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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 OPPOSITION TO EMC ORDER FOR THE SEPTEMBER 1, 2026 HEARING (DKT 710) Case No. 251403576 Honorable Tony F. Graf, Jr.
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Defendant, Tyler James Robinson ("Mr. Robinson"), by and through undersigned counsel, hereby files this *Opposition* to KUTV's August 17, 2026 EMC Request (Dkt 710). This objection is grounded in Mr. Robinson's rights to a fair trial, to due process of law, and to a reliable penalty determination under State and Federal constitutional provisions, including the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and to article I, sections 7 and 12 of the Utah Constitution.

First, Mr. Robinson reiterates his continuing objection to the EMC challenge procedure in the May 8, 2026 Order. *See* Dkt 535. The four-page limitation on objections, the prohibition

on oral argument, the lack of an opportunity for an evidentiary hearing, and the inability to seek relief from a challenged EMC order violates state and federal constitutional rights to due process because the procedural restrictions deprive the parties of a meaningful opportunity to be heard. *See* U.S. Const. amend. XIV; Utah Const. art. I, § 7; *Coleman v. Alabama*, 377 U.S. 129, 129-33 (1964); *Chandler v. Florida*, 449 U.S. 560, 577 (1981).

Second, Mr. Robinson objects to EMC of the preliminary hearing, including the oral arguments on September 1, 2026, because “there is a reasonable likelihood that electronic media coverage will prejudice the right of the parties to a fair proceeding[.]” Utah R. Jud. Admin. 4-401.01(2)(B)(i). Continuing EMC of the proceedings in this case, particularly the preliminary hearing, threatens Mr. Robinson’s rights to a fair trial by an impartial jury by perpetuating bias in the public against Mr. Robinson. The pre-existing bias and the lasting threat to a fair trial posed by that bias was detailed in Mr. Robinson’s *Motion to Exclude Still Photographers, TV Cameras and Microphones from the Courtroom* and in his *Reply* and was elucidated in the evidence presented in support of the motion on April 17, 2026. *See* Dkt 305, 399. The motion, reply, and the evidence supporting these pleadings are hereby incorporated by reference.

Additional evidence of bias developing as a result of the widespread publication of this case can be tracked in real time. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Specific to the oral argument on the preliminary hearing, the EMC will memorialize and widely disseminate argument discussing the largely hearsay based evidentiary presentation made by the State. Such evidence is, by its very nature, insufficiently reliable for admission at trial. *See, e.g., Holbrook v. Flynn*, 475 U.S. 560, 567 (1986) (“Central to the right to a fair trial, guaranteed by the Sixth and Fourteenth Amendments, is the principle that one accused of a crime is entitled to have his guilt or innocence determined solely on the basis of the evidence introduced at trial”) (citation omitted). By continuing to livestream these proceedings and the anticipated discussions of evidence not yet deemed reliable enough for trial, there is a substantial risk that potential jurors will develop pre-judgments based upon inadmissible evidence.

It bears repeating, the State of Utah is seeking the death penalty against Mr. Robinson. The taking of evidence during the preliminary examination, oral arguments on that evidence, and the determinations made by the Court based upon that evidence is a critical stage of these capital proceedings. The media presence in the courtroom both distracts and places added pressure on hearing participants to present for the media, as opposed to focusing on the facts, evidence, and mechanics of the hearing. *See State v. Arguelles*, 2003 UT 1, ¶ 102, 63 P.3d 731 (trial judges are encouraged “to continue to exercise caution in maintaining quiet and non-distracting courtroom environments in all cases, and particularly in capital proceedings.”).

Weighing Mr. Robinson’s interests in a fair proceeding against the interest in EMC, Mr. Robinson’s interests must necessarily prevail. This is so because Mr. Robinson is constitutionally entitled to a fair proceeding but, conversely, there is no right to electronic media coverage. *See Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 564 (1980) (noting “the defendant’s

[REDACTED]

superior right to a fair trial” compared to the public’s right of access); *see also* *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 610 (1978) (“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.”). And, as the Utah Court of Appeals has articulated, the Utah Rules of Judicial Administration are not intended to limit, modify, or create substantive rights for any court participants. *See Scott v. Majors*, 1999 UT App 139, ¶ 12, 980 P.2d 214.

Third, Mr. Robinson objects to EMC of the preliminary hearing in its entirety because this Court’s procedure for adjudicating the request does not allow any opportunity for witnesses to address privacy or security concerns relevant under Rule 4-401.01(2)(B)(ii) & (iv). As previously argued, those concerns are substantial with respect to defense counsel, and witnesses should be afforded the opportunity to be heard on these issues. Of note, based upon information provided by the Utah County Attorney’s Office, individuals who provided 1102 statements for the preliminary hearing and whose information was put into the public record during the hearing, shortly thereafter experienced harassment by media and interested third parties appearing at their home. The ECM of the proceedings has real world consequences for witnesses.

THEREFORE, Mr. Robinson requests that this Court deny the request for EMC of the preliminary hearing.

RESPECTFULLY SUBMITTED this 22nd day of August, 2026.

/s/ Kathryn N. Nester
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/s/ Richard G. Novak
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/s/ Michael N. Burt
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/s/ Staci Visser
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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 22nd day of August, 2026, thereby serving all attorneys of record.

I also certify that on the 22nd day of August, 2026, a copy of the foregoing was emailed to the following counsel for their respective media entities:

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