

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

**ORDER REGARDING AUDIO/VIDEO
COVERAGE OF SENTENCING**

Court File No. 27-CR-18-6859

Mohamed Mohamed Noor,

Defendant.

The following organizations filed timely notices of their intent to cover, by audio and video means, the sentencing proceedings in the above-referenced case, to be held at 9:00 a.m. on June 7, 2019, in Courtroom 1059 of the Hennepin County Government Center: KARE 11, KSTP-TV, Fox 9, WCCO TV, Star Tribune, MPR News, AP, WCCO Radio, Channel 9 Australia, Seven Network Australia, ABC Australia, Caroline & Co., Agence France-Presse, and Australian AP.

These requests, and the Court's action on these requests, are governed by Rule 4 of the Minnesota General Rules of Practice for the District Courts. Rule 4.01 provides the general rule that no visual or audio recordings shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge during a trial or hearing of any case. The Court's Order on Conduct at Sentencing, signed by the chief judge and filed simultaneously with this Order, further restricts the possession of electronic and recording devices on the Tenth Floor of the Hennepin County Government Center during the sentencing hearing in this case. The provisions of this Order shall function as an exception to the restrictions set forth in the Order on Conduct at Sentencing.

General Rule of Practice 4.02(e) sets forth the exception to the general rule as it applies to criminal proceedings after a defendant has been found guilty. Pursuant to this rule, a judge must allow visual or audio coverage of sentencing proceedings absent good cause. The parties were given notice of the above-referenced organizations' intent to cover the sentencing proceedings by audio and visual means. Neither party has objected to the notices or provided the Court with good cause as to why the sentencing should not be recorded.

To disrupt the proceedings as little as possible and to maintain their dignity, only one video camera with one operator, two still cameras with one operator, and one separate audio system shall be permitted in the courtroom. Rule 4.04(a). The Court is concerned that the video and still cameras used do not produce distracting light and are as quiet as possible. See Rule 4.04(b)(1),(2). Media personnel must demonstrate to the Court that the equipment sought to be utilized meets these requirements prior to its use at the sentencing. Rule 4.04(b)(3). Any pooling arrangement shall take this into consideration. The still camera photographer shall assume a fixed position within a designated area, preferably with a tripod, and shall not attract attention with movement. Rule 4.04(c)(2).

The provisions of Rule 4 anticipate that any media organizations who notice intent to provide audio or visual coverage are capable of complying with its requirements. Importantly, Rule 4 anticipates that media organizations noticing intent to provide audio or visual coverage possess the high quality audio and visual equipment necessary to comply with the provisions of Rule 4.04(b) and to share in the pooled feed. While Rule 4 and the General Rules of Practice do not define "media" or "news coverage," at a minimum, the Court will interpret those terms as requiring that an entity be in the business of disseminating original audio or visual content and information to the general public. *See* U.S.C. § 1602 ("The term 'media organization' means 'a

person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.”).

The Court has received a notice of intent to provide audio or visual coverage from Caroline & Co. A brief investigation conducted by the Fourth Judicial District Communications Specialist indicates that Caroline & Co. is not an entity registered with the Secretary of State in Minnesota and that it does not produce original audio or visual content or information. Specifically, there is only a Twitter account associated with the entity or person noticing intent to cover, and that is not sufficient for the Court or the media coordinator to require that access to the pooled coverage be provided to Caroline & Co. under Rule 4. All other outlets that have properly noticed their intent to cover the sentencing, *i.e.*, KARE 11, KSTP-TV, Fox 9, WCCO TV, Star Tribune, MPR News, AP, WCCO Radio, Channel 9 Australia, Seven Network Australia, ABC Australia, Agence France-Presse, and Australian AP, are hereby approved for access to the pooled coverage (“Approved Media Outlets”).

Pooling arrangements shall be the responsibility of the Approved Media Outlets; all of these outlets shall have access to the pooled coverage.

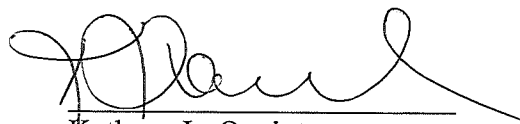
Access to jury room next to the courtroom shall be provided for television camera and audio equipment and for equipment necessary for the Approved Media Outlets to share in the pooled feed. See Rule 4.04(c)(1).

Based on the notices and other information in the court record with respect to audio and video coverage of the sentencing proceedings, **IT IS HEREBY ORDERED** that:

1. The Approved Media Outlets’ requests to cover the sentencing proceedings by audio and visual means is **GRANTED** subject to the limitations prescribed by this Court and Minnesota General Rules of Practice 4.02(e) and 4.04.

2. Caroline & Co.'s request to cover the sentencing proceedings by audio and visual means is **DENIED**.
3. Only one video camera, two still cameras, and one separate audio system meeting the requirements of Rule 4.04(b) will be permitted in Courtroom 1059 during the sentencing proceedings. Pooling arrangements shall be the responsibility of the Approved Media Outlets; however, these outlets will have access to the pooled coverage.
4. Courtroom 1059 will open for set-up from 1:00 p.m. to 4:00 p.m. on June 6, 2019, and from 7:30 a.m. to 9:00 a.m. on June 7, 2019. All equipment must be in place and ready for use by 9:00 a.m. on June 7, 2019. Recording must be completed and all equipment removed from Courtroom 1059 immediately after the sentencing proceedings in this case.
5. Victims, in this case the family members of the deceased, shall not be recorded absent their written consent. At this time, no victim has given written consent.
6. Victim impact statements read by a victim witness advocate shall not be recorded absent the written consent of the victim. At this time, no victim has given written consent.
7. Any witnesses the parties may call have the right to object to being recorded. At this time, the Court is not aware of any potential witnesses.
8. Arguments of counsel and any statements from the Defendant or the Court may be recorded while in session.
9. None of the following may be recorded:
 - a. Courtroom 1059 at any time the Court is not on the bench;
 - b. Bench conferences, and any conferences between attorneys and their clients, staff, or victims;
 - c. The gallery in any fashion; or
 - d. Any other Hennepin County Government Center location where the use of recording devices is prohibited, such as other courtrooms and the hallways where courtrooms are located. Recording is permitted on the Public Service, or Skyway, level of the Government Center.
10. Any notices of intent to cover the sentencing proceedings in this case by audio or visual means filed after this Order is filed are denied as untimely.
11. This Order does not prohibit the Approved Media Outlets from sharing their recordings or photographs with other media outlets or individuals.
12. Any audio and video coverage permitted by this Order must comply with all other applicable provisions contained in Minnesota General Rules of Practice 4.02 and 4.04.

BY THE COURT:



Kathryn L. Quaintance
Judge of District Court

Dated: 6/3/19