

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **MOHAMED MOHAMED NOOR,** )  
 )  
 Defendant. )

**STATE’S REQUESTED AND PROPOSED  
JURY INSTRUCTIONS**

MNCIS No: 27-CR-18-6859

TO: THE HONORABLE KATHRYN QUAINANCE, HENNEPIN COUNTY DISTRICT COURT; COUNSEL FOR DEFENDANT; AND DEFENDANT.

The State of Minnesota requests the following jury instructions:

**Standard instructions**

- 3.01 Duties of Judge and Jury
- 3.02 Presumption of Innocence
- 3.03 Proof Beyond a Reasonable Doubt
- 3.04 Duties of Jurors
- 3.05 Direct and Circumstantial Evidence
- 3.06 Rulings on Objections to Evidence
- 3.07 Instructions to Be Considered as a Whole
- 3.09 Notes Taken By Jurors
- 3.11 Statements of Judge and Attorneys
- 3.12 Evaluation of Testimony – Believability of Witness
- 3.13 Expert Testimony

**3.15 Impeachment****3.23 Multiple Offenses to Be Considered Separately****3.25 Instruction on Demonstrative Evidence—Computer-Generated Animation****3.29 Definitions of Words****3.32 “Know”—“Had Reason to Know”—“Intentionally”—“With Intent”—“Recklessly”—Defined**

The State also requests the standard final instructions to the jury regarding closing argument, jurors not to consider penalty, deliberations, and verdict.

**Case-specific Instructions**

**7.11 AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS/REASONABLE USE OF FORCE<sup>1</sup>**

AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS

The statutes of Minnesota provide that no crime is committed, and a peace officer's actions are justified, only when the peace officer uses deadly force in the line of duty when necessary to protect the peace officer or another from apparent death or great bodily harm.

“Deadly force” means force which the peace officer uses with the purpose of causing, or which the peace officer should reasonably know creates a substantial risk of causing death or great bodily harm.

REASONABLE USE OF FORCE BY PEACE OFFICERS

As to each count or defense, the kind and degree of force a peace officer may lawfully use<sup>2</sup> is limited by what a reasonable peace officer in the same situation would believe to be necessary. Any use of force beyond that is regarded by the law as excessive. To determine if the actions of the peace officer were reasonable, you must look at those facts known to the officer at the precise moment he acted with force.

The State has the burden of proving beyond a reasonable doubt that the defendant was not authorized to use deadly force.

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<sup>1</sup> This language is proposed based on the notice of defense filed in this case.

<sup>2</sup> The language “in effecting a lawful arrest” is omitted here because the facts of the case do not support giving that portion of the instructions.

**13.06 DEFINITIONS OF DEADLY FORCE AND GREAT BODILY HARM:****DEADLY FORCE AND GREAT BODILY HARM - DEFINED**

“Deadly force” means force that the actor uses with the purpose of causing, or the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person constitutes deadly force. “Great bodily harm” means bodily harm that creates a high probability of death, causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any part of the body, or other serious bodily harm.

**11.24 MURDER IN THE SECOND DEGREE—DEFINED:**

Under the laws of Minnesota, a person intentionally causing the death of another person, but without premeditation, is guilty of murder in the second degree.

**11.25 MURDER IN THE SECOND DEGREE—ELEMENTS:**

The elements of murder in the second degree as alleged in this case are:

First, the death of Justine Rusczyk must be proven.

Second, the defendant caused the death of Justine Rusczyk.

Third, the defendant acted with the intent to kill Justine Rusczyk or another person. To find the defendant had an “intent to kill,” you must find the defendant acted with the purpose of causing death, or believed the act would have that result. Intent, being a process of the mind, is not always susceptible to proof by direct evidence, but may be inferred from all the circumstances surrounding the event. It is not necessary that the defendant's act be premeditated.

Fourth, the defendant's act took place on July 15, 2017 in Hennepin County.

If you find each of these elements has been proven beyond a reasonable doubt, the defendant is guilty of this charge. If you find any element has not been proven beyond a reasonable doubt, the defendant is not guilty of this charge.

**11.37 MURDER IN THE THIRD DEGREE<sup>3</sup>—DEFINED:**


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<sup>3</sup> The words “depraved mind” are omitted here and in the definition language in accordance with the comment to CRIMJIG 11.38, which states: “The words “depraved mind” have not been included in the elements. These words are not susceptible of definition, except in terms of an “eminently dangerous” act and the lack of regard for human life. Since those terms are used, the further use of the words “depraved mind” seems unnecessary and possibly prejudicial. The phrase “committed in a reckless or wanton manner” is drawn from State v. Lowe, 66 Minn. 296, 68 N.W. 1094 (1896).”



Under Minnesota law, a person causing the death of another by perpetrating an act eminently dangerous to others<sup>4</sup> and without regard for human life, but without intent to cause the death of any person, is guilty of murder in the third degree.

### **11.38 MURDER IN THE THIRD DEGREE<sup>5</sup>—ELEMENTS:**

First, the death of Justine Ruszczyk must be proven.

Second, the defendant caused the death of Justine Ruszczyk.

Third, the defendant's intentional act, which caused the death of Justine Ruszczyk, was eminently dangerous to human beings and was performed without regard for human life. Such an act may not be specifically intended to cause death, and may not be specifically directed at the particular person whose death occurred, but it is committed in a reckless or wanton manner with the knowledge that someone may be killed and with a heedless disregard of that happening.

Fourth, the defendant's act took place on July 15, 2017 in Hennepin County.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty of this charge. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty of this charge.

### **11.55 MANSLAUGHTER IN THE SECOND DEGREE—DEFINED:**

Under Minnesota law, whoever by culpable negligence, whereby he creates an unreasonable risk and consciously takes the chance of causing death or great bodily harm to another person, causes the death of another is guilty of manslaughter in the second degree.

### **11.56 MANSLAUGHTER IN THE SECOND DEGREE—ELEMENTS:**

First, the death of Justine Ruszczyk must be proven.

Second, the defendant caused the death of Justine Ruszczyk by culpable negligence, whereby the defendant created an unreasonable risk and consciously took a chance of causing death or great bodily harm. “To cause” means to be a substantial causal factor in causing the death.

The defendant is criminally liable for all the consequences of his actions that occur in the ordinary and natural course of events, including those consequences brought about by one or more intervening causes, if such intervening causes were the natural result of the defendant's acts. The fact that other causes contribute to the death does not relieve the defendant of criminal liability. However, the defendant is not criminally liable if a

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<sup>4</sup> The words “evinced a depraved mind” are omitted here.

<sup>5</sup> The words “depraved mind” are omitted here.

“superseding cause” caused the death. A “superseding cause” is a cause that comes after the defendant's acts, alters the natural sequence of events, and produces a result that would not otherwise have occurred.<sup>6</sup>

“Culpable negligence” is intentional conduct that the defendant may not have intended to be harmful, but that an ordinary and reasonably prudent person would recognize as involving a strong probability of injury to others.


“Great bodily harm” means bodily injury that creates a high probability of death, or causes serious permanent disfigurement, or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Third, the defendant's act took place on July 15, 2017 in Hennepin County.

If you find that each of these elements has been proven beyond a reasonable doubt, the defendant is guilty. If you find that any element has not been proven beyond a reasonable doubt, the defendant is not guilty.

Respectfully submitted,

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<sup>6</sup> The language regarding intervening and superseding causes may not be applicable here and the State would be receptive to its removal if the defendant agrees.