

# ONE-PAGE PRETRIAL SCHEMA — February 17, 2026

State v. Peter Dmitry Golub, No. 235900706 | Third District Court | Judge Hruby-Mills | Prosecutor: Joseph C. Johnson | Defendant: Pro Se

**PURPOSE OF THIS PRETRIAL:** Lock in the March 31 trial date. Resolve discovery disputes. Get rulings (or a schedule) on jury instructions. Preserve all issues for appeal.

## SIX ISSUES — IN STRATEGIC ORDER

| # | Issue                                       | What You Ask For   | Key Law                               | Deadline                    |
|---|---|--|---------------------------------------|-----------------------------|
| 1 | <b>Trial Logistics</b>                      | Confirm March 31, 2026 trial date; set deadlines for witness/exhibit lists and motions in limine; confirm new jury panel   | <i>Procedural</i>                     | <b>Lists 3/21 MILs 3/24</b> |
| 2 | <b>Motion to Compel — Trooper Carpenter</b> | Order State to produce Carpenter's reports/notes/CAD/Evidence.com metadata, or certify non-existence   | <i>Rule 16(a) Brady Giglio</i>        | <b>March 17</b>             |
| 3 | <b>Intoxilyzer Discovery</b>                | Order State to produce: (a) COBRA data, (b) maintenance/error logs, (c) two certification reports (Aug 16 & Sept 19, 2023) listed on State's exhibit list but never provided | <i>Rule 16(a)(4) Due process</i>      | <b>March 10</b>             |
| 4 | <b>Jury Instructions</b>                    | Reject State's 'affirmative findings' instruction (burden-shifting); adopt Defense Instructions 6, 7, 8, 10, 11; or set pre-trial instructions conference                    | <i>State v. Bradley 578 P.2d 1292</i> | <b>Rule by 3/17</b>         |
| 5 | <b>Bifurcation</b>                          | Jury decides guilt on DUI first; prior conviction addressed only if guilty verdict returned  | <i>Rule 404(b) Rule 403</i>           | <b>Before trial</b>         |
| 6 | <b>Voir Dire &amp; Technology</b>           | 45 minutes for voir dire; permission to use PowerPoint demonstratives at trial   | <i>Fair trial; judicial disc.</i>     | <b>At pretrial</b>          |

## FOUR PILLARS OF THE DEFENSE

|   |   |
|---|---|
| <b>1. Scientific Failure</b>            | 144-second breath test (21.6L air vs. 4.8L lung capacity); single sample; no blood draw; officer admitted test was 'improper' |
| <b>2. No Video of Traffic Violation</b> | ~10 blocks of footage; no failure-to-signal captured on any camera  |
| <b>3. Confirmation Bias</b>             | Ernstsens 24x average DUI arrest rate (GRAMA data); ignored perfect one-leg stand (0/4 clues)                                 |
| <b>4. Procedural Violations</b>         | ~80 minutes of custodial questioning before Miranda; missing second officer in all paperwork                                  |

## IF RULING IS ADVERSE — PRESERVE THE RECORD

*"Your Honor, for the record, I am preserving: (1) my Motion to Compel under Rule 16 and Brady; (2) my objections to the 'affirmative findings' instruction under Bradley; (3) my request for Defense Instructions 6, 7, 8, 10, 11; (4) my request for bifurcation under Rule 404(b); (5) my demand for COBRA data and Intoxilyzer logs. I will renew all at trial."*

## CHECKLIST — BRING TO COURT

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| ■ Motion to Compel (Carpenter) + Exhibit A (Impound Report)          | ■ GRAMA data exhibit (24x arrest rate)                               |
| ■ Filed defense jury instructions (Oct 2025) + objections (Jan 2026) | ■ State's Exhibit List (4/4/2025) — highlight missing certifications |
| ■ Side-by-side instruction comparison                                | ■ Discovery correspondence timeline                                  |
| ■ Case law: Bradley, Brady, Giglio, Murray City v. Hall              | ■ Notepad for judge's rulings  |
| ■ Utah Admin. Code R714-500-6  | ■ This schema + practice script                                      |

