

**THIRD JUDICIAL DISTRICT - SALT LAKE COUNTY DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH**

**STATE OF UTAH
Plaintiff,**

v.

**PETER GOLUB,
Defendant.**

**MOTION TO COMPEL DISCLOSURE
OF WITNESS IDENTITY ("OFFICER
2")**

**Case No: 235900706
Judge: ELIZABETH A. HRUBY-MILLS
Date: February 9, 2026**

1. FACTUAL BACKGROUND

During the traffic stop that gave rise to this action, two uniformed officers were present at the scene:

- 1) Officer 1: Corporal Ernstsen.
- 2) Officer 2: An unidentified male officer whose 3.5 hrs of video the State has generously provided to the Defense. The Defense is stating one more time for the record that although the name and identity of this officer has remained undisclosed, the body-cam footage from Officer 2 is part of the evidence that has been approved by the judge.

The official police report filed by Cpl. Ernstsen omits any mention of this second officer. This officer does not appear in the State's witness list. But as the Defense has this video, the Defense will proceed with presenting this footage at trial.

2. LEGAL ARGUMENT

A. Violation of Discovery Rules (Rule 16)

Under Utah R. Crim. P. 16(a), the prosecutor must disclose "the names and addresses of all persons whom the prosecutor intends to call as witnesses." Furthermore, the State has a continuing duty to disclose evidence that is "exculpatory or impeachment evidence" under *Brady v. Maryland*.

The presence of a second officer who is *scrubbed* from the official narrative suggests potential suppression of evidence. This officer is a material witness to the Defendant's sobriety, conduct, and the administration of the field sobriety tests.

B. Materiality to Defense

The Defendant cannot adequately prepare a defense without the ability to interview or subpoena the second eyewitness to the event. If Officer 2 observed the Defendant acting sober, or observed procedural errors by Cpl. Ernstsen, that testimony is exculpatory. Hiding his identity denies the Defendant his Sixth Amendment right to confront witnesses and compel testimony.

3. RELIEF REQUESTED

The Defendant requests an Order compelling the State to:

1. Please provide the full name, badge number, and agency of "Officer 2."

Judge Hruby-Mills Team

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