

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

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.

**MOTION FOR ENTRY OF
ORDER CONCERNING
BRIEFING AND HEARING ON
CLOSURE MOTIONS, AND
REQUEST FOR EXPEDITED
CONSIDERATION AND RULING**

Criminal No. 061500526

Judge James L. Shumate

MOTION

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, hereby move the Court for entry of an Order Concerning Briefing and Hearing on Closure Motion, the proposed form of which is submitted herewith.

As grounds for this Motion, Media Intervenors show the following:

1. Defendant has indicated an intent to file a motion to seal certain motions in limine, supporting memoranda, and documents related thereto in this case, and to file a motion to close to the public and the news media the pre-trial hearing on such motions currently scheduled for July 20, 2007 at 9:00 a.m. The State also may seek to file certain materials under seal and to close the portion of the hearing relating to such matters.
2. To ensure an orderly and fair procedure for briefing and hearing of any closure motions, the Media Intervenors proposed that the parties stipulate to briefing deadlines and a procedure that would allow counsel for Media Intervenors (and only counsel) to have the same access and opportunity to review the closure motions as the State and Court will have, while permitting redacted versions to be filed in the public court file. Counsel for Media Intervenors also would be entitled to participate in any *in camera* hearings on the closure motions. A true and

correct copy of the Media Intervenors' proposed stipulation is attached hereto as Exhibit "A".

By employing this procedure, counsel for the Media Intervenors would be fully and fairly apprised of the factual bases upon which closure was sought, the Court would have the benefit of informed advocacy on this issue, and the information asserted by Defendant to justify closure of public court records and hearings would remain sealed until the Court ruled otherwise.

3. This imminently reasonable procedure is, not surprisingly, fully consistent with the procedure set forth in Rule 4-202.04 of the *Utah Code of Judicial Administration*, *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 523 (Utah 1984), and *Society of Professional Journalists v. Bullock*, 743 P.2d 1177, 1178 n.15 (Utah 1987), and routinely has been employed by Utah district court judges adjudicating court access issues, including Third District Judge Judith Atherton in the high-profile case of *State v. Brian David Mitchell* and Second District Judge Thomas L. Kay in the *State v. Robert Allen Weitzel* case.

4. The State has no objection to the briefing and hearing procedure proposed by Media Intervenors.

5. Counsel for Defendant has refused to stipulate to the proposed procedure. In particular, counsel for Defendant refuses to provide unredacted copies of his closure motion and memoranda to counsel for Media Intervenors on an "attorney's-eyes-only" basis, and refuses to allow counsel for Media Intervenors to participate in any *in camera* hearings concerning the information Defendant claims justifies closure. In short, Defendant is asking the Court to accept

his asserted justification for closure of presumptively public court records and hearings without allowing counsel for Media Intervenors to know the factual basis for closure, question it, and argue against it.

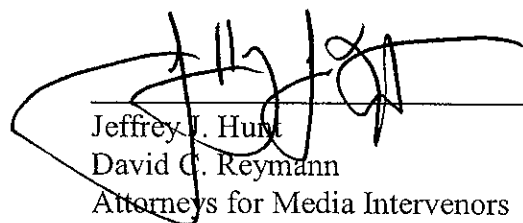
For the reasons set forth above and in the Memorandum of Points and Authorities submitted herewith, the Court should reject Defendant's insistence that counsel for Media Intervenors litigate in the dark, and enter the proposed Order Concerning Briefing and Hearing on Closure Motions agreed to by Media Intervenors and the State.

**REQUEST FOR EXPEDITED CONSIDERATION
AND RULING**

Because this Motion concerns the briefing and hearing procedure for the closure hearing currently scheduled for July 17, 2007, and the State and Defendant have agreed that Defendant shall file any closure motions by July 6, 2007, the Media Intervenors respectfully request expedited consideration and ruling on this Motion prior to the July 6 filing date.

DATED this 22 day of June 2007.

PARR WADDOUPS BROWN GEE & LOVELESS



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

CERTIFICATE OF SERVICE

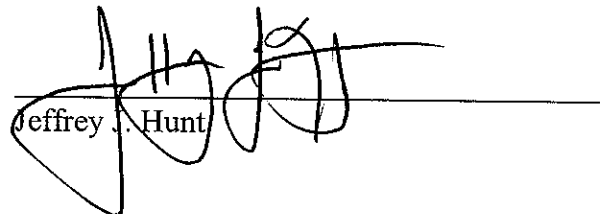
I HEREBY CERTIFY that on the 22 day of June 2007, a true and correct copy of the foregoing **MOTION FOR ENTRY OF ORDER CONCERNING PROCEDURE FOR BRIEFING AND HEARING ON CLOSURE MOTIONS** was sent via United States mail, postage prepaid, to:

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

and served via hand-delivery to:

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


Jeffrey J. Hunt