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

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

Various media outlets (the Media Outlets) seek an order (1) recognizing them "as limited-purpose intervenors in this case," (2) requiring the parties to provide them with "prompt notice [of] 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) granting them an appropriate opportunity to be heard on those motions. Mot. at 9. The State agrees that the parties should be required to serve the Media Outlets with copies of the types of motions they have identified, and that Media Outlets should

also have an opportunity to appear and be heard on those discrete issues as limited-purpose parties. But the State maintains its right to argue in favor of limiting access to filings and hearings as it deems appropriate.

ARGUMENT

I. The Media Outlets may appear as limited-purpose parties to be heard on the discrete issues they identify.

A person or entity who is not a primary party to a case may nevertheless appear as a limited-purpose party and be heard on discrete issues in which that person or entity has a direct interest when a statute, rule, or controlling precedent recognizes that right. *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); *Soc'y of Pro. Journalists v. Bullock*, 743 P.2d 1166, 1178 & n.15 (Utah 1987) (recognizing right of "members of the media and 'other interested parties' … to participate" in closure proceedings "'to the maximum extent possible'") (quoting *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 524 (Utah 1984)).

As explained below, both court rule and controlling precedent recognize that media members have standing to be heard on the issues that the Media Outlets identify. The State therefore agrees that the Court should allow the Media Outlets to appear as limited-purpose parties to address those issues.

II. The parties must serve the Media Outlets with notice of motions to limit access to both court documents and proceedings.

The State agrees that the parties should serve the Media Outlets with a copy of any motion that seeks to limit access to documents, as Utah R. Jud. Admin. 4-202.04(4) requires. The State also agrees, contrary to Defendant's position, that the parties should serve the Media Outlets with any motion that seeks to limit access to court hearings, as *Society of Professional Journalists* requires. *See* 743 P.2d at 1178 & n.15.

A person who files a motion to reclassify a presumptively public court document must "serve" the motion on "any representative of the press who has requested notice in the case." Utah R. Jud. Admin. 4-202.04(4). If the motion is contested, a court must "conduct a closure hearing" where media members who have opposed the motion can appear and be heard. *See id.*

Consistent with this rule, this Court has already ordered "that all future motions to classify a record in this case must be served on representatives of the press who requested notice." Nov. 10, 2025, Order Requiring Parties to Serve All Closure or Reclassification Motions on the Media (Dkt. 171) at 2. The Media Outlets have therefore properly requested that the parties serve them with notice of "any filing or other request that seeks to limit access to filings." Mot. at 9.

Now that the Media Outlets have also requested notice of motions to close court hearings, the parties should also serve them with copies of those motions. Utah Supreme Court precedent requires "a party seeking closure" of a court hearing to "serve advance written notice of a closure motion upon the opposing party, the court, and any media representatives who have requested such notice." *Soc'y of Pro. Journalists*, 743 P.2d at 1178 n.15.

Contrary to Defendant's interpretation, this notice requirement is not satisfied by merely filing the closure motion with the court. *See* Def.'s Response to Request for Notice of Motion[s] to Close Jud. Proc. and Records (Def.'s Response to Request for Notice) (Dkt. 150) at 3-4. The *Society of Professional Journalists* court required a party seeking closure to give notice by both "formal" and informal means. *See* 743 P.2d 1178 n.15. "Formal" notice is accomplished through "service," while informal notice is accomplished through "filing." *Id.*

The *Society of Professional Journalists* court recognized two categories of persons who could be interested in participating in closure proceedings: (1) "media representatives who have requested such notice," and (2) "any interested parties, including members of the public and the media." 743 P.2d at 1178 n.15. The court then noted that "participation in the closure hearing" is not limited "to those receiving *formal* notice." *Id.* (emphasis added). Filing a notice of a closure motion so that it appears on the case docket is sufficient to satisfy the notice requirement for the second category of potentially interested persons—who are unknown to the parties and have not requested "formal notice"—but it is not

sufficient for the first category—interested persons who are known because they have formally requested notice. *See id.*

As to the second category of unknown but potentially interested persons, "[t]he *filing* of a written notice of a closure will assure that those truly interested can make themselves aware of the hearing and can appear." *Id.* (emphasis added). They "will be able to inform themselves of the pendency of the motion by the simple expedient of reviewing the court file." *Id.*

But "formal notice" is required for the first category of known interested persons—"media representatives who have requested … notice." *Id.* For this group, as explained, a party seeking closure must "*serve*" them with advance written notice of a closure motion. *Id.* (emphasis added). Thus, while filing provides notice to unknown but interested parties, service is required for those who have identified themselves as interested parties and requested notice. *See id.* This requirement is consistent with the requirement for formal service of motions to reclassify court documents under Utah R. Jud. Admin. 4-202.04(4).

Accordingly, the State agrees that the parties must serve on the Media Outlets copies of any motion that seeks to limit access to court documents or hearings in this matter as rule 4-202.04 of the Utah Rules of Judicial Administration and *Society of Professional Journalists* require.

III. Defendant's right to a fair trial may supersede the media's right to access.

Finally, the State agrees with Defendant that "[a]ll participants in this proceeding have a duty to ensure that [he] receives a fair trial and a reliable penalty proceeding." Def.'s Response to Request for Notice at 5. The State therefore also agrees that while there exists

a "'First Amendment right of access to criminal trials,'" that right "is not absolute and can be denied where 'the denial is necessitated by a compelling governmental interest, and is narrowly tailored to serve that interest.'" *KUTV v. Conder*, 668 P.2d 513, 517 (Utah 1983) (quoting *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-07 (1982)). The State therefore maintains its right to argue in favor of restricting media access when necessary.

CONCLUSION

The Court should grant the Media Outlets' motion and (1) require the parties to serve them with copies of any motion to limit access to court documents or hearings, and (2) allow the Media Outlets to appear as limited-purpose parties to be heard on those motions that they contest.

Dated November 19, 2025.

UTAH COUNTY ATTORNEY'S OFFICE

s/ Christopher D. Ballard
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Deputy Utah County Attorney

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on November 19, 2025, I filed the foregoing STATE'S RESPONSE TO MOTION FOR LIMITED INTERVENTION AND REQUEST FOR NOTICE OF MOTIONS TO CLOSE, SEAL, OR RECLASSIFY through the court's electronic filing system, which served a copy on all counsel of record. I also emailed a copy to counsel for the Media Outlets and other interested news media as follows:

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