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

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	**NEWS MEDIA'S MEMORANDUM OPPOSING MOTION TO CLASSIFY re: MOTION TO EXCLUDE CAMERAS (Filed January 16, 2026)** Case No. 251403576 Hon. Tony F. Graf, Jr.

The *Deseret News*, Deseret Digital Media, Inc. d/b/a KSL.com, KSL-TV, KSL NewsRadio, KUTV 2News, the Radio Television Digital News Association, the Utah Headliners Chapter of the Society of Professional Journalists, The Salt Lake Tribune, Jessica Schreifels, St. George News, the Associated Press, Fox13 News, Millard County Chronicle Progress, KOAL (Castle County Radio), KUER-FM, Lehi Free Press, The Park Record, CBS Broadcasting, Inc., The New York Times Company, Fox News Media, and Law & Crime Network (all collectively,

News Media) hereby oppose Defendant's Motion to Classify Motion to Exclude Still Photographers, TV Cameras and Microphones From the Courtroom as Private, filed January 16, 2026.

To be clear—this opposition concerns the Motion to Classify, which seeks to make secret the underlying motion to ban cameras in the courtroom, a voluminous motion defense counsel has refused to share and the News Media has not seen. The News Media reserves the right to respond to the underlying motion if, and when, they are given a copy.

ARGUMENT

No one trusts what happens in a secret criminal proceeding. Not those who support the prosecution, who wonder whether the case was properly presented; not those who support the defense, who wonder whether the defendant's fair trial rights were respected; and not even dispassionate observers, who are deprived of their right to see how the judicial system works. Along the way, the court's credibility is irreparably damaged, perceived accountability for alleged crimes is undermined, and public confidence in the result is diminished. This is why public judicial proceedings are a bedrock and axiomatic principle of our system of justice—not as a quirk of history, but as a founding tenet embedded in the Constitution.

This latest iteration, in what has become a serial drumbeat from the defense demanding a secret prosecution, is perhaps the most telling. They want to deprive the public from observing these proceedings, but they will not publicly explain why—they filed their motion to exclude cameras from the courtroom under seal and will not provide that motion, *even on an attorneys-eyes-only basis*, to counsel for the News Media so they may see the purported (and presumably slim) justifications for their extraordinary request. They would rather litigate in the dark, and

have others do the same, on issues of constitutional magnitude that go to the core of the Court's fundamental promise of public justice.

This repeated insistence on a secret prosecution, with no mooring in the Constitution, needs to stop. Every week seems to bring a new urgent request for unjustified secrecy, and now the defense is not even trying to defend its demands publicly. They want even secrecy decisions to be made in secret. Their constant incantation that this case is somehow unique and has drawn significant public attention cuts exactly the opposite way—that is precisely why it is so critically important that the public be allowed to observe these proceedings and see the Court in action, ensuring Defendant's rights are protected and the prosecution's ability to present its case is preserved. Again, these are bedrock principles of our system of justice, enshrined for hundreds of years. They are not controversial. This Court should not depart from them.

Because the defense refuses to share with the News Media or their counsel their justification for overriding the presumptive right of electronic media coverage of these proceedings, the News Media are left to guess what their real arguments are. But their perfunctory and cryptic motion to classify offers some scattered clues, and if that is what they are relying on, those arguments are not persuasive.

First, the primary argument the defense seems to be making is they have voluntarily included in their motion a number of *public* statements and *public* news stories they think are derogatory about their client, and they think they should not have to "republish" those negative stories in their court filing even though it is *they* who are putting those statements at issue and asking for affirmative relief from this Court based on them.

If Defendant has cited any authority for that kind of argument in his secret filing, it would be news to the News Media. What has been made public is public, and if Defendant chooses to

use that information in a public filing seeking affirmative relief, that is his choice. It is also well-settled that "[w]hat transpires in the court room is public property." *Craig v. Harney*, 331 U.S. 367, 374 (1947). "The law cannot recall information once it is in the public domain." *Star-Telegram, Inc. v. Walker,* 834 S.W.2d 54, 57 (Tex. 1992). "'[T]here is nothing that proscribes the press from reporting events that transpire in the courtroom.'" *Neb. Press Ass'n v. Stuart*, 427 U.S. 539, 568 (1976) (quoting *Sheppard v. Maxwell,* 384 U.S. 333, 362-63 (1966)). And even if it were constitutional to do so, whatever interest might have been served by ex ante closure cannot be served by an attempt to put the genie back in the bottle. *See id.* at 568 (prior restraints of public facts are per se unconstitutional); *Craig*, 331 U.S. at 374 (court cannot prohibit publication of public events); *San Antonio Express-News v. Roman*, 861 S.W.2d 265, 268 (Tex. Ct. App. 1993) ("[o]nce their names were placed in the public record … no constitutionally valid reason to limit access to that information existed"). As a result, the mere fact that Defendant's filing may reiterate information that is already in the public domain is not a justification for closure.

Second, and even more fundamentally, the defense's entire argument rests on the premise that a defendant can never receive a fair trial in a high-profile case, no matter how regular and thorough the Court's processes are for seating a fair and impartial jury. The News Media has already briefed at length the overwhelming authority supporting addressing potential juror bias in voir dire and other contexts, rather than in sprawling, prophylactic closure orders that disregard the First Amendment.[1] For decades, that is the way courts have balanced the defendant's right to

[1] *See* Media Intervenors' Memorandum Opposing Stipulated Motion to Classify as Private the Transcript and Audio of October 24, 2025 Hearing (Dkt. 220) at 8-15.

a fair trial with the public's right to observe the machinery of justice. This case should be no different.

This Court has been firm and clear thus far in its defense of the public's right of access. That is as it should be. "When it comes to protecting the public right of access, the judge is the public interest's principal champion." *Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021). Defendant's latest unjustified request for secrecy should be denied.

RESPECTFULLY SUBMITTED this 23rd day of January 2026.

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