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

FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, *Plaintiff,* *v.* TYLER JAMES ROBINSON, *Defendant.*	**State's Prehearing Scheduling Memorandum** Case No. 251403576 Judge Tony F. Graf, Jr.

Pursuant to the Court's October 2, 2026, Order and Rule 13 of the Utah Rules of Criminal Procedure, the State provides the following Prehearing Scheduling Memorandum and a proposed Scheduling Order to assist the Court in scheduling a trial date.

1. Time needed to prepare for trial.

The State's Proposed Scheduling Order (attached as **Exhibit A**) enumerates the trial-preparation tasks that the State believes are necessary to prepare for trial and deadlines for completing those tasks. Nevertheless, as the Court requested, the State also details below the tasks it believes will be necessary to prepare for trial and, as best it can, the time it believes will be necessary to complete those tasks. These estimates depend entirely on the current state of the case and the

evidence, and the State's best prediction of anticipated events. The estimates below are therefore necessarily subject to change.

When expressed in terms of weeks, the estimate assumes a full five-day work week at eight hours per day. When expressed in terms of days, the estimate assumes an eight-hour workday.

Task	Estimated Time to Complete
Prepare and provide additional discovery	Impossible to quantify because discovery is ongoing
Prepare and file pretrial motions, including motions in limine	Approximately 40 weeks
Respond to Defendant's pretrial motions	Depends on the number and complexity of the motions
Identify expert witnesses for guilt and penalty phases of trial	Approximately 40 weeks
Prepare objections to defense experts	Approximately 45 days after disclosure of defense experts
Identify rebuttal expert witnesses for guilt and penalty phases of trial	Approximately 75 days after disclosure of defense expert witnesses
Respond to defense objections to State's expert witnesses	Depends on the number and complexity of the objections
Prepare exhibits, including demonstrative exhibits	Approximately 35 days
Prepare jury questionnaires	Approximately 15 days
Prepare jury instructions	Approximately 20 days

The State cannot quantify the time necessary to prepare and provide additional discovery because the investigation, and therefore discovery, is ongoing, as rule 16(a)(2) of the Utah Rules of Criminal Procedure recognizes. The State is committed to providing all additional discovery as soon as practical after it receives those materials, as rule 16 requires.

The State has provided Defendant approximately 100% of all the discovery it currently possesses. The State is in the process of meeting with all law enforcement agencies involved in the investigation to ensure that it has received all relevant materials that those agencies possess.

To the extent that the State receives additional materials through this process, it will provide those to Defendant as rule 16 requires.

As for the remaining tasks, the State has provided its best estimate of the time necessary to complete those tasks given what is currently known and reasonably anticipated. The State anticipates working on many of these tasks simultaneously to the extent possible.

2. Number of trial days and number of trial hours per day.

The State anticipates trial taking a total of **85 days (17 full five-day weeks)** based on six hours of court time per day (9:30 a.m. to 4:30 p.m. with a one-hour lunch and two ten-minute recesses).

3. Time for voir dire.

The State estimates that voir dire, including the time necessary for additional questioning required in this capital case, will take **20 days (four five-day weeks)**. This time could be shortened if the parties are able to effectively screen biased potential jurors through a robust questionnaire.

4. Remaining anticipated trial time.

Phase	Time
State's case-in-chief	20 days (4 weeks)
Defense case-in-chief	15 days (3 weeks)
State's rebuttal	5 days (1 week)
Guilt-phase deliberation	2 to 5 days (0.5 to 1 week)
State's penalty-phase evidence	5 days (1 week)
Defense mitigation evidence	14 to 17 days (2 to 2.5 weeks)
Penalty-phase deliberation	2 to 5 days (0.5 to 1 week)
Total	**63 to 72 days (≈ 13 weeks)**

5. Proposed number of alternate jurors.

Given the anticipated length of trial, the State recommends seating 5-6 alternate jurors. But if the trial is scheduled to include the Thanksgiving and Christmas holidays, then the Court must seat two additional alternates (a total of 8) for the reasons explained below.

6. Proposed dates:

6a. Trial commencement date. The State believes that it could be prepared to begin trial on October 4, 2027. But given the 17-week anticipated length of this trial, the State does not believe that it is wise to schedule the trial to span the worst of the winter season and the Thanksgiving and Christmas holidays. The State therefore proposes that the Court schedule the trial to begin January 31, 2028.

A trial that would run from early October 2027 through the end of January 2028 would place significant additional hardship on the jurors and therefore further complicate an already complicated capital voir dire process. The schedule would also require the Court to seat additional alternate jurors because holding trial during that season would surely increase the risk that (1) jurors would get sick, and (2) some jurors would not follow the Court's admonitions to refrain from talking about the case. This is especially true when most—if not all—of the jurors will likely gather with extended family and friends over the holidays. The Court would also have to schedule holiday breaks which will significantly interrupt and extend the trial. Those interruptions could impair jurors' ability to track the evidence because the breaks will necessarily interrupt the continuity of the parties' presentations. A trial through the winter and holidays will also be more difficult for both the State's and Defendant's witnesses to accommodate.

The Court could avoid these difficulties by scheduling trial to begin January 31, 2028, as outlined in the State's Proposed Scheduling Order. (**Ex. A**). That proposed order outlines the

additional deadlines that the Court asked the parties to address, including proposed deadlines for discovery, expert disclosures, and pretrial motions.

Dated October 21, 2026.

JEFFREY S. GRAY
Utah County Attorney

/s/ *Christopher D. Ballard*
Christopher D. Ballard
Chad E. Grunander
Ryan McBride
Deputy County Attorneys

CERTIFICATE OF SERVICE

I certify that on October 21, 2026, I filed the foregoing **State's Prehearing Scheduling Memorandum** through the Court's electronic filing system, which served a copy on all counsel of record.

/s/ Christopher D. Ballard

Exhibit A

IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	**SCHEDULING ORDER** Case No. 251403576 Judge Tony Graf, Jr.

A jury trial has been set in this matter to begin on **January 31, 2028**. To facilitate preparation for the jury trial and to ensure a just and speedy resolution to this case, the Court enters the following ORDER: This order supplements the discovery and disclosure requirements in Rule 16 of the Utah Rules of Criminal Procedure.

1. Discovery Matters

a. The parties must exchange a list of fact witnesses and each witness's contact information the parties have a good faith belief will be called at both the guilty/not guilty and penalty phases of the trial by **June 14, 2027**. This includes any reports prepared by the witnesses, recorded statements, or witness summaries the parties intend to use at trial.

b. As investigation into the case is ongoing, the parties are ORDERED to provide the names and contact information of any potential witness discovered after the above date as soon as known and no later than 30 days before trial. Failure to disclose a witness may result in exclusion of the witness from testifying.

c. If a party objects to a discovery request based upon an assertion of privilege, the party must provide a privilege log to opposing counsel as soon as practicable and no

later than the date the discovery would otherwise be required to be disclosed under this Order.

2. Pre-trial motions

a. All motions pertaining to the constitutionality of the death penalty, the constitutionality of the aggravated murder statute or related statutes, or the constitutionality of capital trial procedures must be filed by **February 1, 2027**. The State's responses are due on **March 15, 2027**, and Defendant's replies are due on **April 15, 2027**.

   i. If requested by the parties, the court will contact the attorneys to schedule a hearing.

b. If a party decides to file a motion to change venue, the motion must be filed by **May 3, 2027**.

   i. If requested by the parties, the court will contact the parties to schedule a hearing.

c. All motions to suppress evidence and other case-specific motions or motions in limine must be filed by **July 20, 2027**.

   i. If requested by the parties, the court will contact the parties to schedule a hearing.

3. Expert witnesses

a. Guilty/not-guilty-phase expert witnesses for both parties must be disclosed by **July 30, 2027**. Disclosures must comply with all relevant rules and statutes. Copies of any agreements for remuneration must also be provided by this date.

b. Objections to guilty/not-guilty-phase expert witnesses must be filed by **September 30, 2027**.

c. Guilty/not-guilty-phase rebuttal expert witnesses must be disclosed by **September 30, 2027**, and all objections to guilty/not-guilty-phase rebuttal experts must be filed by **October 29, 2027**.

d. Penalty-phase expert witnesses for both parties must be disclosed by **August 31, 2027**. Disclosures must comply with all relevant rules and statutes. Copies of any agreements for renumeration must also be provided by this date.

e. Objections to penalty-phase expert witnesses must be filed by **October 29, 2027**.

f. Penalty-phase rebuttal expert witnesses must be disclosed by **September 30, 2027**, and all objections to penalty-phase rebuttal expert witnesses must be filed by **October 29, 2027**.

g. The court will contact the parties to schedule evidentiary hearings or oral argument on motions regarding expert witnesses, if requested by the parties.

4. Statutory and rule-based notice requirements

a. Any objection by the Defendant to the appointment of a pre-screening psychologist under section 77-15a-104(1) of the Utah Code must be filed by **May 3, 2027**. If an objection is filed, the court will set a hearing to determine whether Defendant's waiver of the right to assert he is intellectually disabled for purposes of establishing that he is not subject to a death sentence is knowing and voluntary.

   i. If no objection is filed by the date listed above, the court will appoint a pre-screening psychologist to examine Defendant to determine his intelligence quotient.

b. If applicable, all notices to introduce evidence under 404(b) or (c) must be filed as soon as possible and at least by **July 30, 2027**. Any notice filed after that date will

be deemed presumptively unreasonable, and the evidence will not be permitted unless the prosecutor can demonstrate that was not feasible to have given notice earlier.

c. If applicable, a notification that Defendant intends to assert any of the defenses listed in Utah Code §§76-5-205.5 (special mitigation), 77-14-2 (alibi), 77-14-3 (testimony regarding defendant's mental state), 77-14-4 (insanity or diminished mental capacity), or 77-14-6 (entrapment), must be filed by **April 30, 2027**.

5. Mitigation investigation

a. A certification that Defendant has completed or substantially completed the mitigation investigation must be filed by **November 30, 2027**. The mitigation investigation may continue past this date.

6. Jury questionnaire

a. The parties must file a list of witnesses the parties have a good faith belief will be called at trial to include in the juror questionnaire by **September 30, 2027**.

b. A stipulated proposed jury questionnaire must be filed by **September 30, 2027**. If the parties cannot agree to a proposed questionnaire, the parties must file their disputed questions in writing with the Court on that date.

c. The court will set a hearing to finalize the jury questionnaire and to address the parties' disputes or objections.

d. The jury questionnaire will be mailed to **3,000** prospective jurors on **November 5, 2027**. The prospective jurors will be required to return the questionnaire to the Court by **November 19, 2027**. The returned questionnaires will be scanned into a Google

Drive on a rolling basis as they are received. The parties will be given access to the drive to review the questionnaires.

7. Evidence offered in penalty phase, if applicable

a. Pursuant to *State v. Lafferty*, 749 P.2d 1239, 1259-60 (Utah 1988), and *State v. Maestas*, 2012 UT 46, ¶ 288, the State must provide notice of any uncharged violent criminal conduct it intends to introduce during the penalty phase by **October 29, 2027**.

8. Other pre-trial matters

a. A list of all trial exhibits and any other physical or demonstrative evidence the parties intend to use at trial must be exchanged by **October 29, 2027**. This includes any reports, recorded statements, or witness summaries the parties intend to use at trial that are not otherwise addressed in this order.

b. The parties are ORDERED to meet and confer regarding the admissibility of all trial exhibits or other physical or demonstrative evidence the parties intend on introducing at trial prior to filing any objections with the court. The parties must file a certification that they have met and conferred when filing stipulations and objections to trial exhibits.

c. All stipulations and objections to trial exhibits must be filed by **December 13, 2027**.

d. A set of stipulated jury instructions must be filed by **December 13, 2027**. This includes instructions for both the guilt/not guilty phase and the sentencing phase. The parties must also provide a copy of their proposed instructions in Microsoft Word format to the judicial assistant. If the parties have disputes about proposed instructions, the disputed instructions must also be filed by that date.

9. Final pre-trial hearing

a. The Court will hold a hearing on **January 10-11, 2028,** after all questionnaires have been received, to hear stipulated challenges for cause to prospective jurors based upon answers provided in the jury questionnaires. The Court will also hear argument on challenges to trial exhibits and review the final jury instructions at this hearing.

b. The jury trial will begin on **January 31, 2028**.

10. This order may not be amended by the parties' stipulation.

DATED this _____ day of _____, 2026.

_____
Judge Tony Graf, Jr.
Fourth District Court