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

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STATE OF UTAH,  
Plaintiff,

v.

TYLER JAMES ROBINSON,  
Defendant.

**OPPOSITION TO MOTION FOR AN  
ORDER TO SHOW CAUSE FOR  
ALLEGED CONTEMPT OF COURT  
AND FOR AN ORDER  
COMPELLING DISCOVERY  
RELATED TO THE ALLEGED  
CONTEMPT**

Case No. 251403576

Judge Tony F. Graf, Jr.

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The State hereby opposes Defendant's motion for an order to show cause for alleged contempt and for an order compelling discovery related to the allegedly contemptuous conduct.

## INTRODUCTION

The Rules of Professional Conduct do not require lawyers to remain silent in the face of unduly prejudicial publicity. Instead, the rules expressly allow lawyers to set the record straight.

In his motion to continue the preliminary hearing, Defendant misstated the results of the ATF's analysis of the bullet jacket fragment recovered during Charlie Kirk's autopsy. Defendant's counsel wrote, "the ATF was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson." *See* Def.'s Mot. to Vacate or Continue Preliminary Hearing ("Mot. to Continue"), Dkt. # 466 at 22. Defendant's statement contained a material omission: that the ATF was unable to identify *or exclude* the bullet as having been fired from the rifle. As a result, Defendant's statement was misleading. Defendant reinforced this misleading inference by following it up with, "the defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence." *Id.*

In fact, the ATF's conclusion was that the "bullet jacket fragment could not be identified *or excluded* as having been fired from the Exhibit 1 rifle," and therefore "[t]he result of the comparison was *inconclusive*." *See* Def.'s Mot. for and Order Prohibiting Further Alteration or Testing of a Bullet Jacket Fragment ("Mot. to Prohibit Testing"), Exhibit 2 at 2, Dkt. # 284 (emphasis added).

The media pounced on Defendant's incomplete, and therefore misleading, statement with headlines proclaiming that the recovered bullet did not match Defendant's rifle, that this "bombshell" finding exonerated Defendant, and that this prosecution was therefore

fatally flawed. After media organizations asked for the State's response to Defendant's pleading and the media stories it spawned, the State accurately explained the ATF's conclusion, expressed confidence that it had sufficient evidence to move forward and prove its case at trial, and reiterated that Defendant is presumed innocent and that the State has the burden to prove its case to a jury beyond a reasonable doubt.

This is precisely the response that rule 3.6(c) of the Utah Rules of Professional Conduct allows a lawyer to make. And the response did not offer an opinion on Defendant's guilt. Merely expressing confidence that the State has enough *evidence* to carry its burden to prove its case to the jury guilty beyond a reasonable doubt tells the public nothing more than what the very existence of this prosecution proclaims. The State did not violate the rules, or this Court's order, regarding trial publicity.

Nor has Defendant demonstrated good cause to require the State to comply with his supplemental discovery request. Rule 16(a)(4) allows for discovery of evidence necessary to allow "the defendant to adequately *prepare a defense*." Utah R. Crim. P. 16(a)(4) (emphasis added). The only statements from the State that could affect the merits of this case are those that were reported publicly, which Defendant already has access to.

## **FACTS**

### *Defendant misstates the ATF's report*

1. On March 27, 2026, Defendant filed a Motion to Vacate or Continue the Preliminary Hearing. Mot. to Continue, Dkt. 466.
2. Defendant stated in that filing: "Regarding the firearm evidence, the defense has been provided with an ATF summary report which indicates that the ATF was

unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson.” Mot. to Continue at 22.

3. Defendant added, “the defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence.” *Id.*

4. In fact, the complete statement from the ATF Summary Report reads: “The Exhibit 6A bullet jacket fragment could not be identified *or excluded* as having been fired from the Exhibit 1 rifle based on an agreement of all discernable class characteristics and neither sufficient agreement *nor sufficient disagreement* of individual characteristics. The result of the comparison was *inconclusive*.” Mot. to Prohibit Testing, Exhibit 2 at 2, Dkt. # 284.

*The media seizes on Defendant’s mischaracterization*

5. Defendant’s mischaracterization of the report launched a media frenzy. *How one headline shaped the narrative in the Tyler Robinson case (“One headline”),* DESERET NEWS (March 31, 2026), attached as Exhibit A, <https://www.deseret.com/politics/2026/03/31/tyler-robinson-case-bullet-didnt-match-rifle-allegedly-used-charlie-kirk/>

6. On March 30, 2026, The Daily Mail published a story with the headline, “Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims.” *Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims,* THE DAILY MAIL (March 30, 2026), attached as Exhibit B, <https://www.dailymail.com/news/article-15692625/Tyler-Robinson-bullet-rifle-match-Charlie-Kirk.html>

7. As the Deseret News story—published just the next day—explained, The Daily Mail story characterized Defendant’s misrepresentation as “‘bombshell’ findings” and “quickly went viral with over 22 million views on X.” *See One headline*, Deseret News (Ex. A).

8. The Deseret News article further reported, “Since the Daily Mail drew attention to the bullet findings, many online, including podcaster Candace Owens, are using the heading to support their view that there isn’t enough evidence against Robinson.” *See id.*

9. Other news organizations quickly spread the erroneous conclusions stemming from Defendant’s mischaracterization of the AFT findings.

10. USA Today ran a story stating, “Attorneys for the man accused of shooting conservative activist Charlie Kirk said a federal law enforcement agency did not connect the bullet found during autopsy to the suspected murder weapon.” *Does the bullet match? Key issue emerges in Charlie Kirk murder case*, USA TODAY, (Updated March 31, 2026), attached as Exhibit C, <https://www.usatoday.com/story/news/nation/2026/03/31/tyler-robinson-link-charlie-kirk-bullet-match/89399761007/>

11. People Magazine’s headline proclaimed, “Bullet That Killed Charlie Kirk Doesn’t Match Tyler Robinson’s Rifle, His Lawyers Claim.” *Bullet That Killed Charlie Kirk Doesn’t Match Tyler Robinson’s Rifle, His Lawyers Claim*, PEOPLE.COM (Updated March 31, 2026), attached as Exhibit D, <https://people.com/bullet-killed-charlie-kirk-doesnt-match-tyler-robinson-rifle-lawyers-claim-11938079>

12. A CBS News headline declared, “Charlie Kirk’s accused assassin’s lawyers question link between bullet from autopsy and rifle found near scene.” *Charlie Kirk’s accused assassin’s lawyers question link between bullet from autopsy and rifle found near scene*, CBS NEWS (March 31, 2026), attached as Exhibit E,

<https://www.cbsnews.com/news/charlie-kirks-tyler-robinson-lawyers-question-bullet-rifle-link/>

13. The New York Post likewise reported, “Claims emerged this week that the ‘bullet jacket fragment’ recovered from Kirk’s body didn’t match the .30-06 hunting rifle.” *Prosecutors reveal what analysis of Charlie Kirk bullet and Tyler Robinson’s gun really found (“Prosecutors reveal”)*, NEW YORK POST (March 31, 2026), attached as

Exhibit F, <https://nypost.com/2026/03/31/us-news/prosecutors-reveal-what-analysis-of-charlie-kirk-bullet-and-tyler-robinsons-gun-really-found/>

14. Politifact reported that “New court filings in Utah’s case against Tyler Robinson, the suspect in Charlie Kirk’s murder, gave way to widespread claims that a bullet analysis exonerates him.” *Does a bullet analysis clear Charlie Kirk’s suspected killer? What an ‘inconclusive’ result means*, POLITIFACT, attached as Exhibit G,

<https://www.politifact.com/article/2026/apr/02/charlie-kirk-tyler-robinson-bullet-inconclusive/>

15. PennLive posted an article with the headline, “Charlie Kirk assassination bombshell revealed: ‘Case has a fundamental problem.’” *Charlie Kirk assassination bombshell revealed: ‘Case has a fundamental problem,’* PENNLIVE (March 31, 2026),

attached as Exhibit H, <https://www.pennlive.com/news/2026/03/charlie-kirk-assassination-bombshell-revealed-case-has-a-fundamental-problem.html>

16. The article stated, “A bombshell claim in the case against Tyler Robinson ... has social media buzzing. According to multiple reports, documents in the case claim the bullet used in the assassination does not match the rifle that has been tied to Robinson.” *See id.*

17. The article continued, “TMZ reported that Robinson’s defense team is arguing that there is ‘a discrepancy between the ballistic evidence and the weapon prosecutors say is connected’ to him.” *See id.*

18. The article continued, “‘This is not a minor evidentiary dispute,’ Brian Allen wrote on X. ‘If the bullet doesn’t match the gun — the prosecution’s case has a fundamental problem.’” *See id.*

19. The article also noted commentary from Marjorie Taylor Greene and Candace Owens:

Marjorie Taylor Greene shared a headline from the Daily Mail reporting the claim and replied with an eyeball emoji. Greene posted again on X, writing, ‘The ATF could not match the bullet to Tyler Robinson’s gun and when the news breaks the sheriff resigns.’...

‘Where are all my neocons who have been ‘overwhelmed’ by the non-existent evidence against Tyler Robinson?’ Candace Owens wrote. ‘You should all be ashamed of yourselves. Hope the money was worth it.’”

*See id.*

20. Candace Owens posted a sixty-five minute video on YouTube on March 31, 2026, titled “PROVE ME WRONG: Tyler Robinson is A Patsy.”

<https://www.youtube.com/watch?v=UYkXV9mYbT4>

21. The video includes the statements, “the ATF in the Tyler Robinson case cannot connect the gun to him,” “if the gun does not fit, you must acquit,” and “[y]ou actually have to go back to the beginning to fully comprehend how this case fell apart so quickly.” *See id.*

*The prosecution’s response*

22. The State responded to media inquiries by explaining the full context of the ATF report:

“[w]hen the results of a bullet fragment analysis come back as inconclusive, that means only that the fragment did not contain enough detail for the examiner to determine whether the characteristics on the fragment were consistent with having been fired by a particular firearm.”

“*Prosecutors reveal*,” NEW YORK POST (March 31, 2026), Ex. F.

23. The State also expressed confidence that it had sufficient evidence to proceed and prove its case:

“We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing—and then we will present all of that evidence at the trial.”

“The evidence that we detailed in the charging document is a general summary of the evidence that shows Tyler Robinson committed this crime. He is presumed innocent. The ultimate decision will be up to the jury—we believe we will be able to overcome his presumption of innocence.”

*Charlie Kirk murder suspect prosecutors slam his claims bullet doesn't match,*

TMZ (March 31, 2026), attached as Exhibit I,

<https://www.tnz.com/2026/03/31/tyler-robinson-prosecutor-says-bullet-results-were-inconclusive/>

## ARGUMENT

**I. The State did not violate this Court's publicity order or Rule 3.6, because Rule 3.6(c) plainly allowed the State to respond to the undue prejudicial publicity that Defendant's mischaracterization generated.**

Defendant's mischaracterization of the ATF report sparked a media frenzy that generated reports that the recovered bullet did not match the rifle allegedly tied to Defendant, that the ballistics analysis therefore exonerated him, and that the State's case was thus fundamentally and fatally flawed. Some of those stories are listed in the fact section above and attached hereto as exhibits. In a murder case where a victim was killed by a single bullet, it is difficult to imagine publicity that would be more undue prejudicial than false reports that the bullet recovered from the victim was proven to have not been fired from the defendant's rifle.

Rule 3.6(c) of the Utah Rules of Professional Conduct plainly allows a lawyer to respond to this kind of undue prejudicial publicity. It allows a lawyer to "make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client." Utah R. Prof'l Conduct 3.6(c). This Court's Pre-Trial and Trial Publicity Order requires the lawyers participating in this case to "abide strictly by Rule 3.6 of the Utah Rules of Professional Conduct." Protection Order Re: Pre-Trial and Trial Publicity

("Publicity Order") at 1, Dkt. #23. The prosecution team has faithfully complied with this order.

As Rule 3.6(c) plainly allowed, the State responded to the erroneous and therefore highly prejudicial reports spawned by Defendant's mischaracterization. The State accurately explained the ATF's conclusions and, without referring to any specific evidence, expressed confidence that it had sufficient evidence to proceed to trial. The State also reiterated that Defendant is presumed innocent and that the State is required to prove to a jury Defendant's guilt beyond a reasonable doubt. The State did not violate Rule 3.6, or the Court's Publicity Order requiring compliance with that rule. There is therefore no basis for a finding of contempt.

Defendant ignores the plain language of the rule by mistakenly suggesting that the State is allowed to respond only to publicity generated by public statements from the defense team. *See* Declaration of Counsel in Support of Motion for Issuance of Order to Show Cause at 8. One of Defendant's counsel declares "[a]t no point have any of Mr. Robinson's counsel (or anyone on the defense team) made any public statements about the facts, evidence, litigation, prosecutors, victim, victim's family, or anything else in this case." *Id.* But the rule does not limit a lawyer's response to prejudicial publicity generated only by opposing counsel's public statements. Instead, a lawyer may respond to any unduly prejudicial publicity as long as that publicity was "not initiated by the lawyer or the lawyer's client." Utah R. Prof'l Cond. 3.6(c).

Moreover, contrary to Defendant's characterization, the State did not opine on Defendant's guilt. *See* Mot. at 8-9. Rather, the State merely expressed confidence that it

had the evidence necessary to proceed with its case and carry its burden at trial—all in response to highly prejudicial media reports that the ATF’s analysis exonerated Defendant and the State’s case was therefore fatally flawed. The State’s comments made clear that a jury would have to resolve the issue of Defendant’s guilt, that Defendant was presumed innocent, and that the State would have to overcome that presumption at trial by proof beyond a reasonable doubt. *See* Mot. at 6.

As the Kansas Supreme Court unanimously held, a prosecutor’s general statement that his job is to bring cases that he believes he can prove beyond a reasonable doubt does not express an opinion on a defendant’s guilt. *See State v. Wright*, 583 P.3d 174, 194 (Kan. 2026). The defendant in *Wright* complained that the prosecutor expressed an opinion about his guilt when the prosecutor said during voir dire, “So, as the county attorney, my job is to prosecute cases that are brought, brought to *my office that I feel that we can prove beyond a reasonable doubt.*” *Id.* (emphasis in original). The prosecutor continued, “that is the burden that the State willingly accepts when it filed charges and brings cases forward. So, the State understands its burden and intends to prove that through the course of evidence this week.” *Id.*

The Kansas Supreme Court disagreed that these statements were improper. *See id.* “Rather than an improper personal opinion on Wright’s guilt, the prosecutor’s comment here simply explained the prosecutor’s role in the proceedings and reiterated the State’s burden of proving guilt beyond a reasonable doubt.” *Id.* As the *Wright* court recognized, “[a] prosecutor in a criminal case cannot ethically prosecute a charge that the prosecutor knows is unsupported by the evidence.” *Id.*

The Utah Supreme Court similarly rejected the defense claim that the prosecutor had stated an impermissible opinion when he said during closing argument, “‘You know that [a witness] told the truth’ or ‘She told the truth.’” *State v. Bakalov*, 1999 UT 45, ¶ 57, 979 P.2d 799. Rather, the court recognized that “a prosecutor may draw permissible deductions from the evidence and make assertions about what the jury may reasonably conclude from those deductions.” Thus, a prosecutor’s “assertion about what the jury may reasonably conclude” from the evidence does not express a prosecutor’s opinion. *See id.*

The State’s public comments here are easily distinguished from those in *State v. Leavitt*, 2025 UT 46, 579 P.3d 343. In that case, Leavitt initiated the publicity by calling a press conference to explain his reasons for seeking the death penalty in a murder prosecution. ¶ 1. He was not, as here, seeking to respond to unduly prejudicial publicity that he did not initiate. *See Utah R. Prof. Cond. 3.6(c).*

Also, unlike here, Leavitt opined on both the credibility of a witness and the defendant’s guilt. *See* 2025 UT 46, ¶ 9. And he based those opinions not on the strength of the evidence to be presented at trial, but on his own assessment of a witness’s credibility and evidence that he expressly stated would never be presented to the jury. *See id.* When asked at his press conference about the fact that the State had only one witness, Leavitt responded, “we have concluded in our estimation, this witness is credible.” *Id.* He continued, “this witness’ testimony has been corroborated....” and added, “we believe this witness, quite frankly, based on a lot of evidence that the jury will never hear.” *Id.* He concluded, “we know things that the jury will never hear which helps us to believe and strengthens our belief that this man committed ... these murders.” *Id.*

The prosecution's statements here are a far cry from those Leavitt made. The statements here expressed nothing more than general confidence in the State's ability to proceed and carry its burden at trial given the evidence it expected to present. The State mentioned the evidence here only generally and did not refer to any specific piece of evidence or witness testimony, let alone evidence the jury would never hear. Rule 3.6(b)(2) expressly allowed the State to mention that the Information provides a summary of the evidence that the State believes is sufficient to prove its case. *See* Utah R. Prof'l Cond. 3.6(b)(2) (allowing a lawyer to "state ... information contained in a public record"). Nor did the State run afoul of the rule by mentioning that this was a murder case against Defendant. *See id.* 3.6(b)(1). The rule expressly allows a lawyer to state "the claim [or] offense ... involved and, the identity of the persons involved." Utah R. Prof'l Cond. 3.6(b)(1). Unlike the comments in *Leavitt*, the State's comments here did not assert, or even suggest, that the prosecution's confidence in its ability to proceed was based on evidence "the jury will never hear," or on the prosecution's conclusion that a particular witness was credible. *Leavitt*, 2025 UT 46, ¶ 9.

Most importantly, a general statement that the prosecution believes that it has the evidence necessary to carry its burden at trial tells the public nothing more than what the prosecution's decision to file and continue to pursue this case necessarily communicates—that the prosecution believes it can prove its case. *See Wright*, 583 P.3d at 194 ("A prosecutor in a criminal case cannot ethically prosecute a charge that the prosecutor knows is unsupported by the evidence."); *Moss v. DeBalso*, No. 1:19-CV-106, 2021 WL 2952900, at \*21 (M.D. Pa. July 14, 2021) (recognizing that because prosecutor was pursuing a

criminal charge, “[i]t stands to reason that the Commonwealth believed that the evidence that would be adduced would bear out that charge”); *Edwards v. State*, 442 S.E.2d 444, 445 (Ga. 1994) (recognizing that “an ethical state’s attorney would not prosecute a person for an offense unless there was at least some evidence to support each element of the ... offense”). Indeed, it would be unethical for the prosecution to prosecute this case if it believed otherwise. *See* Utah R. Prof. Cond. 3.8(a) (requiring a prosecutor to “[r]efrain from prosecuting a charge that the prosecutor knows is not supported by probable cause”); *Wright*, 583 P.3d at 194; *Edwards*, 442 S.E.2d at 445.

**II. Defendant has not shown good cause to require the State to provide additional discovery related to its public statements, because there is no contempt here, Rule 16 limits discovery to information necessary to prepare a defense, and Defendant already possesses all the State’s public statements.**

Defendant has not shown good cause under rule 16(a)(4), Utah Rules of Criminal Procedure to justify an order compelling the State to produce “documents related to [its allegedly] contemptuous conduct.” Mot. at 2, 13-14. First, as demonstrated, there is no contemptuous conduct that requires additional discovery.

Second, a discovery request must relate to evidence necessary to allow Defendant to prepare his defense. *See* Utah R. Crim. P. 16(a)(4). Before a court can order discovery beyond the mandatory disclosures required by Rule 16(a)(1), a defendant must demonstrate “good cause” that the information is necessary “in order for the defendant to adequately *prepare a defense*.” *Id.* (emphasis added). But information about the State’s public comments, including the State’s internal communications about those statements, is unrelated to Defendant’s defense. Defendant has not shown how information about which

media organizations the State spoke to, what the State said, and the State's internal communications about its efforts to respond to Defendant's misrepresentation in his Motion to Continue, are necessary to allow Defendant "to adequately prepare a defense." *See id.*

Moreover, the only media statements that could possibly affect Defendant's defense are those that were publicly reported. And Defendant already possesses those statements.

Finally, Defendant's request for the State's "internal communications" discussing its response to Defendant's mischaracterization, and the negative publicity it spawned, request privileged work product communications. *See Schroeder v. Utah Att'y Gen.'s Off.*, 2015 UT 77, ¶ 3, 358 P.3d 1075 ("Work product includes ... any material that discloses the mental impressions or legal theories of an attorney concerning the litigation."); *State v. Steffen*, 2020 UT App 95, ¶ 31, 468 P.3d 568 (quoting *S. Utah Wilderness All. v. Automated Geographic Reference Center*, 2008 UT 88, ¶ 24, 200 P.3d 643) ("core or opinion work product that encompasses the mental impressions, conclusions, opinion, or legal theories of an attorney ... concerning the litigation' ... 'is generally afforded near absolute protection from discovery'").

Defendant has not shown the "good cause" necessary to justify his supplemental discovery request. Utah R. Crim. P. 16(a)(4).

## CONCLUSION

For the foregoing reasons, the Court should deny Defendant's motion.

Dated April 30, 2026.

Utah County Attorney's Office

s/ Christopher D. Ballard  
Christopher D. Ballard  
Deputy Utah County Attorney

**CERTIFICATE OF SERVICE**

I certify that on April 30, 2026, I filed the foregoing **OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE FOR ALLEGED CONTEMPT OF COURT AND FOR AN ORDER COMPELLING DISCOVERY RELATED TO THE ALLEGED CONTEMPT** through the court's electronic filing system, which served a copy on all counsel of record.

s/ Christopher D. Ballard  
Christopher D. Ballard

# **EXHIBIT A**

**EXHIBIT A**

# How one headline shaped the narrative in the Tyler Robinson case

Justin Nazaroff said, ‘Ballistic science is very inexact at best,’ highlighting the complexities of matching bullets to firearms

Published: March 31, 2026, 4:40 p.m. MDT

Updated: April 1, 2026, 5:06 p.m. MDT

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## By Emma Pitts

Emma is a staff writer for the Deseret News where she covers the court system, social and cross-generational issues.

After the British tabloid the Daily Mail said a recent filing in the case against alleged Charlie Kirk assassin Tyler Robinson contained “bombshell” findings, firearm experts have accused the



Tyler Robinson, accused in the fatal shooting of Charlie Kirk, appears during a hearing in 4th District Court in Provo, Thursday, Dec. 11, 2025. | Rick Egan

publication's choice of words as "completely and utterly misleading garbage."

The Daily Mail published a story on Monday about a motion recently filed by Robinson's defense attorneys, which asked the judge to vacate or delay the upcoming preliminary hearing in May because they do not yet have all the evidence needed to prepare their case. Their story quickly went viral with over 22 million views on X.

Why? Likely because of the misleading headline: "Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims."

The filing from the defense team stated that the "discovery in this case is incomplete, voluminous, and the processing of it is complex," and also noted that they plan to hear testimony from Robinson's parents and former partner Lance Twigg.

The preliminary hearing is currently set for May 18, 19 and 21. Robinson, 22, was charged with aggravated murder, along with five other felonies and a misdemeanor, less than a week after Kirk was shot and killed on Sept. 10, during an event at Utah Valley University in Orem, Utah.

But the Daily Mail highlighted information in the filing pertaining to the bullet recovered from Kirk's body.

The Bureau of Alcohol, Tobacco, Firearms and Explosives, the defense said, "was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson." Robinson's team added that they could possibly have the ATF firearm analyst testify before the court as "exculpatory evidence."

## **Ammunition expert weighs in**

But being unable to match does not definitely mean it wasn't used with the gun linked to Robinson, according to Justin Nazaroff, CEO of Fenix Ammunition.

The ATF “analyzed a bullet jacket fragment and were unable to determine that it came from the shooter’s rifle,” he said Tuesday morning on The Charlie Kirk Show. “Unfortunately, ballistic science is, in a lot of cases, a best guess, and in many other cases, pseudoscience.”

He said that it was as likely to be determined as a match to the rifle as otherwise.

Nazaroff continued, “Even people in the firearms community who do understand firearms generally don't really know a lot about ammunition.”

Since the Daily Mail drew attention to the bullet findings, many online, including podcaster Candace Owens, are using the headline to support their view that there isn't enough evidence against Robinson.

“But it's exactly what I'd expect from people who also watch Candace Owens,” Nazaroff said. “It's actually very difficult to match a bullet to a rifle.”

A 2020 collaborative study by the FBI found that firearms analysis often produces inconclusive results, even in controlled studies.

“If they had managed to recover a fully intact bullet where the lands and grooves matched perfectly. People on the other side would say, Well, it's obvious that the bullet was planted, because you're telling me that a bullet was fired through a human being, and it was, it was in perfect

condition,” Nazaroff said, emphasizing that understanding that the bullet would be fragmented was common knowledge, just days after the death of Kirk.

Owens even mentioned it in a podcast on Sept. 25.

“It seems obvious that there are people who will latch onto the piece of evidence that they think can be most easily used to confuse people,” Nazaroff added. I want people to take away the fact that, again, ballistic science is very inexact at best, and you’re dealing with a lot of people on the internet who have no knowledge of it whatsoever. ... This is not something that you can draw a 100% conclusions about. This is but one piece of evidence among many.”

Former federal prosecutor Cully Stimson said on Fox News that it’s a “delay tactic” by Robinson’s defense. At the beginning of this year, Kirk’s widow, Erika Kirk, asked Utah attorneys to guarantee her right to a speedy trial.

“Nobody believed in the importance of the United States Constitution more than Charlie Kirk. And although the United States Constitution guarantees criminal defendants many rights, it does not guarantee them the right to cause undue delay in the criminal justice process,” Kirk’s lawyer wrote.



## On the Hill

Deseret News congressional correspondent Cami Mondeaux brings you weekly updates on happenings in Washington, D.C. – and the impact on Utah.

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# **EXHIBIT B**

**EXHIBIT B**

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## Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims

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By MELISSA KOENIG, US REPORTER

PUBLISHED: 18:43 EDT, 30 March 2026 | UPDATED: 11:27 EDT, 1 April 2026

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The bullet that killed conservative commentator **Charlie Kirk** may not match the rifle used by suspected killer Tyler Robinson, a bombshell new court filing states.

Robinson, 22, is **facing capital murder charges** and a potential death sentence for Kirk's murder at **Utah Valley University** on September 10.

But his defense attorneys now argue that the Bureau of **Alcohol, Tobacco, Firearms and Explosives** 'was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr Robinson.'

The defense team may now offer the ATF firearm analyst's testimony as exculpatory evidence, they said in a motion filed on Friday to push the preliminary hearing back at least six months, **Fox News reports**.

It also notes that DNA reports filed by the Federal Bureau of Investigation and ATF will take time for the defense team to analyze because reports indicated that several different DNA samples were found on some items of evidence.

'As these cases indicate, determining the number of contributors to a DNA mixture and determining whether the FBI and the ATF reliably applied validated and correct scientific procedures... is a complicated process which requires the assistance of various types of experts, including forensic biologists, geneticists, system engineers

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and statisticians, all of whom must review and evaluate' several different categories, the filing states, **according to Deseret News.**

Robinson's attorneys added that they have received about 20,000 electronic audio files, videos and written documents that prosecutors have presented as evidence in the case.



Attorneys representing accused gunman Tyler Robinson, 22 (pictured in December) claimed the bullet that was used to kill conservative commentator Charlie Kirk did not match the rifle he allegedly used



Kirk, 31, was shot dead as he visited Utah Valley University on September 10

## Charlie Kirk shot dead at conservative students' rally in Utah



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'The defense team has devoted, and will continue to devote, significant resources, to processing discovery, including identifying materials not yet received to inform readiness for the preliminary hearing,' the filing states.

'However, the defense team is realistic and the comprehensive review required to determine what is missing will take hundreds of hours.'

'What is known at present is that Mr Robinson has not yet received the forensic case files and data necessary to investigate, through the use of qualified experts, the scientific reports the state intends to introduce at the preliminary hearing,' the attorneys continued.

Defense attorneys and prosecutors had previously met on March 12.

Based on that meeting, the defense said in the motion it believes prosecutors will introduce 'discrete "buckets" of evidence through three identified law enforcement witnesses at the preliminary hearing.

'This includes a conclusory forensic DNA and ballistic reports authored by the FBI and the ATF, social media data, testimony

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**EXCLUSIVE** **Mystery of the Charlie Kirk bullet: Experts weigh in on finding it doesn't match 'assassin's' rifle**

by law enforcement officers about the crime scene and search locations, and testimony by Mr Robinson's parents and roommate' as well as "a significant amount of hearsay" from "non-testifying peace officers".

Prosecutors have alleged Robinson drove three hours from his home to the university campus to kill Kirk, 31.



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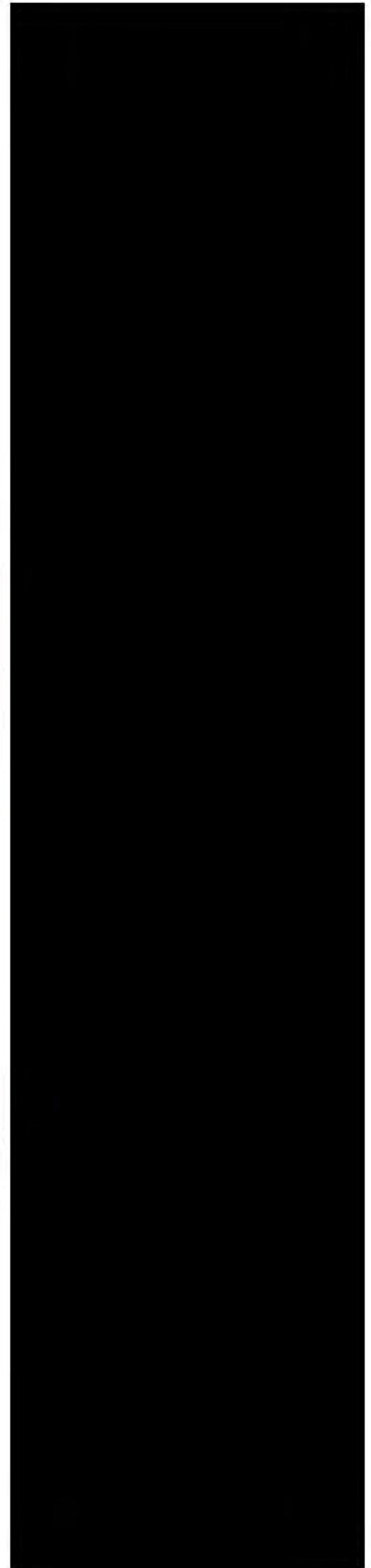
Does this new evidence change your view of the case?



What's your view?



Prosecutors have alleged Robinson drove three hours from his home to the university campus to kill Kirk





He was turned over to police by his father, Matt Robinson (pictured center), after his son allegedly confessed to the crime



Matt said he recognized his own father's rifle in the images released by police amid the manhunt for Kirk's assassin

He was **turned over to authorities by his father**, Matt, after he recognized his own dad's rifle in the images released by police amid a manhunt for Kirk's assassin.

Tyler's grandfather had given him the rifle as a gift before he used it to kill Kirk, authorities have said.

After then recognizing the 'unique' gun, Matt texted his son, asking him for a picture of the family heirloom, which the suspect could not provide, according to police.

In a text exchange between Tyler Robinson and his roommate and partner, Lance Twiggs, the alleged killer claimed the rifle was the only evidence he left behind, court documents show.

**POLL**

**Do YOU think this new evidence changes the case?**

- Yes, it raises serious doubts**
- No, the overall case still stands**

'If I am able to grab my rifle unseen, I will have left no evidence. Going to attempt to retrieve it again, hopefully they have moved on,' he allegedly wrote. 'I haven't seen anything about them finding it.'

- 
- **Too early to know**

Robinson also reportedly wrote about planning to get the weapon from his 'drop point,' but that the area was 'locked down.'

'I'm wishing I had circled back and grabbed it as soon as I got to my vehicle,' he continued.

'I'm worried what my old man would do if I didn't bring back grandpas rifle... idek [I don't even know] if it had a serial number, but it wouldn't trace to me. I worry about prints I had to leave it in a bush where I changed outfits. didn't have the ability or time to bring it with.'

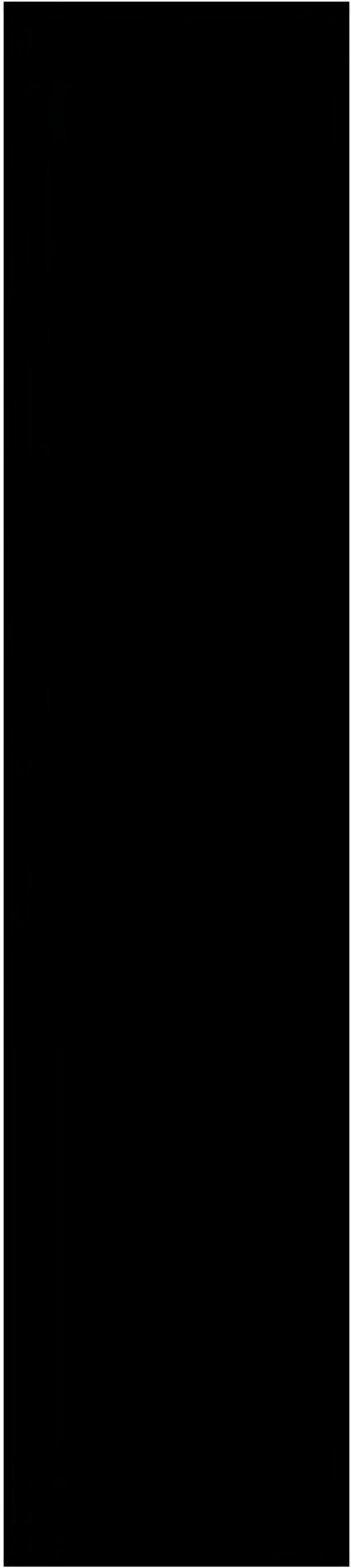


**Robinson allegedly claimed in a text message that he left behind the rifle**





The text was sent to Robinson's roommate and suspected lover, Lance Twiggs (pictured)



## Charlie Kirk shooting suspect Tyler Robinson smirks in court



The alleged killer then expressed concern that his father would ask to see the gun.

'I might have to abandon it and hope they don't find prints. how the f\*\*\* will I explain losing it to my old man... only thing I left was the rifle wrapped in a towel,' he wrote.

Robinson signed off the fateful text exchange by warning his partner Lance Twiggs to delete their messages, and said his father was trying to call him about his grandfather's rifle.

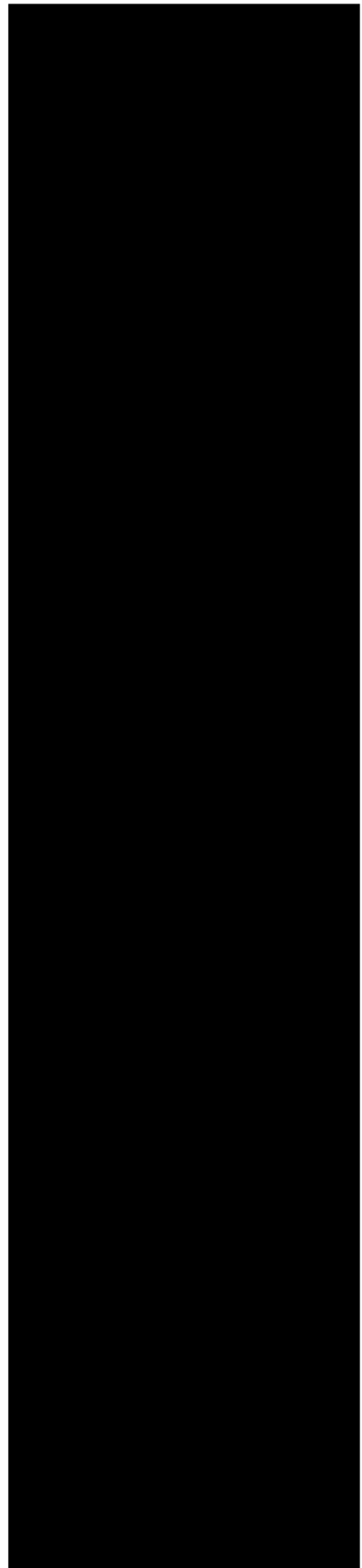
He ultimately allegedly confessed to committing the murder to his father, who then contacted authorities and secured his son before he could be taken into custody.

Robinson's arrest shocked his friends, who **told the Washington Post** that even though the accused murderer would 'joke' about Republican politicians 'catching a bullet' during drunk tirades, they saw no indication he was violent.

Those in his inner circle have identified him as having been radicalized by left-wing extremists, but claimed he provided no indication that he would kill Kirk.

'He loved his guns, he loved his beer, he hated the government. That's the impression that I got,' a friend who regularly played card games with Robinson and his housemate told the Post.

The friend claimed that Robinson openly opposed Democrat and Republican politicians and though he was registered to vote, was not affiliated with any party.





© VIA REUTERS

Robinson is now due back in court on April 17, when his defense attorneys and prosecutors will debate the issue of allowing cameras and microphones in the courtroom



© Instagram

Kirk's widow, Erika Kirk, has called for transparency in the case

Robinson is now due back in court on April 17, when his defense attorneys and prosecutors will debate the issue of allowing cameras and microphones in the courtroom.

His attorneys have previously noted that pretrial publicity reached as far as the White House, with President Donald Trump saying shortly after Robinson's arrest that he hopes 'he gets the death penalty.'

They are now expected to show evidence at the hearing they believe contains 'harmful and prejudicial media coverage of this case thus far.'

But Kirk's widow, Erika Kirk, has called for full transparency in coverage of the trial, saying: 'We deserve to have cameras in there.'

She also publicly forgave Robinson for allegedly killing her husband.

[Charlie Kirk](#)

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**EXHIBIT C**

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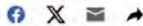
# Does the bullet match? Key issue emerges in Charlie Kirk murder case

Defense attorneys say law enforcement has not linked a bullet found during Charlie Kirk's autopsy to the rifle allegedly used in the shooting.



N'dea Yancey-Bragg USA TODAY

Updated March 31, 2026, 6:05 p.m. ET



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### Defense says bullet may not be linked to alleged weapon in Kirk case

Attorneys for the man accused of fatally shooting Charlie Kirk said a federal agency did not connect the bullet found during autopsy to the alleged murder weapon.

Attorneys for the man accused of shooting conservative activist Charlie Kirk said a federal law enforcement agency did not connect the bullet found during autopsy to the suspected murder weapon.

Tyler Robinson has been charged with aggravated murder and other felonies in Kirk's death. Kirk, 31, was killed Sept. 10 while speaking to students at Utah Valley University in Orem, Utah.

Authorities had said the gun used to assassinate Kirk was a Mauser 98, a common bolt-action rifle typically used for hunting. The hunting rifle, which had a heavier .30-06 caliber, dates back decades as German-made military surplus with millions produced and resold in the United States, experts told USA TODAY.



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### Charlie Kirk remembered in memorials: Conservative activist was shot while speaking in Utah

Conservative activist and Turning Point USA cofounder Charlie Kirk died after being shot during an event at Utah Valley University in Orem, Utah.

Officials recovered the weapon near the scene of the shooting with one spent cartridge in the chamber and three unfired bullets etched with meme-influenced messages.

**More:** [What we know about the gun used in the Charlie Kirk assassination](#)

Robinson's attorneys said in a court filing that they have received a summary report from the Bureau of Alcohol, Tobacco, Firearms and Explosives "which indicates that the ATF was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson."

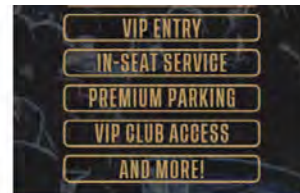
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"Although the State has not indicated an intent to produce this report at the preliminary hearing, the defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence," the court filing said.

Robinson's attorneys said the FBI is conducting a second comparative bullet analysis and a bullet lead analysis, but it was not yet complete. The defense asked Judge Tony Graf to delay the preliminary hearing, scheduled for May, in part because the team has not gotten the case files and protocols related to these analyses and other evidence from prosecutors.

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The defense did, however, receive a hard drive with more than 600,000 files in a meeting March 12 with prosecutors, according to the court filing. That came on top of the 20,000 files the defense team had already received, which included 31 hours of audio and more than 700 hours of



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video.

Robinson's attorneys said it would take at least 60 days to review the evidence they have and determine whether more has not yet been turned over to them.

"The defense team has devoted, and will continue to devote, significant resources to processing discovery, including identifying materials not yet received to inform readiness for the preliminary hearing," the court filing said. "However, the defense team is realistic and the comprehensive review required to determine what is missing will take hundreds of hours."

When asked about the defense's characterization of the ATF report, Christopher D. Ballard, a spokesperson for the Utah County Attorney's Office, told USA TODAY ethical rules prohibit him from speaking publicly about forensic testing and test results.

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**Charlie Kirk remembered in memorials: Conservative activist was shot while speaking in Utah**

Conservative activist and Turning Point USA cofounder Charlie Kirk died after being shot during an event at Utah Valley University in Orem, Utah.

Officials recovered the weapon near the scene of the shooting with one spent cartridge in the chamber and three unfired bullets etched with meme-influenced messages.

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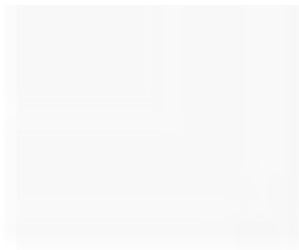
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Utah County Attorney Jeff Gray has said he will seek the death penalty for Robinson. Robinson is set to return to court April 17 for hearing on a defense motion to ban cameras from the courtroom.

*This story has been updated to add new information.*

Contributing: Eduardo Cuevas



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# **EXHIBIT D**

**EXHIBIT D**

# Bullet That Killed Charlie Kirk Doesn't Match Tyler Robinson's Rifle, His Lawyers Claim

Robinson's lawyers claim an ATF analysis failed to link the bullet to the rifle "allegedly tied" to their client

By [Liam Quinn](#) | Updated on March 31, 2026 04:22PM EDT

383 COMMENTS

## NEED TO KNOW

- Tyler Robinson's lawyers are arguing in a new court filing that the ATF has been unable to conclusively link the bullet used to kill Charlie Kirk to a rifle "allegedly tied" to their client
- Robinson's attorneys are seeking to delay a preliminary hearing currently scheduled for May
- Robinson is accused of being the shooter who killed Kirk at an event at Utah Valley University

Lawyers for [Tyler Robinson](#), the man [accused](#) of killing [Charlie Kirk](#), argue in a new court filing that authorities have been unable to link the bullet that killed the conservative activist to a gun "allegedly tied" to their client.

The claim is found in a motion to delay an upcoming preliminary hearing scheduled for May, during which a judge will decide whether the case will proceed.

Robinson's defense team claims that an Alcohol, Tobacco & Firearms (ATF) summary report indicated that the agency "was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson."

"Although the State has not indicated an intent to produce this report at the preliminary hearing, the defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence," the filing states.

"In order to make this determination, it is necessary for the defense and its firearm expert to review the ATF case file and protocols relating to this examination, which have not yet been provided," it continues. "The State has also indicated that the FBI is in the process of conducting a second comparative bullet analysis, as well as a bullet lead analysis, but that these analyses are not yet complete."

Robinson is accused by authorities of killing Kirk while he was speaking at a Turning Point USA event on the campus of Utah Valley University in Orem, Utah on Sept. 10, 2025.

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Kirk was killed by a bullet fired from more than 100 yards away. A multi-day manhunt ensued, culminating in the arrest of Robinson, who [authorities](#) said was suspected by a family member, who subsequently alerted a friend.

Robinson has been charged with multiple felonies, including aggravated murder. He has not yet entered a plea.

Prosecutors have said they intend to seek the death penalty.

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# **EXHIBIT E**

**EXHIBIT E**

Crime

# Charlie Kirk's accused assassin's lawyers question link between bullet from autopsy and rifle found near scene

Updated on: March 31, 2026 / 9:13 AM EDT / CBS/AP

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Provo, Utah – Lawyers for the man charged with killing conservative activist Charlie Kirk have asked to delay a preliminary hearing scheduled for May, saying they need time to review an enormous amount of material and a bullet analysis that could contribute to his defense.

Tyler Robinson's defense team said in recent court filings that an analysis from the Bureau of Alcohol, Tobacco, Firearms and Explosives, a federal law enforcement agency, couldn't conclusively connect a bullet fragment recovered during an autopsy to the rifle found near the scene.

The FBI is running additional tests, according to court documents.

Those documents say the FBI is "in the process" of conducting a second bullet analysis as well as an analysis of the lead the bullet was made of, according to CBS Salt Lake City affiliate KUTV.

The ATF report has been kept private, but attorneys have cited snippets in other public filings that say the results were inconclusive



Tyler Robinson, accused of fatally shooting Charlie Kirk, appears during a hearing in Fourth District Court on Dec.11, 2025 in Provo, Utah.

Rick Egan-Pool / Getty Images

The success of a forensic ballistics analysis largely depends on the size and condition of the bullet fragments. Experts are looking for unique, microscopic markings that are left on a bullet as it passes through the gun's barrel. The scratches are like fingerprints in that no two firearms make identical markings.

The defense said in its motion that it may try to use the analysis to clear Robinson of blame during the preliminary hearing, while prosecutors aim to show they have enough evidence against him to proceed with a trial.

Prosecutors intend to seek the death penalty for Robinson, 22, who is charged with aggravated murder in the Sept. 10 shooting of the conservative activist on the Utah Valley University campus in Orem. Robinson has not yet entered a plea.

Prosecutors have said DNA consistent with Robinson's was found on the trigger of the rifle, the fired cartridge casing and two unfired




Lawyers for man accused in Charlie Kirk's killing question evidence and ask to delay hearing (02:07)

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cartridges. Defense attorneys note that forensic reports indicate multiple people's DNA was found on some items, which they say requires a more complex analysis.

Robinson reportedly texted his romantic partner that he targeted Kirk because he "had enough of his hatred," prosecutors have said.

Robinson is due back in court April 17 for a hearing on [a defense motion to ban cameras from the courtroom](#).

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Jed Rubinfeld: Three Legal Questions About Charlie Kirk's Assassination



In: [Tyler Robinson](#) [Charlie Kirk](#)

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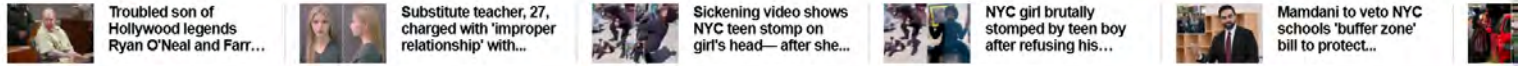
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# **EXHIBIT F**

**EXHIBIT F**

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US NEWS EXCLUSIVE DETAILS

## Prosecutors reveal what analysis of Charlie Kirk bullet and Tyler Robinson's gun really found

By Priscilla DeGregory

Published March 31, 2026, 5:09 p.m. ET

284 Comments



The bullet that killed Charlie Kirk was so damaged that investigators could not confirm that it was fired from Tyler Robinson's gun — but that also doesn't mean it came from a different rifle, prosecutors said Tuesday.

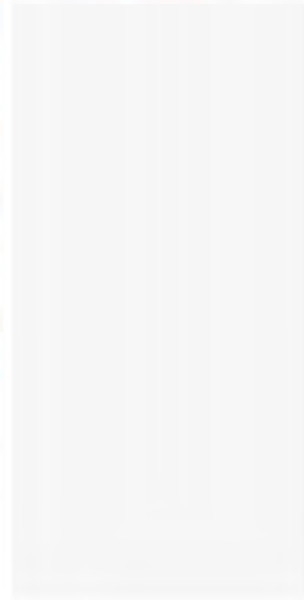
Claims emerged this week that the "bullet jacket fragment" recovered from Kirk's body didn't match the .30-06 hunting rifle Robinson allegedly used in the September 2025 assassination — fanning online conspiracy theories about the conservative icon's death.

But court documents reveal something different.



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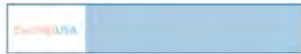


Court records show the bullet that killed Charlie Kirk wasn't a bad match with the gun Tyler Robinson is accused of using. AP

When the fragment was recovered during an autopsy and compared to the murder weapon found at the scene, "the result of the comparison was inconclusive," according to court papers filed this month that reference findings from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

The ATF report has not been made public yet, and has only been referenced in court papers, to date.

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California gov candidate shares vile antisemitic Charlie Kirk conspiracies



Trump supporters praise president as he headlines Turning Point Action event at megachurch: 'He is playing 3D chess'



Accused Charlie Kirk killer Tyler Robinson in court as defense argues to postpone case, keep cameras out of hearings

And the FBI is still in the process of conducting its own analysis of the ballistic evidence, Robinson's team wrote in court papers from Friday.

Robinson's lawyers want to postpone a May 18 hearing on the grounds they needed to wait for those results and other evidence from prosecutors.

And the defense suggested it might seek to use the murky findings as evidence against the charges he killed 31-year-old Kirk during an event Utah Valley University on Sept. 10, 2025.



The Mauser bolt-action rifle allegedly used by Charlie Kirk assassination suspect Tyler Robinson. Obtained by the NY Post

*It is evident from the foregoing that the defense has been diligent in seeking available DNA discovery, in retaining needed experts and providing them with discovery, and in formulating a reasonable work plan for completion of the defense independent analysis of the State's DNA evidence. What is preventing that plan from going forward is the incomplete status of the DNA discovery, as outlined in the defense's March 25, 2025 informal discovery request. *Nevad Decl., Exhibit F.**

**Regarding the firearm evidence, the defense has been provided with an ATF summary report which indicates that the ATF was unable to identify the bullet recovered in autopsy to the rifle allegedly tied to Mr. Robinson. Although the State has not indicated an intent to produce this report at the preliminary hearing, the defense may very well decide to offer the testimony of the ATF firearms analyst as circumstantial evidence:** In order to make this determination, it is necessary for the defense and its firearms expert to review the ATF case file and protocols relating to this examination, which have not yet been provided. The State has also indicated that the FBI is in the process of conducting a second comparative bullet analysis, as well as a bullet lead analysis, but that those analyses are not yet complete. Again, until the defense receives the case files and protocols relating to these analyses, and has them independently evaluated by its expert, they will not be in a position to assess the reliability of this evidence if either the State or the defense decides to proffer it.

There are also several other categories of incomplete forensic discovery outlined in the defense's informal discovery request. *Id.* Until the defense receives the case files and protocols relating to these analyses, and has them independently evaluated, they will not be in a position to assess the reliability of this evidence if either the State or the defense decides to offer it.

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Part of the filing by Robinson's legal team on Friday.  
Obtained by the Post

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Utah County Attorney's Office prosecutor Christopher Ballard said he can't comment on forensic testing and results — but he said "when the results of a bullet fragment analysis come back as inconclusive, that means only that the fragment did not contain enough detail for the examiner to determine whether the characteristics on the fragment were consistent with having been fired by a particular firearm."



18,638

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"Regarding the firearm evidence, the defense has been provided with an ATF summary report which indicates that the ATF was unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson," Robinson's team wrote in the Friday filing.



Robinson is accused of fatally shooting Charlie Kirk in September in front of a crowd of thousands.  
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Kirk was speaking at a Utah Valley University when he was shot.  
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(Castle County Radio), KUER-FM, Lehi Free Press, The Park Record, CBS Broadcasting, Inc., The New York Times Company, Fox News Media, and Law & Crime Network (all collectively, **News Media**) hereby oppose Defendant's Motion to Classify Defendant's Motion filed January 9, 2026 (Motion to Classify) (Dkt. 285).

The News Media and the State previously opposed the Motion to Classify. (Dkts. 302, 337, 340.) But the News Media was unable to thoroughly address the merits because defense counsel refused to provide the underlying motion to counsel for the News Media, even on an attorneys' eyes only basis. Now that the Court has ordered defense counsel to provide AEO access, the News Media submits this supplemental opposition.<sup>1</sup>

The law regarding public access to court filings has already been covered at length (see Dkts. 302, 337), so the News Media will not belabor the point. But as a brief reminder, court filings are presumptively public, and both the U.S. Supreme Court and the Utah Supreme Court have recognized the public's right of access to criminal proceedings, including pretrial filings. See Utah Code Jud. Admin. R. 4-202.02(1), (2)(f); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) ("From this unbroken, uncontradicted history, supported by reasons as valid today as in centuries past, we are bound to conclude that a presumption of openness inheres in the very nature of a criminal trial under our system of justice. This conclusion is hardly novel...."); *Press-Enterprise Co. v. Superior Ct. of Cal. for Riverside Cnty.*, 478 U.S. 1, 7 (1986) (applying the right of public access to preliminary hearings because the right does not depend "on the label we give the event, i.e., 'trial' or otherwise"); *State v. Archuleta*, 857 P.2d 234, 237-

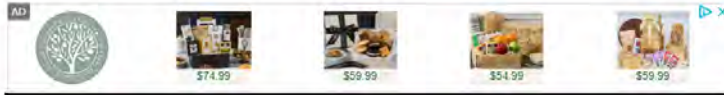
<sup>1</sup> Pursuant to the Court's Rulings and Orders dated February 23, 2026, the News Media have filed this Supplemental Opposition under seal on a provisional basis only. However, the Court should order the public release of this and any other sealed filings relating to the Motion to Classify for the same reasons that the underlying evidentiary motion should be made public.



Part of the filing by Robinson's legal team on Friday.  
Obtained by the Post

"The defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence," Robinson's team wrote. "In order to make this determination, it is necessary for the defense and its firearm expert to review the ATF case file and protocols relating to this examination, which have not yet been provided."

Robinson, 22, **is accused of killing Kirk** — the co-founder of Turning Point USA — during an event at the Utah Valley University in Orem, Utah. He could face the death penalty if he's convicted of aggravated murder.



**284** What do you think? [Post a comment.](#)

He's being held behind bars until his trial concludes.



Robinson is due back in court on April 17 where his lawyers are expected to argue why the press shouldn't be allowed to record or take photos at Robinson's hearings and trial.

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# **EXHIBIT G**

**EXHIBIT G**

# Does a bullet analysis clear Charlie Kirk's suspected killer? What an 'inconclusive' result means

CRIME GUNS



Tyler Robinson, who is accused of fatally shooting Charlie Kirk, appears during a hearing in Fourth District Court in Provo, Utah, Dec. 11, 2025. (AP)



By Loreben Tuquero  
April 2, 2025

New court filings in Utah's case against Tyler Robinson, the suspect in Charlie Kirk's murder, gave way to widespread claims that a bullet analysis exonerates him.

Robinson's lawyers wrote in a March 27 court filing that the Bureau of Alcohol, Tobacco, Firearms and Explosives was "unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson."

In a previous court filing from March 10, lawyers for news media seeking public disclosure quoted an ATF report that the defense counsel had cited. The report compared a bullet jacket fragment from Kirk's autopsy to a recovered rifle and determined the comparison to be "inconclusive."

These led to reports, including a March 30 Daily Mail headline [that read](#), "Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims."

On social media, former congresswoman [Marjorie Taylor Greene](#), conservative commentator [Candace Owens](#) and others spotlighted the news and hinted that it showed far less is known about Kirk's killing than has been reported.

The ATF report has not been made public.

PolitiFact spoke to forensic science and criminology experts who said an "inconclusive" finding on a bullet fragment like this is not

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uncommon, and it does not rule out that the weapon used in KIRK'S killing was the same one linked to Robinson.

"When the results of a bullet fragment analysis come back as 'inconclusive,' that does not mean that the rifle did not fire the bullet," Christopher Ballard, a spokesperson for the Utah County Attorney's Office and part of the prosecution team, wrote in an email to PolitiFact. "There just aren't enough marks on the fragment to make a conclusion one way or the other as to whether the bullet fragment was fired by the particular rifle."

It is also incorrect to say that the bullet "did not match" the rifle, the experts said. The bullet may simply be too small or too deformed for examiners to provide an accurate analysis.

## **How ballistics examination works**

To match a bullet to a suspected firearm, examiners look at shell casings and projectiles recovered from crime scenes and autopsies. They inspect these objects for points where the ammunition made contact with the firearm.

Bernard Zapor, retired ATF special agent in charge and faculty associate at Arizona State University's School of Criminology & Criminal Justice, said the mechanical process of shooting a firearm leaves marks on the shell casing, the primer and the projectile.

"If there's enough of the projectile recovered, then it can be examined," he said.

When a bullet leaves a rifle's barrel, for instance, the rifle's inside leaves marks on the outside of the bullet, said Stephanie Walcott, assistant professor at the Virginia Commonwealth University's Department of Forensic Science.

Examiners run tests by firing the same type of ammunition from an identical weapon into a water tank, or other type of bullet recovery system, so the projectile will not be deformed.

Examiners can then compare the microscopic rifling marks between the crime scene bullet and the test-fired bullets to conclude that they originated from the same type of firearm, Walcott said.

## **Multiple factors can lead to an 'inconclusive' finding**

An inconclusive result is "very common" especially with rifle bullets, Walcott said, because they travel with high energy and velocity and cause extreme damage to both the target and the bullet.

When a bullet is fired from a barrel, it interacts with internal rifling that includes spiral grooves. That spiral pattern spins the bullet as it travels down and exits. That pattern can vary according to the number of grooves, the width of those grooves, and the direction of the spiral.

If the bullet had a different type of rifling than the recovered firearm, then a match would be ruled out, Walcott said.

That's why it's "extremely misleading" to say that the "inconclusive" finding in the Kirk bullet analysis means the bullet "does not match" the rifle, Walcott said.

"In firearms and bullets, the rifling specification inside the barrel must be consistent with each other in order for an inconclusive to even be possible," she said. "If the bullet fragment showed a clear difference in the rifling characteristics, then it would have been an immediate elimination."

ATF firearms examiners are required to have two points of confirmation, Zapor said. They have to identify two marks to confirm that the projectile came from the round and was fired from the firearm, and they typically have to bring in another ballistics examiner to agree with their findings, he said.

"So it's a very high threshold to be able to say conclusively that the recovered projectile came from that shell casing, came from that firearm," Zapor said.

A [2022 study](#) with a sample of 79 firearm and toolmark examiners found that the average participant reports an inconclusive examination in 20% of casework calls.

## **What other evidence is present in Robinson's case?**

The defense team wrote that, according to the prosecution, the FBI is conducting a second comparative bullet analysis and a bullet lead analysis.

Ballard said he cannot comment on the additional testing apart from what is in the public record, "but there are different tests that can be done to attempt to determine whether a particular rifle fired the bullet."

Zapor said the bullet analysis is only one piece of evidence that will be presented to a jury. The State of Utah's [charging document](#) against Robinson included the following:

- Robinson surrendered to police at the Washington County Sheriff's Office the day after the Sept. 10 killing.
- Robinson's DNA was found on the rifle's trigger, other parts of the rifle, the fired cartridge casing, two of the three unfired cartridges and the towel used to wrap the rifle.
- Robinson instructed his roommate to delete text messages he'd sent regarding Kirk's killing and to avoid talking to the police.

"This definitely leaves the question of the bullet open with no clear answer, which can be frustrating but the evidence is what it is," Walcott said. "Sometimes, a forensic analysis can't give a definitive answer. They will have to rely on other investigative information to answer all of the questions."

*PolitiFact Researcher Caryn Baird contributed to this report.*

### **Our Sources**

Daily Mail, [Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims](#), March 30, 2026

[X post by Marjorie Taylor Greene](#), March 30, 2026

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Phone interview, Bernard Zapor, faculty associate at Arizona State University's School of Criminology & Criminal Justice, April 1, 2026

Email interview, Stephanie Walcott, assistant professor at the Virginia Commonwealth University's Department of Forensic Science, April 1, 2026

Email exchange, Brandon Garrett, law professor at Duke Law, April 1, 2026

Email exchange, Christopher Ballard, spokesperson for the Utah County Attorney's Office, April 1, 2026

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Clear

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#### Seth Moulton

stated on March 24, 2026 in an interview on MS NOW:

# **EXHIBIT H**

**EXHIBIT H**

NEWS

# Charlie Kirk assassination bombshell revealed: 'Case has a fundamental problem'

Published: Mar. 31, 2026, 5:00 a.m.



Turning Point USA Founder Charlie Kirk was killed last year. (AP Photo/Ross D. Franklin, File) AP



By [Brian Linder](#) | [blinder@pennlive.com](mailto:blinder@pennlive.com)

A bombshell claim in the case against Tyler Robinson, who is accused of assassinating conservative activist Charlie Kirk last year, has social media buzzing.

According to multiple reports, documents in the case claim the bullet used in the assassination does not match the rifle that has been tied to Robinson.

[TMZ reported that](#) Robinson's defense team is arguing that there is "a discrepancy between the ballistic evidence and the weapon prosecutors say is connected" to him.

Marjorie Taylor Greene shared a headline from the Daily Mail reporting the claim and replied with an eyeball emoji. Greene posted again on X, writing, "The ATF could not match the bullet to Tyler Robinson's gun and when the news breaks the sheriff resigns."

Washington County Sheriff [Keith Brooksby did resign Monday after 30 years](#) in law enforcement after meeting with the commissioners' office to address "a few different allegations."

There is no evidence that is tied to the Kirk assassination case, though.

The former Congresswoman from Georgia was not the only person talking about the claim from Robinson's defense team.

"This is not a minor evidentiary dispute," Brian Allen wrote on X. "If the bullet doesn't match the gun — the prosecution's case has a fundamental problem."

"Where are all my neocons who have been 'overwhelmed' by the non-existent evidence against Tyler Robinson?" Candace Owens wrote. "You should all be ashamed of yourselves. Hope the money was worth it."

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Charlie Kirk assassination bombshell takes another turn as new information is revealed Apr. 22, 2026, 3:57 p.m.

Charlie Kirk assassination: Does the recovered bullet match Tyler Robinson's gun? Apr. 22, 2026, 9:17 a.m.

There were plenty of wild conspiracy theories being kicked around social media, too.

Kirk, 31, a polarizing but popular conservative activist, was shot and killed while speaking at Utah Valley University on Sept. 10, 2025.

Robinson was arrested a short time later, and is facing multiple charges including aggravated murder and felony discharge of a firearm causing serious bodily injury.



Brian Linder is the trending editor at PennLive.com. He has more than 20 years of experience working for newspapers first in South Carolina, then Daytona Beach, Florida and now in Pennsylvania. Linder spent...more

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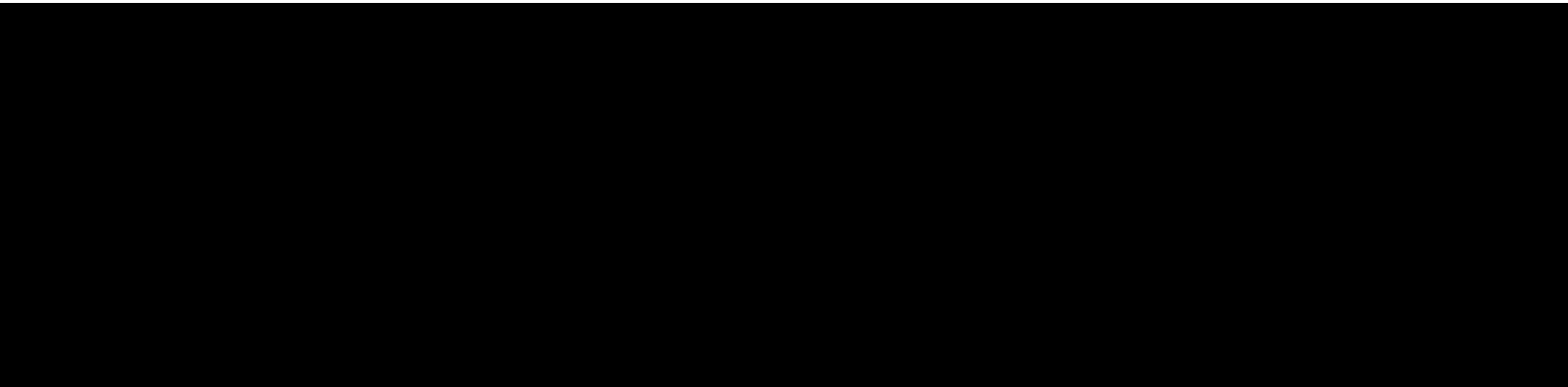
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# **EXHIBIT I**

**EXHIBIT I**

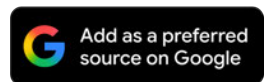


Prosecutors Fire Back at Charlie Kirk Murder Suspect's Claims About Bullet

# CHARLIE KIRK MURDER SUSPECT PROSECUTORS SLAM HIS CLAIMS Bullet Doesn't Match

*EXCLUSIVE*

38



By *TMZ STAFF*

Published *March 31, 2026 12:18 PM PDT* | Updated *March 31, 2026 2:41 PM PDT*



Getty

The attorney prosecuting **Tyler Robinson** in the case concerning **Charlie Kirk**'s killing tells TMZ the bullet matching test results were inconclusive ... but that doesn't remove Tyler from suspicion.

Attorney **Christopher Ballard** tells us, "Generally when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other. There's just not enough there to determine whether the bullet was fired by a particular firearm. We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing -- and then we will present all of that evidence at the trial."



FBI

As we reported ... Tyler's defense team argued there's a **discrepancy** between the ballistic evidence and the weapon prosecutors say is connected to Robinson.

In a filed motion, they wrote, "The defense may very well decide to offer the testimony of the ATF firearm analyst as exculpatory evidence."

But Ballard says this isn't expected to derail their case against Robinson.

## ***COURT IS IN SESSION***

KSL News Utah

He told us, "Can't speak about specific evidence, but the evidence that we detailed in the charging document is a general summary of the evidence that shows Tyler Robinson committed this crime."

Ballard added, "He is presumed innocent. The ultimate decision will be up to the jury -- we believe we will be able to overcome his presumption of innocence."



## *CHARLIE KIRK THROUGH THE YEARS*

LAUNCH GALLERY

Getty

As you know ... Robinson **allegedly confessed** to his father that he **shot and killed** Kirk on the Utah Valley University campus on Sept. 10. Robinson's father reportedly told a youth pastor, who happens to work with the U.S. Marshals, and Robinson ultimately surrendered at the Washington County Sheriff's Office, around 10 PM on Sept. 11.

The aggravated murder charge Robinson is facing could get him the death penalty if convicted.

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