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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 REPLY IN SUPPORT OF MOTION TO EXCLUDE CAMERAS** **(Hearing Scheduled)** 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, Law & Crime Network, and CNN (all

collectively, **News Media**) hereby oppose Defendant's Motion to Classify Reply in Support of Motion to Exclude Still Photographers, TV Cameras and Microphones from the Courtroom (Motion to Classify). (Dkt. 400.)

The News Media and the State previously opposed the motion to classify the underlying Motion to Exclude Still Photographers, TV Cameras and Microphones (Motion to Exclude). (Dkts. 305, 310, 323, 344, 346.) The News Media's and the State's previous arguments apply with equal force to this Motion to Classify, but two additional points are worth emphasizing now that the News Media has seen the underlying Motion to Exclude and Reply in Support of the Motion Exclude.

First, the defense's sole argument is that the Motion to Exclude briefing should be kept secret because it "compiles a substantial number of electronic media references that evidence violations of Utah state law, violations of this Court's decorum orders, and overall threaten Mr. Robinson's constitutional rights to due process." (Dkt. 400 at 3.) But the "references" the defense wants to keep secret are *public information* that, in many instances, are statements *by the public*. Put simply, the defense wants to deny the public access to public information, including publicly created information. The defense cites no authority for this novel argument. Nor could it. What is public is public, and the defense cannot make public information secret by putting it in a court filing—especially where the presumption is that court filings are public.

Second, the defense implies that the Court must choose between "the public's qualified right of access" and "Mr. Robinson's unqualified rights to a fair trial." (Dkt. 400 at 3.) Not so. As the News Media has briefed at length, courts have for decades successfully protected fair trial rights by addressing potential juror bias through targeted measures like voir dire. (*See* Dkt. 220 at 8–15.) These targeted measures are far more effective than broad closure orders that deny

access to public information and, if anything, lead to more speculation and outrage. As the U.S. Supreme Court put it,

> When a shocking crime occurs, a community reaction of outrage and public protest often follows. Thereafter the open processes of justice serve an important prophylactic purpose, providing an outlet for community concern, hostility, and emotion. Without an awareness that society's responses to criminal conduct are underway, natural human reactions of outrage and protest are frustrated and may manifest themselves in some form of vengeful "self-help," as indeed they did regularly in the activities of vigilante "committees" on our frontiers.

Richmond v. Virginia, 448 U.S. 555, 571 (1980) (citation omitted); *see also Press-Enterprise Co. v. Sup. Ct. of Cal. for Riverside Cnty.*, 478 U.S. 1, 7 (1986) ("Plainly, the defendant has a 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.").

For these reasons, in addition to those previously briefed, the defense has not overcome the presumption of public access. The defense's attempt to exclude electronic media coverage should not be litigated in secret.

RESPECTFULLY SUBMITTED this 6th day of March 2026.

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