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IN THE FOURTH JUDICIAL DISTRICT COURT, PROVO DEPARTMENT

IN AND FOR THE COUNTY OF UTAH, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. TYLER JAMES ROBINSON, Defendant.	**DEFENDANT TYLER JAMES ROBINSON'S REPLY TO MEDIA'S MEMORANDUM OPPOSING STIPULATED MOTION TO CLASSIFY AS PRIVATE THE TRANSCRIPT AND AUDIO OF OCTOBER 24, 2025 HEARING** Case No. 251403576 Honorable Tony F. Graf, Jr.

Defendant, Tyler James Robinson, by and through undersigned counsel, hereby files this reply to the Media's Memorandum Opposing Stipulated Motion to Classify as Private the Transcript and Audio of October 24, 2025 Hearing, filed December 8, 2025. This brief reply is intended to clarify the procedural history of the matter at issue and Mr. Robinson's current position regarding the transcript and audio from the hearing.[1]

I. While Mr. Robinson Did Not Request That the October 24, 2025 Hearing be Closed, the Court's Decision to Do So Was Well Within Its Discretion.

Mr. Robinson did not request that the hearing on October 24, 2025, be conducted in a closed setting.

On October 9, 2025, Mr. Robinson filed Defendant's Motion to Appear at All In-Person Proceedings in Civilian Clothing and Without Restraints and Memorandum in Support. Dkt No. 83. In that publicly available filing, Mr. Robinson requested temporary relief from the Court as follows:

1. An order compelling the Utah County Sheriff Department to disclose any and all files, records, correspondence, and reports created by or in the possession of the Department relating to Defendant's Motion.

2. A temporary order allowing Mr. Robinson to appear in civilian clothing and without visible restraints at any in-person, public hearing held prior to the determination of this motion.

3. A closed hearing for the Court to receive evidence regarding the need for physical restraints in this particular case and the opportunity to further brief this issue.

At the time the motion was filed, Mr. Robinson was due to next appear, in person, on October 30, 2025. In brief, Mr. Robinson requested that the Court allow him to appear in civilian clothing and without shackles at all public hearings prior to the hearing on the motion including

[1] Mr. Robinson does not offer comment or argument regarding the other issues raised in the lengthy brief filed by the media concerning the nature of electronic media coverage as it is not at issue for the hearing on December 11, 2025.

on October 30. Anticipating the possibility of the need for a closed setting for evidence on court security measures, Mr. Robinson also made a request to schedule that hearing to take evidence in the future—this never occurred.[2] Rather, in an effort to expedite the determination on Mr. Robinson's motion before the October 30, 2025 hearing, the Court ordered a truncated briefing schedule. *See* Dkt No. 96 (Interim Order). The State filed a response to the motion and requested that it its response be classified as private. *See* Dkt No. 102. The Court granted this motion and the State's response continues to be classified as private. *See* Dkt No. 105. On October 23, 2025,Mr. Robinson publicly filed a reply in support of his motion. Dkt No. 129.

The parties were notified by the Court on October 21, 2025, that the matter was to be heard on October 24, 2025. On October 23, 2025, the Court notified the parties that the hearing would be a closed/sealed hearing. Notably, the motion, response, reply, and hearing were filed or held prior to any media entity requests for notice of motions to classify or close. See Dkt Nos 150 (filed October 30, 2025); 164 (filed November 5, 2025). Having not requested notice, the media were not entitled to notice or the opportunity to be heard under Utah Rule of Judicial Administration 4-202.04 regarding the October 24, 2025 hearing.

This Court's decision to hold a closed hearing on October 24, 2025, in order to safeguard court security information and to ensure Mr. Robinson's constitutional rights in connection with appearing with shackles prior to the ultimate determination on the motion, was well within the Court's discretion, whether or not it was (and it was not) at the request of Mr. Robinson.

[2] Mr. Robinson is cognizant of the fact that the media were not present at the hearing and are, at present, unable to review the records from the hearing and thus were likely unaware of this fact.

II. Mr. Robinson's Motion to Classify Was Intended to Expedite Obtaining the Transcript and Unseal It So That the Parties Could Review It In Order to Determine if An Interlocutory Appeal Should be Sought.

The media fundamentally misunderstands the classification process and Mr. Robinson's motion to classify. This likewise requires clarification.

As explained in his motion to classify, the October 24, 2025, hearing was closed/sealed. *See* Dkt No. 152. As a result, the records from that hearing, including the audio, were presumptively sealed. This classification prevented the parties from even ordering a transcript for their own litigation purposes. *See* Utah R. Jud. Admin. 4-202.03(2) ("No one may access a sealed court record except as authorized . . . or by order of the court. A judge may review a sealed court record when the circumstances warrant."). The court reporter required an order from the Court in order to prepare the transcript and, in order for the parties to review the transcript without violating the rules of judicial administration, the classification of the record needed to be "lowered" from "sealed" to "private." The State stipulated to Mr. Robinson's request, recognizing the difficulty in potentially seeking appellate relief without having a transcript from the hearing at issue.

With the motion, as per normal procedure, Mr. Robinson submitted a proposed order. See Dkt No. 154. Had the Court signed the classification order as filed by Mr. Robinson, this would have been entirely proper. Utah Rule of Judicial Administration 4-202.04(3)(A) anticipates that the reclassification occurs temporarily, instructing that upon filing a motion to classify "as private, protected, sealed, safeguarded" the Court "must deny access to the record until the court enters an order." Signing an order, temporarily, while awaiting a hearing is exactly what courts are required to do in these circumstances. Nonetheless, the Court properly issued its own order, requiring heightened protections, above that which the "private" designation generally provides,

likely due to the sealed nature of the hearing. *See* Dkt No. 172; *see also* Utah R. Jud. Admin. 4-202.03(3) (identifying who may access a private court record).

In its opposition, the Media also requests the opportunity to review the transcript in its entirety prior to the court hearing argument on the issue. *See* Dkt No. 220, at 17 n.5. On this Rule 4-202.04 is clear—the court clerk must deny access until a closure determination is made. Although it may be frustrating for the media to have to address factual matters partially unavailable to them, the media's request violates the rule upon which it relies.

With these procedural clarifications—that Mr. Robinson sought to broaden access to the transcript and audio—Mr. Robinson turns to the Media's request to classify the hearing transcript and audio as public. Dkt No. 220, at 16-19.

III. Mr. Robinson Does Not Object to the Classification of a Redacted Transcript as Public.

On December 4, 2025, Mr. Robinson filed a *Joint Status Report of the Parties Concerning the Redaction of Portions of the Transcript of the October 24, 2025 Hearing*. Dkt No. 209. In this, Mr. Robinson (and the State) agreed "that with the exception of those portions of the transcript as to which one or the other party proposes redaction, the balance of the transcript may be classified as public." *Id*. at 2.[3] Both media entities (Deseret News et al. and The Salt Lake Tribune et al.) were served through counsel, by email, with a copy of this joint filing on December 4, 2025. The Media acknowledges this in their filing. Dkt No. 220, at 16.

[3] Mr. Robinson's position is the same regarding the audio of the hearing. To the extent it is possible to "redact" the recording of the hearing to remove the content the parties seek to redact from the written transcript, Mr. Robinson does not object to the release of the resultant audio.

Outside of potential discussion regarding each party's requested redactions, the Media and the parties are in agreement. It is anticipated in the Court's order that discussion of the redactions will occur at the closure hearing:

> The court will hold a closure hearing in this case. The closure hearing will remain open to the extent possible, but the court will consider closing portions of the hearing to allow for the discussion of secure information by the parties. Representative of the media will be allowed to participate in the closed portions of the hearing but are ordered not to disclose any part of the closed hearing to their clients or any other person or entity.

Dkt No. 172. Mr. Robinson has and will continue to abide by the Court's order regarding the classification and closure process.

IV. Mr. Robinson's Only Goal is to Avoid a "Media Circus" Which Deprives Him of His Right to a Fair Trial.

As the above should demonstrate, Mr. Robinson has not sought to exclude the Media from these proceedings. Mr. Robinson's constant refrain in responding to the plenary of Media filings is that the Court must make appropriate findings and orders that protect his constitutional right to a fair trial in the midst of what could quickly become (or perhaps already has become) a media circus. Such orders should include establishing clear parameters on the Media's role and a concrete procedure for the Media to seek the relief permissible under Utah Rule of Judicial Administration 4-202.04.

Further, Mr. Robinson asks this Court to provide deadlines for media objections to motions to classify or close in order to avoid last minute filings, as was done here. Mr. Robinson served *Deseret News et al*. and *The Salt Lake Tribune et al*. with the motion to reclassify on November 13, 2025. Dkt No. 173. Motion deadlines are governed by Utah Rule of Civil Procedure 7, requiring opposing memorandum to be filed within fourteen (14) days. *See* Utah R. Civ. P. 7(d) & 81. Accounting for the Thanksgiving holiday, the Media's opposition should

have been filed on November 28, 2025. Instead, without communicating with counsel for the parties regarding the need for additional time, the Media has filed its briefing ten days late and only three days before the hearing. As this Court is well aware, late filings result in unnecessary delay.[4]

Mr. Robinson does not dispute the law on public access to his criminal proceedings. He anticipates that many, if not most, of the proceedings and filings in this case will be public. When necessary, Mr. Robinson will seek the appropriate remedies in order to protect his constitutional and other interests, subject to the procedure outlined in Utah Rule of Judicial Administration 4-202.04. Of course, he will also continue to abide by any additional orders of this Court governing notice to the Media and motions to classify or close proceedings.

CONCLUSION

Mr. Robinson does not object to reclassifying a *redacted* transcript and audio from the October 24, 2025, hearing as public (with the full transcript remaining in the private record).

RESPECTFULLY SUBMITTED this 9th day of December, 2025.

/s/ Kathryn N. Nester
Kathryn N. Nester

/s/ Michael N. Burt
Michael N. Burt

/s/ Richard G. Novak
Richard G. Novak

/s/ Staci Visser
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Attorneys for Defendant, Tyler James Robinson

[4] In addition to the late filing, the Media seeks the opportunity for supplemental briefing after the closure hearing, prolonging a decision on this matter. *See* Dkt No. 220, at 16. Permitting further briefing is in this Court's discretion, however, Mr. Robinson believes that additional briefing will not facilitate a timely classification determination and may result in further delay of substantive litigation.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via the Court's electronic filing system on the 9th day of December, which served all attorneys of record.

I also certificate that on December 9, 2025, a copy of the foregoing was emailed to the following counsel for their respective media entities:

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