

Jeffrey J. Hunt, Esq. (5855)
 David C. Reymann, Esq. (8495)
PARR WADDOUPS BROWN GEE & LOVELESS
 185 South State Street, Suite 1300
 Salt Lake City, Utah 84111
 Telephone: (801) 532-7840
 Facsimile: (801) 532-7750

7:37 SEP 13 AM 10:54

BY _____

Attorneys for Media Intervenors Associated Press,
 CNN, *Deseret Morning News*, *The Salt Lake
 Tribune*, *The Spectrum*, *The Daily Herald*, KSL-TV,
 KUTV 2 News, the Utah Media Coalition, and
 the Utah Headliners Chapter of the Society of
 Professional Journalists

IN THE FIFTH DISTRICT COURT IN AND FOR WASHINGTON COUNTY

STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

ASSOCIATED PRESS, CNN, DESERET
 NEWS PUBLISHING COMPANY, publisher
 of the *DESERET MORNING NEWS*, *THE
 SALT LAKE TRIBUNE*, *THE SPECTRUM*,
THE DAILY HERALD, BONNEVILLE
 INTERNATIONAL CORPORATION d/b/a
 KSL-TV, FOUR POINTS MEDIA GROUP
 OF SALT LAKE CITY, INC. d/b/a KUTV 2
 NEWS, THE UTAH MEDIA COALITION,
 and THE UTAH HEADLINERS CHAPTER
 OF THE SOCIETY OF PROFESSIONAL
 JOURNALISTS,

Intervenors.

**MEDIA INTERVENORS'
 OBJECTION TO DEFENDANT'S
 NOTICE OF FILING UNDER
 SEAL, AND MOTION FOR
 ACCESS TO SEALED FILING**

Criminal No. 061500526

Judge James L. Shumate

Media Intervenors the Associated Press, CNN, *Deseret Morning News*, *The Salt Lake Tribune*, *The Spectrum*, *The Daily Herald*, KSL-TV, KUTV 2 News, the Utah Media Coalition, and the Utah Headliners Chapter of the Society of Professional Journalists (collectively the "Media Intervenors"), through their undersigned counsel, respectfully submit this Objection to Defendant's Notice of Filing Under Seal, and Motion for Access to Sealed Filing dated September 12, 2007.

The grounds for this Objection and Motion are as follows.

1. Defendant's Notice of Filing Under Seal ("Notice"), attached hereto as Exhibit "A," fails to identify the motion filed under seal or any specific order of the Court permitting the filing of such motion under seal. Counsel for Media Intervenors do not know what motion and "protective orders" Defendant is referring to.

2. Counsel for Defendant has failed to serve a copy of the sealed motion upon counsel for the Media Intervenors (on an attorneys' eyes only basis) so that counsel may ascertain the identity of the motion and whether the sealed filing is permissible under the Court's previous rulings and orders concerning access to court filings. The Court previously entered an order permitting counsel for Media Intervenors to receive such sealed filings. *See Order on Closure Briefing* dated June 29, 2007.

3. Any restriction on public access to Defendant's sealed motion, without first affording the Media Intervenors the opportunity to appear and oppose such restriction, is

procedurally improper and contrary to the constitutional principles established by the United States Supreme Court in *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 106 S. Ct. 2735 (1986), and the Utah Supreme Court in *Society of Professional Journalists v. Bullock*, 743 P.2d 1165, 1174-75 & n. 9 (Utah 1987), *Kearns-Tribune v. Lewis*, 685 P.2d 515, 518 (Utah 1984), and Rule 4-202.04 of the *Utah Rules of Judicial Administration*.

4. Defendant's Notice fails to satisfy the constitutional standard for closing a presumptively public court record under *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 106 S. Ct. 2735 (1986), *State v. Archuleta*, 857 P.2d 234 (Utah 1993), and *Kearns-Tribune v. Lewis*, 685 P.2d 515, 518 (Utah 1984).

WHEREFORE, the Media Intervenors respectfully move the Court to make Defendant's sealed motion available to the public and the news media and/or provide counsel for the Media Intervenors a copy of the sealed motion and an opportunity to appear and object to closure of such motion.

In addition to the foregoing, this Objection and Motion is supported by the Media Intervenors previously filed memoranda in support of motions for access to court records herein, including Memorandum in Support of Motion for Entry of Order Concerning Briefing and Hearing on Closure Motions dated June 22, 2007; Reply Memorandum in Support of Motion for Entry of Order Concerning Briefing and Hearing on Closure Motion dated June 27, 2007; and

Media Intervenors' Memorandum in Opposition to Defendants' Motion for Closure of
Defendants' Motions in Limine and Suppression Hearings dated July 12, 2007.

RESPECTFULLY SUBMITTED this 12 day of September 2007.

PARR WADDOUPS BROWN GEE & LOVELESS



Jeffrey J. Hunt
David C. Reymann
Attorneys for Media Intervenors

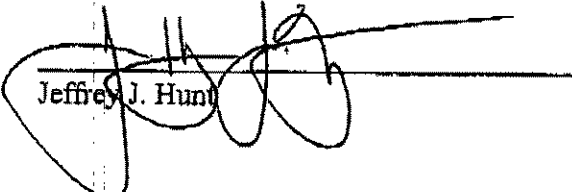
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12 day of September 2007, a true and correct copy of the foregoing **MEDIA INTERVENORS' OBJECTION TO DEFENDANT'S NOTICE OF FILING UNDER SEAL, AND MOTION FOR ACCESS TO SEALED FILING** was sent via facsimile and United States mail, postage prepaid to:

Brock R. Belnap
Ryan Shaum
WASHINGTON COUNTY ATTORNEY'S OFFICE
178 North 200 East
St. George, UT 84770

Richard A. Wright
WRIGHT, JUDD & WINCKLER
Bank of America Plaza
300 South Fourth Street, Suite 701
Las Vegas, Nevada 89101

Walter F. Bugden
Tara L. Isaacson
BUGDEN & ISAACSON, LLC
445 East 200 South, #150
Salt Lake City, UT 84111


Jeffrey J. Hunt