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 TO CLASSIFY (DKT. 715) AND ELECTRONIC MEDIA COVERAGE REQUESTS (DKTS. 710, 711)** Case No: 251403576 Honorable Tony F. Graf, Jr.

I. INTRODUCTION

Before the Court are three interrelated pretrial matters in the capital prosecution of Defendant Tyler James Robinson ("Defendant"): (1) Defendant's Motion to Classify Defendant's Unredacted Oppositions to EMC Orders for the September 1, 2026 Hearing (Dkts. 710, 711) ("Motion to Classify") (Dkt. 715), filed on August 22, 2026; (2) KUTV's August 17, 2026 Request for Electronic Media Coverage ("EMC Request") (Dkt. 710), seeking permission to conduct livestreaming and still photography; and (3) The Salt Lake Tribune's August 14, 2026 EMC Request (Dkt. 711), seeking permission to conduct newspaper-still photography during the upcoming preliminary hearing oral arguments. On August 22, 2026, Defendant filed timely Oppositions to both EMC requests, raising substantial constitutional and statutory concerns regarding pretrial bias, courtroom physical capacity, and witness privacy (Dkts. 710, 711). On August 27, 2026, a broad coalition of news organizations ("News Media") filed a timely, consolidated Opposition to Defendant's Motion to Classify and a Consolidated Response to Defendant's EMC Oppositions, asserting a presumptive constitutional and administrative right of public access to both courtroom proceedings and record filings. The State of Utah has not filed any motions or pleadings addressing these 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 party may move to reclassify records. Because Defendant's motion to restrict access was contested, Rule 4-202.04(4) required a closure hearing. The Court conducted that hearing on September 1, 2026, at 10:00 AM, in Courtroom 4B, wherein counsel for the

Defendant, the prosecution, and the News Media were present and given an opportunity to be heard on the record. The Court limited access to the closure hearing only to the extent necessary to avoid disclosing the information whose classification remained unresolved.

Having considered the parties' submissions, the arguments presented at the closure hearing, the relevant portions of the existing evidentiary record, and the governing authorities, the Court denies Defendant's Motion to Classify and grants the EMC requests in part, subject to the limitations set forth below.

II. PROCEDURAL AND FACTUAL BACKGROUND / SUMMARY OF EVIDENCE PRESENTED

The Defendant is charged with aggravated murder, a capital offense for which the State of Utah is seeking the death penalty. Due to the nature of the charges and the prominent public profiles of the individuals involved, this case has received extensive and continuous publicity. On May 8, 2026, the Court entered an Order establishing specific procedures for resolving challenges to electronic media requests, including a four-page limit for objections, a prohibition on oral argument, and a timeline for filing (Dkt. 535). On June 30, 2026, the Court issued a comprehensive Ruling and Order on Defendant's Objections to Electronic Media Requests (Dkt. 664), overruling Defendant's blanket objections to cameras and microphones for the preliminary hearing held on July 6 through 10, 2026. The preliminary hearing was open to the public and was subject to electronic media coverage under the terms of the Court's Amended Standing Decorum Order, effective August 28, 2026.

In support of his current oppositions and his motion to classify, Defendant incorporates the extensive evidentiary record developed at the April 17, 2026 hearing on his prior Motion to Exclude. During that hearing, Defendant presented expert testimony from Dr. Bryan Edelman, a trial consultant, and Dr. Christine Ruva, a cognitive psychologist, to demonstrate the prejudicial impact of pretrial publicity. Dr. Edelman conducted a survey of 200 residents in Utah County and prepared a report concluding that 99 percent of the community recognized the case, and 64 percent had already formed an opinion that Defendant is guilty. Dr. Edelman testified that only about 25 percent of viewers watch court live streams directly, while the majority consume sensationalized social media commentary or news snippets, which typically reinforce the prosecution's narrative and spread misinformation. Dr. Ruva testified regarding "source

primacy" and cognitive bias, explaining that exposure to negative pretrial publicity causes potential jurors to unconsciously distort trial evidence to align with preexisting biases. She concluded that video and audio coverage generate stronger emotional responses than print media and that traditional venue remedies or juror instructions are less effective against implicit biases.

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 pointed to Polymarket, a popular online prediction and betting website, which hosted an active betting pool titled "Tyler Robinson convicted of homicide?" as of August 22, 2026. At the time of filing, over $300,000 in shares had been traded on the question of whether Defendant will be convicted of capital homicide. Defendant represented that the betting odds and market volume fluctuated significantly during the evidentiary portion of the preliminary hearing in July 2026. Defendant argued that the pervasiveness of online betting represents a morally dubious enterprise that commodifies capital litigation, and that continuing to broadcast the legal arguments would exacerbate this commercial gambling.

Simultaneously, on August 22, 2026, Defendant filed the present Motion to Classify (Dkt. 715), requesting that the unredacted versions of his oppositions containing the specific Polymarket links, web addresses, transaction volumes, and active betting identifiers be classified as protected under Utah Rule of Judicial Administration 4-202.04(3). Defendant argued that publishing these precise URLs on the court's public docket would move markets, draw speculative interest to his capital case, and jeopardize the integrity of the jury pool. Defendant submitted public, redacted versions of both oppositions, shielding only the precise external betting links.

Furthermore, Defendant raises substantial concerns regarding courtroom congestion on September 1, 2026. Defendant notes that the Fourth District Court's facilities are highly congested, with the audience gallery at capacity, media representatives filling the jury box adjacent to defense tables, and counsel tables tightly packed with defense and prosecution teams. Defendant argues that introducing two separate still photographers with their respective equipment, in addition to KUTV's livestream camera and operator, will severely disrupt the

court's physical space, threaten attorney-client confidentiality, and interfere with the effective administration of justice.

Finally, Defendant alleges that witness safety and privacy have been compromised. Defendant represents that following the preliminary hearing in July 2026, several individuals who provided Rule 1102 statements and whose information was introduced into the public record were subjected to harassment, with media representatives and interested third parties appearing at their private residences. Defendant contends that continuing to livestream these proceedings, where hearsay evidence is discussed, exacerbates these privacy concerns.

The News Media's Consolidated Response argues that Defendant's objections are merely repetitive of generalized policy arguments against cameras that the Court has already rejected. The News Media points out that the evidentiary portion of the preliminary hearing was open and broadcasted, meaning the evidence discussed on September 1, 2026, is already fully in the public arena. Regarding external online speculation and witness concerns, the News Media contends these are generalized societal phenomena that exist independently of whether a camera is permitted in the courtroom, and that public discussion will continue regardless of court-regulated EMC.

The Court does not reject Dr. Edelman's or Dr. Ruva's testimony concerning the potential effects of pretrial publicity. Their testimony supports the conclusion that publicity may create genuine risks to jury impartiality. The narrower issue presented by these EMC requests, however, is whether broadcasting legal argument concerning previously presented evidence creates sufficient incremental prejudice to overcome the Rule 4-401.01 presumption. On the present record, Defendant has not made that showing.

III. LEGAL STANDARD

The public and the press enjoy a presumptive, common-law and constitutional right of access to criminal proceedings under the First and Fourteenth Amendments to the United States Constitution and Article I, Section 15 of the Utah Constitution. *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 518-19 (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. See *State v. Archuleta*, 857 P.2d 234, 237 (Utah 1993). 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.

Under Rule 4-401.01 of the Utah Rules of Judicial Administration, there is a rule-based presumption in favor of electronic media coverage by a news reporter in public court proceedings:

> There is a presumption that electronic media coverage by a news reporter shall be permitted in public proceedings where the predominant purpose of the electronic media coverage request is journalism or dissemination of news to the public. The judge may prohibit or restrict electronic media coverage in those cases only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption.

When determining whether this presumption has been overcome, the Court must consider some or all of the nine factors set forth in Rule 4-401.01(2)(B), including: (i) whether there is a reasonable likelihood of prejudice to a fair proceeding; (ii) whether coverage will jeopardize safety or well-being; (iv) whether it constitutes an unwarranted invasion of personal privacy; (v) whether it will create adverse effects greater than coverage without recording; (vi) the adequacy of physical facilities; and (vii) the public interest. Any order restricting coverage must relate to the specific circumstances of the proceeding rather than generalized preferences, and must be supported by particularized oral or written findings on the record. Utah R. Jud. Admin. 4-401.01(2)(C)-(D).

The constitutional and common-law right of public access is distinct from the rule-based presumption governing electronic media coverage. In resolving the EMC requests, the Court must apply Rule 4-401.01 while also safeguarding Defendant's fundamental rights to a fair trial, due process of law, and an impartial jury under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 7 and 12 of the Utah Constitution. The right of public access does not itself establish a constitutional right to photograph or broadcast a proceeding. Electronic media coverage is instead governed here by Rule 4-401.01 and its specified presumption, factors, and limitations. The United States Supreme Court has made clear that the trial court has an affirmative duty to safeguard these rights from the toxic effects of prejudicial publicity:

> Due process requires that the accused receive a trial by an impartial jury free from outside influences. Given the pervasiveness of modern communications and the

> difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused... Of course, there is nothing that proscribes the press from reporting events that transpire in the courtroom. But where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county not so permeated with publicity.

See Sheppard v. Maxwell, 384 U.S. 333, 362-63 (1966). While the Supreme Court has held that the presence of cameras in a courtroom is not a per se violation of due process, *Chandler v. Florida*, 449 U.S. 560, 574 (1981), trial courts must exercise rational skepticism and apply strict safeguards to maintain decorum and prevent a "carnival atmosphere." Id. at 575; *State v. Arguelles*, 2003 UT 1, ¶ 102, 63 P.3d 731.

Finally, Rule 4-202.04 governs Defendant's request to restrict access to the unredacted filings. Subsection (3)(A) permits a person with an interest in a record associated with a case over which the court retains jurisdiction to seek classification or redaction. Subsection (4) requires a closure hearing when such a motion is contested. Subsection (5) identifies the circumstances in which a record or information may be classified or redacted. In ruling on the motion, subsection (6) requires the Court to make findings and conclusions concerning the specific records and to identify and balance the interests favoring opening and closing them. If the Court orders a record closed, it must also determine that no reasonable alternative to closure sufficiently protects the interests favoring closure.

The presumption of access is substantial but qualified. *See State v. Archuleta*, 857 P.2d 234, 237–41 (Utah 1993); *State v. Allgier*, 2011 UT 47, ¶¶ 14–20, 258 P.3d 589. Thus, the question is not whether openness or fair-trial interests categorically prevail, but how those interests apply to the particular information at issue here. These record-specific findings and balancing requirements govern Defendant's Motion to Classify.

IV. ANALYSIS

A. Defendant's Procedural Due Process Objections

Defendant reiterates his continuing objections to the challenge procedure set forth in this Court's May 8, 2026 Order (Dkt. 535). Specifically, Defendant contends that the four-page limit for objections, the prohibition on oral argument, the absence of an evidentiary hearing, and the

lack of a formal appeal mechanism violate his federal and state constitutional rights to due process.

Defendant has not demonstrated that the procedures governing EMC objections deprived him of a meaningful opportunity to present the particular objections at issue here. Due process is a flexible concept that requires "such procedural protections as the particular situation demands." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). In this case, the Defendant has been afforded multiple opportunities to submit written objections, present expert testimony at the April 17, 2026 hearing, and establish a comprehensive record. The present objections identify the asserted risks of prejudice, physical congestion, and participant privacy, and the Court has considered those arguments together with the incorporated evidentiary record. Defendant identifies no material argument or noncumulative evidence concerning these requests that the filing limitation prevented him from presenting. On that record, the Court finds no procedural deprivation requiring different treatment of the pending EMC requests. Accordingly, Defendant's procedural objections are overruled.

B. Evidentiary Presentation, Hearsay under Rule 1102, and Pretrial Bias

Defendant argues that electronic media coverage of the September 1, 2026 hearing will prejudice his right to a fair trial by disseminating hearsay-based evidence introduced under Utah Rule of Evidence 1102. Defendant contends that Dr. Edelman's and Dr. Ruva's expert testimonies establish that such broadcasted publicity will deepen public bias and make the selection of an impartial jury impossible.

The Court recognizes that Defendant's constitutional concerns are substantial, particularly given that this is a capital murder case where the State is seeking the death penalty. Nevertheless, the Court's analysis is guided by the specific procedural posture of this proceeding. The evidentiary portion of the preliminary hearing was conducted in open court in July 2026. The evidence and Rule 1102 material relevant to the September 1 legal arguments were presented during those open proceedings and were available for public reporting. The September 1, 2026 hearing involves oral arguments by counsel on whether the State has met its threshold burden of probable cause. No new evidence, hearsay-based or otherwise, will be introduced during this hearing. Thus, the present EMC requests concern the incremental effect of

broadcasting legal argument about previously presented material, rather than the first public disclosure of the underlying evidence.

Furthermore, Utah law recognizes that prejudicial publicity may threaten a defendant's fair-trial rights while also recognizing careful jury-selection procedures as potential safeguards. *See State v. Allgier*, 2011 UT 47, ¶¶ 19–20, 258 P.3d 589. Recognized jury-selection safeguards remain available, and their adequacy may be reassessed as the case progresses. These tools are available to identify prospective jurors who have developed fixed prejudgments or disqualifying financial interests, and their adequacy can be reassessed during jury selection. Because the relevant evidence was previously presented in open court, the public interest in access to the legal argument outweighs the incremental prejudice established on the present record. Defendant's objection on this basis is overruled.

C. Courtroom Congestion, Still Photography, and the Presumption of Coverage under Rule 4-401.01

Defendant objects to the Court's previous orders which allowed both KUTV and The Salt Lake Tribune to obtain newspaper-still photography at the hearing. Defendant points to the extreme physical limitations of the Fourth District Court's courtroom, noting that the gallery is at capacity, the jury box is filled with media, and the counsel tables are congested. Defendant argues that the presence of multiple still photographers, their associated lenses, tripods, and movements will create a highly distracting and disruptive environment.

Defendant's objection concerning physical facilities is sustained in part. Rule 4-401.01 directs the Court to consider the adequacy of courtroom facilities and ordinarily limits coverage to one video camera and one still camera unless otherwise approved. The record before the Court reflects that the public gallery is at capacity, media representatives occupy the jury box, and the area surrounding counsel tables is confined. Additional camera operators would increase movement and equipment in that limited space without materially increasing public access to the proceeding.

Accordingly, KUTV may operate one stationary video camera and provide pool video coverage, and The Salt Lake Tribune may operate one stationary still camera and provide pool photographs. KUTV's additional request for separate still photography is denied. The pooling requirements of Rule 4-401.01 apply.

D. Witness and Participant Privacy, Decorum, and Protective Measures

The Court takes very seriously Defendant's representations concerning unwanted contacts involving individuals whose information became public following the July preliminary hearing. The present record does not require the Court to determine the precise nature, source, or extent of those contacts because no witness will testify at the September 1 hearing. The September 1 proceeding is limited to legal argument by counsel and will involve no live witness testimony.

While the Court cannot regulate the behavior of reporters or the public outside the courthouse, the Court has both the authority and responsibility to protect the privacy, safety, and dignity of participants inside the courtroom. This duty is addressed through the strict enforcement of the Court's Amended Standing Decorum Order, effective August 28, 2026, and the limitations in Rule 4-401.01(6).

To reduce the identified risks of distraction or privacy invasion, the Court enforces the following mandatory conditions on all electronic media coverage of the September 1, 2026 hearing:

- There shall be no audio recording, filming, or photography of any confidential communications between counsel and client, between clients, or between counsel at the counsel tables or during bench conferences.
- There shall be no electronic media coverage of any juror, prospective juror, or the face of any minor.
- KUTV's video camera and operator must be positioned in the rear southeast corner of the courtroom, must remain stationary, and must utilize a wide-angle shot of the courtroom. The camera shall not zoom in on any writings, computer screens, or sensitive documents on the counsel tables.
- Still photography by The Salt Lake Tribune must be conducted from a stationary position behind the bar, and the camera must operate silently without the use of flash or strobe lights. Still photographers shall not move around the courtroom while the court is in session.
- Any restriction on photographing identifiable family members shall be governed by the Court's Standing Decorum Order and the Court's authority under Rule 4-401.01. Nothing in this Order extends those restrictions beyond the areas or circumstances authorized by applicable rule or order.
- There shall be no video recording, audio recording, or still photography inside the courtroom before the judge enters or after the court is in recess or adjourned.

Failure to comply with any of these conditions may result in termination of electronic media privileges, removal from the courtroom, contempt proceedings, or other appropriate sanctions, under Rule 4-401.01(5) and the Decorum Order. A willful or material violation may result in immediate termination of electronic media privileges, removal from the courtroom, contempt proceedings, or other appropriate sanctions.

E. Defendant's Motion to Classify and the Presumption of Public Access to Court Records

Defendant moves this Court pursuant to Utah Rule of Judicial Administration 4-202.04(3) to permanently classify the unredacted versions of his Oppositions to KUTV's and The Salt Lake Tribune's EMC requests (Dkts. 710, 711) as protected. Defendant argues that the unredacted filings publicly identify and link to specific online prediction and betting markets that reference these proceedings, and that publishing this information in public court records would move markets, draw speculative interest to his capital case, and jeopardize the integrity of the jury pool. The News Media opposes this motion, citing the presumptive public right of access to criminal records under *State v. Archuleta*, 857 P.2d 234 (Utah 1993) and *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980).

Following the closure hearing required by Rule 4-202.04(4), and after considering the parties' submissions, the arguments presented at that hearing, and the unredacted filings, the Court DENIES Defendant's Motion to Classify (Dkt. 715). Rule 4-202.04(5) identifies the circumstances in which a court may classify or redact information. Defendant has not demonstrated that the specific URLs, market identifiers, or transaction information at issue fall within one of those categories. That provides an independent basis for denying the requested classification. Even assuming for purposes of analysis that subsection (5) could be satisfied, the Court further concludes that the balancing required by subsection (6) favors public access. While court filings can be restricted when competing interests outweigh the public interest in access, *State v. Allgier*, 2011 UT 47, ¶ 14, 258 P.3d 589, Defendant bears the burden associated with the relief requested. Applying Rule 4-202.04 to the specific information identified in the motion, the Court concludes that the asserted interests do not justify the requested classification or redaction on the present record.

First, Rule 4-202.02(1) presumes public access to court records, and *Archuleta* recognizes a presumptive right of access to documents filed in connection with a criminal preliminary

hearing. 857 P.2d at 237. The presumption is qualified. In *Archuleta*, the Utah Supreme Court recognized presumptive access but nevertheless affirmed nondisclosure where the particular documents contained sensitive and inflammatory information and disclosure posed a realistic likelihood of prejudice. 857 P.2d at 237–41. The present record is materially different: the information Defendant seeks to redact consists principally of publicly accessible market links and associated market data, rather than previously undisclosed inflammatory allegations exceeding what was revealed in the open proceeding.

Second, the information the Defendant seeks to shield—namely, the existence of the specific online prediction market and betting pool targeting his homicide conviction—is already widely available and easily accessible to the general public on the internet. The prior public availability of the information does not itself eliminate the Court's authority to classify or redact a court record. It does, however, substantially reduce the practical protection that classification would provide and therefore diminishes the weight of that interest in the Rule 4-202.04(6) balance. *See Allgier*, 2011 UT 47, ¶¶ 17–20. Here, restricting access to the URLs would not remove the underlying market or previously disseminated information from public availability.

Third, the Court credits Defendant's concerns regarding jury contamination and prediction-market activity as genuine. The present record, however, does not establish a sufficiently particularized causal connection between public access to these specific filings and material incremental prejudice beyond the extensive publicity that already exists.

Fourth, because the Court concludes that the Rule 4-202.04(6) balance favors access, subsection (6)(C) does not require a separate finding concerning alternatives to closure. *See Allgier*, 2011 UT 47, ¶ 18. Nevertheless, the availability of recognized jury-selection safeguards further supports the Court's conclusion that classification is unwarranted on the present record. Such safeguards may include an expanded venire, individualized juror questionnaires, and individualized voir dire addressing exposure to publicity, prediction markets, and any financial interest in the outcome. The adequacy of those measures remains subject to reassessment as jury selection approaches and the record develops.

Considering the particular information at issue, its existing public availability, the incremental rather than initial disclosure involved, and the fair-trial interests identified by Defendant, the Court concludes that the interests favoring access outweigh the interests favoring

classification on the present record. The Defendant's Motion to Classify must therefore be denied, and the unredacted versions of his Oppositions (Dkts. 710, 711) must be made part of the public record.

V. CONCLUSION / ORDER

Based on the foregoing particularized findings, the procedural record, the oral arguments presented at the September 1, 2026 closure hearing, and the procedural mandates of the Utah Rules of Judicial Administration, **IT IS HEREBY ORDERED** that:

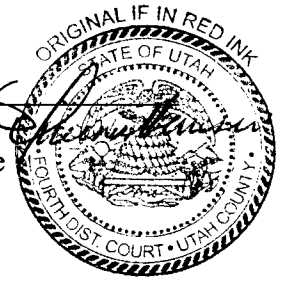
1. Defendant's Motion to Classify Defendant Tyler James Robinson's Unredacted Oppositions to EMC Orders (Dkt. 715) is denied.
2. KUTV's Request for Electronic Media Coverage of Court Proceedings (Dkt. 710) is **GRANTED IN PART** and **DENIED IN PART**. KUTV is permitted to provide live-streaming (video camera and operator) of the September 1, 2026 oral arguments. KUTV's request for separate still photography is **DENIED**.
3. The Salt Lake Tribune's Request for Electronic Media Coverage of Court Proceedings (Dkt. 711) is **GRANTED**. The Salt Lake Tribune is permitted to provide still photography of the September 1, 2026 oral arguments.
4. Defendant's Objections to KUTV's and The Salt Lake Tribune's EMC requests (Dkts. 710, 711) are **SUSTAINED IN PART** and **OVERRULED IN PART**. Still photography of the September 1, 2026 hearing is strictly limited to a single photographer from The Salt Lake Tribune, who shall provide pool coverage to KUTV and all other participating media agencies in accordance with UCJA Rule 4-401.01(4). KUTV is prohibited from operating still cameras in the courtroom.
5. KUTV and The Salt Lake Tribune shall strictly comply with the pooling, positioning, and decorum conditions set forth in this Order and the Court's Amended Standing Decorum Order. Based on the privacy, confidentiality, and courtroom-management findings set forth above, electronic media coverage shall not include confidential attorney-client communications, bench conferences, jurors or prospective jurors, or the faces of minors. The camera operators shall remain in the positions designated above and shall comply with the applicable pooling requirements. Any additional restriction concerning identifiable family members shall apply only to the extent authorized by the Court's Standing Decorum Order and applicable Rule 4-401.01.
6. Following the entry of this Ruling and Order, the Court will separately resolve the preliminary hearing issues after completion of argument. Nothing in this Order addresses or anticipates those determinations.

7. The Clerk shall thereafter make publicly accessible the unredacted filings, the transcript of the closure hearing, and the audio recording of the closure hearing.

IT IS SO ORDERED.

DATED this 1st day of September, 2026.

Tony F. Graf, Jr.
District Court 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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09/01/2026 /s/ TREENA HANSEN

Date: _____ _____

Signature