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

STATE OF UTAH, Plaintiff, v. TYLER JAMES ROBINSON, Defendant.	**NEWS MEDIA'S RESPONSE TO DEFENDANT'S OPPOSITION TO EMC ORDER FOR STILL PHOTOGRAPHY AT THE OCTOBER 23, 2026 TRIAL-SETTING HEARING** Case No. 251403576 Hon. Tony F. Graf, Jr.

The News Media respectfully submits this Response to Defendant Tyler James Robinson's Opposition to an EMC Order granting leave for a pool photographer to take still photos at an October 23, 2026 trial-setting hearing. (Dkt. 758; *see also* Dkt. 756 (EMC Order).) Defendant's EMC Opposition lodges familiar objections and reraises policy arguments that the Court has repeatedly rejected. Most fundamentally, Defendant's Opposition is built around resistance to "electronic recording and transmission" when—as the Court observed in its October 14, 2026 Notice

(Dkt. 760)—the EMC Order at issue relates only to still photography. The arguments in Defendant's Opposition therefore fall far short of overcoming the presumption favoring EMC, and the News Media asks the Court to deny that Opposition accordingly.

Defendant dedicates most of his Opposition to arguing that "there is a reasonable likelihood that [EMC] will prejudice the right of the parties to a fair proceeding[.]" (Dkt. 758 at 1–2 (quoting Utah R. Jud. Admin. 4-401.01(2)(B)(i))).[1] As Defendant frames it, "the limited case-management purpose of the [trial-setting hearing] substantially reduces the additional public benefit from EMC," and "[r]ecording and transmission through EMC . . . may inhibit the candid discussion among the Court and counsel necessary to appropriately address scheduling and case preparation in this capital prosecution." (*Id.* at 2.) That is, of course, the exact kind of "generalized view[] or preference[]" that could be made with respect to any supposedly procedural preliminary hearing. *See* Utah Code Jud. Admin. R. 4-401.01(2)(D).

To the extent Defendant offers any kind of hearing-specific argument at all, Defendant argues that recent media reports "on costs associated with the defense" could lead the public to view "statements by defense counsel at the upcoming proceeding concerning the time and resources necessary to prepare this case . . . through the lens of cost." (Dkt. 758 at 3.) It's true, of course, that some members of the public may legitimately be interested in defense costs associated with this case, as they are being funded by taxpayer dollars—and that interest cuts *in favor* of coverage, not against it. *See* Utah Code Jud. Admin. R. 4-401.01(2)(B)(vii), (viii) (favoring

[1] At the outset of his Opposition, Defendant notes his "continuing objection to the EMC challenge procedure," which Defendant contends "deprives the parties of a meaningful opportunity to be heard." (Dkt. 758 at 1–2.) As the Court knows, the now-operative EMC challenge procedure provides far *more* protection than Utah's standard rules allow. Utah Code Jud. Admin. 4-401.01(3)(A) (requiring written EMC requests one day before the proceeding at issue but requiring no additional procedural protections). Moreover, Defendant has not made any effort to demonstrate how the procedure purportedly deprives him of a meaningful opportunity to be heard.

coverage based on public interest and other "beneficial effects of allowing public observation"); *cf. Press-Enterprise Co. v. Sup. Ct. of Cal. for Riverside Cnty.*, 478 U.S. 1, 7 (1986) ("The right to an open public trial is a shared right of the accused and the public, the common concern being the assurance of fairness.").

More fundamentally, however, Defendant's Opposition mischaracterizes the EMC Order itself. The EMC request and resulting order seeks leave for a single pool photographer to take still photographs. The substantive arguments contained in the Opposition all center on supposed risks associated with live streaming or video recording. Defendant contends, for example, that "there is little additional news value in electronically recording and transmitting the back-and-forth among the Court and counsel concerning scheduling matters." (Dkt. 758 at 3.) Defendant then adds, "Electronic recording and transmission create a risk that counsel's statements concerning anticipated motions, defense preparation, and scheduling needs will be disseminated outside the context of the case management discussion in which they are made." (*Id.*) Those arguments, of course, have nothing to do with the EMC request at issue, because still photography carries none of the supposed risks that Defendant identifies. In fact, nothing in Defendant's Opposition can be meaningfully construed as an argument against still photography. Defendant therefore has not made any meaningful argument that denying EMC in the form of still photography would address any of the concerns he raises.

Defendant's final objection—again, an objection Defendant has made before—is that the current EMC procedures do not "allow any opportunity for witnesses to address privacy or security concerns." (*Id.* at 4.) But Defendant once again does not identify specific concerns related to EMC or how those concerns would be mitigated by terminating EMC rather than (for example) enforcing the existing decorum order—particularly with respect to still photography alone. Nor does he explain why his concern is relevant to the October 23 hearing given that (as Defendant

acknowledges) there will be no witness testimony or presentation of evidence. Accordingly, this argument does not support any "particularized findings" that would warrant prohibiting EMC. Utah Code Jud. Admin. R. 4-401.01(2)(C).

The News Media asks the Court to reject Defendant's Opposition and maintain the EMC Order granting leave for a single pool photographer to take still photos at the October 23 trial-setting hearing.

RESPECTFULLY SUBMITTED this 16th day of October 2026.

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Certificate of Service

I hereby certify that on October 16, 2026, I electronically filed the foregoing with the Court using the electronic filing system, which sent notification of such filing to all attorneys of record.

/s/ C. Michael Judd