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

STATE OF UTAH, Plaintiff, vs. TYLER JAMES ROBINSON, Defendant.	STATE'S OBJECTION TO DEFENDANT TYLER JAMES ROBINSON'S MOTION *IN LIMINE* TO: 1) CLOSE THOSE PORTIONS OF THE PRELIMINARY HEARING TESTIMONY WHICH WOULD BE INADMISSIBLE AT TRIAL OR WHICH, IF PUBLICLY DISCLOSED PRIOR TO TRIAL, MAY PREJUDICE MR. ROBINSON'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL, AND 2) SEALING PRELIMINARY HEARING EXHIBITS WHICH WOULD NOT BE ADMISSIBLE AT TRIAL OR WHICH, IF PUBLICLY DISCLOSED PRIOR TO TRIAL, MAY PREJUDICE MR. ROBINSON'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL Case No. 251403576 Honorable Tony F. Graf Jr.

The State of Utah, by and through its counsel, Chad E. Grunander, Deputy Utah County Attorney, hereby objects to the Defendant's Motion in Limine to Close Preliminary Hearing Testimony and Seal Exhibits ("Motion"). The Motion is untimely and procedurally flawed.

OBJECTION

Defendant's Motion is Untimely and Procedurally Flawed Because It Does Not Allow Time for the Court to Fully Consider the Motion and Issue Written Findings if Closure of the Preliminary Hearing is Ordered and/or Exhibits are Sealed, nor Does it Identify What Evidentiary Matters Should be Closed at the Preliminary Hearing.

This Court should deny Defendant's motion on two grounds: (1) the motion is untimely; and (2) the motion fails to adequately identify the relief sought, precluding the State from properly responding and the Court from reviewing and deciding the issue.

A. Defendant's Motion is Untimely.

Under Rule 7(d)(1) of the Utah Rules of Civil Procedure, the State has 14 days to respond to the defendant's Motion filed on May 1, 2026, making the response due May 15, 2026. Although the defendant indicates he will be prepared to address specific witnesses and exhibits on the morning of the hearing and thus waive his opportunity to file a reply brief (see Mot. at 6), this late-stage request effectively precludes the Court from fulfilling its obligations without disrupting the long-scheduled preliminary hearing. Even if the court were to consider Defendant's Motion at the outset of the scheduled preliminary hearing, that would require the Court to preempt the preliminary hearing to hold a closure hearing.

In *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515 (Utah 1984), the Utah Supreme Court established a mandatory procedure for trial courts to follow on motions for closure. As this Court has recognized, this procedure must include a closure hearing where "members of the media" and "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." *Id.* at 524. If, after holding this closure hearing, the Court determines that closure is appropriate, the Court must enter an order that includes "suitable written findings" to allow an affected party to seek immediate review and to provide a reviewing court with an "authentic statement of the facts and legal principles" behind the decision. *Id.* If the Court were to disrupt the preliminary hearing and entertain this Motion on the first day of the hearing and order closure, it would be impossible to prepare the required "suitable written findings" before testimony begins. Such a rushed process would preempt the preliminary hearing and leave the Court with inadequate time to fully consider the Motion. It would also leave the media—an affected party with a history of involvement in ensuring the proceedings of this case remain open—without an opportunity to appeal an adverse ruling.

In *State v. Archuleta*, 857 P.2d 234 (Utah 1983), media entities intervened in a murder prosecution to access pretrial documents and preliminary hearing exhibits. While the Utah Supreme Court reaffirmed that the public and the press have a right to attend preliminary hearings, *id.* at 238, it clarified that the First Amendment does not grant a presumptive right to physically handle or copy exhibits from those hearings. *Id.* at 241-42. Although the *Archuleta* court did not establish a specific procedural framework for the trial courts to follow in addressing this type of request—similar to its previous *Kearns-Tribune* decision—it reaffirmed that the press can challenge adverse access rulings.

This Court has "'broad discretion to manage its docket.'" *State v. Yusuf*, 2025 UT App 189, ¶ 28, 582 P.3d 1270 (quoting *State v. Gonzalez*, 2015 UT 10, ¶ 24, 345 P.3d 1168) (quotation simplified). This Court's "discretion to set and enforce motion deadlines is not limited by the importance of constitutional nature of the motion at issue." *State v. Bergeson*, 2010 UT App 281, ¶ 7, 241 P.3d 777. This Court can deny a motion as untimely even if the motion raises

constitutional issues. *See State v. Belgard*, 811 P.2d 211 (Utah App. 1991) ("The waiver doctrine applies with equal force to claims of constitutional violations."). Because the defendant's Motion is untimely and his proposed timeline fails to account for the Court's obligation to hold a closure hearing and issue written findings if closure is ordered and/or exhibits are sealed, the Court should deny the Motion without reaching the merits.

B. Defendant's Motion is Fails to Adequately Identify the Relief Sought.

The rules are clear: "A motion shall state succinctly and with particularity the grounds upon which it is made and the relief sought." Utah R. Crim. P. 12. The State provided Defendant with a preliminary witness and exhibit list on April 3, 2026. Mot. at 5. Yet Defendant's Motion does not identify "with particularity" the specific portions of the preliminary hearing that he believes should be closed or the particular exhibits he believes should be sealed. Nor does Defendant explain how failure to take those measures with respect to any particular piece of evidence will prejudice his right to a fair trial. It is not enough for the defense to say that it will identify those details at the preliminary hearing itself. That does not give either the State, the media, or the Court sufficient time to consider and address those claims. What is more, Defendant's motion does not comply with the procedure outlined in *Kearns-Tribune Corp.* as discussed above, requiring this Court to hear from the press and thereafter enter written findings on the matter.

Nor can Defendant claim that he is not aware of the evidence the State intends to introduce. The State has been transparent throughout this process—not only did the State identify, at the prior evidentiary hearing in this case, what evidence it intends to introduce at the preliminary hearing, it also has notified the defense of that evidence before and after that hearing. The Utah Supreme Court has "consistently held, and more recently stressed, that moving parties must strive to direct the reviewing court to the specific relief they are seeking." *Judson v. Wheeler RV Las Vegas, LLC*,

2012 UT 6, ¶ 20 n.9, 270 P.3d 456. "[A] reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository in which the [moving] party may dump the burden of argument and research." *State v. Gomez,* 2002 UT 120, ¶ 20, 63 P.3d 72 (internal quotation marks omitted). This Court should not consider Defendant's deficient motion.

In sum, Defendant's failure to comply with the rules and procedures governing motions, and motions for closure of a preliminary hearing in particular, is another independent basis for dismissing his motion.

CONCLUSION

For these reasons, this Court should deny the defendant's Motion without reaching the merits.

RESPECTFULLY SUBMITTED this 8th day of May 2026.

/s/ Chad E. Grunander
CHAD E. GRUNANDER
Chief Deputy Utah County Attorney

CERTIFICATE OF DELIVERY

I certify that I caused the State's Objection to Defendant's Motion in Limine to Close Preliminary Hearing Testimony and Seal Exhibits to be filed on 05/08/2026 through the Court's e-filing system and it was thereby delivered to defense counsel of record for Defendant. Further, counsel for the media (Jeffrey J. Hunt, David C. Reymann, Carissa A. Uresk, and C. Michael Judd) were provided copies of the State's Objection via email.

/s/ Chad E. Grunander
CHAD E. GRUNANDER
Deputy Utah County Attorney