

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

Mohamed Mohamed Noor,

Defendant.

**AMENDED ORDER ON
CONDUCT AT TRIAL**

Court File No. 27-CR-18-6859

This Court is vested with the serious right and obligation to preserve order and decorum in its courtrooms and to ensure that the parties, witnesses, and jurors in a case are treated with respect. Minn. R. Crim. P. 26.03 subdiv. 3(a); Minn. Gen. R. Prac. 2.02(e). Most importantly, it is the Court's role to safeguard the parties' right to fair and public proceedings and the public's right to access them. In so doing, the Court must ensure that the official record of the proceedings is clear. Minn. Gen. R. Prac. 2.02(f).

Based on the level of interest in this case, the undersigned Chief Judge finds there are special circumstances to order the restrictive provisions set out below in paragraphs two, three, four, and fifteen. *See* Fourth Judicial District Court Policy B.05(6).

A jury trial in this matter is set to begin at 9:00 a.m. on Monday, April 1, 2019. Initial instructions to the jury panel and jury questionnaires will take place in the Hennepin County Commissioners Board Room, Room A2460 of the Administration Tower in the Hennepin County Government Center. Room A2460 has been designated a

temporary courtroom for this purpose, with the consent of the Hennepin County Administrator and the Hennepin County Board of Commissioners.

The trial will resume in Courtroom C1953 on the Nineteenth Floor of the Courts Tower of the Hennepin County Government Center. There will be overflow seating available in Courtroom C1957. Audio and video feed from the trial proceedings will be played in the overflow courtroom to accommodate those who do not have a seat in the courtroom.

Based on the foregoing, the Court makes the following

ORDER

No Electronic and Recording Devices

1. For the purposes of initial instructions to the jury panel and jury questionnaires in this case, and with the consent of the Hennepin County Administrator, the Hennepin County Commissioners Board Room has been designated a temporary courtroom and the common areas of Floors Nineteen through Twenty-Four of both the Administration and Courts Towers as well as the bridges on Floors Twenty and Twenty-Three of the Hennepin County Government Center have been designated court facilities.
2. No electronic or recording devices, audio or visual, shall be permitted in the Hennepin County Commissioners Board Room, Room A2460 of the Twenty-Fourth Floor of the Administration Tower, during initial instructions to the jury panel and jury questionnaires.
3. No electronic or recording devices, audio or visual, shall be permitted to be used in the common areas on Floors Nineteen through Twenty-Four of both the Administration and Courts Towers or the bridges on Floors Twenty and Twenty-Three of the Hennepin

County Government Center during initial instructions to the jury panel and jury questionnaires.

4. No electronic or recording devices, audio or visual, shall be permitted in the courtrooms, jury rooms, or common areas on the Nineteenth Floor of the Courts Tower of the Hennepin County Government Center during the entirety of the trial.
5. The devices prohibited in paragraphs two through four include, but are not limited to, cell phones, electronic tablets, and laptop computers. *See* Minn. Gen. R. Prac. 2.01(a); Fourth Judicial District Policy B.05.
6. Law enforcement, county security, and court personnel are authorized to search persons to ensure compliance with this Order. Courtroom and overflow courtroom attendees may choose to leave their prohibited devices in the custody of law enforcement at their own risk. An electronic or recording device that is possessed or used in a manner not in compliance with this Order may be seized, and the person involved may be subject to sanctions as provided below. Fourth Judicial District Court Policy B.05(5).
7. The attorneys of record in this case and their paralegals, law enforcement personnel, and judicial staff inside the bar may have electronic devices in the courtrooms powered ON during initial jury instructions, jury questionnaires, and the trial. All such devices shall be kept and operated only in SILENT mode. The use of electronic devices shall be allowed ONLY for the purpose of conducting court business. Any use of cell phones by the attorneys of record or paralegals shall be made outside the courtroom. There shall be no use of electronic or recording devices in the gallery. *See* Fourth Judicial District Court Policy B.05(4)(a).

Courtroom Seating

8. The audio and video feed from the trial proceedings in Courtroom 1953 will be played in overflow Courtroom 1957 to accommodate those who do not have a seat in Courtroom 1953. See Minn. Gen. R. Prac. 4.02(a) (permitting the Court to “authorize the use of electronic or photographic means . . . for other purposes of judicial administration” without regard to the consent of the parties). The visual feed will be live, not recorded, and it will not be part of the official court record. As the Court noted in its Order on Requests for Visual or Audio Coverage filed February 22, 2019, and pursuant to Rule 4 of the Minnesota General Rules of Practice, there will be no audio or visual recording or reproduction of the trial in this matter except the recording made as the official court record.
9. Courtroom attendance shall be limited to the seating available in Courtroom 1953 and the overflow Courtroom 1957. During initial jury instructions and jury questionnaires, courtroom attendance shall be limited to the seating available in Room A2460. Standing room shall not be allowed in any of the courtrooms. Minn. Gen. R. Prac. 2.01(e).
10. In Room A2460, in Courtroom 1953, and in the overflow Courtroom 1957, four seats have been reserved for immediate family members of the decedent and four seats have been reserved for immediate family members of the defendant.
11. In Room A2460, in Courtroom 1953, and in the overflow Courtroom 1957, seats have been reserved for the media pursuant to Minnesota Rule of Criminal Procedure 26.03, subdivision 3(b).

12. Eight seats have been reserved for the media in Room A2460 and in Courtroom 1953, with one seat per media outlet. Four of the eight seats will be reserved for local media outlets, and four of the eight seats will be reserved for national or international media outlets. The process for reserving a seat will be posted on the case webpage at <http://mncourts.gov/StateofMinnesotavMohamedNoor>. Once a seat has been reserved for a media outlet, it is reserved for the duration of the trial, with the following caveats: If a media outlet does not use its reserved seat for a court session or for a day of trial, another media outlet may use it during that time only; and if a media outlet does not use its reserved seat for three days in a row, that seat will be reserved for another media outlet on the waitlist. Four seats have been reserved for the use of media outlets in the overflow Courtroom 1957 on a first-come, first-served basis each court session. One seat has been reserved for a sketch artist in Courtroom 1953.

13. In Courtroom 1953, eleven gallery seats are available for the general public. In the overflow Courtroom 1957, members of the general public or the media may sit in the jury box or any additional seating provided if the gallery is full, but not behind the bench or in the spaces traditionally reserved for the clerk, court reporter, or witness.

14. Public seating in Courtroom 1953 and in the overflow Courtroom 1957 will be allocated on a first-come, first-served basis each court session. Once those seats are filled for a court session, they will not be reallocated during that session. Each day of trial will have a morning and afternoon session. Members of the public may arrive on the Nineteenth Floor of the Courts Tower no earlier than 7:30 a.m. to line up for admission each morning and no earlier than 1:00 p.m. for admission each afternoon.

15. After all available seats in Courtroom 1953 and the overflow Courtroom 1957 are filled and court is in session, no one except law enforcement personnel, county security, and court personnel will be authorized to remain in the courtroom hallway on the Nineteenth Floor.

16. Public walkways, doorways, stairwells, and elevator banks within the Government Center must be kept unobstructed, and the noise level in areas where courtrooms are located must be kept at a minimum, so that court business may be conducted.

Courtroom Conduct

17. When court is in session, there shall be no talking, loud whispering, or other distracting activity in the gallery of the courtroom or overflow courtroom. Minn. Gen. R. Prac. 2.01(a).

18. Courtroom and overflow courtroom attendees shall not express their opinions, verbally or nonverbally, in response to a statement of a party or witness, argument of counsel, or ruling of the Court.

19. No food, beverages, or gum chewing is allowed in the courtroom or the overflow courtroom.

20. Courtroom and overflow courtroom attendees shall not wear, carry, or otherwise display material that refers to the decedent, the parties, the witnesses, or the jurors in this matter.

21. Courtroom and overflow courtroom attendees must be seated at all times while court is in session.

22. Entry and exit from the courtroom may be made only while court is in recess.

23. No members of the media are to request assistance from judicial staff.
24. The attorneys in this case have ethical obligations with respect to their public statements about this case. The witnesses in this case have been sequestered. The jurors will be instructed not to speak with anyone about this case. These limitations shall be respected by members of the public and the media in attendance.

General Provisions and Enforcement

25. A violation of this Order may result in sanctions, including but not limited to the confiscation of property, removal from the courtroom or the Government Center, and/or arrest for contempt of court.
26. The Hennepin County Sheriff's Office and county security are authorized to enforce the provisions of this Order.
27. The provisions of this Order apply to the jury trial in this case scheduled to begin on April 1, 2019, and are subject to further order of this Court.
28. Copies of this Order shall be made available outside the courtrooms referenced herein and on the case webpage.

BY THE COURT:

Date: 3/28/19


Kathryn L. Quaintance
Judge, Fourth Judicial District

Date: March 28, 2019


Ivy S. Bernhardson
Chief Judge, Fourth Judicial District