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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.	FORMAL REQUEST FOR DISCOVERY PURSUANT TO URCP 16 AND REQUEST FOR 404(b) NOTICE Case No. 251403576 Honorable Tony F. Graf, Jr.

Defendant, Tyler James Robinson, by and through undersigned counsel, requests the State of Utah for discovery production and 404(b) notice in the above-titled matter pursuant to Utah Rule of Criminal Procedure 16 ("URCP"), the Due Process Clauses of the Fifth and Fourteenth Amendments

of the United States Constitution and article I, section 7 of the Utah Constitution, the Sixth[1] Amendment of the United States Constitution, and article 1, section 12 of the Utah State Constitution. Further, where the State has provided notice of its intent to seek the death penalty in this case, this request is made pursuant to Eighth Amendment of United States Constitution.

This initial discovery request includes mandatory disclosures in URCP (a)(1), as well as additional specific requests. Of note, the prosecutor's duty to disclose under URCP 16 is a continuing duty. *See* URCP 16(a)(2).

In making these requests, Defendant acknowledges the negotiated discovery protective order stipulated by the parties and as contemplated by URCP 16(d)(1).

Defendant requests production of all evidence that the prosecutor relied upon to file the Information within five days of receiving this request. URCP 16(a)(2). Pursuant to URCP 16(a)(2), for requested material or information not relied upon to file the Information, Defendant requests the State to disclose before any pretrial detention hearing, the preliminary examination (or waiver of preliminary hearing), and "before the defendant enters a plea of guilty or no contest or goes to trial." URCP 16(a)(2) further provides the timing as such, unless "otherwise waived by the defendant." **Defendant does not waive any discovery, timing of disclosure, or rights associated therewith.**

Additionally, Defendant requests the State to respond to this request in writing, and if applicable, identify with specificity the portions or requested material/information that will not be produced. *See State v. Miranda*, 2017 UT App 203, ¶ 26; *State v. Knight*, 734 P.2d 913 (1987).

[1] "The accused shall enjoy a right to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." U.S. Const. amend. VI.

Finally, Defendant requests the State to comply with their discovery obligations continuing throughout the litigation of this case as is required by Utah Rule of Crim. Procedure 16 and *Brady v. Maryland*, 373 U.S. 83 (1963). Defendant seeks to hold the State to its discovery obligations the entirety of the above titled matter in order to enforce the full benefits of their Utah and United States Constitutional rights to due process for the criminally accused.

I. URCP 16(a) mandatory disclosure request.

Defendant requests the prosecution team to comply with: its mandatory disclosure obligations pursuant to URCP 16(a)(1), URCP 16(a)(2) timing of disclosures, as well as their ongoing obligation to provide material or information becomes known to the prosecution team.

Under Utah Rule Criminal Procedure 16 (a)(1) mandatory disclosures include:

> (A) written or recorded statements of the defendant and any codefendants, and the substance of any unrecorded oral statements made by the defendant and any codefendants to law enforcement officials;
>
> (B) reports and results of any physical or mental examination, of any identification procedure, and of any scientific test or experiment;
>
> (C) physical and electronic evidence, including any warrants, warrant affidavits, books, papers, documents, photographs, and digital media recordings;
>
> (D) written or recorded statements of witnesses;
>
> (E) reports prepared by law enforcement officials and **any notes that are not incorporated into such a report;** and
>
> (F) evidence that must be disclosed under the United States and Utah constitutions, including all evidence favorable to the defendant that is material to guilt or punishment.

(emphasis added).

"In every case, all material or information listed in [URCP 16] (a)(1) that is presently and reasonably available to the prosecutor must be disclosed before the preliminary examination, if

applicable, or before the defendant enters a plea of guilty or no contest or goes to trial, unless otherwise waived by the defendant." URCP 16(a)(2). Defendant does not waive any discovery or rights associated with. Defendant seeks the State to fully comply with its discovery obligations.

a. Mandatory disclosures require the individual prosecutor to go beyond their internal file at the Utah County Attorney's office to obtain information or material requested in possession of the prosecution team.

Mandatory disclosure extends to include evidence that is known only to police investigators and not to the prosecutor. It is well settled that prosecutors have an "inescapable" duty to go beyond their own files to gather evidence favorable to the accused. See *Kyles v Whitley*, 514 U.S. 419, 438 (1995). The United States Supreme Court stated that "[t]he individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." *Id*. at 437; *see also Youngblood v West Virgina*, 547 U.S. 867, 870. For example, URCP 16(e) requires the State to provide defense with "any notes that not incorporated into [law enforcement] notes". The basics of URCP 16(a)(1) Mandatory Disclosure requires to State to go beyond of their prosecution file. The term "prosecution" includes "not only the individual prosecutor handling the case, but also ... the prosecutor's entire office, as well as law enforcement personnel and other arms of the state involved in investigative aspects of a particular criminal venture. *McCormick v. Parker*, 821 F.3d 1240, 1247 (10th Cir. 2016) (A SANE nurse was a part of the prosecution team because she acted at the request of law enforcement in the pre-arrest investigation of a crime); *see also State v. Shabata*, 678 P.2d 785, 788 (Utah 1984) ("Information known to police officers working on a case is charged to the prosecution since the officers are part of the prosecution team.")

This initial request requires the State to go outside of what is contained in the individual prosecution file. Potentially, future discovery requests may also require the State to go beyond the internal file process of the County Attorney's Office. Being that prosecution's "inescapable duty" to

obtain favorable material for the accused is well established, Defendant relies upon the State to fulfill their duties to go beyond the internal prosecution file. *See generally Kyles v Whitley*, 514 U.S. at 438.

In order for Defendant to effectively assert and use their right to effective assistance of counsel, Defendant requests the State to comply with this initial request to allow counsel adequate time to prepare his defense, and to make a voluntary, knowingly, and intelligently made decision if the above titled matter results in a plea.

b. Mandatory disclosures include unrequested information, exculpatory information, and impeachment material.

In *State v. Bisner*, the Utah Supreme Court held that "[u]nder both the Utah and United States Constitutions, the prosecution bears a fundamental duty to disclose material, exculpatory evidence to the defense in criminal cases." 2001 UT 99, ¶ 32, 37 P.3d 1073 (citation and internal quotation marks omitted). "Generally, impeachment evidence is 'favorable to [the] accused'" *Carter v. State*, 2025 UT 13, ¶ 79 citing *Brady*, 373 U.S. at 87; *United States v. Bagley*, 473 U.S. 667, 676 (1985).

This prosecutorial duty is also not limited by this or other requests for information as "due process requires a prosecutor to disclose even unrequested information which is or may be exculpatory." *State v. Carter,* 707 P.2d 656, 662 (Utah 1985) (citing *State v. Jarrell*, 608 P.2d 218, 224 (1980)). And finally, where the State has previously provided Defendant with some information regarding its material witnesses under URCP 16, it is "under 'a continuing obligation to disclose newly acquired information so as to avoid misleading the defense.'" *State v. Perez,* 2002 UT App 211, ¶ 36, 52 P.3d 451 (quoting *State v. Kallin*, 877 P.2d 138, 143 (Utah 1994)). The type of information the State is obligated to provide includes substantive indicators of bias and information related to credibility but extends further to any impeachment evidence. *See Youngblood*, 547 U.S. at 869.

Impeachment evidence includes:

(1) All evidence tending to reflect adversely on the credibility of any State witness.

(2) Any evidence that tends to diminish culpability and/or support a lesser punishment. *See Cone v. Bell,* 556 U.S. 449, 474-75 (2009).

(3) Statements by others that are inconsistent with statements of government witnesses regarding the facts of the crime or the alleged conduct of the defendant. *See Walker v. State*, 624 P.2d 687, 690 (Utah 1981).

(4) Information that can establish bias including, but not limited to, any benefits received by a witness, any animosity toward the defendant, motive to curry favor including whether the witness is under investigation even if it is not related to the case at hand. *See Napue v. Illinois*, 360 U.S. 264, 270 (1959).

(5) A witness's criminal record, including prison and probation records. *See Smith v. Sec. of New Mexico Dept. of Corr.,* 50 F.3d 801, 833 (10th Cir. 1995).

(6) Evidence of a law enforcement officer's misconduct (including sustained findings and pending investigations), abuse of authority, lack of credibility. See *Nuckols v. Gibson*, 233 F.3d 1261, 1267 (10th Cir. 2000).

(7) Evidence that may show a deficient or incomplete police investigation. *Kyles*, 514 U.S. at 446 n. 15.

(8) Evidence that could be used to argue a witness has a motive to misrepresent or slant their testimony in favor of the State or testify falsely on behalf of the State. *See Carter v. State*, 2025 UT 13 ¶¶ 75-76, --- P.3d ----.

II. Additional Specific Discovery Request

In addition to the above requested material, defense seeks the following:

1. All 911 audio recordings and unofficial transcripts.

2. Unofficial transcripts of axon bodycam.
3. Complete extraction of cellphone(s) including metadata, CDRs, and call logs, if cellphone evidence was collected.
4. Complete copies of hard drives or other electronic storage in any electronics seized by law enforcement as evidence.
5. Original writing, recordings, or photographs, or duplicate that accurately reproduces the original. Utah Rule of Evidence 1001 provides: An "original" of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, "original" means any printout — or other output readable by sight — if it accurately reflects the information. An "original" of a photograph includes the negative or a print from it.
6. All evidence that has been discovered by any member of the prosecution team involved in the investigation or prosecution that tends to inculpate the defendant.
7. A list of all medical personnel (and their telephone numbers) involved in the above-entitled matter, if applicable.
8. All field interview cards used to identify any individual(s) involved in the above-captioned matter.
9. Any training certificates or specialized certifications received by any law enforcement officer involved in the above-captioned matter.
10. Copies of all recordings and/or transcripts of any communications, including dispatch calls from law enforcement, fire department or any other civilian agency pertaining to the above-entitled case.

11. Specify the date, time and substance of any and all further contact between any investigating officer and any defendant, co-defendant, or witness in the above-captioned matter.
12. All photographs, contact sheets from said photographs, digital photographs, drawings, diagrams, and video tapes pertaining to this case in the possession of any law enforcement or government agency regardless of whether or not those images are intended to be used by the prosecution at the time of trial.
13. Any physical evidence taken from the defendant, any co-defendant, and/or the alleged crime scene in the above-entitled case and any reports and recordings pertaining thereto. For each piece of physical evidence identified, please specify: a) The name, address and phone number of the present custodian of said evidence, b) Any reports or raw notes describing any of the physical evidence set forth above, c) the name, address and phone number of each person to whom any of the physical evidence in this case was submitted for analysis including, but limited to all criminalists, forensic reports, DNA experts, handwriting experts, psychologists, etc.
14. Any and all documents regarding the chain of custody of any physical evidence identified including, but not limited to, a description of the method of packaging and handling of the evidence at the time of recovery, at the time of booking it into evidence and at the time of submitting for analysis.
15. Any and all documentation regarding consent by interested parties to secure any physical evidence specified above.

16. All officer notes, police reports and any other documentation pertaining to any requests(s) for laboratory analysis or any other scientific testing of physical evidence in the above captioned case.
17. Any tests, test results, chemical analysis, or any other scientific evidence and its attendant reports/analysis pertaining to this case in the possession of any law enforcement or governmental agency including handwritten notes made by the technician even if not utilized in the making of the final report.
18. In view of the State's notice of intent to pursue the death penalty, disclosure of any and all information that it deems relevant to proof of intent, purpose, knowledge, or any other mental state relevant to death penalty eligibility and/or relevant to statutory aggravating factors.
19. Disclosure of reports, disclosures, and discovery pertinent to any charged statutory factor in aggravation.
20. Any information in the possession of the State that constitutes proof of, or the presence of, evidence of a statutory factor in mitigation, as well as any non-statutory factor in mitigation known to it and any information relating to factors in the defendant's character that mitigate against the imposition of the death sentence.
21. Information in the State's custody or control that is material to the assessment and the participation of any other individual in any charged crime, sentencing factor, or allegation that will assist in a full and fair consideration of mitigating factors, or that reflects another defendant or defendants, equally culpable in the crime, will not be punished by death.

22. Any information known to the State tending to indicate that Tyler James Robinson suffers now, or suffered at the time of the charged offenses, from any impaired mental capacity, emotional disturbance, mental disorder, mental disability, intellectual disability, developmental disability, or other mental state amounting to mitigation.
23. Any information that the State is aware in the possession or control of the State, or in the possession or control of agencies, offices, or bureaus working directly in cooperation with the State in any part of the investigation of the case against the accused that is defined as exculpating, exculpatory, impeaching, or otherwise subject to disclosure under the '*Brady* Obligation,' whether related to the guilt/innocence phase of trial or the penalty phase.
24. The complete unredacted reports, tests, and complete files of any expert witness the prosecution intends to call at *any* hearing or trial.
    a. Relatedly, the Defense requests the underlying data, research, and information upon which the expert relied in forming his or her opinion including any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items.
    b. Relatedly, the Defendant requests the disclosure of any exculpatory opinions of any expert witness with whom the prosecution may have consulted but does not intend to call as a witness.
25. A written summary of any testimony that the State intends to elicit that is governed by Utah Rules of Evidence 702, 703, or 705.

26. Unredacted copies of the laboratory case file for any scientific test or experiment that is material to preparing the defense or that the government intends to use in its case-in-chief, including any "bench notes";
27. All instrumental, electronic, or other data generated in the course of any scientific test or experiment that is material to preparing the defense or that the government intends to use in its case-in-chief, including any data generated in the course of maintenance, quality control, or quality assurance testing of any equipment used in any testing, and any data relating to the use or attempted use of any control samples;
28. All relevant laboratory protocols for any scientific test or experiment that is material to preparing the defense or that the State intends to introduce.
29. The results of any relevant proficiency testing performed by any analysis who performed and scientific test or experiment that is material to preparing the defense or that the State intends to use.
30. An unredacted copy of any audit, whether internal or external, conducted with respect to any laboratory that performed any scientific test or experiment that is material to preparing the defense or that the State intends to use.
31. Any DNA, fingerprint, firearm identification, toolmark identification, gun shot residue or other testing results performed on any item of evidence or any suspect, victim, or witness in this case.

III. URCP 16(a)(2) timing requirements

Pursuant to URCP 16(a)(2), the prosecutor's duty to disclose material or information is ongoing and continuous as material or information becomes known to the prosecutor. All information relied upon in filing the information, must be provided within five days after the day on which the prosecutor receives a request for discovery from the defendant. "In every case, all material or

information listed under paragraph (a)(1) that is presently and reasonably available to the prosecutor must be disclosed before the preliminary examination, if applicable, or before the defendant enters a plea of guilty or no contest or goes to trial, unless otherwise waived by the defendant.". Utah R. Crim. P. 16(a)(2). Defendant does not waive this timing requirement. Rather, they assert the right to mandatory disclosures previously mentioned prior to preliminary hearing, if not provided in the initial disclosure.

Defendant specifically requests the State to provide the information relied upon in filing the Information within five days of this request. Defendant specifically requests the State to obtain and disclose all other requested discovery that is "presently and reasonable available" to be disclosed prior to the preliminary hearing.

Defendant requests State to diligently abide by their ongoing obligation to provide materials and information requested in this initial request. Defendant acknowledges he does not have a right to discovery prior to preliminary hearing pursuant to art. I, section 12 of the Utah State Constitution. However, Defendant relies upon this initial discovery request through trial, post-preliminary hearing to enforce their rights encompassed in the Utah Constitution to a fair, speedy trial.

III. REQUEST FOR NOTICE OF 404(B) EVIDENCE

Pursuant to Utah Rule of Evidence 404(b), Defendant seeks notice by the State of any other crimes, wrongs or acts it intends to use in its prosecution of this case, and a list of exhibits, (and the names and addresses of witnesses) that will be used to introduce evidence of other crimes, wrongs or acts.

CONCLUSION

As provided in Utah Rule Criminal Procedure 16, the State shall make all above disclosures as soon as practicable following the filing of charges and before the Defendant is required to plead. "It

is a matter of clear Utah law that criminal defendants are entitled to information possessed by the State to aid in their defense." *Miranda*, 2017 UT App 203, ¶ 26 (citing *State v. Tiedemann*, 2007 UT 49, ¶ 40); see also Utah R. Crim. P. 16(a). Defendant requests the State to respond to this discovery request and to "produce all the material requested or to *specifically identify* those portions that will not be produced." *Id.* "[T]he prudent prosecutor will resolve doubtful questions in favor of disclosure. This is as it should be." *Kyles*, 514 U.S. at 439.

DATED this 30th day of September, 2025.

Respectfully submitted,
/s/ Kathryn N. Nester
Kathryn N. Nester
ATTORNEY FOR 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 30th day of September, 2025, which served all attorneys of record.

/s/ Kathryn N. Nester
Kathryn N. Nester