-defendant non-capital state murder case pending in the Third District, *State of Utah v. Biel, et al*. Based upon my more than thirty years of experience practicing criminal defense and my familiarity with the judicial officer presiding over this matter, I am preparing for trial to proceed on that date and do not expect it to be postponed.

4. On January 25, 2027, I am scheduled to begin a two-week trial in a multiple-defendant non-capital federal money laundering case pending in the District of Utah, *United States v. Bowlds, et al*. Based upon my familiarity with the procedural history of this case and the trial setting practices of that district and the presiding judicial officer, I am preparing for that trial to proceed on that date; however, there is a possibility it may be postponed until later in the year.

5. On February 24, 2027, I am scheduled to begin a one-week trial in a non-capital state case pending in the Fourth District, *State of Utah v. Pantos*. Based upon my familiarity with the procedural history of this case and the trial setting practices of the district and the presiding judicial officer, I am preparing for that trial to proceed on that date; however, there is a possibility it may be postponed if another matter is ready for trial that has priority under the local trial setting practices.

6. From March 6th – March 18th I will be participating in a legal conference and will be unavailable for trial.

7. On April 19, 2027, I am scheduled to begin a one-week trial in a non-capital state case pending in the Third District, *State of Utah v. Flynn*. Based upon my familiarity with the procedural history of this case and the trial setting practices of the district and the presiding judicial officer, I am preparing for that trial to proceed on that date and do not expect it to be postponed.

8. On April 26, 2027, I am scheduled to begin a one-week trial in a non-capital state case pending in the Third District (West Jordan), *State of Utah v. Katoa*. Based upon my familiarity with the procedural history of this case and the trial setting practices of the district and the presiding judicial officer, I am preparing for that trial to proceed on that date and do not expect it to be postponed.

9. I am currently counsel of record in a matter before this Court, *State of Utah v. Baxter,* that is expected to proceed to trial beginning May 3, 2027, for a period of one week. Because this is a first place setting I am preparing for trial to proceed on that date and do not expect it to be postponed.

10. From July 8 – July 11, 2027, I will be attending a legal conference and will not be available for trial.

11. On July 13, 2027, I am scheduled to begin a one-week trial in a non-capital state case pending in the Third District, *State of Utah v. Becker*. Based upon my familiarity with the procedural history of this case and the trial setting practices of the district and the presiding judicial officer, I am preparing for that trial to proceed on that date and do not expect it to be postponed.

12. On October 13, 2027, I am scheduled to begin a trial that will span two weeks in a non-capital state case pending in the Third District (West Jordan), *State of Utah v. Anderson.* Based upon my familiarity with the procedural history of this case and the trial setting practices of the district and the presiding judicial officer, I am preparing for that trial to proceed on that date and do not expect it to be postponed.

I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

Executed on this 21st day of October 2026.

/s/ Kathryn N. Nester
Kathryn N. Nester

DECLARATION OF RICHARD G. NOVAK

I, Richard G. Novak, declare as follows:

1. Along with attorneys Kathryn Nester, Michael Burt, and Staci Visser, I am counsel for defendant Tyler James Robinson in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. This declaration is submitted in support of Mr. Robinson's *Memorandum Regarding Scheduling Issues*. It sets forth my other significant responsibilities as counsel, some but not all of which are highlighted in the body of the *Memorandum*.

3. On April 20, 2027, I will begin trial in a multiple-defendant non-capital federal racketeering murder case pending in the Central District of California, *United States v. Gonzalez, et al*. The present scheduling order in that case requires that certain pre-trial motions be filed in that matter in January 2027 and that others be filed in February 2027. Based upon my thirty years of experience practicing in that district and my familiarity with the judicial officer presiding over this matter, I am preparing for trial to proceed on that date and do not expect it to be postponed.

4. On January 10, 2028, I will begin trial in a multiple-defendant non-capital federal racketeering murder case pending in the Northern District of California, *United States v. Vasquez, et al*. The present scheduling order in that case requires that certain pre-trial motions be filed in that matter in April 2027 and that others be filed in October 2027. Based upon my familiarity with the procedural history of this case and the trial setting practices of that district and the presiding judicial officer, I am preparing for that trial to proceed on that date and do not expect it to be postponed.

5. I represent a defendant in a multiple-defendant non-capital racketeering murder prosecution in the Northern District of California which is not yet set for trial.

6. I represent a defendant/cooperating witness in a complex federal narcotics distribution prosecution pending in the Central District of California who

will testify during a single-defendant trial that is presently scheduled to begin in early January 2027, and my client is scheduled for sentencing in that matter in April 2027.

7. I represent a defendant/cooperating witness in a complex multiple-defendant federal racketeering murder prosecution pending in the Central District of California who will testify during a trial that is presently scheduled to begin in June 2027, and his sentencing will occur thereafter.

8. I represent a material witness in a complex federal white collar fraud prosecution pending in the Northern District of California who will testify during a multiple-defendant trial that is presently scheduled to begin in September 2027.

9. I presently represent in federal *capital habeas* corpus proceedings and in related ancillary state court proceedings in the Central District of California and in the Eastern District of California four petitioners sentenced to death under California law. Each of these cases requires my time and professional attention, including the filing of substantive petitions, appellate briefs, motions, and status reports, the investigation of claims, work with experts, and preparation for evidentiary hearings.

I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

Executed on this 19th day of October 2026.

/s/ Richard G. Novak
Richard G. Novak

DECLARATION OF STACI VISSER

I, Staci Visser, declare as follows:

1. Along with attorneys Richard G. Novak, Michael Burt, and Kathy Nester, I am counsel for defendant Tyler James Robinson in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. This declaration is submitted in support of Mr. Robinson's *Memorandum Regarding Scheduling Issues*. It sets forth my other significant responsibilities as counsel, some but not all of which are highlighted in the body of the *Memorandum*.

3. On February 1, 2027, I will begin a four-day jury trial in a first-degree felony rape case, case number 241901972, pending in the Third District Court, Salt Lake. This case is currently second priority. However, based on the communications with the scheduling court when setting the trial dates, it is likely that this case will become first priority and the trial will proceed as scheduled.

4. On June 21, 2027, I am scheduled to begin a five-day jury trial in a first-degree felony object rape case, case number 231401837, pending in the Fourth District Court, Provo, before this Court. Based upon the procedural history of this case, I am preparing for trial to proceed on that date.

I declare under penalty of perjury under the laws of the State of Utah that the foregoing is true and correct.

Executed on this 21st day of October 2026.

/s/ Staci Visser
Staci Visser

Exhibit D

UTAH HOMICIDE CASES IN WHICH A NOTICE OF INTENT TO SEEK DEATH WAS FILED: 2004-PRESENT[1]

Case No.	Defendant	County	Filing Date	Plea or Trial	Time From Filing to Entry of Plea or Beginning of Trial
261401404	Leonard, Matthew	Utah	04/19/2026	n/a	Trial date not yet set.
This Case	Robinson, Tyler	Utah	09/16/2025	n/a	Trial date not yet set.
251100344	Bate, Ryan	Box Elder	08/20/2025	n/a	Trial set for May-Oct 2028
251400807	Carrion, Arthuro	Utah	02/27/2025	n/a	Trial date not yet set.
241401620	Jayne, Michael	Utah	05/14/2024	n/a	Trial date not yet set.
231401202	Erickson, Tryston	Utah	03/31/2023	n/a	Trial date not yet set.
201500550	Fought, Joseph	Iron	08/31/2020	Non-capital plea 04/16/2023	**31 months**
181401062	Baum, Jarrod	Utah	04/03/2018	Non-capital trial 4/15/2022	**48 months** (DP Withdrawn by UCAO)
181905680	French, Shaun	Salt Lake	02/25/2018	Non-capital plea 07/01/2020	**28 months**

[1] This chart includes aggravated murder cases in which the State filed a notice of intent to seek death, at least initially, over approximately the last two decades. Of note, the State court system does not collate these data. Rather, the data provided by the Administrative Office of the Courts included all aggravated and attempted aggravated murders filed in the twenty-year time period and the defense team has reviewed each case docket individually. There is also no required, uniform method for the filing of a notice of intent to seek death in these cases. Thus, the defense has sought to provide the court with a complete data set, and any failure to include any one case is not intentional.

171901546	Costello, Miller	Weber	07/11/2017	Non-capital plea 10/05/2022	**63 months**
171901547	Emille, Brenda	Weber	07/11/2017	Non-capital plea 08/19/2022	**61 months**
161904001	Rivera, Ramon	Salt Lake	04/16/2016	Non-capital plea 08/27/2020	**52 months**
161900359	Mair, Mark	Iron	07/25/2016	Non-capital plea 08/22/2019	**37 months**
131600150	Crutcher, Steven	Sanpete	09/23/2013	Non-capital plea 03/29/2018	**54 months**
131400326	Fresques, David	Salt Lake	03/01/2013	Non-capital plea 12/17/2014	**21 months**
121900081	Stewart, Matthew	Weber	01/13/2012	n/a	**n/a**
121600001	McFarland, Logan	Sanpete	01/01/2012	Non-capital plea 01/25/2017	**60 months**
111300712	Roman, Roberto	Utah	08/02/2011	Non-capital trial 08/13/2012	**12 months**
921900407	Lovell, Douglas	Weber	Plea vacated 8/15/2011[2]	Capital trial 03/19/2015	**43 months** (penalty phase retrial in Aug - Oct of 2027)

[2] This case was initially filed in 1982 and resulted in a guilty plea and sentence of death. After multiple appeals, the case was remanded and the defendant was ultimately allowed to withdraw his guilty plea and proceed to trial. The time is therefore calculated from when the order permitting the defendant to withdraw his plea was entered to the date on which trial began. Subsequent to that capital trial, the defendant was granted penalty phase relief and a new penalty phase trial is scheduled to begin August 30, 2027 to October 14, 2027.

101700899	Sloop, Nathanael	David	05/14/2010	Non-capital plea 02/14/2014	**45 months**
101101667	Bond, Martin	Davis	12/08/2010	Non-capital trial 01/10/2013	**25 months**
091902582	Valdes, Jeremy	Weber	12/04/2009	Non-capital plea 01/07/2015	**61 months**
081907419	Sweeten, Christian	Salt Lake	09/25/2008	Non-capital plea 08/16/2011	**34 months**
081906082	Gunkel, Charles	Salt Lake	08/12/2008	Non-capital plea 05/16/2011	**33 months**
081903943	Younge, Donald	Salt Lake	05/22/2008	Dismissed 11/2/2012	**None**
081901539	Ethridge, Jacob	Weber	07/15/2008	Non-capital plea 10/28/2010	**27 months**
081500086	Nelson, Martin	Iron	02/22/2008	Capital trial 11/30/2009	**21 months**
071909449	Prater, Anthony	Salt Lake	12/21/2007	Non-capital trial 02/22/2013	**62 months**
071904711	Allgier, Curtis	Salt Lake	06/28/2007	Non-capital plea 10/03/2012	**63 months**
071903450	Clark, Jason	Salt Lake	05/10/2007	Capital trial 12/07/2010	**43 months**
071901847	Perea, Riqo	Weber	08/08/2007	Non-capital trial 03/09/2010	**31 months**

071402565	Putnam, Jason	Utah	06/13/2007	Non-capital plea 06/11/2008	**12 months**
051701317	Drommond, David	Davis	08/30/2005	Non-capital plea 12/17/2007	**27 months**
051500271	Robinson, Floyd	Washington	02/14/2005	Non-capital plea 12/12/2006	**22 months**
051100219	Griffin, Glen	Box Elder	06/30/2005	Capital trial 10/22/2008	**40 months**
041906594	Maestas, Floyd Eugene	Salt Lake	10/13/2004	Capital trial 1/14/2008	**39 months**