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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 REPLY IN SUPPORT OF OPPOSITION TO EMC ORDER FOR THE OCTOBER 23, 2026 HEARING (DKT 756)** Case No. 251403576 Honorable Tony F. Graf, Jr.

Defendant, Tyler James Robinson ("Mr. Robinson"), by and through undersigned counsel, hereby files this *Reply in Support of Opposition to Deseret News' October 1, 2026 EMC Request*. Mr. Robinson acknowledges that Deseret News' EMC request was for still photography, rather than video recording or livestreaming, *see* Doc. 760 (Court's Notice Re: EMC Coverage of October 23, 2026 Hearing). Mr. Robinson expressly objects to still photography at the October 23, 2026 hearing.

The News Media, as it has repeatedly done in prior pleadings, conflates the public's right to an open proceeding with a right for the media to photograph or record that proceeding. *See*

Response at 3 (citing *Press-Enterprise Co. v Sup. Ct. of Cal. for Riverside Cnty.*, 478 U.S. 1, 7 (1986), for the proposition that the "right to an open public trial is a shared right of the accused and the public"). Mr. Robinson does not seek to close the October 23, 2026 hearing. He seeks to reduce pretrial prejudicial publicity by restricting electronic media coverage that provides little additional public benefit.

The First Amendment right to attend and report on criminal proceedings does not confer on the news media a right to photograph them. *See Richmond Newspapers, Inc. v. Virginia,* 448 U.S. 555, 572, 576, 577 n.12, 580 (1980) (noting the "television and radio reporter . . . are entitled to the same rights as the general public," which under the First Amendment is "the right to attend criminal trials"—"to observe" trials and "to hear, see, and communicate observations concerning them"); *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 610 (1978) (explaining that 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"). The News Media's citation to the constitutional right of public access does not support still photography at this hearing.

Mr. Robinson's concerns about prejudicial electronic media coverage at the October 23 hearing remain applicable to still photography. Still photography captures momentary expressions and gestures. Absent context, photographs potentially convey misleading impressions. In this case, media and public commentators frequently scrutinize Mr. Robinson's expressions for purported signs of his character. Dissemination of these photographs risks reinforcing existing prejudicial perceptions of Mr. Robinson and his defense, without meaningfully informing the public about the substance of the proceeding.

The October 23 hearing is largely administrative in nature and members of the media will be able to attend and report on it. It is not anticipated that there will be witnesses or live testimony. The hearing's limited case-management purpose substantially limits the additional public benefit of still photography. The News Media identifies no particular benefit of photographing this hearing that meaningfully answers Mr. Robinson's concerns about additional prejudice. Those concerns, considered together with the limited benefit of still photography at this hearing, provide sufficiently compelling reasons to overcome any presumption favoring EMC. *See* Utah R. Jud. Admin. 4-401.01(2)(A), (2)(B)(i), (2)(B)(v), (2)(B)(vii)–(viii).

THEREFORE, Mr. Robinson requests that this Court deny the request for EMC of the October 23, 2026 proceeding.

RESPECTFULLY SUBMITTED this 18th day of October 2026.

/s/ Kathryn N. Nester
Kathryn N. Nester

/s/ Richard G. Novak
Richard G. Novak

/s/ Michael N. Burt
Michael N. Burt

/s/ Staci Visser
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 18th day of October, 2026, thereby serving all attorneys of record.

I also certify that on the 18th day of October, 2026, a copy of the foregoing was emailed to the following counsel for their respective media entities:

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