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

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| STATE OF UTAH,<br>*Plaintiff,*<br><br>vs.<br><br>TYLER JAMES ROBINSON,<br>*Defendant.* | **RULING AND ORDER ON DEFENDANT'S MOTION TO CLASSIFY (DKT. 715) AND SCHEDULING OF STANDALONE RULE 4-202.04 CLOSURE HEARING**<br><br>Case No: 251403576<br><br>Honorable Tony F. Graf, Jr. |

## I. INTRODUCTION

Before the Court is Defendant Tyler James Robinson's ("Defendant") Motion to Classify his Unredacted Oppositions to Electronic Media Coverage Orders (Dkt. 715) ("Motion to Classify"), filed on August 22, 2026. Defendant seeks protected classification of the unredacted filings, which contain certain external online references and identifying information. On August 27, 2026, a broad coalition of news organizations ("News Media") filed a timely Opposition to Defendant's Motion to Classify, asserting that pretrial pleadings are presumptively public and that the information at issue is already in the public domain. The State of Utah has not filed any motions or pleadings addressing these specific record-classification issues as of August 31, 2026, at 3:00 PM.

Under Rule 4-202.04 of the Utah Rules of Judicial Administration, court records are presumptively open, but a person with an interest in a record may move to classify or redact it. Because the News Media contests Defendant's Motion, Rule 4-202.04(4) requires a closure hearing before the Court resolves the requested restriction. The hearing will remain open to the greatest extent possible, subject to closure of only those portions, if any, necessary to protect the information at issue.

To ensure compliance with the administrative rules of this state while safeguarding the constitutional rights of the accused and the public interest in transparency, the Court hereby

issues this Ruling and Order to address the Motion to Classify first at the previously scheduled September 1, 2026 hearing. The Court will convene a closure hearing at 10:00 AM on September 1, 2026, in Courtroom 4B of the Fourth Judicial District Court. To prevent the sensitive identifiers and details from public exposure access to the unredacted versions of Defendant's Oppositions (Dkts. 710, 711) shall remain restricted pursuant to Rule 4-202.04(3)(A) until the Court enters an order. Following the September 1 closure hearing, the Court will address the Motion to Classify and the pending electronic-media-coverage issues. The parties will then proceed with closing arguments on the preliminary examination, after which the Court will make its probable-cause and bindover determinations.

## II. PROCEDURAL AND FACTUAL BACKGROUND / SUMMARY OF EVIDENCE PRESENTED

On August 14, 2026, The Salt Lake Tribune filed a Request and Order for Electronic Media Coverage (Dkt. 711), seeking permission for newspaper-still photography of the upcoming hearing scheduled for September 1, 2026. On August 17, 2026, KUTV filed a corresponding EMC Request (Dkt. 710), seeking permission for live-streaming and still photography of the same proceeding. The September 1, 2026 hearing was scheduled for oral arguments by counsel regarding the preliminary examination and the determination of probable cause.

On August 22, 2026, Defendant filed timely Oppositions to both EMC requests (Dkts. 710, 711). In his oppositions, Defendant raised substantial constitutional concerns regarding pretrial publicity, courtroom congestion, and witness harassment. In support of his claims, Defendant incorporated the extensive evidentiary record developed at the April 17, 2026 hearing on his prior Motion to Exclude, which included expert testimony from Dr. Bryan Edelman, a trial consultant, and Dr. Christine Ruva, a cognitive psychologist, regarding the impact of pretrial publicity and "source primacy" on juror impartiality and cognitive distortion. *See* Dkts. 305, 399.

In his opposition to The Salt Lake Tribune's request (Dkt. 711), Defendant introduced new evidence regarding certain active external online content and specific identifying information that references these proceedings. Defendant represented that the volume and frequency of this external activity fluctuated significantly during the evidentiary portion of the preliminary examination in July 2026. Defendant argued that the pervasiveness of this external

activity on the internet represents a highly sensitive matter that could impact the integrity of these proceedings, and that continuing to broadcast the legal arguments would exacerbate the dissemination of these external online references.

On August 22, 2026, Defendant also filed the present Motion to Classify (Dkt. 715), seeking restricted access to the unredacted oppositions. Defendant simultaneously filed public redacted versions that omit the specific external references and identifying information at issue.

On August 27, 2026, the News Media filed an Opposition to Defendant's Motion to Classify (Dkt. 724). The News Media asserted that court filings are presumptively public and that both the United States and Utah Supreme Courts protect the right of the community to view criminal pretrial filings. Citing *State v. Archuleta*, 857 P.2d 234 (Utah 1993), they argued that Defendant cannot overcome the presumption of openness because he is attempting to make secret information that is already publicly available and created by the public. They characterized Defendant's concerns as generalized and alarmist.

## III. LEGAL STANDARD

The public and the press enjoy a presumptive constitutional and common-law right of access to criminal proceedings and pretrial records. U.S. Const. amends. I, XIV; Utah Const. art. I, § 15. The Utah Supreme Court has firmly recognized a "presumptive right of access to documents filed in connection with a criminal preliminary hearing." *State v. Archuleta*, 857 P.2d 234, 237–41 (Utah 1993); see also *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 518 (Utah 1984). This presumption of openness is central to the fair administration of justice, ensuring transparency, public accountability, and confidence in the integrity of the judicial system. Under Rule 4-202.02(1) of the Utah Rules of Judicial Administration, court records are presumptively open to the public unless a record is classified as private, protected, or sealed.

However, this presumptive right of access is not absolute. *State v. Allgier*, 2011 UT 47, ¶ 14, 258 P.3d 589. Court records may be restricted when the applicable legal standards and required findings establish that interests favoring closure outweigh the interests favoring public access. *Supernova Media, Inc. v. Pia Anderson Dorius Reynard & Moss, LLC*, 2013 UT 7, ¶ 58, 297 P.3d 599. Specifically, the Utah Rules of Judicial Administration authorize courts to classify

criminal enforcement records as protected "if the record reasonably could be expected to . . . interfere with a fair hearing or trial[.]" Utah R. Jud. Admin. 4-202.02(5)(J)(ii).

The procedural mechanism to reclassify an open record is governed strictly by Rule 4-202.04 of the Utah Rules of Judicial Administration. Rule 4-202.04(3) permits a party to file a motion to classify a record as private or protected. Rule 4-202.04(4) further requires a closure hearing when a motion to close a record is contested. In conducting that hearing, the Court must also respect the constitutional presumption of access and may exclude the public only from those portions of the hearing for which closure is necessary to protect the countervailing interest. *See Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 524 (Utah 1984).

Additionally, Rule 4-202.04(3)(A) establishes an interim access restriction: upon filing of the motion, "the court must deny access to the record until the court enters an order." This prevents the public disclosure of the contested information before the court has an opportunity to conduct a hearing and issue a definitive ruling.

In resolving the Motion, the Court must identify the specific records and competing interests, balance the interests favoring access and closure, and consider whether reasonable alternatives adequately protect the interests favoring closure. Utah R. Jud. Admin. 4-202.04(6).

## IV. ANALYSIS

### A. The Contested Motion and Closure-Hearing Requirement

The News Media's written Opposition contests Defendant's requested restriction on access to the unredacted filings and therefore triggers the closure-hearing requirement of Rule 4-202.04(4). The Court accordingly will not resolve the Motion to Classify until after that hearing. Consistent with the presumption of access and *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 524 (Utah 1984), the hearing will remain open to the greatest extent possible, and the Court will close only those portions, if any, necessary to protect the information at issue.

### B. Interim Restriction on Access

Rule 4-202.04(3)(A) provides that upon the filing of a motion to reclassify a record associated with a pending case, "the court must deny access to the record until the court enters an order." Defendant's Motion concerns unredacted filings containing the specific external

references and identifying information described above. Accordingly, access to those filings will remain restricted while the Motion is pending. This interim restriction preserves the status quo and does not constitute a determination that the records ultimately satisfy the requirements for protected classification.

The publicly available redacted filings remain accessible to the public and press and disclose the substance of Defendant's legal arguments and the general nature of the information at issue. Following the closure hearing, the Court will determine the ultimate classification of the unredacted records under Rule 4-202.04(5) and (6).

**C. Procedural Sequencing of the September 1 Hearing**

Because the classification issue affects the treatment of information relevant to the pending EMC disputes, the Court will address Defendant's Motion to Classify first on September 1, 2026. The closure hearing will commence at 10:00 AM. Following resolution of the classification issue, the Court will address the pending EMC requests, hear closing arguments on the preliminary examination, and thereafter make its probable-cause and bindover determinations. The specific sequence is set forth in the Order below.

## V. CONCLUSION / ORDER

Based on the foregoing particularized findings and the procedural mandates of the Utah Rules of Judicial Administration, IT IS HEREBY ORDERED that:

1. Defendant's Motion to Classify (Dkt. 715) shall be addressed first on September 1, 2026, through a closure hearing commencing at 10:00 AM pursuant to Rule 4-202.04(4). The hearing shall remain open to the greatest extent possible, and any closure shall be limited to portions the Court finds necessary to protect the information at issue.
2. Following the closure hearing, the Court shall rule on the Motion to Classify under Rule 4-202.04, address the pending EMC requests, and then hear closing arguments on the preliminary examination. The Court shall thereafter make its probable-cause and bindover determinations.

3. Pursuant to Rule 4-202.04(3)(A) of the Utah Rules of Judicial Administration, and to preserve the status quo pending the closure hearing, access to the unredacted versions of Defendant's Oppositions shall remain temporarily restricted until the Court enters its classification order.

**IT IS SO ORDERED.**

DATED this 31st day of August, 2026

Tony F. Graf, Jr.
District Court Judge

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STATE OF UTAH
FOURTH DIST. COURT • UTAH COUNTY

Used At Direction Of Judge

## 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.

MANUAL EMAIL: KATHRYN NESTER KATHY@NESTERLEWIS.COM

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08/31/2026 /s/ TREENA HANSEN

Date: _____ _____

Signature