

# 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>	Ernstsen's 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

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

