

Kathryn N. Nester (UT #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

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

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

Attorneys for Tyler James Robinson

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 RESPONSE TO THE MOTION FOR LIMITED INTERVENTION OF <i>DESERET NEWS, ET AL.</i> (Dkt 197) Case No. 251403576 Honorable Tony F. Graf, Jr.
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INTRODUCTION

Defendant, Tyler James Robinson (“Mr. Robinson”), by and through undersigned counsel, hereby files his response to the *Motion for Limited Intervention* filed by *Deseret News, et al.*¹ on November 24, 2025. Dkt 197. In their motion for limited intervention, *Deseret News et al.* seek formal status in this litigation as an “intervenor,” a status which is significantly broader than that provided for by Utah law and the Utah Rules of Court, and broader than that which is required by the First Amendment. In so doing, *Deseret News et al.* seeks

[L]eave to intervene in the above-captioned case for the limited purpose of opposing any motion or request to prohibit or otherwise restrict public or news media access to any proceeding, as well as any court record or other information classified as public, including electronic media coverage, to seek to unseal any such proceeding or record that has been sealed or closed to the public, and to potentially oppose in whole or in part any motion seeking a gag order and/or seek to modify any existing such order.

Dkt 197, at 1-2. Consistent with Mr. Robinson’s response to “Proposed Media Intervenor’s” motion for limited intervention, (Dkt. 164), Mr. Robinson opposes any order permitting media entities to be named as limited purpose parties in this death penalty litigation. *See* Dkt 185 (*Defendant Tyler James Robinson’s Response to Proposed Media Intervenors Motion for Limited Intervention and Request for Notice of Motions to Close, Seal, or Reclassify*). The only parties to this litigation are, and should remain, Mr. Robinson and the State of Utah.

DISCUSSION

At the outset, Mr. Robinson notes the unorthodox nature of *Deseret News et al.*’s motion. Rather than address what it deems to be the requirements for intervention that this Court should evaluate, either by rule or common law, *Deseret News et al.* engages in a quasi-conversational

¹ In order to meaningfully distinguish between the two groups of media entities that have filed similar requests in this matter, Mr. Robinson refers to the movants as *Deseret News et al.*

argument, referring to various filings by the parties involving other media entities seeking intervention, and supporting or arguing against positions in those various filings. Here, Mr. Robinson wades through that muck and mire and attempts to respond only to the issues that are germane to the movants own request for relief.²

I. Utah Rule of Civil Procedure 24 Does Not Apply.

Deseret News et al.'s reliance on Utah Rule of Civil Procedure 24 is misplaced. Dkt 197, at 3-4. In supporting its argument that Rule 24 applies here, *Deseret News et al.* relies on determinations made by federal courts, based on Federal Rule of Civil Procedure 24 **in civil cases**. For example, in the matter of *Angilau v. United States*, No. 2:16-cv-992, 2017 WL 9496068, at *1 (D. Utah July 27, 2017), the estate of criminal defendant Siale Angilau filed civil claims against the United States and a Deputy Marshall after Angilau was shot and killed while attempting to rush a witness during his jury trial. *Id.* Media entities sought to intervene in the case and the district court concluded that the media's motion to intervene should be granted as the entities met the requirements of the civil rule, in that civil case. *Id.* at *6. The same is true of the other cases cited by *Deseret News et al.*: *SanMedica Intern. v. Amazon.com Inc.*, No. 2:13-cv-169, 2015 WL 6680222, at *1 (D. Utah Nov. 2, 2015), and *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 778 (3d Cir. 1994). Both of these are federal civil cases addressing the federal intervention rules that apply to civil actions.

None of the cases cited by *Deseret News et al.* apply the federal rule of civil procedure governing intervention to a criminal proceeding.

² Although *Deseret News et al.* refers at various points to filings regarding its request for notice, Mr. Robinson does not engage further on this as this Court has already issued an order concerning notice and further discussion is not helpful here. See Dkt 197, at 6-7; Dkt 171 (*Order Requiring Parties to Serve All Closure or Reclassification Motions on the Media*).

As to this criminal proceeding in Utah State Court, there is no rule that allows for intervention by third party such as *Deseret News et al.* While others have argued, as does *Deseret News et al.*, that Utah Rule of Civil Procedure 24 should apply outside of the civil context, Utah appellate courts, including the Supreme Court, addressing intervention in criminal cases have chosen **not to apply the civil intervention rule**. This is due to concerns “with the broad consequences of applying rule 24 to allow intervention in criminal proceedings[.]” *F.L. v. Court of Appeals*, 2022 UT 32, ¶ 37, n.36, 515 P.3d 421. Allowing intervention by any media entity under the auspices of Utah Rule of Civil Procedure 24 would be in direct contravention to guidance from the Utah Supreme Court.³

This Court should decline to apply Rule 24 in this context.

II. The Argument that Because Other Courts Have Allowed Intervention, This Court Should Simply Do the Same Here, is Unavailing.

Deseret News et al. also argues that this Court should permit limited purpose intervention essentially because “this is just how it’s done” in other Utah cases. *See* Dkt 197, at 4 & n.1. This is not a meaningful basis upon which this Court should grant limited purpose party status to multiple media entities in a criminal case. *Deseret News et al.* has not provided any information concerning any litigation in those cases (if indeed there was any) nor the legal bases for

³ *Deseret News et al.* comments that Mr. Robinson’s citation to *F.L. v. Court of Appeals* in a prior filing “is bizarre to say the least.” Dkt 197, at 5. In arguing this, *Deseret News et al.* sees no difference between a court allowing intervention under Rule 24 versus allowing common law based limited purpose party status centered on standing to assert very specific relief afforded by rule or statute. There is nothing “bizarre” about seeking to ensure that the district court does not commit error by permitting intervention in a criminal case pursuant to the rules of civil procedure. It is also notable that the intervention at issue in *F.L.* was an alleged victim’s efforts to intervene to file a substantive brief in an appellate case instead of filing an amicus brief, as opposed to intervention in the underlying criminal district court case. 2022 UT 32, ¶ 43. While this case may offer the district court some guidance, it is not entirely dispositive of the intervention requests here.

intervention and/or limitations on intervention in those cases. Similarly, the bare assertion that others have not challenged media efforts to intervene in other criminal cases is not legal authority for the status it seeks here. As is oft stated by our appellate courts, courts are not the repository for inadequately supported arguments that shift the burden to the court to research and argue for the party. *See, e.g., State v. Davie*, 2011 UT App 380, ¶ 16, 264 P.3d 770; *State v. Bryant*, 965 P.2d 539, 549 (Utah Ct. App. 1998). Providing a list of prior district court actions with no analysis whatsoever is entirely unhelpful.

Moreover, the argument that “this is just how it’s done” in other cases fails to account for the case specific inquiry that is a prerequisite to standing in any context and the additional requirements necessary for intervention. Courts must consider the rights involved, the legal grounds for the sought relief, the nature of the controversy, and the contextual facts presented under the relevant rubric. *See, e.g., Society of Prof’l Journalists v. Bullock*, 743 P.2d 1166 (Utah 1987) (“[i]t is difficult to make useful, all-inclusive generalizations that determine whether standing exists in any given case, since the issue often depends on the facts of each case.” (citation omitted)); *Erda Community Association Inc. v. Grantsville City*, 2024 UT App 126, ¶¶ 25-33, 558 P.3d 91 (examining constitutional—“traditional”—versus statutory standing requirements). While Mr. Robinson acknowledges that media entities have standing to request notice and mount the challenges described in Utah Rule of Judicial Administration 4-202.04, this does not automatically equate to limited purpose party status.

As this Court has already observed, Mr. Robinson’s case is and will continue to be unlike other criminal cases and other death penalty cases tried in the State of Utah. The case has garnered not only local and national interest but has been since the outset, an international spectacle. If the trial participants and this Court do not exercise caution in allowing the media to

access evidence, to file pleadings, and to assert positions in future litigation for which it has no standing, this case will quickly become consumed by the pervasive media presence to the detriment of Mr. Robinson's right to a fair trial.⁴ Indeed, *Deseret News et al.* already seeks notice and intervention in matters outside of the administrative rule upon which it relies for standing. See Dkt 197, at 1-2 (asking for party status regarding electronic media coverage requests and any proceedings on the pretrial publicity order). This is untenable and jeopardizes Mr. Robinson's right to a fair trial, as history teaches us. The United States Supreme Court found reversible, "fundamental error" when "arrangements by the judge with the news media" resulted in a deprivation "of that judicial serenity and calm to which [the defendant] was entitled." *Sheppard v. Maxwell*, 384 U.S. 333, 354-57 (1966).

Mr. Robinson's case is not like other cases and simply doing what has been "done before" is inadequate protection for his right to a fair trial and a reliable penalty proceeding. See U.S. Const. amend. XIII, Utah Const. art. I, § 9.

III. The Media Has Appellate Remedies Regardless of Its Party Status

Mr. Robinson acknowledges that without limited purpose party standing, third parties may not *directly* appeal district court orders and instead must avail themselves of "discretionary review as extraordinary relief." Dkt 197, at 7. This is not a gateway to affording the media limited purpose party standing, however.

Even assuming limited purpose party status were granted, any requests for appellate review of closure or classification orders by the media would **still be discretionary**. As with any

⁴ Referring to litigation involving the other media entities, *Deseret News et al.* calls into question Mr. Robinson's discussion of his constitutional right to a fair trial. See Dkt 197, at 6-7. There is nothing inappropriate or unwarranted about Mr. Robinson continuing to assert his constitutional rights and remind all of what is at issue, and at stake in this litigation—Mr. Robinson's life.

other party, requests for appellate review of an interlocutory order are discretionary appeals governed by Utah Rule of Appellate Procedure 5. *See also* Utah Code § 77-18a-1 (enumerating appeals of right in criminal cases); *State v. Allgier*, 2011 UT 47, ¶ 1, 258 P.3d 589 (defendant requested interlocutory review of order classifying letter to court as public). Granting or not granting limited purpose party status in this criminal case, therefore, does not put the media in any better, or worse, position in seeking appellate review. Further, there is already a string of cases granting writs by media entities to afford them an appellate remedy. *See, e.g., Bullock*, 743 P.2d at 1179. Indeed, the Utah Supreme Court opined in *Society of Prof'l Journalists v. Bullock*, there is “no requirement that a party seek to intervene and appeal” in order to seek extraordinary relief, ensuring that movants have an appellate remedy. *Id.* at 1171.

Therefore, this is not a compelling consideration in determining whether or not media entities should be granted limited purpose party status in this case.

IV. Should this Court Grant Limited Purpose Party Status, It Must Be Narrowly Circumscribed Based Upon Its Rule-Based Right to Standing.

After weighing the competing constitutional interests and the specific facts of this criminal case, should this Court determine that *Deseret News et al.* has met its burden to show that it is entitled to limited purpose party standing in this case, that status should be strictly limited to those matters for which they have shown standing in their own pleading—record classification and closure motions under Utah Rule of Judicial Administration 4-202.04(2)(B) & (5). *Deseret News et al.* does not provide any analysis whatsoever of its request for limited purpose party status beyond those closure and classification provisions.

In order to fulfill its responsibility to preserve a defendant’s right to a fair trial, trial courts have “an affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity.” *Gannett Co. v. DePasquale*, 443 U.S. 368, 378 (1979); *see also Chandler v. Florida*,

449 U.S. 560, 574 (1981) (“Trial courts must be especially vigilant to guard against any impairment of the defendant's right to a verdict based solely upon the evidence and the relevant law”). The United States Supreme Court has encouraged trial courts to “take such steps by rule and regulation that will protect their process from prejudicial outside interferences.” *Sheppard*, 384 U.S. at 363. In order to protect the judicial process from outside interference, this Court should decline to grant limited purpose party status to *Deseret News et al.* If this Court does grant them such status, it must limit the practical significance of that status to the right to be heard concerning closure and classification motions.

CONCLUSION

Mr. Robinson will, as he has committed, comply with the notice requirements in Rule 4-204 and as ordered by the Court. However, Mr. Robinson asks this Court to deny the request for *Deseret News et al.* to intervene or, in the alternative, to strictly limit the media’s status in this case to the issues which the First Amendment and Rule 4-204 afford them standing to be heard.

RESPECTFULLY SUBMITTED this 8th day of December, 2025.

/s/ Kathryn N. Nester
Kathryn N. Nester

/s/ Michael N. Burt
Michael N. Burt

/s/ Richard G. Novak
Richard G. Novak

/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 was served via the Court's electronic filing system on the 8th day of December, 2025, which served all attorneys of record.

A copy of this filing was also emailed to counsel for Deseret News, et al. on the same date.

/s/ Staci Visser