JEFFREY S. GRAY #5852
Utah County Attorney
BENJAMIN C. VAN NOY #15513
CHRISTOPHER D. BALLARD #8497
Deputy Utah County Attorneys
100 East Center Street, Suite 2100
Provo, Utah 84606
Phone: (801) 851-8026

Attorneys for the State of Utah and
the Utah County Sheriff's Office

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

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	OPPOSITION TO MOTION TO STRIKE RESPONSE TO DEFENDANT'S MOTION TO APPEAR AT ALL IN-PERSON PROCEEDINGS IN CIVILIAN CLOTHING AND WITHOUT RESTRAINTS Case No. 251403576 Judge Tony F. Graf, Jr.

The State and the Utah County Sheriff's Office (Sheriff) oppose Defendant's motion to strike their joint response to Defendant's motion to appear at hearings in civilian clothing and without restraints.

ARGUMENT

The Sheriff has standing to respond. Defendant's assertion that the Sheriff has no standing to respond to a motion that directly implicates court security protocols ignores the Court's Interim Orders and the Court's security rule. *See* Mot. at 1-3. The October 13 Interim Order explicitly requires a response from the Sheriff. *See* Oct. 13 Interim Order at 2. And both the October 13th and 14th Interim Orders required Defendant to "serve his motion on the Utah County

Sheriff's Office, Corrections Division, as soon as possible." *See* Oct. 13 and Oct. 14 Interim Orders. It makes no difference that the October 13 undocketed order set expedited deadlines for responses from both the Sheriff and the State, while the October 14 docketed order set a deadline for a response only from the State. Both orders still required Defendant to serve his motion on the Sheriff. This requirement would be meaningless if the Court did not want the Sheriff's response to the motion. And nothing in the October 14 docketed order stated that only the State could or should respond to Defendant's motion.

Even if the Court's orders did not require the Sheriff's response, persons other than the primary parties have standing to appear and participate as limited-purpose parties when a statute or rule allows them to provide input or seek a remedy. *See F.L. v. Court of Appeals*, 2022 UT 32, ¶¶ 35-39, 515 P.3d 421 (recognizing crime victim's standing to appear as limited-purpose party to protect her privileged medical records where Utah R. Evid. 506 allows patient to claim privilege); *State v. Brown*, 2014 UT 48, ¶¶ 13-20, 342 P.3d 239 (recognizing crime victim's standing to appear as limited-purpose party to assert claim for restitution where statute recognizes victims' right to seek restitution); *State ex rel. J.T.*, 2023 UT App 157, ¶¶ 36-40, 542 P.3d 517 (recognizing grandmother's standing to intervene as limited-purpose party to request preferential consideration as temporary kinship placement for grandchildren involved in child welfare proceeding where statute requires preferential consideration of relative's placement request).

Defendant recognizes this principle but incorrectly states that the Sheriff provided no authority that would grant him standing to respond. *See* Mot. at 2. As explained in the joint response, both rule and statute require the Sheriff's expert input on court security issues. *See* Resp. to Def.'s Mot. to Appear at 6-10, 14-17. Rule 17.5 of the Utah Rules of Criminal Procedure *requires* the Court to consider "the preference of the incarcerating custodian" when considering

the best format for conducting a hearing, provided "the hearing does not implicate significant constitutional rights." Utah R. Crim. P. 17.5(b)(10). Additionally, the Sheriff's statutory duties include "attend[ing] in person or by deputy … all courts of record" and "comply[ing] with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration." Utah Code § 17-22-2(1)(c). The court security rule makes court security "the *joint effort* of law enforcement and the judiciary." Utah R. Jud. Admin. 3-414(1)(A) (emphasis added). The rule also gives "the county sheriff" direct responsibility for district court security. *Id.* 3-414(5)(b)(ii). More importantly, in "highly publicized" cases like this one, the rule requires (1) the Sheriff's Office to provide *additional* security and (2) the implementation of a "written operational plan outlining and assigning security duties" to be carried out by the Sheriff's personnel. *Id.* 3-414(9)(D). Because the relevant statute and rule require the Sheriff's expert input on security measures, especially in cases like this one where the Defendant's request potentially compromises court security, and because the Interim Orders required the Sheriff's input, the Sheriff has standing to provide that input.

Contrary to Defendant's assertion, the fact that the Sheriff may be required to provide documents or have his personnel testify at an evidentiary hearing doesn't deprive the Sheriff of standing. Mot. at 3. A crime victim who appears as a limited-purpose party asserting a restitution claim will always also be a witness who provides documents and testimony to support her claim. Even a primary party like a criminal defendant may choose to testify and may provide documents to support his defense. Nothing therefore prevents this Court from considering the Sheriff's input on the security issues that Defendant's motion raises.

A joint response is both appropriate and efficient. Additionally, contrary to Defendant's suggestion, there is nothing "concerning" about the State and the Sheriff filing a joint response to

Defendant's motion. Mot. 3-4. The State and the Sheriff filed a joint response because their positions are aligned on these issues. As the court's security rule recognizes, the Sheriff is the expert on court security. *See* Utah R. Jud. Admin. 3-414(5)(B)(ii); (9)(D). Because the State agrees with the Sheriff's position on these matters, a joint response was both appropriate and efficient. Moreover, because the Sheriff has standing for the reasons explained above, a joint response was not a veiled attempt to allow the Sheriff to somehow "assume standing."[1] *See* Mot. at 4.

CONCLUSION

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

DATED October 22, 2025.

UTAH COUNTY ATTORNEY'S OFFICE

s/ Christopher D. Ballard
Ben C. Van Noy
Christopher D. Ballard
Deputy Utah County Attorneys

Attorneys for Plaintiff, State of Utah and
the Utah County Sheriff's Office

[1] Additionally, Defendant's assertion is inconsistent with his standing argument. Defendant hypothesizes that the State and the Sheriff could take different positions on the motion, but earlier asserts that only the State has standing to respond. If Defendant were correct about standing, then the State would have to assert both its interest and the Sheriff's differing interests in a single response. But Defendant then argues that such a response would improperly "conflate[]" the Utah County Attorney's Office's roles as counsel for both the State and the Sheriff. Mot. at 3. Defendant's inconsistent logic is unpersuasive.

CERTIFICATE OF SERVICE

I certify that on October 22, 2025, I filed the foregoing OPPOSITION TO MOTION TO STRIKE RESPONSE TO DEFENDANT'S MOTION TO APPEAR AT ALL IN-PERSON PROCEEDINGS IN CIVILIAN CLOTHING AND WITHOUT RESTRAINTS through the court's electronic filing system, which emailed a copy to all counsel of record.

s/ Christopher D. Ballard
Christopher D. Ballard