
**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR UTAH COUNTY, STATE OF UTAH**

STATE OF UTAH,

Plaintiff,

vs.

TYLER JAMES ROBINSON,

Defendant.

**RULING AND ORDER ON
DEFENDANT’S MOTION TO
EXCLUDE STILL
PHOTOGRAPHERS, TV CAMERAS
AND MICROPHONES FROM THE
COURTROOM (DOCKET 305)**

and

**STANDING ORDER ON
ELECTRONIC MEDIA COVERAGE
REQUESTS**

Case No. 251403576

Judge Tony F. Graf, Jr.

Before the court is Defendant’s Motion to Exclude Still Photographers, TV Cameras and Microphones from the Courtroom. (Dkt. 305). Defendant seeks an order categorically prohibiting any electronic media coverage “during the pendency of this case.” Def.’s Mot. at 1. Because Defendant has not shown that a categorical ban on electronic media coverage for all proceedings in this case is allowed by Utah law, Defendant’s motion is respectfully denied.

Summary of Evidence Presented

At Defendant’s request, the court held an evidentiary hearing where Dr. Bryan Edelman, a trial consultant, and Dr. Christine Ruva, a cognitive psychologist, testified in support of Defendant’s motion. Dr Edelman conducted a survey of 200 people in Utah County and prepared a report with his assessment of the local community’s consumption of media coverage of this case. His base findings reveal that 99 percent of community members recognize the case and 64 percent believe Defendant is guilty based upon what they have heard, read, or seen in the media. Hr’g Trans. April 17, 2026, at 122-23.

He examined press coverage of the hearings that have taken place since Defendant's initial appearance in court and discovered that only about 25 percent of viewers watch the live stream of court hearings. Hr'g Trans. April 17, 2026, at 112, 126. A majority of the remaining viewers consume media commentary of the live stream recordings over social media and local television news sources. *Id.* at 126. According to his research, the commentary from established news media does not provide a neutral summary of court proceedings. Rather, headlines and "talking heads" typically focus on out-of-court statements made by attorneys and prominent members of the community and the country. As a result, viewers are led to believe that comments made *out of court*, such as comments about unadmitted evidence, are made during a court hearing and part of the criminal case. *Id.* at 103-04. According to Dr. Edelman, this commentary primarily supports the prosecution's narrative and is used as entertainment, sensationalism, and commercialization rather than to educate the public on what is occurring during the court proceedings. *Id.* at 103- 17.

Dr. Edelman also expressed concern that media coverage of the security measures used during court proceedings, combined with cameras in the courtroom, will be added pressure on the potential jury pool and contribute to potential jurors' reluctance to serve on a future jury. *Id.* at 118.

During cross-examination, Dr. Edelman testified that viewers who watch the live stream, usually on social media and streaming sites, are inundated with commentary from other viewers spreading misinformation. Although the commentary is being made by the public and is not generated by the live stream itself, in his view, the commentary would not exist without the live stream of the court proceedings. *Id.* at 154-56. In sum, Dr. Edelman's opinion is that continued

electronic media coverage of court proceedings will perpetuate prejudicial and misleading views of the Defendant and the evidence and affect Defendant's fair trial rights.

Dr. Ruva testified that she specializes in the study of juror decision-making, specifically how pre-trial publicity affects memory and the deliberative process. *Id.* at 168. Among other concepts, her studies focus on "source primacy" of pre-trial publicity, which indicates that if jurors are front-loaded with an extensive amount of negative pre-trial publicity toward a defendant, it is difficult to overcome their initial biases, even if presented with positive publicity about the defendant or negative publicity about an alleged victim. *Id.* at 170. Dr. Ruva examined the pre-trial publicity referenced in Defendant's motion, which she summarized as provoking moral outrage and predominantly "anti-defendant," full of dehumanizing language and accusations of guilt. *Id.* at 171.

Dr. Ruva explained that jurors have "a high amount of confidence" that the information they use to reach a verdict is based on evidence that was presented at trial; however, research shows that jurors' memories cannot distinguish between what was heard at trial and what was heard from pre-trial publicity. *Id.* at 174. Jurors may even unconsciously distort evidence they hear during trial to align it with slanted information they heard pre-trial. *Id.* at 186. Because video and audio sources of pre-trial publicity result in more emotional responses, these sources are better remembered than other sources of information. *Id.* at 176. In sum, Dr. Ruva's expert opinion is that "live-streaming of all proceedings can lead to deep-seated bias" in juror deliberations. *Id.* at 183. And while juror questionnaires can help eliminate jurors with *explicit* biases, they are not effective at identifying *implicit* biases. *Id.* at 193-94.

Dr. Ruva concluded with her expert opinion that “to a reasonable degree of psychological certainty[,] this case is situated within a highly prejudicial pretrial environment that presents a substantial risk to juror impartiality.” *Id.* at 196.

Based upon this evidence and an evaluation of the factors listed in Rule 4-401.01 of the Rules of Judicial Administration, Defendant argues that exclusion of electronic media “is necessary to ensure Mr. Robinson’s rights to due process, to a fair and impartial jury, to counsel, to be free from unreasonable searches and seizures, and to be free from cruel and unusual punishment, as required by the Fourth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and article I, sections 7, 9, 10, 12, and 14 of the Utah Constitution.” Def.’s Mot. at 1.

Discussion

Members of the news media, like members of the public, have the constitutional right to access criminal proceedings. *See Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978). However, like the public, the news media does not have a constitutional right to photograph or video record public hearings and trials. *See id.* “Once beyond the confines of the courthouse, a news-gathering agency may publicize, within wide limits, what its representatives have heard and seen in the courtroom. But the line is drawn at the courthouse door.” *Estes v. Texas*, 381 U.S. 532, 589 (1965) (Harlan, J., concurring).

Although electronic media coverage is not protected by the Constitution, neither does the Constitution ban electronic media “simply because there is a danger that, in some cases, prejudicial broadcast accounts of pretrial and trial events may impair the ability of jurors to decide the issue of guilt or innocence uninfluenced by extraneous matter.” *Chandler v. Florida.*, 449 U.S. 560, 575 (1981). Electronic media coverage provides a means to facilitate the public’s right of access to

court proceedings for those who cannot physically occupy the limited space available in a courtroom. Live streaming in particular allows as many people as are interested to observe the justice system at work and hold our branches of government accountable to the guarantees of due process.

Defendant argues the decision whether to allow electronic media coverage is governed by *Sheppard v. Maxwell*, 384 U.S. 333 (1966), which held that “where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial,” the court must take remedial measures to abate any threat to the fairness of the proceedings. Defendant argues that because video recording and streaming of the court proceedings creates a reasonable likelihood of prejudicing Defendant’s right to a fair and impartial jury, this court should ban courtrooms for the remainder of the case.

Consistent with *Sheppard*, the court has taken remedial measures to abate threats to the fairness of these proceedings. For example, the court has positioned the video camera to the back of the courtroom, which has minimized, if not entirely mitigated, the potential for the media to capture conversations at counsels’ tables and documents on counsels’ computer screens. The court has also issued a robust decorum order to manage the proceedings and a pre-trial publicity order to prevent statements from attorneys involved in this case from potentially prejudicing the jury pool.

Rule 4-401.01 of the Utah Rules of Judicial Administration governs the court’s determination of whether to grant or restrict electronic media coverage.¹ The rule allows a news reporter to file a written request for permission to photograph or video record public court proceedings. UT R. J. Admin Rule 4-401.01(3)(A). The rule creates a presumption that permission

¹ Defendant argues that because rule 4-401.01 was based upon a deficient and outdated report, the court should disregard the rule. Defendant’s argument is better made before the rules committee.

will be granted as long as the “predominant purpose of the electronic media coverage *request* is journalism or dissemination of news to the public.” UT R. J. Admin Rule 4-401.01(2)(A).

Defendant argues there is no presumption of electronic media coverage because the predominant purpose of dissemination of the court hearings in this case is not for journalism or the dissemination of news; rather, it is for entertainment, sensationalism, and the promotion of commercial products. Defendant provided many examples of media outlets using footage of the court proceedings as background or a springboard to discuss out-of-court commentary by public figures, opine on the relevance or existence of evidence that has not been admitted or presented in court, and generally vilify the defendant. The State referenced social media posts that have used media coverage of the case to promote conspiracy theories and to denigrate Charlie Kirk and his family. No evidence was presented by either party showing a media outlet using live media coverage to educate the public about the progress of the legal proceedings or the justice system as a whole.

This court is not so cynical as to conclude that just because the parties did not present evidence of responsible journalism, none exists. Defendant did not interrogate the use of the live stream of prior court proceedings by the news reporters who filed the electronic media coverage requests under rule 4-401.01. Applying the plain language of the rule, it is the motives of these specific news reporters—the requesting reporters—that the court must question; not the entire universe of media outlets and social media sites that have published information or misinformation about this case.²

² To the extent Defendant argues the court must consider the motivations of all possible uses of the electronic media coverage, Defendant may raise his policy arguments with the court rules committee. This court is bound by the plain language of the rule.

Because under rule 4-401.01(2)(A) the court must examine the motivations of the specific news reporter who requests to photograph or record the proceeding, Defendant's request for a blanket finding by this court that there is no presumption of electronic media coverage is respectfully denied. The court must determine whether the presumption applies on a request-by-request basis, depending on the predominant purpose of the requesting news reporter.

Determining whether there is a presumption of media coverage is not the end of the analysis. "The judge may prohibit or restrict electronic media coverage *in those cases* only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption." *Id.* (emphasis added). The rule then lists nine factors, some or all of which the court must consider to determine whether to limit electronic media coverage of court proceedings. UT R J Admin Rule 4-401.01(2)(B).

Defendant argues that because the rule uses the phrase "in those cases," the court has the authority to weigh the listed factors and find the presumption of electronic media coverage has been overcome for the pendency of a case, regardless of the type of proceeding held.

Reading the rule as a whole, the court disagrees with Defendant's interpretation. The court interprets the phrase "in those cases" to mean the same thing as "in those situations," *i.e.*, in the situations (or cases) where there is a presumption of electronic media coverage. The court's interpretation is consistent with subsections (2)(C) and (2)(D) of the rule. Subsection (2)(C) requires the court to make "particularized findings" denying or granting a particular request. And subsection (2)(D) requires those particularized findings to relate to the "specific circumstances of *the proceeding* rather than reflect generalized views or preferences." Court proceedings vary in character and substance, ranging from scheduling conferences to oral arguments to evidentiary

hearings and to the trial itself. The dangers of prejudice and the newsworthiness of the proceeding may vary considerably depending on its nature.

Therefore, because the court must make particularized findings about specific court proceedings that are the subject of a news reporter request, Defendant's request for a categorical finding that the presumption of electronic media coverage has been overcome is respectfully denied. The court must make the appropriate findings on a request-by-request basis.

"Unless otherwise ordered by the court," rule 4-401.01(3)(A) requires news reporters to file an electronic media request at least one business day before the court proceeding. One business day is insufficient time for the parties to object to electronic media coverage or for the court to weigh the appropriate factors and issue a decision. Therefore, the court enters the following:

STANDING ORDER ON ELECTRONIC MEDIA COVERAGE

News reporters are required to file requests for electronic media coverage of court proceedings at least 14 days before the scheduled proceeding. The request must be consistent with all other provisions of rule 4-401.01. Any request that is filed later than 14 days before the proceeding may be summarily denied. All requests will be filed in the docket.


If a party seeks to suspend or restrict electronic media coverage of a court proceeding, the party must file a motion under rule 4-401.01 no later than 10 days before the proceeding. The motion must address the particular circumstances of the proceeding and be no more than 4 pages in length. The opposing party may respond to the motion no later than 5 days before the proceeding. The response is limited to no more than 4 pages in length. Any reply must be filed no later than 3 days before the hearing. The reply is limited to 3 pages in length. No oral argument on the motion will be held. The court will issue an order before the proceeding and, if the request is denied, issue particularized findings denying the request.

The evidence presented at the April 17, 2026, hearing and all arguments already in the record are preserved.


This is the order of the court.

Dated this 8th day of May, 2026.

BY THE COURT:



Judge Tony F. Graf, Jr.
District Court Judge



CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 251403576 by the method and on the date specified.

EMAIL: BRENNAN MOSS BRENNAN@PBP.LAW

EMAIL: KATHRYN NESTER KATHY@NESTERLEWIS.COM

EMAIL: STACI VISSER STACI@BROWNBRADSHAW.COM

EMAIL: JEFFREY GRAY DCOURT@UTAHCOUNTY.GOV

EMAIL: CHAD GRUNANDER CHADGR@UTAHCOUNTY.GOV

EMAIL: RYAN MCBRIDE RYANM@UTAHCOUNTY.GOV

EMAIL: CHRISTOPHER BALLARD CBALLARD@UTAHCOUNTY.GOV

05/08/2026

/s/ SHIRLEY MOLINA

Date: _____

Signature