

Kathryn N. Nester (13967)
NESTER LEWIS PLLC
40 S 600 E
Salt Lake City, UT 84102
Telephone: (801) 535-4375
Email: kathy@nesterlewis.com

Richard G. Novak, *pro hac vice*
RICHARD G. NOVAK, APLC
65 North Raymond Avenue, Suite 320
Pasadena, CA 91103
Telephone: 626-578-1175
Email: richard@rgnlaw.com
Attorneys for Tyler James Robinson

Michael N. Burt, *pro hac vice*
LAW OFFICE OF MICHAEL BURT PC
1000 Brannan Street Suite 400
San Francisco, California 94103
Telephone: 415-522-1508
Email: mb@michaelburtlaw.com

Staci Visser (14358)
BROWN, BRADSHAW & MOFFAT
422 N 300 W
Salt Lake City, UT 84103
Telephone: 801-532-5297
Email: staci@brownbradshaw.com

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 711) 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 The Salt Lake Tribune's August 14, 2026 EMC Request (Dkt 711). 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, the Court's ECM orders for Sept. 1, 2026 allow for both KUTV and The Salt Lake Tribune to obtain "Newspaper-still" coverage of the hearing. Mr. Robinson raises concern with

the presence of two photographers, their equipment, and the livestream camera and operator in the already congested courtroom. With the audience at capacity, media representatives filling the jury box near the defense tables, media attorneys, and counsel tables necessarily limited to counsel and their respective teams, it is entirely unclear where another photographer would be positioned without compromising the effective and efficient function of the court.

Second, 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).

Third, Mr. Robinson objects to EMC of the preliminary hearing in its entirety 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 preliminary hearing, the EMC will memorialize and widely disseminate the anticipated largely hearsay based evidentiary presentation from 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).

It bears repeating, the State of Utah is seeking the death penalty against Mr. Robinson. The taking of evidence during the preliminary examination and the determinations made by the Court thereafter 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. Mr. Robinson’s case is not and should not be made into a reality TV show. *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 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.

Finally, 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). This remains true for witnesses whose testimony or hearsay was offered in evidence and may be discussed during oral argument.

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

RESPECTFULLY SUBMITTED this 22nd day of August, 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

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:

Jeffrey J. Hunt (5855)
David C. Reymann (8495)
Carissa A. Uresk (18114)
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Telephone: (801) 532-7840
jhunt@parrbrown.com
dreymann@parrbrown.com
curesk@parrbrown.com

C. Michael Judd (14692)
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
mjudd@parsonsbehle.com

/s/ Staci Visser