

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court File No.: 27-CR-18-6859

Plaintiff,

v.

**DEFENDANT'S FIFTH
MOTION IN LIMINE**

Mohamed M. Noor,

Defendant.

Defendant, Mohamed M. Noor, by and through his attorneys, and pursuant to Minnesota Rules of Criminal Procedure Rule 12.02 and Minnesota Rules of Evidence Rules 401-404, moves this Court to preclude the State from introducing evidence of body worn camera video related to the lifesaving efforts performed on J.R. and of law enforcement who arrived on the scene during the course of the investigation.

The State indicated during the opening statement that the jury would view body worn camera video from numerous police officers. Officer Noor understands that the body worn camera video captured by Officer Matthew Harrity and himself immediately following the shooting is relevant and part of this case. Officer Noor also understands that video of Officer Harrity immediately relating the events may be relevant and admissible pursuant to Rule 801(d)(1)(D). But, video of the extensive efforts of Officers Harrity and Noor to resuscitate J.R., and the first responders continued lifesaving efforts, is not relevant to whether Officer Noor committed the offenses charged and serve no

evidentiary purpose in establishing any element of the offenses. However, video of the lifesaving efforts is prejudicial and risk inflaming the passion of the jury.

Similarly, the video from the body worn cameras of the responding officers is also largely irrelevant to proving the offenses charged. While some of the body worn camera video may be related to specific crime scene investigation, much of the video and certainly most of the audio contains irrelevant hearsay that is prejudicial.

Counsel for Officer Noor recognizes that the Court may feel this Motion in Limine should have been brought at an earlier stage. Unfortunately, the State's unwillingness to disclose its trial exhibits in advance of trial has created a situation where counsel for Officer Noor is left to react to exhibits as the case progresses.

WHEREFORE, the Officer Noor respectfully requests the Court grant his motion and exclude the body worn camera video evidence of the lifesaving efforts performed on J.R. and the body worn camera video of law enforcement who arrived on the scene during the course of the investigation absent some offer of proof as to relevance.

Respectfully submitted,

Dated: April 9, 2019.

s/ Thomas C. Plunkett

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