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

STATE OF UTAH, Plaintiff, vs. TYLER JAMES ROBINSON, Defendant.	**MOTION FOR LIMITED INTERVENTION AND REQUEST FOR NOTICE OF MOTIONS TO CLOSE, SEAL, OR RECLASSIFY** Case No: 251403576 Judge Tony F. Graf, Jr.

Relief Requested and Grounds for Relief

Proposed Intervenors The Salt Lake Tribune and its reporter Jessica Miller; St. George News; The Associated Press; Fox13 News; Millard County Chronicle Progress; KOAL (Castle Country Radio); KUER-FM; Lehi Free Press; The Park Record; CBS Broadcasting; The New York Times; CNN; Fox News; and Law & Crime Network ("Media Intervenors"), by and through their undersigned counsel, respectfully file this Motion for Limited Intervention and Request for Notice of Motions to Close, Seal, or Reclassify in the above-captioned matter.

The Court has already noted that the media interest in this trial is "arguably unprecedented in the State of Utah," and it has "recognize[d] the public's interest in and newsworthiness of these proceedings." *See* Oct. 27, 2025 Order re: Civilian Clothing and Restraints, at 5, 8 [Doc. 137].

To safeguard the rights of the press and public to access these highly newsworthy proceedings, Media Intervenors ask the Court to grant this Motion for Limited Intervention and to enter

an Order directing that: (1) all motions or other requests that would limit access to records or proceedings in this matter be promptly served on Media Intervenors, and (2) Media Intervenors be allowed to respond and otherwise be heard on access matters before any order limiting access in this matter is entered.

Summary Statement of Relevant Facts

Media Intervenors are media entities engaged in the business of gathering and disseminating news. The group includes both local outlets focused on Utah communities and national news organizations serving readers and viewers worldwide. All Media Intervenors share an interest in ensuring access to this criminal proceeding and contesting closures or restrictive classifications, including closures and classifications that have already taken place or been requested. *See, e.g.*, Mot. to Classify [Doc. 102]; Stip. Mot. to Order Tr. & Classify [Doc. 152].

In the six weeks that this matter has been pending, the Court has carefully protected press and public access rights. As the Court recognized, "this is a serious case that has garnered national attention." *See* Oct. 27, 2025 Order, at 7. From the start, that attention has included media requests for access to these proceedings. *See* Sept. 15, 2025 Request for Coverage [Doc. 25]; *see also, e.g.*, Sept. 17, 2025 Request for Coverage [Doc. 26]; Sept. 19, 2025 Requests for Coverage [Docs. 28, 29]; Oct. 24, 2025 Updated Request for Coverage [Doc. 133]. The Court has routinely and appropriately granted those requests, imposing conditions as needed to account for other competing interests.

Unsurprisingly, both parties have attempted to chip away at those access rights almost immediately. On October 9, 2025, Defendant filed a Motion to Appear in Civilian Clothes and Without Restraints ("Civilian Clothes Motion") [Doc. 83]. When it came time for the State to respond,

it moved to classify its response as Private. *See* Mot. to Classify [Doc. 102]. In justifying that classification, the State stated that the response "include[s] information from the Court's Security Director . . . regarding specific security measures in this case." *Id.* at 2.

Even if this were true—and the press and public cannot, of course, verify the contents of a Private filing, including whether these "security measures" could have been protected through redaction rather than a Private classification—the State appears to have used that Private filing to argue for limiting press and public access to these proceedings. In Section V of his reply, Defendant stated that he "agrees with the [Utah County] Sheriff that the Court should limit media coverage, or video or photographic coverage, at the least, so defendant's physical appearance is no longer the subject of interest." *See* Reply Supp. Mot. to Appear in Civilian Clothing, at 18–19 [Doc. 121]. Based on that reply, Media Intervenors understand that in addition to relaying details about "security measures" in its opposition to the Civilian Clothes Motion, the State also made broad arguments about limiting media coverage in this case altogether. Media Intervenors of course oppose those arguments on their merits. Just as critically, however, Media Intervenors object to the practice of placing arguments about restricting public access to these proceedings *in a non-public filing*.

Fortunately, the Court again protected the press and public's access rights. In granting in part and denying in part Defendant's Civilian Clothes Motion, the Court declined the invitation to enter orders limiting media coverage of this proceeding. Instead, the Court made a set of practical amendments to the decorum order, including targeted restrictions regarding when Defendant can be recorded or photographed. *See* Oct. 27, 2025 Order, at 7–8. In doing so, the Court reiterated its commitment to "open and fair proceedings," "recognize[d] the public's interest in and the

newsworthiness of these proceedings," identified "a benefit in allowing the public to observe the proceeding through electronic media coverage," and sought to "promote[] a healthy balance between preserving [Defendant's] constitutional rights and the media and the public's interests in viewing the proceedings." *Id.* at 8.

The Court should not be forced to police those critical interests alone. And in fact, as detailed below, the media hold a constitutional right to intervene in proceedings like this one—in a limited capacity—to oppose attempts to restrict public and press access.

Argument

I. Media Intervenors Have Standing to Seek Limited Intervention.

The press and the public have a constitutional right "to gain access to criminal trials," and that right "will not be restricted except where necessary to protect the State's interest." *Globe Newspaper Co. v. Superior Ct. for Norfolk County*, 457 U.S. 596, 609 (1982). To ensure that right is protected, "representatives of the press and general public 'must be given an opportunity to be heard on the question of their exclusion.'" *Id.* at 609 n.25 (quoting *Gannett Co. v. DePasquale*, 443 U.S. 368, 401 (1979) (Powell, J., concurring)).

The presumption of openness that Media Intervenors seek to protect here is not controversial. *See Richmond Newspapers, Inc. v. Virginia,* 448 U.S. 555 (1980) ("From this unbroken, uncontradicted history, supported by reasons as valid today as in centuries past, we are bound to conclude that a presumption of openness inheres in the very nature of a criminal trial under our system of justice."); *see also, e.g.*, *See, e.g., State v. Archuleta*, 857 P.2d 234 (Utah 1993) (recognizing First Amendment right of access to court records such as search warrants, subpoenas and documents filed in connection with preliminary hearing); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1

(1986) ("*Press Enterprise II*") (access to preliminary hearings); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) ("*Press Enterprise I*") (access to criminal voir dire proceedings and related records); *Waller v. Georgia,* 467 U.S. 39 (1984) (access to pretrial suppression hearing); *Soc'y of Prof'l Journalists v. Bullock*, 743 P.2d 1166 (Utah 1987) (access to competency hearing); *Kearns-Tribune v. Lewis*, 685 P.2d 515 (Utah 1984) (access to preliminary hearing).

As the Court appreciates, that time-honored right of access is rooted in the acknowledgement that open courts foster and protect important societal values. Access enhances the quality and safeguards the integrity of the fact-finding process, *Globe Newspaper Co.*, 457 U.S. at 604, enhances basic fairness and the appearance of fairness in the proceedings, *Press-Enterprise II*, 478 U.S. at 13, fosters public confidence in the judicial process and acceptance of its results, *Press-Enterprise I*, 464 U.S. at 506, acts as a check on the judiciary, *Richmond Newspapers*, 448 U.S. at 568, and allows the public to participate in government, *id.* at 587 (Brennan, J., concurring).

Conversely, denying public access to criminal judicial proceedings or documents precludes public scrutiny of the judicial process, creating an impression of unfairness and secrecy, even though the proceedings may in fact be fair. *See Soc'y of Prof'l Journalists v. Sec'y of Labor*, 616 F. Supp. 569, 576 (D. Utah 1985) ("Openness safeguards our democratic institutions. Secrecy breeds mistrust and abuse."), *appeal dismissed and remanded on other grounds*, 832 F.2d 1180 (10th Cir. 1987). Notably, the Supreme Court has rejected the false dichotomy, often asserted by those seeking closure, that public access to the judicial process necessarily comes at the expense of other values such as a fair trial right. "Plainly, the defendant has the right to a fair trial but, as we have repeatedly recognized, one of the important means of assuring a fair trial is that the process be open to neutral observers." *Press-Enterprise II*, 478 U.S. at 7.

Courts have concluded that press organizations have standing to intervene in criminal proceedings to vindicate these rights. The media's long-recognized standing to intervene may be exercised opposing any motion or request for closure or sealing of any proceeding or record. The public and press also have standing to intervene in court matters to affirmatively assert access rights. *See Society of Prof. Journalists v. Briggs*, 675 F. Supp. 1308, 1312 (D. Utah 1987) ("[T]he individual members of the plaintiff association [i.e., individual news media] would have standing to enforce their constitutional right of access. . . .").

Though standing "often depends on the facts of each case," the Utah Supreme Court has long recognized media organizations have standing to challenge closures of court proceedings. Standing hinges on a party's allegation "that it has suffered or will suffer some distinct and palpable injury that gives it a personal stake in the outcome of the legal dispute." *Utah Chapter of the Sierra Club v. Utah Air Quality Bd.*, 2006 UT 73, ¶ 12, 148 P.3d 975 (cleaned up). The interest asserted by Media Intervenors is "grounded in the language of the Utah Constitution":

> The freedoms of speech and press are fundamental to the effective exercise of the ultimate political power of the people. If they are to exercise their sovereign power in an intelligent and responsible manner, the people must have free speech and a free press and *access to operations of government.*

Soc'y of Pro. Journalists v. Bullock, 743 P.2d 1166, 1173 (Utah 1987) (quoting *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 521 (Utah 1984)). any individual or entity "who claims a right of access to a judicial proceeding and then actually takes steps to exercise that right but is denied access" has suffered an "adverse impact"—the first element of Utah's test for standing. *Id.* at 1174. And "[i]n the context of challenges to court closures," the second and third elements "are easily met," because there is "a direct causal connection between the threatened action" (that is, a court closure) and because "the relief sought—opening of the proceeding—would provide a direct

remedy for the anticipated injury." *Id.*; *see also, e.g.*, *Matter of N.H.B.*, 769 P.2d 844, 845 (Utah Ct. App. 1989) (recognizing publisher's standing to contest a closure order).

Because there is no question that the media—acting on its own behalf and on behalf of the public—enjoys a constitutional right to oppose efforts to restrict access to this proceeding, only one question remains: How should that right be recognized in this proceeding, in order to both protect that right and to ensure arguments regarding access proceed in an orderly way?

II. The Court Should Enter an Order Ensuring Media Intervenors Are Given Both Prompt Notice of Attempts to Restrict Access and a Meaningful Opportunity to Respond.

The Utah Rules of Judicial Administration provide useful direction about how access rights should be protected. As part of its guidance regarding classification requests—like the State's motion to make its "civilian clothing" opposition Private—those rules direct that any motion to classify "be filed and proceedings . . . be conducted under the [governing] rules." *See* Utah R. Jud. Admin. 4-202.04(5). That rule then continues:

> The person filing the motion or petition shall serve any representative of the press who has requested notice in the case. The court shall conduct a closure hearing when a motion or petition to close a record is contested, when the press has requested notice of closure motions or petitions in the particular case, or when the court decides public interest in the record warrants a hearing.

Id. That rule reflects established Utah precedent regarding closure orders:

> [A] closure order must be preceded by notice and hearing. Representative members of the media must receive notice of the motion for closure and, along with other interested parties who seek to participate, must be afforded an opportunity to participate in the proceedings upon the motion to the maximum extent possible.

Kearns-Trib., 685 P.2d at 524; *see also KUTV, Inc. v. Conder*, 668 P.2d 513, 524–25 (Utah 1983) (articulating justifications for imposing closure requirements). In setting procedures meant to protect the constitutional rights at issue, the Utah Supreme Court has also directed that closure

hearings "be open to the greatest extent possible," that the court and the parties seek alternatives to closure (such as disclosure restrictions) wherever possible, that exclusions from closure hearings be narrowly tailored, that transcripts of even closed hearings be made available as soon as the countervailing interests allow, and that any closure order "be accompanied by suitable written findings." *Kearns-Trib.*, 685 P.2d at 524.

By seeking limited intervention and an order setting procedures for closure challenges, Media Intervenors are seeking relief for an infringement that has already occurred: an attempt by the parties to not only seek closure of these proceedings or other access restrictions without required notice to the press and public, who hold constitutional interests in access, but to do so *in a non-public filing*. *See* Reply Supp. Mot. to Appear in Civilian Clothing, at 18–19 [Doc. 121] (revealing that the Utah County Sheriff had asked, in a Private filing, "that the Court should limit media coverage, or video or photographic coverage, at the least, so defendant's physical appearance is no longer the subject of interest" and endorsing that request). Two days ago, the parties doubled down on efforts to shield those discussions from the public eye by asking that the transcript of the October 24, 2025 hearing be designated as Private, ignoring narrower means of protecting security or fair-trial interests, including tailored redaction. *See* Stip. Mot. to Order Tr. & Classify Tr. & Audio as Private [Doc. 153].

Media Intervenors ask that the Court order the parties to abide by Utah R. Jud. Admin. 4-202.04(5) and the governing caselaw outlined above, both with respect to efforts by the State or Defendant to classify documents and with respect to any efforts to close hearings or otherwise restrict public access to this proceeding. A specific order governing attempts to restrict access would ensure that "members of the media and 'other interested parties'" are permitted to

participate in closure hearings "to the maximum extent possible." *See Bullock*, 743 P.2d at 1178 & n.15. Media Intervenors therefore ask the Court to enter an order that does three things: (1) recognizes Media Intervenors as limited-purpose intervenors in this case, (2) requires both the State and Defendant to provide Media Intervenors with prompt notice any filing or other request that seeks to limit access to filings, hearings, or other aspects of this proceeding, including by providing a copy of any such filing or request, and (3) directs that Media Intervenors will be afforded the same opportunity to be heard as would traditionally be afforded an opposing party under the governing rules, including through either written opposition, oral argument, or both.

Conclusion

Both parties have already sought to limit access to this proceeding, arguing that this case "has garnered worldwide attention, created a lightning rod for controversy, and provided a platform for pundits and other attention seekers with varying levels of mental stability." *See* Reply Supp. Mot. to Appear in Civilian Clothing, at 8 (quoting the State's *non-public* arguments against access made in the Sheriff's Office's response). Defendant has told the Court that this case has already become a "Content Tornado"—a trial that is bound to generate both primary content and more inflammatory "secondary content." *Id.* at 8. But cutting off media access will not eliminate "secondary content" here—it would only make it less reliable.

Through its rulings to date, the Court has already recognized the critical access interests at play here. To ensure that the press's and the public's access rights are protected, Media Intervenors ask the Court to enter an order granting limited intervention, requiring prompt notice of attempts to limit access, and directing that Media Inventors be given a meaningful opportunity to oppose access restrictions.

Respectfully submitted: November 5, 2025.

By: */s/ C. Michael Judd*
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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2025, I electronically filed the foregoing with the Court using the electronic filing system, which sent notification of such filing to all attorneys of record.

/s/ C. Michael Judd