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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 THE NOVEMBER 9, 2026 HEARING** Case No. 251403576 Hon. Tony F. Graf, Jr.

The News Media respectfully submit this Response to Defendant Tyler James Robinson's Opposition to the EMC Order for the November 9, 2026 Hearing (Opposition). (Dkts. 781, 787.)

Defendant's Opposition repeats arguments that this Court has already rejected numerous times. (*See, e.g.*, Opp. 1 (arguing due process violation), 4 (arguing presumption is overcome because there is no constitutional right), 4 (arguing there is no means for unidentified witnesses

to challenge EMC).) Those arguments do not overcome the presumption favoring EMC and should be rejected yet again. Nonetheless, two arguments are worth addressing at more length.

First, Defendant argues that news reporting on the November 9 hearing "does not require EMC" because the "principal newsworthy information to come out of the hearing will be whether a trial date is set, and if so, what it is." (Opp. 3.) Defendant is not the arbiter of what is "newsworthy," nor does the inquiry turn on whether EMC is "require[d]." (*Id.*) Instead, as the Court is well aware, there is a presumption favoring EMC that can be overcome only after a court has made "particularized findings." Utah R. Jud. Admin. 4-401.01(2). And as the Court determined with regard to the October 23 trial-setting hearing, the benefits provided by still photography are not overcome by Defendant's generalized policy arguments. (*See* Ruling & Order on Defendant's Opp. to EMC Request for Oct. 23, 2026 Hearing, Dkt. 768 at 9–10.) So too here, especially considering that EMC allows all members of the public to see and hear firsthand what occurs in the hearing.

Second, Defendant quotes a social media post from President Trump as evidence that EMC "create[s] an unnecessary risk that statements made by the Court and counsel will be disseminated outside the context of the case-management discussion in which they are made." (Opp. 3–4.) But the social media post has nothing to do with EMC. Defendant's true complaint is with online commentary that he finds unfavorable, but terminating EMC will not prevent unfavorable commentary, nor will it lead to more public understanding and trust. To the contrary, terminating EMC would only remove a reliable source from which members of the public can experience the hearing unfiltered.

Because Defendant has not overcome the presumption favoring EMC, the Court should deny the Opposition.

RESPECTFULLY SUBMITTED this 4th day of November 2026.

PARR BROWN GEE & LOVELESS

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