IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY - STATE OF UTAH

STATE OF UTAH, *Plaintiff,* vs. TYLER JAMES ROBINSON, *Defendant.*	**TRIAL SETTING AND CASE MANAGEMENT ORDER** Case No. 251403576 Honorable Tony F. Graf, Jr.

INTRODUCTION

Before this court are the defense's scheduling memorandum and discovery report (Dkts. 773 and 771), the State's memorandum and proposed scheduling order (Dkt. 775), and Mrs. Kirk's motion for speedy disposition (Dkt. 777).

This trial setting and case management order's intent is to ensure that the constitutional rights of Mr. Robinson and Mrs. Kirk are upheld at every junction, each party is treated with the dignity and respect they are due as human beings and the 6th Amendment right is protected. As it relates to the jury, the jury are not commodities to be consumed but human beings to be considered with the end goal that the jury may render a true and just verdict.

The October 23, 2026 hearing showed how each proposed date would affect counsel's preparation, Mrs. Kirk's interest in a timely resolution, and the jurors who would serve. After weighing those considerations, the court selects a different date and reserves 105 court days for trial. Jury selection will begin June 21, 2028 at 9:30 a.m. in Courtroom 4B of the Fourth District Courthouse in Provo, subject to further order. The court will hold monthly pretrial status conferences to protect the constitutional rights at stake. At those conferences it will review both sides' preparation, address obstacles to a fair and timely trial for Mr. Robinson and give effect to Mrs. Kirk's rights to participation and speedy disposition as provided by law.

Addendum A sets the schedule. The court addresses the three proposals in turn, then explains the June setting and how it will review readiness. At the April 11, 2028 hearing, the court will decide whether counsel can complete the essential work before jury selection. Mrs. Kirk must have an opportunity to be heard before the court changes the trial date under part V.

BACKGROUND

The State filed the Information on September 16, 2025 charging Tyler James Robinson with aggravated murder and six related offenses and gave notice that it would seek the death penalty (Dkts. 1 and 10). The court signed its ruling sending the case to trial on September 1, 2026; it was filed the next day (Dkt. 739). That ruling found probable cause, not guilt. Mr. Robinson has pleaded not guilty.

The defense proposes nine motion stages and quarterly review. It asks the court to begin pretrial litigation now and defer a firm trial date until more is known about discovery and counsel's other trials. Its proposed trial period is July through September 2029. Dkt. 773 at 2–3, 9–

10. At argument Mr. Novak described that period as a tentative target. Oct. 23, 2026 Scheduling Conf. Tr. (Tr.) 17:20–18:7, 40:4–19, 58:1–12.

The written discovery report lists 49 productions, 30,983 files, and about 3.3 terabytes of data. Dkt. 771 and Ex. A. At the hearing Ms. Visser distinguished the roughly 31,000 files from a separate collection of about eight million digital artifacts. Some devices could not be accessed and some data was corrupted. About a quarter of the first collection had been coded for trial. That figure excluded the forensic collection. Tr. 19:9–22, 59:8–17, 59:24–60:10.

The State proposes January 31, 2028. Its written estimate is 85 court days, including 20 for jury selection. At argument it described a 17-week trial and asked for a firm date to secure witnesses and experts. The defense estimates six to seven months. Dkt. 775 at 3–5. Dkt. 773 at 23–25. Tr. 81:4–17, 88:13–89:3.

Mrs. Kirk, through counsel, requests trial by October 4, 2027. She describes the cost of another year of uncertainty to her family and asks the court to give the case a definite setting. Dkt. 777 at 1–4. Tr. 98:12–24, 100:3–10.

The court heard the parties and Mrs. Kirk's counsel on October 23, 2026. It reserved its ruling, invited updated scheduling information, and set a further hearing for November 9, 2026 at 1:00 p.m. Tr. 100:11–25, 101:3–13, 103:12–25, 104:5–9. The court also considers counsel's later scheduling submissions and the defense's November 4, 2026 correction concerning jury selection in another case.

Two points drew agreement at the hearing. The State proposed 3,000 questionnaires and Mr. Novak accepted that estimate for planning. Both sides asked the court to avoid a lengthy trial across Thanksgiving and the year-end holidays. Tr. 83:7–17, 86:3–8, 89:20–90:9, 91:7–92:17.

LEGAL STANDARDS

A. Continuances

Rules 12 and 13 of the Utah Rules of Criminal Procedure govern pretrial motions and case management. Continuance decisions are reviewed for abuse of discretion. *Mackin v. State*, 2016 UT 47, ¶ 33, 387 P.3d 986. That discretion has constitutional limits. Whether denying more time violates due process depends on the circumstances and reasons presented, not a mechanical test. *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). An unjustified insistence on speed can also impair the right to counsel. *Morris v. Slappy*, 461 U.S. 1, 11–12 (1983). These decisions set no minimum preparation period for capital trials. Here, the court must assess the missing evidence, expert and mitigation work, and counsel's trial commitments against the time available and the harm from further delay to Mr. Robinson and Mrs. Kirk.

B. Defense Preparation

The Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 12 of the Utah Constitution protect Mr. Robinson's right to prepare and present a defense with effective counsel. A reasonable investigation is one a competent lawyer would undertake based on the facts known at the time. Counsel must investigate relevant facts and plausible defenses or have a sound professional reason to limit an inquiry. *Strickland v. Washington*, 466 U.S. 668, 688–91 (1984). Here, the schedule must give counsel time to review missing records, consult experts, and assess meaningful leads before making those choices.

For capital mitigation, counsel must assess whether records and interviews reveal significant leads requiring further inquiry before choosing a defense or sentencing strategy. Counsel need

not pursue every conceivable lead regardless of likely value. *Wiggins v. Smith*, 539 U.S. 510, 521–23, 527–28, 533 (2003). These effective-assistance decisions guide whether the schedule permits counsel to obtain records, interview witnesses, consult experts, and follow material leads; they set no fixed preparation period. A reporting deadline cannot replace that work. Scheduling relief turns on the applicable continuance standard, without requiring counsel to prove an ineffective-assistance claim, which this order does not decide.

C. Victim Interests

Article I, section 28 of the Utah Constitution protects victims' rights to fair and dignified treatment and, upon request, participation in important hearings as provided by law. Utah Code § 77-38-7(1) directs the court to consider the victim's interest in a prompt resolution under the same standards governing the defendant's speedy-trial right. Subsections (2) and (3) address unwarranted defense-caused delay and require inquiry into a defendant's request to postpone trial. Sections 77-38-2(5)(c), 77-38-3, and 77-38-4 govern notice and participation. These protections require meaningful consideration; they do not displace the accused's constitutional rights.

D. Speedy Trial

A constitutional speedy-trial claim requires consideration of the length and reasons for delay, assertion of the right, and prejudice to the accused. *Barker v. Wingo*, 407 U.S. 514, 530–33 (1972). Given Mr. Robinson's current status, unnecessary delay remains a serious concern. This record does not resolve responsibility for each period of delay or the effect on particular evidence. Those matters require a developed claim and response. This order sets a schedule; it does not decide a past violation or treat any date as unconstitutional by itself.

ANALYSIS

I. OCTOBER 2027

Mrs. Kirk asks for trial by October 4, 2027. Her counsel described what another year of uncertainty would mean for her family. Tr. 98:12–24, 100:3–10. That hardship weighs in favor of an early setting under Utah Code § 77-38-7. The State said it could be ready in early October if pressed. That estimate encompasses October 7, 2027, although the State also warned that a trial beginning then could put deliberations over Christmas. Tr. 83:7–17, 88:13–18. The court must also consider what the defense could reasonably complete by early October.

Ms. Visser estimated at least nine months to finish processing and forensic review if the work went as planned, and about a year for digital forensics under the conditions she described. A single file might contain hours of video or hundreds of pages. Tr. 60:3–19. Even the shorter estimate would leave limited time for an expert to assess the evidence, disclose an opinion, and allow counsel to challenge it before October.

Mr. McBride reported reviewing about 1,000 files a week. He explained that most were short reports and that a specialist handled digital forensics. Agency audits occasionally uncovered new material. The parties also anticipated disputes about UVU records and scientific testing. Tr. 62:7–25, 63:1–23, 64:5–23, 65:17–24. The State's experience explains its readiness estimate. Applying its review rate to the defense's forensic work would overlook the different materials and tasks.

Mitigation work began when counsel entered the case. It requires records, interviews, and decisions about expert assistance as leads develop. Tr. 52:16–24, 55:9–25, 56:6–17. Under *Wiggins v. Smith*, 539 U.S. 510, 527–28 (2003), counsel need enough information to make a reasoned

decision about further investigation. The State acknowledged that Mr. Robinson must have a reasonable opportunity to investigate and present mitigation. Tr. 77:9–24. Part VIII B requires a scheduling update that preserves counsel's ability to pursue those leads.

An October start would also overlap Ms. Nester's reported *Anderson* trial. Addendum B. Mr. Grunander explained that school closures, child care, and travel could prevent qualified jurors from serving. Even a faster trial could place deliberations over Christmas. Mr. Novak added that an extended break could impair jurors' recall and make instructions against discussing the case harder to follow at family gatherings. Tr. 82:2–19, 83:1–17, 91:7–92:17.

An early October start would overlap Ms. Nester's scheduled *Anderson* trial. If review took the year Ms. Visser anticipated, counsel could still be examining digital evidence as jury selection began. Tr. 60:10–19. Even if that work finished sooner, deliberations could fall over Christmas. On this record, the court cannot reasonably set the trial for early October. Part V gives Mrs. Kirk the right to object if a later request would delay trial further.

II. JANUARY 2028

January 31, 2028 would avoid the year-end holidays and give the State a firm date for witnesses and experts. Mr. Grunander explained why he preferred late January to the first week of the month. An earlier start would put final witness preparation in December, when counsel and witnesses also have family obligations. Tr. 89:1–15.

January 31, 2028 would fall during Mr. Novak's federal trial in San Jose. He reported that the federal court set January 10, 2028 on September 29, 2026 cleared its calendar, and adopted a motion schedule. He estimated two to three months of trial and identified April 10, 2028 as a possible endpoint. Tr. 27:13–25, 28:7–25, 97:20–98:4.

Morris v. Slappy, 461 U.S. 1, 11–12 (1983), illustrates why the court must examine the practical alternatives. Replacement counsel there had reviewed the investigation and assured the trial court he was ready. Here, no comparable showing identifies a lawyer who could take over Mr. Novak's work in time for January 31, 2028. Counsel must report any change in the federal setting so the court can reassess its effect.

The evidence deadlines present a separate difficulty. Ms. Visser explained that counsel need the State's expert and witness disclosures to decide whom to call in response. The venue survey must be recent enough to measure local opinion and early enough for the State to test its methods and present evidence. Tr. 21:5–18, 49:10–16, 51:19–52:9. A January trial would compress that work into a year already occupied by the trials in Addendum B.

January 31, 2028 avoids the year-end holidays. It falls, however, within the period Mr. Novak expects to spend trying the San Jose case. Even if that setting changed, counsel would still need expert disclosures in time to prepare responses and enough time to litigate venue before questionnaires are mailed. Tr. 21:5–18, 27:13–25, 97:20–98:4. Applying *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964), the court finds that the record supports more preparation time than the January setting allows.

III. JULY–SEPTEMBER 2029

The defense asks for active management now and a tentative third-quarter 2029 trial. Mr. Novak explained that a premature firm date could raise expectations that the court could not meet, particularly for Mrs. Kirk. He expected mitigation work to proceed while counsel litigated the proposed motion stages. Tr. 40:8–19, 54:12–25, 55:1–11, 58:1–12. The court adopts the subjects

of the defense's nine-stage plan. Stage VII includes separate dates for penalty experts and other penalty evidence.

Some work must proceed in sequence. The State must disclose an expert opinion before the defense can prepare a response to it. Other work can begin now. Counsel have already started mitigation interviews and the groundwork for a venue study. Tr. 21:5–11, 49:10–16, 55:9–21. The reports in part IV B must identify who can do that work and which tasks depend on missing records, expert opinions, or a ruling. The court will address any reported obstacle before enforcing the affected deadline.

The proposed 2029 setting would place trial about 46 to 48 months after charging. Counsel gave sound reasons for taking some motions in sequence. They also reported that mitigation and venue work had begun. Tr. 49:10–16, 55:9–21. The defense has not identified a task that requires the court to reserve the additional year now. If missing evidence or expert work changes that assessment, counsel can identify the task, its effect on trial, and the time needed under parts IV B and V.

Exhibit D gives useful context, not a preparation deadline. Its five completed capital trials report intervals of twenty-one months for *Nelson*, thirty-nine for *Maestas*, forty for *Griffin*, and forty-three each for *Clark* and *Lovell*—a forty-month median. The June setting here is thirty-three months and five days after charging, shorter than four examples. The comparison warrants close readiness review, but different starting events and unknown workloads limit its value. The exhibit also includes pleas, unfinished cases, and noncapital cases. This case's schedule therefore rests on its remaining work and counsel commitments, tested under part IV B. Dkt. 773 at 22–23 and Ex. D.

IV. Trial Setting

A. Trial Date

Jury selection will begin June 21, 2028 at 9:30 a.m. This date allows hearings after Mr. Novak's expected federal trial, gives counsel 49 calendar days (seven weeks) after questionnaires are due on May 3, 2028 and gives the parties a date for securing witnesses and experts. Tr. 81:4–17.

Waiting to set trial could allow other cases to occupy the months needed here. Mr. Grunander expected a trial setting in another capital case. Mr. Sturgill anticipated further briefing before his other capital case could be set. Tr. 83:18–85:3. The supplemental information identifies *State v. Jayne*, No. 241401620, and *State v. Erickson*, No. 231401202. Mr. Grunander later identified December 1, 2026 as the *Jayne* conference date, after reporting December 2, 2026 at argument. Tr. 84:9–12. The supplement identified a November 4, 2026 status hearing in *Erickson*. Counsel must report any trial date actually set.

Further overlapping settings could delay this case without advancing its preparation. That delay would implicate Mr. Robinson's interests in a speedy trial and effective counsel and Mrs. Kirk's interest in a speedy disposition. Utah Const. art. I, §§ 12, 28. Utah Code § 77-38-7. Setting a date now permits the courts and counsel to coordinate their calendars. Part V provides for review if a later conflict threatens fair preparation.

B. Readiness Review

By December 14, 2026, the State and the defense must each file an initial conflict and progress report addressing their ability to meet this order's deadlines. Either side may file earlier. Part X governs later monthly reports.

Use the November 3, 2026 Defense Counsel Scheduling Memo and Addendum B as the starting point. The memorandum identifies the April 20, 2027 setting in *United States v. Gonzalez* and the January 10, 2028 setting in *United States v. Vasquez*. It also supplies individual trial days for Ms. Nester and Ms. Visser. Id. at 1–4. For each case, distinguish the confirmed dates from any estimated end date. If a setting is still pending, identify the next event likely to resolve it. For example, report the anticipated December 1, 2026 *Jayne* conference and supplement the report promptly when its outcome is known. Tr. 24:7–18, 47:16–20, 101:3–13.

Cite earlier submissions for information that remains accurate. Identify corrections, new settings, and material information the court has not received. For each unfinished task, state who will perform it, what is still needed, and when counsel expects to finish. If an Addendum A deadline is at risk, identify the entry by date and stage and propose a workable date for that step and any response it affects. A short confirmation suffices if the existing filings cover every required item and remain current. Counsel may explain the scheduling need without disclosing privileged communications or protected strategy.

The March 24, 2028 joint report must identify obstacles to the April 12, 2028 questionnaire mailing. At the March 31, 2028 conference, the clerk will report whether forms, addresses, and access to returns are ready for mailing upon approval. At the April 11, 2028 readiness hearing, counsel will update the court on trial commitments, essential work, and outstanding rulings. The court will then decide whether mailing can proceed and whether the time remaining permits fair preparation. Part V governs any request to move trial.

Requests for more time must connect the remaining work, its importance, the obstacle, and a supported completion estimate. General descriptions may establish a scheduling need. If protected detail is necessary, the court will determine an authorized procedure before requiring it. Reporting neither waives privilege or work-product protection nor ends the investigation. The reasonable-investigation and continuance standards stated above govern.

At the May 26, 2028 conference, the clerk must report how many questionnaires were returned, how many both sides could review, and when counsel first had access to each group of returns. Each side must estimate the time needed for individual questioning, the guilt phase, and any penalty phase. Counsel may explain unfinished work without disclosing protected information. The court will decide whether review can be completed by the start of jury selection on June 21, 2028. If the estimates exceed the reserved time, the court will first consider adding trial days while keeping jury selection on June 21, 2028. Before ruling on a continuance, the court will give Mrs. Kirk an opportunity to be heard under part V. The court will identify the estimates it relied on and explain on the record why the remaining time is sufficient or what adjustment is needed.

C. Venue and Jury Pool

The defense proposes a venue study and anticipates a motion concerning where to select jurors. Dkt. 773, Ex. A at 5. That proposal raises the question whether publicity and community connections could affect the selection of an impartial jury. Under rule 29(c) of the Utah Rules of Criminal Procedure and *State v. Nielsen*, 2014 UT 10, ¶¶ 25–28, 326 P.3d 645, the court may consider a different jury pool or trial location on a supported record. Federal law presumes prejudice only in extreme circumstances; news exposure alone is not enough. *Skilling v. United States*, 561 U.S. 358, 381–85 (2010). The court will assess the community, coverage, elapsed time, and proposed safeguards under the applicable Utah and federal standards. Updated publicity and juror responses will help determine whether further evidence or safeguards are needed.

Ms. Visser reported that counsel were interviewing experts and had begun work on venue. They needed a trial date to time the polling. Ms. Nester described about six weeks for a survey in another county, additional time for the expert's declaration, and two days of testimony. She estimated five to six months through submission if the other side contested the study. Tr. 49:10–16, 50:2–8, 50:22–51:10, 51:19–52:9. Those figures explain why venue work must begin well before mailing. The venue hearing is targeted for December 22, 2027. Counsel must report promptly if polling, rebuttal, or testimony cannot be completed by then and explain whether the delay would affect questionnaire approval or mailing.

The State proposed 3,000 questionnaires. Mr. Novak agreed that the estimate was reasonable given the publicity and the number of people with connections to UVU, officers, or witnesses. Tr. 86:3–8, 89:20–90:18. The June 26, 2026 contempt ruling reserved "additional juror questionnaires" as a possible remedy. Ruling and Order on Defendant's Motion for an Order to Show Cause for Contempt of Court at 18–19, ordering paragraph 2. The court sets a planning pool of 3,600. The additional 600 broaden the group available for questioning after nonresponse, hardship requests, and inquiry into publicity or personal connections. Each juror's answers will determine what further inquiry is needed. Before approval, the clerk must report expected return and qualification rates, the basis for those estimates, and processing capacity. Counsel may respond before the court confirms the pool.

The court targets December 22, 2027 for venue argument, December 29, 2027 for questionnaire argument, and January 6, 2028 for initial decisions. At the April 11, 2028 readiness hearing, the court will confirm the venue ruling, approved form, distribution capacity, and access to returns. If any item is missing, the clerk must notify the court and hold mailing. The clerk will mail approved questionnaires on April 12, 2028 (T−70). Prospective jurors must return them by May 3, 2028 (T−49), 21 calendar days after mailing. The clerk must state the due date and permitted return methods in the mailing. If mailing is delayed, the clerk must promptly report the actual or expected mailing date. The court will hear counsel before setting new dates to preserve 21 days for responses and seven weeks for review.

D. Questionnaire Review

At the October 23, 2026 hearing, counsel discussed the time for the entire questionnaire process. The State separately described an example allowing about six weeks after return. Tr. 96:23–97:13. Here, 49 calendar days (seven weeks) separate the May 3, 2028 return deadline and June 21, 2028 jury selection. Counsel can begin reviewing usable answers as they arrive. Their first priority is to identify agreed exclusions and the questions that require individual follow-up.

At the March 31, 2028 status conference, the clerk must confirm that both sides can open and review a sample in the planned format. Identify any obstacle, who will address it, and when it will be checked. The clerk must give both sides access to usable returns at the same time. In the May 19, 2028 joint report, identify the number received, how many both sides can use, and how many each side still must review. The clerk will provide the return and access counts. Counsel must identify any material backlog, its cause, and the time needed to resolve it.

The defense's written correction gives a more reliable basis for planning individual questioning. In *United States v. Gendron*, 1,074 people completed questionnaires. The court later questioned 128 people over 13 court days and excused 72 of those 128 for cause. Defense Correction to the Record from October 23, 2026 Hearing at 2–3, ¶¶ 2–5 (Nov. 4, 2026). Counsel must estimate separately the time needed to review forms and the number of jurors likely to need interviews. In the May 19, 2028 report, identify agreed exclusions, disputed questions, and any obstacle to completing review by June 21, 2028. The court will hear disputed challenges as jury

selection begins, before individual questioning. Report a shortfall sooner if it becomes apparent. Only the court may shorten review, after hearing both sides.

E. Individual Juror Availability

Some prospective jurors will have summer commitments. Tr. 85:10–24, 91:7–92:17. The questionnaire should identify the dates of any conflict and whether it affects only the interview or the prospective juror's ability to serve through trial. Either party may propose an accommodation, and the parties may submit an agreed proposal. The court will decide it after notice, consistent with the selection method announced before trial, the applicable random order of calling jurors, and the opportunity to examine jurors and raise challenges. Utah R. Crim. P. 18(a)–(c). Utah Code § 78B-1-103(1). If relief requires postponing jury service, good cause must be shown. Excusal requires a statutory ground supported by affidavit, sworn testimony, or other competent evidence. Utah Code §§ 78B-1-102(8), -109. Counsel must have an adequate opportunity to learn the facts needed to evaluate each juror. *State v. Mead*, 2001 UT 58, ¶ 27. The clerk will record and give counsel notice of the court's decision.

V. VICTIM PARTICIPATION

Mr. Neiman described anxiety, grief, and the effect of continued uncertainty on Mrs. Kirk's family. Tr. 98:12–24, 100:3–10. Utah Code § 77-38-7(1) requires the court to consider the victim's interest in a speedy resolution under the same standards governing a defendant's speedy-trial right. The court weighs counsel's submission under that standard alongside Mr. Robinson's right to prepare and present his defense. Part V gives Mrs. Kirk notice and an opportunity to respond before the court decides whether to change the setting.

A. Notice and Response

Serve any request to move trial on Mrs. Kirk's lawyer when filing it, even if both parties agree. Ordinarily, file at least twenty-one days before the requested ruling. Mrs. Kirk may respond or object within fourteen days after service and speak through counsel at the hearing. The parties may answer new matters she raises. If the court proposes a change, the clerk must notify her lawyer and allow a meaningful response. If urgency requires shorter notice, the court will explain why and allow as much participation as circumstances permit. The court sets these periods to implement article I, section 28 and Utah Code §§ 77-38-2(5)(c), 77-38-3, 77-38-4, and 77-38-7.

B. Reasons for Delay

Utah Code § 77-38-7(2) protects Mrs. Kirk against unwarranted delay caused by or at the behest of the defendant. Counsel identified specific work supporting their proposed schedule, and the court recognized its duty to weigh that work against the effects of delay. Tr. 39:10–25, 40:4–19. On a defense motion to continue trial, the court will inquire into the circumstances, consider Mrs. Kirk's interests and any timely objection, and address reasonable alternatives. If it grants the motion, it will state on the record the specific reason and the steps taken to avoid further delay, as subsection (3) requires. If it denies additional time, it will explain how counsel can complete the necessary work within the available time.

VI. TRIAL CONFLICTS

Addendum B protects only the listed defense dates and reported trial periods, without added days. Estimated end dates remain subject to confirmation. Except for the limited monthly conferences and status reports in part X, no hearing, filing, or response required by this order may be due during those periods. Overlapping periods are treated as one. The State's August 2,

2027 through August 6, 2027 conference bars hearings but not filing deadlines. The *Erickson* and *Jayne* hearings do not establish future trial conflicts. These scheduling protections apply to both parties' obligations in this case.

Addendum B lists the reported settings in *Gonzalez* and *Vasquez*. Counsel must confirm the operative *Gonzalez* orders because the minute entry and proposed schedule differ on the year of the April conference. The May 18, 2026 entry records when trial was set. Defense Counsel Scheduling Memo at 1, attachments at 5–11. The court will reserve additional time if a firm setting or other specific conflict warrants it. Counsel must also report actual settings in *Jayne* and *Erickson*.

If a calculated filing deadline falls within a protected defense period, it moves to the first available business day afterward, including any overlapping exclusion. The State's hearing-only conflicts do not move filings. If this creates crowded deadlines or too little time for the next task, counsel must propose a coordinated schedule. Related response periods and later deadlines change only by court order. Statutory duties remain controlling; seek relief under the applicable law. A continuance request must identify the affected work, governing standard, and resulting prejudice. *See State v. Peraza*, 2020 UT 48, ¶ 59, 469 P.3d 1023. Requests to move trial must also follow part V.

A request for more time does not suspend a deadline. If a ruling is needed beforehand, request a prompt decision or temporary extension.

Counsel for both sides must keep the reserved trial period available. Before seeking or accepting an overlapping setting, notify this court and the other court and identify the dates and work affected. If a conflict is discovered later, report it promptly, explain when it became known, and propose a workable alternative. Include the other court's setting order if available.

If either side reports a trial conflict after the schedule is set, identify when counsel learned of it and which work it affects. The court will consider diligence, the reason for the omission, actual prejudice, available alternatives, and the effect of delay on Mr. Robinson and Mrs. Kirk. Rule 13(a) authorizes pretrial management for a fair and expeditious trial. Rules 2(b) and 12 govern relief from applicable motion deadlines. Continuance decisions require attention to the particular circumstances. *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). *Morris v. Slappy*, 461 U.S. 1, 11–12 (1983). For a defense continuance under the common law, counsel must explain how denial would prejudice the defense. *State v. Peraza*, 2020 UT 48, ¶ 59, 469 P.3d 1023. The court will preserve constitutionally adequate preparation, apply Utah Code § 77-38-7 when trial is at issue, and give its reasons on the record.

VII. DEADLINE RULES

A. Counting Days

The first day of jury selection (T) is June 21, 2028 at 9:30 a.m. Addendum A pairs each date with the number of calendar days before or after that day. For example, (T−49) is May 3, 2028, and (T+9) is June 30, 2028. The 180-day point falls on Friday, December 24, 2027, an observed legal holiday. The mitigation update is therefore due Thursday, December 23, 2027 (T−181). The December 14, 2026 initial report date is fixed regardless of the trial-date offset. Listed dates control, subject to parts VI and X.

Count backward from the first day of jury selection stated in part VII A, including weekends and holidays. If the result falls on a Saturday, Sunday, or observed legal holiday, use the preceding business day under rule 2 of the Utah Rules of Criminal Procedure. A break in hearings does not change a filing deadline. The clerk will separately notify counsel of actual hearings.

B. Changes to the Trial Date

Only the court may reset the first day of jury selection stated in part VII A. Unexpired deadlines ordinarily retain their stated intervals, subject to the new Addendum A and any transition order. A continuance does not reopen missed deadlines, undo completed work, or alter response and reply periods for motions already filed. Continuing duties and deadlines independently set by law remain in force.

Upon setting a new trial date, the court will issue a new Addendum A. The parties will have seven days after its issuance to identify conflicts requiring a ruling, including lost response time or a ruling scheduled after work that depends on it. An earlier start that places a deadline in the past requires a transition order. Recalculation alone neither shortens response time nor displaces a protected period.

VIII. MOTION PROCEDURE

A. Extensions and Rulings

The stages group the subjects in the defense's Exhibit A without requiring all work to proceed sequentially. An extension request must identify the task, efforts to complete it, relief sought, and effect on later dates. Rule 2(b) permits timely extensions for good cause and, where applicable, requires excusable neglect after expiration. Its limits for specified posttrial and appeal deadlines remain controlling. Rule 12(f) separately governs waiver of covered untimely motions and relief for cause shown. The court will apply the standard for the particular request.

In pretrial status reports, identify each undecided motion, the briefing or hearing still needed, and any work that awaits a ruling. Counsel must bring fully briefed motions to the court's attention under rule 12(b). Rule 12(e) requires the court to decide a pretrial motion before trial unless it finds good cause to defer the decision. When deciding a motion involves factual issues, the court must state its findings on the record.

If the court cannot meet an Addendum A ruling target, it will explain the delay, set a new target, and decide whether the parties need more time for work that depends on the ruling. For example, if discovery is ordered late, the court will consider the time needed to obtain and examine it before enforcing the deadline for a suppression motion. Existing deadlines remain in force until the court changes them by order.

B. Motion Subjects

The defense identifies nine pretrial phases in Exhibit A to Dkt. 773. Phase I, "Immediate Motions," includes a motion to quash portions of the bindover decision, a constitutional request to present the felony charges to a grand jury, and review of the ruling on pretrial shackling and enforcement of the subpoena for the sheriff's security assessment. Counsel also identify a possible request for the records used to compile the jury pool to assess a fair-cross-section claim, and other motions as needed. Dkt. 773, Ex. A at 1. Addendum A sets filing dates without deciding the merits of any proposed motion.

Phase II covers the discovery motions identified in Exhibit A. They concern access to materials for forensic review, additional social-media records, missing law-enforcement materials, UVU and other subpoenaed records, and safeguards for destructive ballistics testing, including observation or video recording. Dkt. 773, Ex. A at 2. The State asked for a one-day January 2027 hearing on pending discovery, including proposed microscopy testing. Tr. 64:12–65:9, 65:17–24.

Identify ready motions, witnesses, and time needed in the initial report. Raise urgent preservation or access issues promptly.

Phase III covers motions to suppress evidence obtained through subpoenas, warrants, consent searches, or other means, and to exclude DNA evidence based on the alleged destruction of samples. Phase IV covers facial and as-applied challenges to Utah's death-penalty laws and challenges to the process by which the State elected to seek death. Dkt. 773, Ex. A at 3. Legal questions may proceed while factual review continues. The court will reserve separate hearings for complex motions and review affected deadlines if late discovery prevents meaningful briefing.

Phase V addresses disclosure and admissibility of the State's proposed guilt-phase expert testimony. Phase VI addresses timely disclosure of the State's guilt-phase witnesses and exhibits and motions to limit their use at trial. Dkt. 773, Ex. A at 3–4. Reciprocal disclosures shown in Addendum A implement the court's schedule. For a challenge under Utah Rule of Evidence 702, identify the opinion and the disputed requirement concerning qualifications, helpfulness, or reliability.

An objection to expert notice and an objection to admissibility raise different questions. A substantial failure to comply with Utah Code § 77-17-13 requires a continuance if necessary to prevent substantial prejudice. Exclusion for a notice violation requires a finding that the violation was deliberate. Rule 702 separately governs whether the opinion has the required foundation. *State v. Peraza*, 2020 UT 48, ¶¶ 39, 43, 469 P.3d 1023. For motions under this order, counsel must identify the basis for the objection and the relief requested so the court can apply the governing standard.

Both sides must exchange the required expert reports or opinion summaries, supporting materials, qualifications, and compensation agreements. Raise incomplete disclosures promptly. The exchanges concern expected trial witnesses. Privileged communications, protected work product, and consulting experts retain the protections provided by law. Identify the legal basis for additional material and request any needed protective order under rule 16.

Exhibit A uses VII for both categories of penalty-phase motions. This order labels them VII A and VII B. VII A addresses disclosure and admissibility of the State's penalty expert opinions. VII B addresses the State's penalty witnesses and exhibits, its informational outline, and motions to limit proposed penalty evidence, including evidence of uncharged violent conduct. Dkt. 773, Ex. A at 4.

By December 23, 2027 (T−181), the defense must file a mitigation investigation status report under part VII A. It may be filed with the status report due that day. Describe in general terms the work completed, the work remaining, any material obstacle, and a supported estimate of the time needed. Counsel explained that new leads may require further interviews or expert consultation through trial. Tr. 21:22–22:9, 55:9–25, 56:6–17. The report requires neither a certification of readiness nor disclosure of confidential, privileged, or protected information. Counsel may request a protective procedure if more detail is necessary.

Phase VIII covers where trial will take place and where jurors will be selected. Counsel propose studying publicity in Utah County and a comparison county after significant pretrial litigation and resolving venue before questionnaires are sent. Dkt. 773, Ex. A at 5. Under rule 29(c)(3), a venue motion is due within fourteen days after a party learns, or with reasonable care should learn, its grounds. Addendum A's November 10, 2027 date does not extend that deadline or decide whether grounds are already known. File known grounds on time and ask to add later evidence when needed. Counsel must use the initial progress report to work back from the

December 22, 2027 hearing, allowing time for the survey, expert review, rebuttal, and testimony described in part IV C. Report promptly if the work cannot be completed on that schedule.

Phase IX addresses preparation, court review, and distribution of questionnaires, review of returns, agreed and disputed challenges for cause, the procedure for individual questioning, peremptory challenges, capital jury issues, and instructions for both phases. Dkt. 773, Ex. A at 5–6. The order also sets deadlines for hardship requests, sequestration motions, and alternate jurors. Planning begins with at least four alternates. The court will decide the number after the parties file their motions. Exhibit A labels trial itself X.

C. Continuing Disclosure

Addendum A does not allow a party to hold back evidence that is due sooner. Both sides must promptly update required disclosures and identify newly found witnesses. Duties to disclose favorable evidence under *Brady*, rule 16, separate statutory notices, and protective orders remain in force. Utah Code §§ 77-14-2, 77-14-4, 77-17-13, and 77-15a-104 keep their own requirements. The court must decide any claim of late disclosure and any requested penalty under the law that applies.

D. Media Requests

Under the court's May 8, 2026 order on electronic media coverage (Dkt. 535), a media outlet seeking to photograph, record, or stream the jury trial must file the approved request through the court's public information office at least fourteen calendar days before jury selection. Requests are due Wednesday, June 7, 2028 (T−14). Either party may file an objection or request oral argument at least ten calendar days before jury selection. The tenth day is Sunday, June 11, 2028. Under part VII A, the filing deadline is Friday, June 9, 2028 (T−12).

A request may cover 105 court days, from jury selection through evidence and a possible penalty phase. Given the length and nature of this trial, the court will schedule oral argument if either party timely requests it. A media applicant may reply by June 13, 2028. The court reserves time at the June 15, 2028 final pretrial conference for argument and targets June 16, 2028 for a ruling so the clerk can arrange coverage before jury selection. Rule 4-401.01(2) and (6) of the Utah Code of Judicial Administration governs coverage and safeguards for jurors and confidential communications. Coverage requires court authorization. Existing coverage orders otherwise remain in effect. Late requests require good cause.

IX. Calendar Addenda

Use Addendum A to find a filing date, hearing target, or ruling target. Use Addendum B to check counsel's reported conflicts. The clerk will separately notice hearings. Proposed instructions and final exhibit lists are due May 30, 2028. Objections and responses are due June 13, 2028. If a later ruling affects a submission, identify the change promptly so the court can set time for a supplement and response. At the final pretrial conference on June 15, 2028, identify arrangements that depend on the June 16, 2028 media ruling. The court will hear disputed questionnaire challenges on June 21, 2028 before individual questioning.

X. Pretrial Status Conferences

Beginning January 2027, pretrial status conferences occur on the last Friday of each month, including protected trial months. Because March 26, 2027 and December 31, 2027 are legal holidays, those conferences will be held March 25, 2027 and December 30, 2027. During another trial, the conference will address scheduling and progress. The clerk will give separate notice.

If a need for remote attendance is known, request it at the preceding pretrial conference. State who wishes to appear remotely, the reason, and whether the request concerns one participant or the whole hearing. Counsel must make the request for a represented participant. For the first conference, or if the need arises later, use a method authorized by Utah Rule of Criminal Procedure 17.5(c). Requests made outside a hearing must be submitted at least seven days beforehand, except that exigent circumstances or shorter hearing notice require a request as soon as reasonably possible. The court will accommodate a timely request unless it finds good cause on the record to require the noticed format. Approval for one participant changes another's format only by court order. Utah R. Crim. P. 17.5(d).

If approved, the clerk will provide the participant with the link for a Judicial Council-approved platform. Utah Code Jud. Admin. R. 4-401(2). The court will confirm that remote participants can hear and be heard, follow the proceeding and participate as needed. It will pause if a connection failure prevents participation or confidential consultation between Mr. Robinson and counsel. Utah Code § 77-1-6(1)(a) protects Mr. Robinson's right to "appear in person and defend in person or by counsel." Remote attendance requires court approval and compliance with applicable presence and waiver requirements.

The parties must file a joint report seven calendar days before each pretrial status conference. If the report date is a holiday, file on the preceding business day. Identify work still needed, missing evidence, expert and jury preparation, and deadlines at risk. For other trials, give the court, case, dates or estimated duration, counsel's role, and the effect here. Counsel may state separate views and protect privileged strategy. Report new conflicts promptly. The final report is due May 19, 2028 for the May 26, 2028 conference. Recurring reports and conferences end before jury selection.

XI. Trial Hours and Argument Days

Court will normally meet Monday through Friday from 9:30 a.m. to 4:30 p.m., excluding observed Utah holidays. The start time allows for school drop-offs, rush-hour traffic, courthouse entry, and Utah winter weather. The afternoon stopping time limits fatigue and leaves time to prepare the next day's witnesses. A one-hour lunch and two fifteen-minute breaks leave five and one-half hours of proceedings. This schedule gives jurors regular breaks and a predictable stopping time so they can follow the evidence and the court's instructions throughout a lengthy trial. Their oath is to render a true verdict on that record. Utah R. Crim. P. 18(g). The Sixth Amendment protects Mr. Robinson's right to an impartial jury, and its verdict must rest on the evidence presented at trial. *Turner v. Louisiana*, 379 U.S. 466, 471–73 (1965).

Jurors will be excused for legal argument on June 30, 2028, July 28, 2028, August 25, 2028, September 29, 2028 and October 27, 2028 subject to advance notice if unused time is converted to jury proceedings. At the June 15, 2028 final conference, counsel should identify any argument needed for June 30, 2028 so jurors receive timely instructions about attendance.

XII. Reserved Trial Time

The State estimates 85 court days, including 20 for jury selection. It expects agreed challenges based on questionnaires to reduce the number of interviews. Dkt. 775 at 3–5. Tr. 81:10–17, 82:23–83:9. The defense estimates up to two months for in-court jury selection, six weeks to two months for each evidentiary phase, and up to two weeks for each period of deliberations. Counsel based those estimates on five-and-one-half-hour days and a monthly motions day. Dkt. 773 at 23–24. The memorandum estimates six to seven months overall. Id. at 2. Exhibit A's trial row lists four to six months. Ex. A at 6. The court considers the detailed phase estimates in the memorandum.

The court reserves 105 full days. Five are reserved for legal argument. The 100 jury days provide approximately 550 hours for selection, evidence, and deliberations. Compared with the State's estimate, the 20 additional days allow five for legal argument and fifteen more jury days for individual questioning, contested evidence, or any penalty phase. The defense's correction shows that even after questionnaires and agreed strikes, individual questioning in *Gendron* proceeded in groups of 7 to 12 per day. Defense Correction to the Record from October 23, 2026 Hearing at 2–3, ¶¶ 2–5 (Nov. 4, 2026). Relying on the State's faster selection estimate alone would leave too little allowance for those risks.

If selection takes the State's estimated 20 jury days, 80 of the 100 jury days remain. If it takes 40 jury days, 60 remain. The defense estimates six weeks to two months for evidence in each applicable phase. Dkt. 773 at 23–24. At five days per week, six weeks of evidence in each of two phases would require about 60 jury days before deliberations. On the 40-day selection assumption, even that shorter evidence estimate would use all 60 remaining days if both phases occur, leaving no time for deliberations.

November 21, 2028 is the last reserved day. The court will allow additional time if the parties need it to present evidence or the jury needs it to deliberate. Counsel must report a projected shortfall as soon as they identify it.

For the April 11, 2028 review, each side must update its estimates for witnesses, examinations, challenges, legal argument, and deliberations. The court will revisit those estimates under part IV B when questionnaire returns are available. The parties may present admissible evidence, and the jury will have the time it needs to deliberate.

The reservation runs from June 21, 2028 through November 21, 2028, a span of 154 calendar days. It excludes weekends and the observed holidays on July 4, 2028, July 24, 2028, September 4, 2028, October 9, 2028 and November 10, 2028. November 21, 2028 is the 105th reserved court day. Part XIII governs any proceedings needed after that date.

XIII. HOLIDAY RECESSES

If trial continues beyond November 21, 2028, the court will recess and resume proceedings on November 28, 2028. The parties raised concerns about holiday travel, jurors' recall, and discussion of the case at gatherings. Tr. 82:2–19, 83:7–17, 91:7–92:17. At argument on October 27, 2028, counsel must identify testimony likely to be interrupted and propose instructions for the break. If proceedings extend into the year-end holidays, court will recess after December 22, 2028 and resume January 3, 2029. Utah Code § 63G-1-301 and court closure orders govern observed holidays.

ORDER

Based upon the foregoing analysis and governing legal authorities, IT IS HEREBY ORDERED:

1. Jury selection will begin June 21, 2028 at 9:30 a.m. in Courtroom 4B of the Fourth District Courthouse in Provo, subject to further order. The court reserves 105 days through November 21, 2028. Part XII governs review of that reservation.
2. The court does not adopt the proposed October 2027, January 31, 2028 or July–September 2029 settings and will not defer setting a trial date. Mrs. Kirk's request for a 2027 trial is not granted. Her request for prompt disposition is granted to the extent of the firm setting, participation, and review provided by this order; other speedy-disposition claims remain open.
3. Addendum A sets the deadlines and conference dates. Addendum B identifies counsel's protected dates. Parts VI–VIII govern scheduling and motion procedure, with the limited conference and status-report exception in part X. The clerk must issue separate hearing notices.
4. The planning pool is 3,600 questionnaires, subject to part IV C. The clerk must mail approved questionnaires April 12, 2028. Returns are due May 3, 2028. Counsel must report review progress under part IV D before jury selection begins June 21, 2028.
5. Requests to move trial must follow part V, including notice to Mrs. Kirk's counsel and an opportunity to respond. If trial is reset, the court will issue a new Addendum A. The parties then have seven days to identify conflicts under part VII B.
6. Monthly conferences and status reports begin in January 2027. The final report is due May 19, 2028 and the final recurring conference is May 26, 2028. Part X governs the limited exception for protected trial months. Report other trial commitments and their effect on work here. The legal-argument days in part XI remain reserved.
7. By December 14, 2026, each side must file the report described in part IV B. At the first pretrial conference, the clerk must report available hearing time and jury staffing.
8. This order sets no deadline to assert speedy-trial or speedy-disposition rights and does not decide or waive other claims based on delay. Requests based on new evidence or materially changed circumstances must be raised promptly under the governing law.

IT IS SO ORDERED.

DATED November 9, 2026.

Tony F. Graf, Jr.
District Court Judge

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ADDENDUM A — SCHEDULING CALENDAR

Dates appear in calendar order. The first day of jury selection (T) is June 21, 2028. A minus sign counts calendar days before jury selection and a plus sign counts days after it. The stage column corresponds to the defense's motion sequence in part VIII B. A filing date is a deadline. A hearing or ruling marked "target" is a planning date. The clerk will send separate hearing notices. Apply parts VI, VII, and X and Addendum B when a date conflicts with a protected period. The initial reports under part IV B are due December 14, 2026. Their listed offset is for reference only. The pretrial stage key is I, immediate motions. II, discovery-related motions. III, suppression and exclusion. IV, death-penalty challenges. V and VI, State guilt-phase experts and other evidence. VII A and VII B, State penalty-phase experts and other evidence. VIII, venue. IX, questionnaires, jury selection, and instructions. X identifies trial.

Date	Trial offset	Stage	Who acts and what happens
December 2026			
Dec 14, 2026	(T−555)	Other	Each side files its initial written report under part IV B.
January 2027			
Jan 7, 2027	(T−516)	Status	Counsel file a joint status report, including other trial commitments.
Jan 14, 2027	(T−509)	Status	Court holds the pretrial status conference under part X and oral arguments on first round of motions, court rules on December 14 initial written reports under part IV B submitted by the parties.
February 2027			
Feb 19, 2027	(T−488)	Status	Counsel file a joint status report, including other trial commitments.
Feb 26, 2027	(T−481)	Status	Court holds the pretrial status conference under part X.
March 2027			
Mar 18, 2027	(T−461)	Status	Counsel file a joint status report, including other trial commitments.
Mar 25, 2027	(T−454)	Status	Court holds the pretrial status conference. The last Friday is a legal holiday.
Mar 29, 2027	(T−450)	I	Defense files Phase I immediate motions described in part VIII B, including any bindover, grand-jury, shackling, security-subpoena, and jury-pool records motions.

Date	Trial offset	Stage	Who acts and what happens
Mar 31, 2027	(T−448)	II	Parties file Phase II discovery-related motions under part VIII B.
April 2027			
Apr 23, 2027	(T−425)	Status	Counsel file a joint status report, including other trial commitments.
Apr 30, 2027	(T−418)	Status	Court holds the pretrial status conference under part X.
May 2027			
May 21, 2027	(T−397)	Status	Counsel file a joint status report, including other trial commitments.
May 28, 2027	(T−390)	Status	Court holds the pretrial status conference under part X.
June 2027			
Jun 17, 2027	(T−370)	Status	Counsel file a joint status report, including other trial commitments.
Jun 25, 2027	(T−362)	Status	Court holds the pretrial status conference under part X.
Jun 29, 2027	(T−358)	I	Responding parties file responses to early motions.
July 2027			
Jul 1, 2027	(T−356)	II	Responding parties file responses to discovery motions.
Jul 6, 2027	(T−351)	I	Moving parties file replies on early motions.
Jul 22, 2027	(T−335)	Status	Counsel file a joint status report, including other trial commitments.
Jul 30, 2027	(T−327)	Status	Court holds the pretrial status conference under part X.
August 2027			
Aug 5, 2027	(T−321)	Other	Counsel serve required other-acts notices and initial fact-witness lists and summaries.
Aug 9, 2027	(T−317)	II	Moving parties file replies on discovery motions.
Aug 12, 2027	(T−314)	I	Hearing target. Court completes argument and receives evidence on early motions.

Date	Trial offset	Stage	Who acts and what happens
Aug 19, 2027	(T−307)	II	Hearing target. Court completes hearings on disputed discovery.
Aug 20, 2027	(T−306)	Status	Counsel file a joint status report, including other trial commitments.
Aug 25, 2027	(T−301)	V	State provides guilt-phase expert disclosures.
Aug 26, 2027	(T−300)	II	Ruling target. Court decides discovery motions and sets production dates.
Aug 27, 2027	(T−299)	Status	Court holds the pretrial status conference under part X.
Aug 30, 2027	(T−296)	VII A	State provides penalty expert disclosures.
September 2027			
Sep 1, 2027	(T−294)	VI	State identifies proposed guilt-phase witnesses and exhibits.
Sep 3, 2027	(T−292)	IX	Both parties exchange proposed juror questionnaires.
Sep 8, 2027	(T−287)	VII B	State gives notice of uncharged violent conduct it intends to offer at sentencing.
Sep 9, 2027	(T−286)	IV	Defense files legal challenges to the death penalty.
Sep 10, 2027	(T−285)	VII B	State provides its penalty witness list, exhibit list, and outline of expected evidence.
Sep 17, 2027	(T−278)	Status	Counsel file a joint status report, including other trial commitments.
Sep 23, 2027	(T−272)	VI	State updates guilt-phase witness and exhibit lists and provides supporting disclosures.
Sep 24, 2027	(T−271)	Status	Court holds the pretrial status conference under part X.
Sep 29, 2027	(T−266)	V	Defense provides guilt-phase expert disclosures.
October 2027			
Oct 1, 2027	(T−264)	VII A	Defense provides penalty expert disclosures.
Oct 22, 2027	(T−243)	Status	Counsel file a joint status report, including other trial commitments.

Date	Trial offset	Stage	Who acts and what happens
Oct 29, 2027	(T−236)	Status	Court holds the pretrial status conference under part X.
November 2027			
Nov 5, 2027	(T−229)	IV	Responding parties file responses to death-penalty challenges.
Nov 10, 2027	(T−224)	VIII	Venue motion planning date. Moving party files earlier if rule 29(c)(3) requires it.
Nov 12, 2027	(T−222)	III	Moving parties file motions to suppress or exclude evidence.
Nov 16, 2027	(T−218)	V	Both parties provide rebuttal guilt-phase expert disclosures.
Nov 17, 2027	(T−217)	VII A	Both parties provide rebuttal penalty expert disclosures.
Nov 19, 2027	(T−215)	Status	Counsel file a joint status report, including other trial commitments.
Nov 22, 2027	(T−212)	IV	Moving parties file replies on death-penalty challenges.
Nov 26, 2027	(T−208)	Status	Court holds the pretrial status conference under part X.
Nov 30, 2027	(T−204)	VIII	Counsel submit updated publicity evidence for the venue hearing.
December 2027			
Dec 1, 2027	(T−203)	IX	Counsel file motions about juror questioning, alternates, peremptory challenges, and other capital jury issues.
Dec 3, 2027	(T−201)	IX	Moving parties file any request to sequester the jury.
Dec 9, 2027	(T−195)	III	Responding parties file responses to suppression motions.
Dec 10, 2027	(T−194)	IX	Responding parties file responses to jury-selection motions.
Dec 13, 2027	(T−191)	VIII	Responding party answers the venue motion and updated publicity evidence.
Dec 14, 2027	(T−190)	VI	Defense serves required reciprocal guilt-phase disclosures.
Dec 15, 2027	(T−189)	VII B	Defense serves required reciprocal penalty disclosures.

Date	Trial offset	Stage	Who acts and what happens
Dec 16, 2027	(T−188)	Other	Clerk reports jury-processing capacity. Counsel submit time estimates for each trial phase.
Dec 17, 2027	(T−187)	IX	Counsel file agreed questionnaire language and identify questions for the court to decide.
Dec 17, 2027	(T−187)	IX	Moving parties file replies on jury-selection issues.
Dec 20, 2027	(T−184)	VIII	Moving parties file replies on venue motion.
Dec 22, 2027	(T−182)	VIII	Hearing target. Court completes the venue hearing.
Dec 23, 2027	(T−181)	Status	Counsel file a joint status report, including other trial commitments.
Dec 23, 2027	(T−181)	VII A	Defense reports mitigation progress, obstacles, and time needed under part VIII B.
Dec 27, 2027	(T−177)	III	Moving parties file replies on suppression motions.
Dec 29, 2027	(T−175)	IX	Hearing target. Court hears disputes about the questionnaire and jury-selection methods.
Dec 30, 2027	(T−174)	Status	Court holds the pretrial status conference. The last Friday is a legal holiday.
January 2028			
Jan 6, 2028	(T−167)	IX	Ruling target. Court decides questionnaire language and whether to authorize mailing.
Jan 6, 2028	(T−167)	VIII	Ruling target. Court decides venue and identifies where jurors will be selected.
Jan 7, 2028	(T−166)	Other	Counsel report outstanding scheduling issues before the protected federal trial period.
Jan 21, 2028	(T−152)	Status	Counsel file a joint status report, including other trial commitments.
Jan 28, 2028	(T−145)	Status	Court holds the pretrial status conference under part X.
February 2028			
Feb 18, 2028	(T−124)	Status	Counsel file a joint status report, including other trial commitments.

Date	Trial offset	Stage	Who acts and what happens
Feb 25, 2028	(T−117)	Status	Court holds the pretrial status conference under part X.
March 2028			
Mar 24, 2028	(T−89)	Status	Counsel file the joint status report, including trial conflicts and known obstacles to the April 12, 2028, questionnaire mailing.
Mar 31, 2028	(T−82)	Status	Court holds the pretrial status conference. Clerk reports mailing capacity and plans for access to returns.
April 2028			
Apr 11, 2028	(T−71)	Other	Hearing target. Court reviews availability, phase estimates, outstanding rulings, and readiness for the April 12, 2028, mailing.
Apr 12, 2028	(T−70)	VI	Moving parties file motions to limit evidence during the guilt phase.
Apr 12, 2028	(T−70)	IX	Clerk mails the approved questionnaires, subject to part IV C.
Apr 13, 2028	(T−69)	VII B	Moving parties file motions to limit evidence at sentencing.
Apr 17, 2028	(T−65)	V	Moving parties file challenges to guilt-phase expert disclosures or opinions.
Apr 20, 2028	(T−62)	III	Hearing target. Court begins taking argument or evidence on suppression motions.
Apr 21, 2028	(T−61)	Status	Counsel file a joint status report, including other trial commitments.
Apr 24, 2028	(T−58)	VII A	Moving parties file motions concerning penalty-phase experts.
Apr 25, 2028	(T−57)	III	Hearing target. Court concludes hearings on suppression motions.
Apr 26, 2028	(T−56)	VI	Responding parties file responses to guilt-phase evidence motions.
Apr 27, 2028	(T−55)	VII B	Responding parties file responses to penalty evidence motions.

Date	Trial offset	Stage	Who acts and what happens
Apr 28, 2028	(T−54)	Status	Court holds the pretrial status conference under part X.
May 2028			
May 1, 2028	(T−51)	V	Responding parties file responses to guilt-phase expert motions.
May 2, 2028	(T−50)	III	Ruling target. Court decides suppression motions.
May 3, 2028	(T−49)	VI	Moving parties file replies on guilt-phase evidence motions.
May 3, 2028	(T−49)	IX	Questionnaires due 21 days after mailing. Counsel have seven weeks before individual questioning.
May 4, 2028	(T−48)	VII B	Moving parties file replies on penalty evidence motions.
May 5, 2028	(T−47)	IV	Hearing target. Court concludes hearings on death-penalty challenges.
May 8, 2028	(T−44)	VII A	Responding parties file responses to penalty expert motions.
May 8, 2028	(T−44)	V	Moving parties file replies on guilt-phase expert motions.
May 10, 2028	(T−42)	VI	Hearing target. Court concludes hearings on guilt-phase evidence motions.
May 11, 2028	(T−41)	VII B	Hearing target. Court concludes hearings on penalty evidence motions.
May 12, 2028	(T−40)	IV	Ruling target. Court decides death-penalty challenges.
May 15, 2028	(T−37)	VII A	Moving parties file replies on penalty expert motions.
May 17, 2028	(T−35)	VI	Ruling target. Court decides guilt-phase evidence motions.
May 18, 2028	(T−34)	VII B	Ruling target. Court decides penalty evidence motions.
May 19, 2028	(T−33)	Status	Counsel file the joint report, including return and access counts, review progress, and other trial commitments.
May 26, 2028	(T−26)	Status	Clerk reports returns and dates of access. Counsel update phase estimates. Court reviews time for challenges and trial under part IV B.

Date	Trial offset	Stage	Who acts and what happens
May 30, 2028	(T−22)	IX	Parties file proposed instructions for both trial phases and final exhibit lists.
June 2028			
Jun 5, 2028	(T−16)	V	Hearing target. Court concludes hearings on guilt-phase expert motions.
Jun 7, 2028	(T−14)	VII A	Hearing target. Court concludes hearings on penalty expert motions.
Jun 7, 2028	(T−14)	Other	Media outlets file requests for electronic coverage of the jury trial.
Jun 8, 2028	(T−13)	IX	Hearing target. Court holds the initial pretrial conference and reviews updated publicity.
Jun 9, 2028	(T−12)	Other	Parties file any objections and requests for oral argument. The tenth day before trial falls on Sunday.
Jun 12, 2028	(T−9)	V	Ruling target. Court decides guilt-phase expert motions.
Jun 13, 2028	(T−8)	IX	Parties file objections or responses to proposed instructions and exhibits.
Jun 13, 2028	(T−8)	Other	Media applicants may reply to objections.
Jun 14, 2028	(T−7)	VII A	Ruling target. Court decides penalty expert motions.
Jun 15, 2028	(T−6)	IX	Hearing target. Court holds the final pretrial conference. Identify argument needed June 30, 2028.
Jun 15, 2028	(T−6)	Other	Court hears argument on coverage at the final pretrial conference if either party timely requests it.
Jun 16, 2028	(T−5)	Other	Ruling target. Court decides media coverage requests.
Jun 21, 2028	(T)	X	Jury selection begins at 9:30 a.m. in Courtroom 4B with disputed challenges, followed by individual questioning.
Jun 30, 2028	(T+9)	Trial	Court reserves argument outside the jury's presence under part XI.

Date	Trial offset	Stage	Who acts and what happens
July 2028			
Jul 28, 2028	(T+37)	Trial	Court reserves argument outside the jury's presence under part XI.
August 2028			
Aug 25, 2028	(T+65)	Trial	Court reserves argument outside the jury's presence under part XI.
September 2028			
Sep 29, 2028	(T+100)	Trial	Court reserves argument outside the jury's presence under part XI.
October 2028			
Oct 27, 2028	(T+128)	Trial	Court reserves argument outside the jury's presence under part XI. Address witness sequencing and jury instructions before the November 22, 2028, recess.
November 2028			
Nov 21, 2028	(T+153)	Trial	105th reserved court day. Court may allow further time for evidence or deliberations.

ADDENDUM B — PROTECTED TRIAL PERIODS

Find each lawyer below, then the case or event. Only the listed dates or reported trial durations are reserved; gaps between listed trial dates are not protected. No added days apply. Prosecution entries bar hearings only. Part X permits the listed monthly conferences and status reports during protected defense periods; contested hearings and other deadlines remain protected. Sources: Defense Counsel Scheduling Memo dated November 3, 2026, at 1–4 and federal scheduling attachments at 5–11; the State's supplemental representations; Mr. Burt's reported April 14, 2027, hearing; and previously reported conference dates. Addendum B concerns other cases and protected dates. The numbered motion phases appear in part VIII B and Addendum A.

Case or event	Protected dates	Type and limits
Defense — Michael Burt		
People v. Sherill Smothers No. 05-161318	Apr 14, 2027	Only this hearing date is reserved
Defense — Kathy Nester		
State v. Anderson pretrial No. 251904038	Sep 21, 2027	Only the listed hearing date is reserved
State v. Anderson No. 251904038	Oct 12, 2027 through Oct 15, 2027 and Oct 20, 2027	First-priority trial; listed dates only
State v. Baxter pretrial No. 241401664	Feb 17, 2027	Only the listed hearing date is reserved
State v. Baxter No. 241401664	May 3, 2027 through May 4, 2027 and May 6, 2027 through May 7, 2027	First-priority trial; listed dates only
State v. Becker pretrial No. 251901616	Jul 12, 2027	Only the listed hearing date is reserved
State v. Becker No. 251901616	Jul 16, 2027 and Jul 19, 2027 through Jul 22, 2027	First-priority trial; listed dates only
State v. Biel pretrial No. 241909712	Dec 31, 2026	Only the listed hearing date is reserved
State v. Biel No. 241909712	Jan 13, 2027 and Jan 19, 2027 through Jan 22, 2027	First-priority trial; listed dates only
United States v. Bowlds pretrial No. 2:25-cr-225	Jan 15, 2027	Only the listed hearing date is reserved
United States v. Bowlds No. 2:25-cr-225	Jan 25, 2027 – Feb 7, 2027	Two-week estimate; confirm actual end
State v. Flynn pretrial No. 251908894	Apr 12, 2027	Only the listed hearing date is reserved.

Case or event	Protected dates	Type and limits
State v. Flynn No. 251908894	Apr 19, 2027 through Apr 22, 2027	First-priority trial; listed dates only
State v. Johnson pretrial No. 251909861	Apr 22, 2027	Only the listed hearing date is reserved
State v. Johnson No. 251909861	May 5, 2027 and May 10, 2027 through May 12, 2027	First-priority trial; listed dates only
State v. Katoa pretrial No. 241915359	Apr 6, 2027	Only the listed hearing date is reserved
State v. Katoa No. 241915359	Apr 26, 2027 through Apr 30, 2027	First-priority trial; listed dates only
State v. Pantos pretrial No. 241402006	Dec 7, 2026	Only the listed hearing date is reserved
State v. Pantos No. 241402006	Feb 24, 2027 through Feb 26, 2027 and Mar 2, 2027 through Mar 3, 2027	First-priority trial; listed dates only
Conference	Mar 6, 2027 – Mar 18, 2027	Previously reported conference
Conference	Jul 8, 2027 – Jul 11, 2027	Previously reported conference
Defense — Richard Novak		
Gonzalez motions No. 26-cr-00114-SVW	Feb 15, 2027	Counsel-reported motions
Gonzalez pretrial No. 26-cr-00114-SVW	Mar 15, 2027	Counsel-reported pretrial
Gonzalez motions No. 26-cr-00114-SVW	Mar 22, 2027	Counsel-reported motions
Gonzalez pretrial No. 26-cr-00114-SVW	Apr 12, 2027	Counsel-reported pretrial
United States v. Gonzalez No. 26-cr-00114-SVW	Apr 20, 2027 – Jun 20, 2027	Two-month estimate; confirm actual end
Vasquez motions No. 24-cr-00226-BLF	May 27, 2027	Only the listed hearing date is reserved
Vasquez motions No. 24-cr-00226-BLF	Nov 4, 2027	Only the listed hearing date is reserved
Vasquez pretrial No. 24-cr-00226-BLF	Dec 2, 2027	Only the listed hearing date is reserved

Case or event	Protected dates	Type and limits
United States v. Vasquez No. 24-cr-00226-BLF	Jan 10, 2028 – Apr 10, 2028	Three-month estimate; confirm actual end
Defense — Staci Visser		
State v. LaPlant pretrial No. 231401837	Nov 4, 2026	Only the listed hearing date is reserved
State v. LaPlant No. 231401837	Jun 21, 2027 through Jun 22, 2027 and Jun 24, 2027 through Jun 25, 2027 and Jun 28, 2027	First-priority trial; listed dates only
State v. Nordgran pretrial No. 241901972	Jan 29, 2027	Only the listed hearing date is reserved
State v. Nordgran No. 241901972	Feb 1, 2027 – Feb 4, 2027	Second-priority trial
Prosecution — Grunander		
State v. Jayne No. 241401620	Dec 1, 2026	Oral argument and scheduling conference; hearing-only
Prosecution — Sturgill		
State v. Erickson No. 231401202	Nov 4, 2026	Status hearing; hearing-only; trial timing unknown
Prosecution — Conference		
Conference	Aug 2, 2027 – Aug 6, 2027	Hearing-only; filing deadlines permitted

Counsel must confirm the operative *Gonzalez* scheduling documents, actual completion dates for trials with estimated durations, and the *Smothers* schedule beyond the April 14, 2027 hearing. *Jayne* and *Erickson* have no established trial dates in the supplied representations. Anticipated settings support coordination but do not create an additional exclusion or establish priority.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 251403576 by the method and on the date specified.

MANUAL EMAIL: KATHRYN NESTER KATHY@NESTERLEWIS.COM

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11/09/2026 /s/ TREENA HANSEN

Date: _____ _____

Signature