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**IN THE SALT LAKE DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

SALT LAKE CITY, a Municipal Corporation, on behalf of the State of Utah Plaintiff, v. PETER GOLUB, an individual Defendant.	MOTION TO STRIKE AND OBJECTION TO DEFENDANT’S MOTION TO SUPPRESS AND MOTION IN LIMINE Case Number 235900706 Judge Elizabeth A. Hruby-Mills
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Pursuant to Rule 12(f) of the Utah Rules of Criminal Procedure, Plaintiff State of Utah (“Plaintiff”), through counsel, hereby requests that the Court strike Defendant Peter Golub’s (“Defendant”) Motion to Suppress Statements and Motion in Limine to Exclude Intoxilyzer Test Results (together, the “Motions”), and further objects to the Motions.

INTRODUCTION AND FACTUAL BACKGROUND

On December 3, 2024, Defendant filed an array of motions he entitled respectively: “Motion to Suppress and Dismiss,” “Motion to Motion to Suppress and Dismiss,” “Motion to Suppress Statements,” and “Motion to Motion to Suppress” (together, the “Initial Motions”). [See Dkts. 48-51]. In these motions, Defendant argues several points including that “Officer’s [(Ernstsen)] Basis for the Stop is Not Supported by Evidence,” [see Dkt. 48 at 3], “The Officer’s Conduct Demonstrates Arbitrary and Selective Enforcement,” [see *id.* at 5], “Field Sobriety

Testing Demonstrates Systematic Departure From Established Protocols and Constitutional Safeguards,” [see *id.* at 9], “Chemical Testing Administration and Equipment Reliability Demonstrate Substantial Evidentiary Deficiencies,” [see *id.* at 12], and “Constitutional Violations Require Suppression of All Evidence.” [See *id.* at 16]. Accordingly, based on these arguments, Defendant sought to suppress all evidence including the intoxilyzer test results, and statements he made to Corporal Ernstsens. [See *id.*; see also Dkts. 49-51].

The Court subsequently scheduled a Motion Hearing in this case, which was set on January 2, 2025. [See Dkt. 53]. For the Motion Hearing, Plaintiff subpoenaed Corporal Ernstsens who testified at the Hearing. “Defendant cross examine[d]” Corporal Ernstsens, the parties argued, and the “Court denie[d] the motion to suppress” and “the motion to dismiss.” [See *id.*].¹ This case was then set for a 2-day jury trial. Additionally, the Court set a “Motion cutoff date” of February 28, 2025 at 5:00pm. [*Id.*]. The Final Pre-Trial was held in this case on August 18, 2025 and Defendant then filed several more motions. [See Dkts. 74-78]. A pre-trial conference was held and Defendant filed two more motions subsequently on October 16, 2025—the Motion in Limine to Exclude Intoxilyzer Test Results and the Motion to Suppress Statements. [See Dkts. 98, 101]. In the Motions, Defendant argues virtually the same things he argued in the Initial Motions—ultimately claiming the intoxilyzer test results and his statements made to Corporal Ernstsens should be excluded from trial. [See *id.*].

The Motions are untimely, and the arguments made therein have already been adjudicated. Accordingly, the same should be stricken.

¹ The cross examination began at 12:49pm and ended at 2:30pm.

ARGUMENT

Under Rule 12(f) of the Utah Rules of Criminal Procedure, “Failure of the defendant to timely raise defenses or objections or to make requests which must be made . . . at the time set by the court shall constitute waiver thereof.”

The Court set a motion cutoff of February 28, 2025 at 5:00pm. [Dkt. 53]. Defendant then filed the Motions on October 16, 2025—nearly 8 months after the cutoff date. Defendant’s Motions are grossly untimely and should be stricken.

Moreover, the Motions have essentially been adjudicated. Defendant has already raised the arguments of the Motions in his Initial Motions, which the Court already denied 9 months ago. Re-opening such arguments would prejudice Plaintiff and further delay the trial.

CONCLUSION

Defendant has had ample time to file motions, to cross-examine Corporal Ernstsén, and has had the opportunity to adjudicate arguments he now raises again. The Court should strike Defendant’s untimely Motions.

DATED this 29th day of October, 2025.

/s/ Joseph C. Johnson
Joseph C. Johnson
Associate City Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2025, I caused a true and correct copy of the foregoing to be served on all parties of record via the Court's electronic filing system.

/s/ Joseph C. Johnson
Joseph C. Johnson