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

STATE OF UTAH, *Plaintiff,* vs. TYLER JAMES ROBINSON, *Defendant.*	**RULING AND ORDER ON DEFENDANT'S MOTION FOR AN ORDER TO SHOW CAUSE FOR CONTEMPT OF COURT** Case No.: 251403576 Honorable Tony F. Graf, Jr.

This matter comes before the Court on Defendant Tyler James Robinson's Motion for an Order to Show Cause for Contempt of Court (Docket No. 504). Defendant asks this Court to hold Deputy Utah County Attorney Christopher Ballard in civil contempt for allegedly violating the Court's Pre-Trial and Trial Publicity Order, originally entered on September 16, 2025 (Docket No. 23), and amended on December 15, 2025 (Docket No. 242).

The Court has thoroughly reviewed the pleadings, affidavits, declarations, and exhibits submitted by both parties, including the Defendant's Motion (Docket No. 504), the Declaration of Counsel (Docket No. 505), the State's Opposition (Docket No. 515), Defendant's Reply (Docket No. 520), the State's Objection to Defendant's Request to Remove the Death Penalty (Docket No. 535), and Defendant's Response thereto (Docket No. 540). Furthermore, the Court has considered the testimony and evidence presented during the evidentiary show cause hearing held on June 12, 2026, where Deputy County Attorney Ballard and Utah County Attorney Jeffrey S. Gray testified under oath.

Drawing upon Utah statutory law, the Utah Rules of Professional Conduct, constitutional authority, and persuasive precedent from other jurisdictions, the Court issues this Ruling and Order.

The Court has independently determined the facts and applied the law to ascertain whether civil contempt has been proven by clear and convincing evidence.

I. BACKGROUND

This case involves the high-profile capital prosecution of Tyler James Robinson, who is charged with the aggravated murder of Charlie Kirk, a conservative activist, which allegedly occurred at Utah Valley University. Because this case has garnered immense national and international media attention, this Court recognized early in the proceedings that pretrial publicity could severely compromise the Defendant's right to due process and a fair and impartial jury trial.

To protect the fundamental constitutional rights of both the Defendant and the State, this Court, *sua sponte*, issued a Protection Order Re: Pre-Trial and Trial Publicity on September 16, 2025 (Docket No. 23). The Order explicitly stated that "Lawyers who have participated, who are now participating, or who will yet participate in the investigation or litigation of this case in any way shall abide strictly by Rule 3.6 of the Utah Rules of Professional Conduct". The Order further incorporated Rule 3.6(a)'s prohibition against making "an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter". Following a motion by the State for clarification regarding the term "witness" (Docket No. 167), the Court issued an amended Order on December 15, 2025 (Docket No. 242), clarifying the scope of the attorneys' duties to instruct their respective teams.

The present controversy emerged following a public filing by the defense on March 27, 2026. Defendant filed a Motion to Vacate or Continue the Preliminary Hearing (Docket No. 466). In that motion, defense counsel characterized a forensic summary report from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) by stating that "the ATF was unable to identify the bullet

recovered at autopsy to the rifle allegedly tied to Mr. Robinson". The actual ATF report concluded that the bullet jacket fragment "could not be identified or excluded as having been fired from the Exhibit 1 rifle" and that "[t]he result of the comparison was inconclusive".

The Defendant's framing of the ATF report in an unsealed, public court filing promptly generated substantial media coverage. On March 30, 2026, *The Daily Mail* published an article with the headline: "Bullet used to kill Charlie Kirk did NOT match rifle allegedly used by suspect Tyler Robinson, new court filing claims". Other news outlets and social media commentators rapidly echoed this narrative, characterizing the ATF report as "exculpatory," a "bombshell" that "exonerates" Robinson, and evidence that the State's case possessed a "fundamental problem".

Faced with a rapidly expanding public narrative that falsely suggested the ATF had affirmatively excluded the Defendant's rifle as the murder weapon, Deputy Utah County Attorney Christopher Ballard engaged in several communications with media outlets, including *TMZ*, *USA Today*, *Politifact*, and *Fox News*, between March 31 and April 2, 2026. In these communications, Mr. Ballard sought to correct the record regarding the definition of an "inconclusive" ballistics test. However, during these interviews, Mr. Ballard also provided statements regarding the overall strength of the State's evidence, asserting that the prosecution had "ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder" and that the State believed it would "be able to overcome his presumption of innocence".

II. PROCEDURAL HISTORY

On April 15, 2026, Defendant filed the instant Motion for an Order to Show Cause for Contempt of Court (Docket No. 504), seeking to hold Utah County Attorney Jeffrey S. Gray and Deputy County Attorney Christopher Ballard in civil contempt. Defendant concurrently sought an

order compelling discovery related to the internal communications of the Utah County Attorney's Office (UCAO).

The State filed its Opposition on April 30, 2026 (Docket No. 515), arguing that Mr. Ballard's statements were protected under the "safe harbor" provision of URPC 3.6(c), which permits a lawyer to make statements necessary to mitigate substantial undue prejudice generated by recent publicity not initiated by the lawyer. The State argued that the Defendant's misleading public filing necessitated the response. Defendant filed a Reply on May 7, 2026 (Docket No. 520).

On June 1, 2026, this Court issued a Ruling and Order granting the Motion for an Order to Show Cause, determining that the Defendant had made a sufficient preliminary showing under Utah Code § 78B-6-301(5) to warrant an evidentiary hearing (Docket No. 550). The Court concurrently denied the Defendant's request to compel discovery of the UCAO's internal communications.

The Court held an evidentiary show cause hearing on June 12, 2026. During the hearing, the Court took testimony from Christopher Ballard and Jeffrey S. Gray, both of whom were subjected to direct and cross-examination. Following the hearing, the State filed an unsolicited Objection to Defendant's Request to Remove the Death Penalty as a Sanction (Docket No. 535), to which the Defendant filed a Response on June 18, 2026 (Docket No. 540).

III. FINDINGS OF FACT

Having considered the pleadings, the exhibits, and the sworn testimony presented at the June 12, 2026 hearing, the Court makes the following findings of fact by clear and convincing evidence:

1. **Existence of the Order:** On September 16, 2025, this Court issued a valid, lawful Protection Order Re: Pre-Trial and Trial Publicity (Docket No. 23). The Order explicitly required all participating lawyers to "abide strictly by Rule 3.6 of the Utah Rules of Professional Conduct" and prohibited extrajudicial statements possessing a substantial likelihood of

materially prejudicing the adjudicative proceedings. The Order was subsequently clarified on December 15, 2025 (Docket No. 242).

2. **Knowledge and Notice:** Deputy County Attorney Christopher Ballard had actual knowledge and notice of the Publicity Order. Mr. Ballard personally signed the State's November 6, 2025 Motion to Amend or Clarify the Court's Pre-Trial and Trial Publicity Order (Docket No. 167). During his testimony on June 12, 2026, Mr. Ballard acknowledged his familiarity with the Order and his ethical obligations under URPC 3.6.

3. **Ability to Comply:** At all times relevant to this inquiry, Mr. Ballard possessed the unhindered ability to comply with the Publicity Order. There were no physical or legal impediments preventing him from adhering to the Court's directives.

4. **The Underlying Catalyst:** On March 27, 2026, defense counsel filed a Motion to Continue (Docket No. 466) containing the assertion that the ATF was "unable to identify the bullet recovered at autopsy to the rifle allegedly tied to Mr. Robinson".

5. **The ATF Report:** The actual ATF report (Exhibit 2, Docket No. 284) concluded that the bullet jacket fragment "could not be identified or excluded" as having been fired from the subject rifle, rendering the result "inconclusive".

6. **The Media Reaction:** Relying upon the defense's filing, media outlets generated highly sensationalized and factually inaccurate headlines. *The Daily Mail* declared the bullet "did NOT match" the rifle. Commentators described the ATF report as a "bombshell" that exonerated the Defendant.

7. **The Prosecutorial Response:** Between March 31 and April 2, 2026, Mr. Ballard engaged in extrajudicial communications with multiple media entities.

8. **Statements to TMZ:** On March 31, 2026, Mr. Ballard was quoted by *TMZ* stating: "Generally when a bullet fragment analysis comes back as inconclusive, that means the fragment did not contain enough detail for the examiner to say one way or the other. There's just not enough there to determine whether the bullet was fired by a particular firearm. We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing – and then we will present all of that evidence at the trial". Mr. Ballard further stated: "He is presumed innocent. The ultimate decision will be up to the jury – we believe we will be able to overcome his presumption of innocence".

9. **Statements to USA Today and Politifact:** On March 31 and April 2, 2026, Mr. Ballard provided statements to *USA Today* and *Politifact* strictly limiting his commentary to the mechanical and forensic definition of an "inconclusive" ballistics test, noting that "ethical rules prohibit him from speaking publicly about forensic testing and test results" but clarifying that "inconclusive" means "only that the fragment did not contain enough detail for the examiner to determine whether the characteristics on the fragment were consistent with having been fired by a particular firearm".

10. **Credibility Determinations:** Having observed the demeanor and testimony of Mr. Ballard during the evidentiary hearing, the Court finds that Mr. Ballard testified credibly regarding his subjective intent. The Court finds that Mr. Ballard did not engage with the media out of a malicious desire to flout this Court's authority or to intentionally taint the jury pool. Mr. Ballard testified that he believed his statements were necessary to respond to public reporting concerning the ATF report.

IV. APPLICABLE LAW

A. Utah Civil Contempt Standards and Burden of Proof

In Utah, contempt proceedings are governed simultaneously by common law principles and the statutory framework outlined in Utah Code §§ 78B-6-301 *et seq.* Section 78B-6-301(5) expressly dictates that "disobedience of any lawful judgment, order or process of the court" constitutes a contempt of the authority of the court.

To hold a party in civil contempt for violating a court order, the moving party must prove three common-law elements by clear and convincing evidence: (1) the person cited for contempt knew what was required by the order; (2) the person had the ability to comply with the order; and (3) the person intentionally failed or refused to do so. *Von Hake v. Thomas*, 759 P.2d 1162, 1172 (Utah 1988).

Utah law requires proof by clear and convincing evidence that the alleged contemnor knew of the order, possessed the ability to comply, and intentionally committed the acts constituting the violation. *Von Hake* remains controlling Utah precedent. Because the Court concludes those elements are satisfied under existing Utah law, it is unnecessary to determine whether the objective good-faith standard discussed in *Taggart v. Lorenzen*, 587 U.S. 554 (2019), would independently alter Utah civil contempt jurisprudence. Even assuming *Taggart* provides persuasive guidance, the result would be the same because the challenged statements exceeded the objective limitations contained in Rule 3.6(c).

B. Direct vs. Indirect Contempt and Due Process

Contempt is categorized as either "direct" or "indirect" based on where the conduct occurred. Direct contempt occurs in the immediate presence of the court and may be punished summarily. Utah Code § 78B-6-302(1). Indirect (or constructive) contempt occurs outside the presence of the court

and triggers robust due process protections. Because Mr. Ballard's extrajudicial statements occurred outside the immediate view and presence of the Court, this constitutes an allegation of indirect contempt.

Due process for indirect civil contempt requires notice, an opportunity to be heard, and presentation of the charges via an affidavit or sworn statement detailing the facts constituting the contempt. Utah Code § 78B-6-302(2). The Court must issue an order to show cause and hold an evidentiary hearing where the accused may present an answer and examine witnesses. Utah Code § 78B-6-309.

Here, the Court finds that all procedural due process requirements have been satisfied. Defendant submitted an Affidavit of Counsel, the Court issued an Order to Show Cause, and the Court convened a full evidentiary hearing on June 12, 2026, at which the accused testified and presented argument.

C. Civil vs. Criminal Contempt

A critical distinction must be drawn between civil and criminal contempt, as the classification dictates the available sanctions. As the Utah Supreme Court articulated in *Von Hake*, the "distinguishing factor" is whether the sanction is conditional or fixed. *Von Hake*, 759 P.2d at 1168. A contempt order is criminal if the punishment is fixed, unconditional, and purely punitive, designed to vindicate the authority of the court. Conversely, a contempt order is civil if the sanction is remedial, designed either to compensate the aggrieved party for injuries resulting from the noncompliance or to coerce future compliance through a conditional penalty (e.g., a fine that can be purged by compliance). *Id.*; *see also TKS Co-Pack Manufacturing, LLC v. Wilson*, 2024 UT App 87, ¶ 70.

Because the Defendant brought this motion seeking remedial sanctions to cure alleged prejudice to his fair trial rights, the Court evaluates this strictly as a civil contempt proceeding.

D. Attorney Publicity Restrictions and the First and Sixth Amendments

This Court's Publicity Order expressly incorporated Rule 3.6 of the Utah Rules of Professional Conduct. Rule 3.6 reflects the constitutional accommodation recognized in *Gentile v. State Bar of Nevada*, under which an attorney participating in pending litigation may be subject to narrowly tailored speech restrictions when necessary to protect the integrity of an adjudicative proceeding. *See Gentile v. State Bar of Nev.*, 501 U.S. 1030 (1991).

The Rule therefore protects both the attorney's First Amendment interests and the criminal defendant's Sixth Amendment right to trial before an impartial jury. Neither constitutional interest is absolute; each must be reconciled through careful application of the Rule's objective standards.

Rule 3.6(a) sets forth the general prohibition: a lawyer shall not make an extrajudicial statement that they know or reasonably should know will be disseminated publicly and will have a "substantial likelihood of materially prejudicing an adjudicative proceeding". Comment to Rule 3.6 explicitly enumerates subjects that are "more likely than not to have a material prejudicial effect," particularly in a criminal proceeding. These prohibited subjects include:

- (iii) the performance or results of any examination or test, or the nature of physical evidence;
- (iv) any opinion as to the guilt or innocence of a defendant;
- (vi) the fact that a defendant has been charged, unless accompanied by a statement explaining that the charge is merely an accusation and the defendant is presumed innocent.

However, the Rule contains critical exceptions. Rule 3.6(b) permits a lawyer to state "information contained in a public record" without elaboration. Furthermore, Rule 3.6(c) provides a "safe harbor" or right of reply: "a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the

lawyer or the lawyer's client.". Crucially, any response under 3.6(c) "shall be limited to such information as is necessary to mitigate the recent adverse publicity".

The Utah Supreme Court recently addressed the ethical boundaries of prosecutorial speech in a capital case in *In the Matter of the Discipline of David O. Leavitt*, 2025 UT 46. In *Leavitt*, a county attorney held a press conference announcing his decision to seek the death penalty and stated that the State's key witness was credible "based on a lot of evidence that the jury will never hear" and that he possessed evidence strengthening his belief that the defendant committed the murders. The Utah Supreme Court held that "a prosecutor's opinion of guilt is particularly likely to create prejudice, given that his or her words carry the authority of the government and are especially persuasive in the public's eye." *Leavitt*, 2025 UT 46, ¶ 39. The Court disciplined the prosecutor, recognizing that while transparency is a legitimate objective, prosecutors possess a heightened ethical duty to ensure that justice is done, which "includes respecting the constitutional rights of the accused, like the presumption of innocence." *Id.* at ¶ 44.

Civil contempt is an extraordinary remedy. Because contempt implicates both judicial authority and competing constitutional interests, the Court confines its decision to the narrow conduct presented by this record.

V. ANALYSIS

A. Authority to Enforce the Order

This Court possesses the inherent authority to regulate the conduct of attorneys appearing before it and the statutory authority to punish disobedience of its lawful orders under Utah Code § 78B-6-301. As noted by the Utah Supreme Court, "courts must maintain and protect the integrity and dignity of the profession." *Featherstone v. Schaerrer*, 2001 UT 86, ¶ 18. A judge presiding over a high-profile capital case bears an affirmative constitutional duty under the Sixth and Fourteenth

Amendments to take preventative measures against prejudicial pretrial publicity that could taint the jury pool. *See Sheppard v. Maxwell*, 384 U.S. 333 (1966). The enforcement of the September 16, 2025 Publicity Order is squarely within this Court's jurisdiction and within the Court's inherent and statutory authority.

B. Whether the Order Was Clear and Unambiguous

To hold a party in contempt, the order violated must be clear and unambiguous. The Court finds that the Publicity Order was exceptionally clear. It did not rely on vague prohibitions; instead, it explicitly incorporated the exact text and framework of Rule 3.6 of the Utah Rules of Professional Conduct. It directed the attorneys to "abide strictly" by its parameters. The incorporation of standard, universally understood rules of professional ethics renders the Order unambiguous.

C. Notice

The Court finds that Deputy County Attorney Ballard had actual notice and knowledge of the Order. The record reflects that Mr. Ballard signed a motion seeking to clarify the Order in November 2025. He never contested his awareness of the Order or his obligations under Rule 3.6 during the evidentiary hearing. The first element of civil contempt—knowledge of the order—is established beyond doubt.

D. Alleged Violations

Defendant alleges that Mr. Ballard's statements to the press between March 31 and April 2, 2026, constitute multiple, distinct violations of the Publicity Order. The Court analyzes these statements by categorizing them into two distinct thematic areas: (1) statements clarifying the ATF ballistics report; and (2) statements regarding the overall strength of the State's case and the presumption of innocence.

Allegation One: Statements Clarifying the ATF Ballistics Report

- **The Conduct:** Mr. Ballard sent written emails to *Politifact* and gave statements to *USA Today* and *TMZ* explaining the meaning of an "inconclusive" ballistics test. Specifically, he stated: "When the results of a bullet fragment analysis come back as 'inconclusive,' that does not mean that the rifle did not fire the bullet... There just aren't enough marks on the fragment to make a conclusion one way or the other".

- **Supporting Evidence:** Quotes published in *USA Today* (March 31, 2026), *Politifact* (April 2, 2026), and *TMZ* (March 31, 2026).

- **Contrary Evidence / Defenses:** The State argues these statements were expressly permitted by Rule 3.6(c) as necessary to protect the State from the substantial undue prejudicial effect of recent publicity that the prosecution did not initiate. The defense initiated the media frenzy by stating in a public filing that the ATF was "unable to identify the bullet... to the rifle". The media twisted this phrase to mean the bullet "did NOT match".

- **Factual and Credibility Findings:** The Court finds that the defense's characterization in its March 27 Motion to Continue was technically accurate but highly prone to misinterpretation. By framing the result as "unable to identify," the defense neglected to include the ATF's concurrent finding that the bullet also could not be "excluded". The media seized on this omission, generating headlines that materially overstated the forensic conclusions stating the bullet "did NOT match" the rifle. The Court finds Mr. Ballard testified credibly that he viewed this media narrative as highly prejudicial to the State.

- **Legal Analysis:** Rule 3.6(c) permits a lawyer to make a statement "that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer". A false media narrative asserting that the murder

weapon has been definitively forensically excluded constitutes substantial undue prejudice to the prosecution. Mr. Ballard's statements explaining the forensic mechanical definition of an "inconclusive" test were narrowly tailored to mitigate this specific prejudice. While Comment 5 generally prohibits discussing the results of tests, the safe harbor of Rule 3.6(c) authorizes otherwise restricted responsive statements only to the extent reasonably necessary to mitigate recent prejudicial publicity.

- **Conclusion on Allegation One:** The Court finds that Mr. Ballard's statements clarifying the definition of the ATF's "inconclusive" finding were protected by the safe harbor provision of URPC 3.6(c). These statements do not constitute a violation of the Publicity Order. Contempt is not proven regarding these specific statements.

Allegation Two: Statements Opining on the Strength of the Evidence and Guilt

- **The Conduct:** Beyond merely correcting the ballistics record, Mr. Ballard provided the following statement to *TMZ*: "We have ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder and we will present some of that evidence at the upcoming preliminary hearing – and then we will present all of that evidence at the trial.". He further stated: "He is presumed innocent. The ultimate decision will be up to the jury – we believe we will be able to overcome his presumption of innocence".

- **Supporting Evidence:** The published *TMZ* article dated March 31, 2026. The State does not deny these statements were made.

- **Contrary Evidence / Defenses:** The State relies on *State v. Wright*, 583 P.3d 174 (Kan. 2026), arguing that a prosecutor's general statement that his job is to bring cases he believes he can prove beyond a reasonable doubt does not express an improper opinion on guilt. The

State argues that merely expressing confidence that it has enough evidence to carry its burden tells the public nothing more than what the existence of the prosecution already proclaims.

- **Factual and Credibility Findings:** The Court finds that Mr. Ballard subjectively believed he was operating within the bounds of Rule 3.6. However, the Court finds that his subjective belief regarding these specific statements was objectively unreasonable.

- **Legal Analysis:** Rule 3.6(c) strictly dictates that any responsive statement "shall be limited to such information as is necessary to mitigate the recent adverse publicity". The adverse publicity here concerned *one specific piece of physical evidence*—a bullet fragment. The Court does not conclude that Rule 3.6(c) prohibited all public response. To the contrary, Rule 3.6(c) expressly recognizes that, in limited circumstances, counsel may respond to recent publicity not initiated by the lawyer or the lawyer's client. The question is therefore not whether Mr. Ballard could respond, but whether a reasonable lawyer would have believed the additional statements concerning the overall strength of the prosecution's evidence were necessary to mitigate the specific prejudice created by the inaccurate reporting concerning the ATF examination. The Court applies an objective standard. The subjective good faith of counsel is relevant to credibility but does not determine whether Rule 3.6(c)'s limitation was satisfied.

- The State's reliance on *State v. Wright* is misplaced. *Wright* is distinguishable because it addressed statements made during voir dire rather than extrajudicial statements governed by Rule 3.6.

- As the Utah Supreme Court recently reiterated in *Leavitt*, when an elected prosecutor or their deputy makes public declarations regarding the strength of the evidence or their belief in the ultimate outcome of the trial, those words carry the particular weight and authority of the

government. Stating that the prosecution has "ample evidence to demonstrate beyond a reasonable doubt that Tyler Robinson committed this murder" reasonably communicated to the public the prosecutor's assessment that Defendant was guilty. This directly violates Comment 5(iv) of Rule 3.6, which prohibits expressing "any opinion as to the guilt or innocence of a defendant".

- While Mr. Ballard offered a cursory nod to the presumption of innocence, he immediately undercut it by publicly broadcasting his belief that the State will "overcome his presumption of innocence". These statements were not reasonably necessary under Rule 3.6(c) to mitigate the confusion surrounding the ATF report. Rather, those additional public statements possessed a substantial likelihood of materially prejudicing the proceeding by communicating the prosecutor's assessment of the Defendant's guilt.

- **Conclusion on Allegation Two:** The Court finds that the statements to *TMZ* regarding "ample evidence" and "overcoming the presumption of innocence" violated Rule 3.6(a) and were not protected by the Rule 3.6(c) safe harbor. Because Mr. Ballard knew of the Order, possessed the ability to comply, and intentionally made the volitional statements in question (the objectively unreasonable nature of which satisfies the intent requirement under *Von Hake* and *Taggart*), the elements of civil contempt are proven by clear and convincing evidence.

E. Constitutional Issues

The State and the UCAO possess vital First Amendment interests in communicating with their constituents and defending the integrity of their investigations against false media narratives. Rule 3.6(c) accommodated that right by allowing Mr. Ballard to correct the inaccurate ballistics narrative. However, the Defendant's Sixth Amendment right to a fair trial places a constitutional ceiling on prosecutorial speech. As the United States Supreme Court held in *Gentile*, a lawyer's right

to free speech in a pending case is circumscribed because "lawyers' statements are likely to be received as especially authoritative". In capital cases, where life is at stake, the Court concludes that Defendant's Sixth Amendment interests predominate under these facts.

The Court's ruling is not based on disagreement with the prosecutor's viewpoint, nor on the mere fact that the challenged statements were made publicly. Rather, the Court enforces a preexisting Publicity Order that incorporated Rule 3.6, applied equally to all participating counsel, and governed attorney conduct in a pending capital prosecution. The contempt finding rests on the conclusion that the identified statements exceeded the objective limits of Rule 3.6(c), not on the content of the State's position or the Court's assessment of the merits of the prosecution. The remedial measures ordered are directed to preserving jury impartiality and future compliance with the Court's Order. Thus, the application of civil contempt sanctions here does not offend the First Amendment.

F. Whether Civil Contempt Has Been Proven

For the reasons stated above, the Court independently determines that the movant has proven by clear and convincing evidence that Deputy Utah County Attorney Christopher Ballard is in civil contempt of the September 16, 2025, and December 15, 2025 Publicity Orders.

The Court emphasizes that this ruling does not address the merits of the criminal charges, the credibility of anticipated witnesses, or the ultimate guilt or innocence of Defendant. Its sole purpose is enforcement of a narrowly tailored publicity order governing attorney conduct.

A reasonable attorney invoking Rule 3.6(c) may respond only to the specific prejudice requiring correction. The prejudice identified here concerned the public misunderstanding of the ATF's inconclusive forensic finding. Once that misunderstanding had been addressed, further commentary concerning the overall strength of the prosecution's evidence did not materially assist in correcting the specific misimpression. Rather, those additional statements introduced a separate

subject—the prosecutor's assessment of the ultimate merits—which Rule 3.6 independently regulates.

VI. CONCLUSIONS OF LAW

1. The Pre-Trial and Trial Publicity Order entered on September 16, 2025, and amended on December 15, 2025, was a valid, clear, and unambiguous lawful order of this Court.

2. Deputy County Attorney Christopher Ballard had actual notice of the Order, knowledge of its contents, and the unhindered ability to comply with its directives.

3. Although Rule 3.6(c) permitted limited responsive statements explaining the ATF report, Mr. Ballard's additional statements concerning the strength of the State's evidence and anticipated ability to overcome the presumption of innocence exceeded the scope of that exception and violated the Court's Publicity Order.

4. Mr. Ballard intentionally and volitionally made these extrajudicial statements, fulfilling the required elements of civil contempt pursuant to Utah Code § 78B-6-301(5) and *Von Hake v. Thomas*, 759 P.2d 1162 (Utah 1988).

VII. ORDER AND SANCTIONS

Having found the contemnor in civil contempt, the Court turns to the imposition of sanctions. The Defendant argues that the appropriate sanction to remedy this prejudice is to strike the State's Notice of Intent to Seek the Death Penalty. The Court declines to adopt this requested remedy.

As the State correctly argues in its Objection (Docket No. 535), striking a capital enhancement or reducing the charges is not a remedial civil sanction; it is a fixed, absolute, and purely punitive sanction. Such an act would cross the threshold into criminal contempt sanctions and

would also risk an improper judicial intrusion into the executive branch's prosecutorial discretion. *See Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978).

Civil contempt sanctions must be remedial, tailored to cure the prejudice caused by the violation, or designed to coerce future compliance. The Court finds that striking the death penalty is grossly disproportionate to the misconduct and legally unavailable in this civil contempt framework.

Before imposing sanctions, the Court considered whether a mere finding of violation without remedial measures would adequately protect the integrity of future proceedings. The Court concludes it would not. At the same time, the Court rejects punitive sanctions that would intrude upon prosecutorial charging authority or materially alter the underlying criminal proceedings. The selected remedy addresses only the potential effects of the publicity on jury selection and future compliance with the Court's Order. Accordingly, the Court concludes that the relief ordered constitutes the least intrusive means reasonably necessary to remedy the identified prejudice.

However, the violation requires a meaningful remedy to compensate the aggrieved party and protect the integrity of the impending trial. *Von Hake*, 759 P.2d at 1168. The Court draws guidance from the remedies deployed by the district court in the *Leavitt* matter to cure jury pool taint.

Therefore, **IT IS HEREBY ORDERED**:

1. **GRANT OF MOTION:** Defendant's Motion for an Order to Show Cause for Contempt of Court (Docket No. 504) is **GRANTED** insofar as the Court finds Deputy County Attorney Christopher Ballard in civil contempt.

2. **ENLARGEMENT OF JURY VENIRE:** To directly remedy the potential taint introduced into the Utah County jury pool by the contemnor's statements regarding the strength of the evidence, the Court will consider expanded voir dire procedures, additional juror

questionnaires, expanded juror summonses, or other remedial measures as necessary after consultation with the parties.

3. **ATTORNEY'S FEES:** Because this civil contempt proceeding was necessitated by the contemnor's violation, the State shall compensate the Defendant for the reasonable attorney's fees and costs incurred in the drafting, filing, and litigating of the Motion for Order to Show Cause and the evidentiary hearing. Defense counsel is ordered to submit a detailed affidavit of costs and fees within fourteen (14) days of the date of this Order. The State shall have seven (7) days thereafter to file any objections to the reasonableness of the requested fees.

4. **FUTURE COMPLIANCE:** The Court reaffirms the existing Publicity Order. Any future violation may result in additional contempt proceedings and sanctions authorized by law.

Courts depend upon public confidence that criminal prosecutions will be decided upon evidence presented in open court rather than public advocacy outside it. This Order should not be understood as discouraging legitimate public communication authorized by Rule 3.6. Rather, it reflects the Court's obligation to enforce a previously entered Order equally against all counsel and to preserve the fairness of the proceedings for both the Defendant and the State.

DATED this 26th day of June, 2026.

BY THE COURT:

Judge Tony F. Graf, Jr.
District Court Judge

ORIGINAL IF IN RED INK
STATE OF UTAH
FOURTH DIST. COURT • UTAH COUNTY

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 251403576 by the method and on the date specified.

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06/26/2026 /s/ TREENA HANSEN

Date: _____ _____

Signature