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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 OPPOSITION TO EMC ORDER FOR THE PRELIMINARY HEARING (DKT 633)** Case No. 251403576 Honorable Tony F. Graf, Jr.

Defendant, Tyler James Robinson ("Mr. Robinson"), by and through undersigned counsel, hereby files this *Opposition* to The Salt Lake Tribune's June 22, 2026 EMC Request. Dkt 633. This objection is grounded in Mr. Robinson's rights to a fair trial, to due process of law, and to a reliable penalty determination under State and Federal constitutional provisions, including the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and to article I, sections 7 and 12 of the Utah Constitution.

First, Mr. Robinson reiterates his continuing objection to the EMC challenge procedure contained in the May 8, 2026 Order. *See* Dkt 535. The four-page limitation on objections, the

prohibition on oral argument, the lack of an opportunity for an evidentiary hearing, and the inability to seek relief from a challenged EMC order violates state and federal constitutional rights to due process because the procedural restrictions deprive the parties of a meaningful opportunity to be heard. *See* U.S. Const. amend. XIV; Utah Const. art. I, § 7; *Coleman v. Alabama*, 377 U.S. 129, 129-33 (1964) (denial of a full and fair opportunity to prove by evidence a claim that defendant was denied his right to trial by an impartial and representative jury renders a conviction constitutionally void); *Chandler v. Florida*, 449 U.S. 560, 577 (1981) (Florida's procedure for adjudicating challenges to electronic coverage of proceedings was constitutional because safeguards have been built into the process, including, the right to a pretrial evidentiary hearing that provides a record for appellate review).

Second, Mr. Robinson objects to EMC of the preliminary hearing in its entirety because "there is a reasonable likelihood that electronic media coverage will prejudice the right of the parties to a fair proceeding[.]" Utah R. Jud. Admin. 4-401.01(2)(B)(i). Continuing EMC of the proceedings in this case, particularly the preliminary hearing, threatens Mr. Robinson's rights to a fair trial by an impartial jury by perpetuating bias in the public against Mr. Robinson. The pre-existing bias and the lasting threat to a fair trial posed by that bias was detailed in Mr. Robinson's *Motion to Exclude Still Photographers, TV Cameras and Microphones from the Courtroom* and in his *Reply* and was elucidated in the evidence presented in support of the motion on April 17, 2026. *See* Dkt 305, 399. The motion, reply, and the evidence supporting these pleadings are hereby incorporated by reference.

Specific to the preliminary hearing, the EMC will memorialize and widely disseminate the anticipated largely hearsay based evidentiary presentation from the State. Such evidence is, by its very nature, insufficiently reliable for admission at trial. *See, e.g., Holbrook v. Flynn*, 475

U.S. 560, 567 (1986) ("Central to the right to a fair trial, guaranteed by the Sixth and Fourteenth Amendments, is the principle that one accused of a crime is entitled to have his guilt or innocence determined solely on the basis of the evidence introduced at trial") (citation omitted).

It bears repeating, the State of Utah is seeking the death penalty against Mr. Robinson. The taking of evidence during the preliminary examination and the determinations made by the Court thereafter based upon that evidence is a critical stage of these capital proceedings. The media presence in the courtroom both distracts and places added pressure on hearing participants to present for the media, as opposed to focusing on the facts, evidence, and mechanics of the hearing. Mr. Robinson's case is not and should not be made into a reality TV show. *See State v. Arguelles*, 2003 UT 1, ¶ 102, 63 P.3d 731 (trial judges are encouraged "to continue to exercise caution in maintaining quiet and non-distracting courtroom environments in all cases, and particularly in capital proceedings.").

Weighing Mr. Robinson's interests in a fair proceeding against the interest in EMC, Mr. Robinson's interests must necessarily prevail. This is so because Mr. Robinson is constitutionally entitled to a fair proceeding but, conversely, there is no right to electronic media coverage. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 564 (1980) (noting "the defendant's superior right to a fair trial" compared to the public's right of access)*; see also Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 610 (1978) ("The requirement of a public trial is satisfied by the opportunity of members of the public and the press to attend the trial and to report what they have observed."). And, as the Utah Court of Appeals has articulated, the Utah Rules of Judicial Administration are not intended to limit, modify, or create substantive rights for any court participants. *See Scott v. Majors*, 1999 UT App 139, ¶ 12, 980 P.2d 214.

Third, Mr. Robinson objects to EMC of the preliminary hearing in its entirety because this Court's procedure for adjudicating the request does not allow any opportunity for witnesses to address privacy or security concerns relevant under Rule 4-401.01(2)(B)(ii) & (iv). As previously argued, those concerns are substantial with respect to defense counsel, and witnesses should be afforded the opportunity to be heard on these issues.

Finally, Rule 4-401.01(6)(C) provides, "[n]otwithstanding an authorization to conduct electronic media coverage of a proceeding and unless expressly authorized by the judge, there shall be no… electronic media coverage of an exhibit or a document that is not part of the official public record." The Court did not authorize EMC of the preliminary hearing exhibits in the *June 23 Order* granting The Salt Lake Tribune's request (Dkt 633) and it is already the agreement of the parties, and the order of the Court, that the preliminary hearing exhibits should not be available for inspection or copying. *See also State v. Archuleta*, 857 P.2d 234, 240-42 (Utah 1993) (providing access to exhibits "would not serve the administration of justice and … could very well jeopardize defendant's right to a fair trial."). Allowing EMC of the exhibits is the equivalent to allowing inspection and copying because the photographs and images will be preserved and disseminated by the media and the public through publication. Further, preliminary hearing exhibits are withdrawn at the conclusion of the hearing and not made part of the official record and thus the plain language of the rule prohibits EMC of said exhibits. Given these considerations, the Court should instruct The Salt Lake Tribune that they may not photograph the exhibits however the State and the Defense may publish them to the Court.

THEREFORE, Mr. Robinson requests that this Court deny the request for EMC of the preliminary hearing and/or instruct The Salt Lake Tribune to not photograph the exhibits.

RESPECTFULLY SUBMITTED this 24th day of June, 2026.

/s/ Kathryn N. Nester	*/s/ Richard G. Novak*
Kathryn N. Nester	Richard G. Novak
/s/ Michael N. Burt	*/s/ Staci Visser*
Michael N. Burt	Staci Visser

Attorneys for Defendant, Tyler James Robinson

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing *Opposition* was served via the Court's electronic filing system on the 24th day of June, 2026, thereby serving all attorneys of record.

I also certify that on the 24th day of June, 2026, a copy of the foregoing was emailed to the following counsel for their respective media entities:

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