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STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF HENNEPIN | FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

vs.

DEREK MICHAEL CHAUVIN,

Defendant.

ORDER AND MEMORANDUM OPINION ON MEDIA COALITION MOTION TO UNSEAL JUROR NAMES AND ASSOCIATED JUROR INFORMATION

Court File No. 27-CR-20-12646

This matter is before the Court on the motion of the Media Coalition[1] to disclose the jurors' names and to unseal or otherwise make public other information regarding the jurors and prospective jurors.

Leita Walker appeared on written filings on behalf of the Media Coalition. Matthew Frank, Neal Katyal, Sundeep Iyer, and Nathaniel Zelinsky appeared on written filings for the State. Eric Nelson appeared on correspondence for Defendant Derek Michael Chauvin (Chauvin).

[1] The Media Coalition includes: American Public Media Group (which owns Minnesota Public Radio); The Associated Press; Cable News Network, Inc.; CBS Broadcasting Inc. (on behalf of WCCO-TV and CBS News); Court TV Media LLC; Dow Jones & Company (which publishes *The Wall Street Journal*); Fox/UTV Holdings, LLC (which owns KMSP-TV); Gannett Satellite Information Network, LLC (which publishes *USA Today*); Hubbard Broadcasting, Inc. (on behalf of its broadcast stations, KSTP-TV, WDIO-DT, KAAL, KOB, WNYT, WHEC-TV, and WTOP-FM); Minnesota Coalition on Government Information; NBC Universal Media, LLC; The New York Times Company; The Silha Center for the Study of Media Ethics and Law; Star Tribune Media Company, LLC; TEGNA Inc. (which owns KARE-TV); and WP Company LLC (which publishes *The Washington Post*).

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On August 4, 2021, the Media Coalition filed a notice of motion, supporting memorandum of law, and an Affidavit of Susan Dardarian [Dk Nos. 590-593) in support of its motion asking the Court to unseal:

(1) juror identities;

(2) the prospective juror list and juror profiles;

(3) the completed juror questionnaires; and

(4) the original verdict forms.

Chauvin did not file a brief responding to the Media Coalition motion, but the Court received correspondence from Mr. Nelson on August 5, 2021 indicating that the Defense viewed the issue as a matter lying within the Court's discretion while pointing out that three of the jurors had previously voluntarily revealed their identities.[2]

On August 16, 2021, the State filed a memorandum opposing the Media Coalition's motion to unseal juror identities.

On August 27, 2021, the Media Coalition filed a Reply Memorandum in support of its motion. The Media Coalition's motion was then taken under advisement, based on the written

[2] Alternate juror Lisa Christensen and jurors Brandon Mitchell and Journee Howard made various broadcast media appearances or were the subject of articles published in print media in April and June 2021. *See, e.g.*, https://www.kare11.com/article/news/local/george-floyd/derek-chauvin-trial-alternate-juror-lisa-christensen/89-97b74eb1-c875-4ed5-93ad-5c72620b9f18; https://www.cbsnews.com/video/alternate-juror-in-chauvin-trial-speaks-out-about-case-witnesses-guilty-verdict-exclusive/; https://apnews.com/article/chauvin-jurors-george-floyd-c35cff601d97deb328c0fcafe121367b; https://www.nytimes.com/2021/04/29/us/chauvin-jury-brandon-mitchell.html; https://www.youtube.com/watch?v=FsgDdd4pcbY; https://abcnews.go.com/US/derek-chauvin-juror-trial-watching-die-daily-basis/story?id=77361744; https://www.youtube.com/watch?v=1tP56wg88eA; https://apnews.com/article/mn-state-wire-george-floyd-death-of-george-floyd-5e14567b034b5c3f0a8e9619701c68be; https://minnesotareformer.com/2021/06/25/the-rural-biracial-juror-on-the-chauvin-trial-it-was-absolutely-traumatic/.

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filings without oral argument.

Based upon all the files, records, and proceedings herein, **IT IS HEREBY ORDERED**:

1. While any of the sworn and alternate jurors remain free to reveal their identities at any time and to speak to the public and the media, the Court's prior orders regarding the confidentiality of information relating to the jurors' names, addresses, other demographic and identifying information and the completed jury questionnaires remain in effect through November 1, 2021.

2. The Media Coalition's Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

    a. On November 1, 2021, the Court will file a public document with the names and juror numbers of the 14 sworn and alternate jurors. Information regarding juror addresses and other contact information will not be made public.

    b. On November 1, 2021, the completed juror questionnaires of the 109 prospective jurors who were formally evaluated and considered as potential jurors during the jury selection process between March 9, 2021 and March 23, 2021,[3] the prospective juror list listing those 109 prospective jurors, and the original verdict forms signed by the jury foreperson[4] will be unsealed and become publicly available.

    c. The Court reserves the right to redact from the completed juror questionnaires that will be made publicly available certain private information consistent with discussions with some of the prospective jurors during voir dire.

    d. No document with juror demographic profiles was ever created in this case.

[3] "Prospective jurors who were formally evaluated and considered as potential jurors" includes not only the 70 prospective jurors who were questioned on the record during voir dire between March 9 and 23, 2021 but also the 39 prospective jurors who were dismissed for cause before being questioned based on the parties' joint motion after review of those jurors' completed questionnaires.

[4] To protect the anonymity of the jury foreperson consistent with the Court's prior orders regarding confidentiality and juror anonymity, the verdict forms that were filed as public records on April 21, 2021 [Dk Nos. 504-506] had the foreperson's name redacted so as not to reveal that juror's identity and the original verdict forms filed on April 23, 2021 [Dk Nos. 510-512] were filed under seal.

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3. The attached Memorandum Opinion is incorporated by reference.

BY THE COURT:

Digitally signed by Cahill, Peter
Date: 2021.10.25 13:27:43
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Peter A. Cahill
Judge of District Court

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MEMORANDUM OPINION

FACTUAL BACKGROUND

In the Order for Juror Anonymity and Sequestration filed November 4, 2020 [Dk No. 194], 2021, the Court made several factual findings relating to the

(1) pervasive local, statewide, and national coverage George Floyd's death had received,

(2) extensive local protests and civil unrest that befell the City of Minneapolis in the wake of Floyd's death,

(3) intimidating, harassing, hostile or threatening behavior and voice mail and written communications that had been directed at Chauvin[5] and co-defendants Tou Thao, J. Alexander Kueng, and Thomas Lane, Defendants' counsel, the head of the local police union, and even Hennepin County District Attorney Michael Freeman during the period of civil unrest and protests that followed in the wake of Floyd's death, including picketing of homes and vandalism of personal property, vehicles, and homes,[6] and

(4) many voice messages, email, notes, and letters -- a few of which were hostile or threatening -- this Court had received from members of the general public suggesting (and occasionally demanding) that this Court decide the case a certain way.

To shield prospective and selected jurors from any improper and unsolicited/unwanted attempts to contact, harass, unduly influence, or even potentially to intimidate or threaten them during trial proceedings, and to protect the jurors' safety and impartiality during the trial and

[5] Mr. Nelson reported that his office had logged the emails received and informed the Court that, by the September 11, 2020 hearing, his office had received over a thousand negative or threatening emails.

[6] As the State recounts in its Brief, after a hearing in this and the three co-defendants' cases on September 11, 2020, a group of as many as 20 protestors had physically and verbally harassed at least two Defense Counsel and their clients in front of the Hennepin County Family Justice Center (where that hearing had been held), and one protestor damaged one Defense Counsel's vehicle by ramming it with a bicycle.

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deliberations, this Court ordered an anonymous jury.[7] As a result, this Court ordered that information relating to the prospective and selected jurors' names, addresses, other identifying information, and the completed jury questionnaires would be sealed and remain confidential and that the jury would remain anonymous during the trial and jury deliberations, except to the attorneys representing the parties, the defendants, and any employees or contractors working with the attorneys in the case. That Order also (1) required counsel and their related employees and contractors as well as the defendants to preserve the confidentiality of information relating to the jurors' identities, (2) directed Counsel to refer to prospective and selected jurors only by their random juror number during voir dire and the trial, and (3) provided that, post-verdict, information regarding the jury would only be made public by the Court on a date designated by the Court.

In the Order Regarding Discovery, Expert Witness Deadlines, and Trial Continuance filed January 11, 2021 [Dk No. 253],[8] this Court again ordered that the identities of the jurors would not be made public until further order of the Court.

Prospective jurors were sent summons for jury service in early December 2020 and were asked to complete questionnaires. By the end of January, 326 potential jurors who had received a juror summons, met qualification criteria, and who had not requested to defer service had returned questionnaires and the jury panel for this case had been constituted.

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[7] Minn. R. Crim. P. 26.02 subd. 2 authorizes district courts to restrict access to juror names, addresses, and other identifying information if there is strong reason to believe the jury requires protection from external threats to the jurors' safety or impartiality.

[8] That Order also severed Chauvin's trial from that of co-defendants Thao, Lane, and Kueng due to the impossibility of holding a joint trial of all four defendants even in the Hennepin County Government Center's (HCGC) largest, reconfigured courtroom in the wake of social distancing

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The Court's Trial Management Order, filed March 1, 2021 [Dk No 354], instructed that potential jurors and jurors were not to be referred to by name but only by the juror's assigned random number.

Jury selection occurred between March 9 and March 23, 2021. During jury selection, a total of 109 prospective jurors were formally evaluated and considered as potential jurors by the Court and the parties, as follows:

(1) 39 prospective jurors were excused by the Court for cause before questioning based on the parties' joint motion after counsel had reviewed the completed juror questionnaires;

(2) 33 prospective jurors were excused by the Court for cause after having been questioned;

(3) the Defense excused 14 prospective jurors on peremptory challenges;

(4) the State excused 8 prospective jurors on peremptory challenges; and

(5) 15 jurors were selected.[9]

Because of the livestreaming of the ten and a half days of voir dire, millions of people watching or listening to Court TV and the numerous other television, radio, and print media who carried the livestreaming feed from Court TV were able to follow voir dire in this case, in contrast to the more typical Hennepin County District Court case in which only a couple dozen members of the public or press are able to observe voir dire from the public gallery in the HCGC trial courtrooms. In addition, although the livestream was not allowed to capture video images of the prospective

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considerations required by Chief Justice Gildea's orders relating to the COVID-19 pandemic.

[9] Two alternates were seated upon commencement of trial on March 29, 2021 and continued until they were discharged on April 19, 2021 when the jury retired to begin deliberations. A third potential alternate, selected on March 23, 2021, was excused by the Court at the start of trial on March 29, 2021 when the 14 other selected jurors and alternates all appeared; the trial courtroom, as configured in accordance with social distancing requirements for the COVID

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jurors being questioned during voir dire, two members of the media were seated in the trial courtroom throughout voir dire and the trial and thus were able to observe the jurors. The Court also contemporaneously provided demographic information – gender, age (within a decade), and the juror's self-identified ethnic or racial identity -- about the jurors selected to serve on the jury. *See, e.g.*, https://www.washingtonpost.com/nation/2021/03/28/jury-chauvin-trial-george-floyd/; https://www.nytimes.com/2021/03/30/us/chauvin-trial-jurors.html?; https://www.mercurynews.com/2021/03/29/george-floyd-death-what-we-know-about-the-14-jurors/; https://www.usatoday.com/in-depth/news/nation/2021/03/28/derek-chauvin-trial-jurors-share-opinions-police-discrimination/7003860002/.

Trial commenced on March 29, 2021 and continued through April 19, 2021. Pursuant to this Court's Order Allowing Audio and Video Coverage of Trial (Nov. 4, 2020), the entirety of voir dire and the trial was livestreamed by Court TV and daily coverage of the trial was omnipresent and ubiquitous, locally and nationally. However, the Court precluded broadcasting any video images of any prospective jurors during voir dire; during the individual questioning of prospective jurors, counsel referred to the prospective jurors only by their random juror number and the livestream coverage of the prospective juror's answers was limited to audio.

During the trial itself, the Court also barred the broadcasting of any video images of any of the jurors or of the jury collectively. The two media representatives present in the courtroom every day during voir dire and the trial were able to report, if they deemed it journalistically germane, the reactions, emotions, facial expressions and any other nonverbal "cues" from the prospective jurors during voir dire or from the impaneled jury during the trial. However, the

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pandemic, accommodated a maximum of only 14 jurors.

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physical limitations of the courtroom together with the social distancing requirements during the COVID 19 pandemic meant that no other public seating was available in the courtroom, beyond the few seats reserved for members of the Floyd and Chauvin families. In addition to Court TV's livestreaming of the trial, the Hennepin County District Court also provided a separate media center across the street from the HCGC from which more than 40 media representatives could watch monitors broadcasting coverage throughout voir dire and the trial. The *Chauvin* trial, the first in Minnesota history to be televised from start to finish, indisputably was the most open, transparent, and widely covered and reported criminal trial in Minnesota state history. As the State puts it, "[i]n the midst of intense scrutiny, and in the face of a public health crisis, this Court oversaw the most open trial in American history. Millions watched these public proceedings gavel to gavel, vindicating 'the concerns of the victims and the community in knowing that' . . . Chauvin was tried 'by jurors fairly and openly selected.'" State Mem. at 1.

On April 23, 2021, the Court filed an Order Sealing Certain Juror Information, Redacting Foreperson's Signature on Publicly-Filed Verdict Forms, and Filing Under Seal of Original Signed Verdict Forms. [Dk No. 509] In that Order, the Court observed that media and public interest in the case had increased in the five and a half months since the filing of the initial order regarding juror anonymity in the wake of the ubiquitous, omnipresent coverage of the *Chauvin* trial in local, regional, and national broadcast and print media and the ever-present public gatherings on the plazas and streets flanking HCGC during the *Chauvin* trial, as well as protests and marches throughout portions of the City of Minneapolis. The Court also noted that counsel had reported to the Court the unprecedented levels of incendiary, inflammatory, and threatening emails they had received regarding the case. Although the Court had advised the sworn jurors and

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alternates, after announcement of the jury verdicts in open court on April 20, 2021, that they were then free to identify themselves publicly and to speak about the case, if they wished, in light of the foregoing considerations and to protect the jurors from exposure, unwanted publicity, possible harassment, and potentially even threats to their safety, the Court ordered that the jurors' names, the prospective juror list, the completed juror questionnaires, and the original verdict forms with the jury foreperson's signatures would be filed under seal and remain sealed pending further order, and that the Court did not intend to revisit the issue of juror confidentiality for at least 180 days.[10]

At the time of the April 23, 2021 Order, the joint trial of Chauvin's co-defendants[11] was scheduled for August 23, 2021. That trial has since been rescheduled for March 7, 2022.

Chauvin was sentenced on June 25, 2021. The Court has received more than 3,000 postcards and more than a hundred handwritten or typed pieces of correspondence (some quite lengthy) from the public with opinions about this case, the underlying facts, the outcome of the trial, and the Court's sentencing decision, much of which arrived during the trial as well as in the intervening period between announcement of the jury verdicts and the sentencing hearing, but even continuing after the sentencing hearing on June 25, 2021 (although the volume has dropped off sharply the past couple months). Emotions and impassioned opinions run high on both sides of the spectrum.

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[10] Rule 26.02 subd. 2 of the Minnesota Rules of Criminal Procedure authorizes district courts to restrict access to juror information as long as necessary to protect the jurors. *See State v. Bowles*, 530 N.W.2d 521, 532 (Minn. 1995) (jurors' fears of harassment after trial provides basis for maintaining juror anonymity).

[11] *State v. Tou Thao*, Court File No. 27-CR-20-12949; *State v. Thomas Lane*, Court File No. 27-CR-20-12951; and *State v. J. Alexander Kueng*, Court File No. 27-CR-20-12953.

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Mr. Nelson and Counsel to the co-defendants have reported receiving thousands of emails, other correspondence, calls, and voice messages. The Office of the Minnesota Attorney General created a website at which interested organizations and individuals could submit impact statements or other comments between the conclusion of the trial and sentencing. The flashdrive submitted to the Court by the Attorney General's Office on the morning of June 25, 2021 with all those statements contained more than 1,000 statements.

Reporting has indicated that the former home in Santa Rosa, California of one of the Defense expert witnesses, Barry Brodd, was vandalized.[12] Charges have been brought against a Florida man for making death threats against Defense Counsel Eric Nelson.[13] Charges were also brought against a Minnesota woman arising from an incident after the September 11, 2020 hearing in this case in which the woman -- allegedly among a group of about 20 protestors who after the hearing had surrounded a vehicle in which Defense Counsel Tom Plunkett and Earl Gray were about to depart with their clients (co-defendants Kueng and Lane) and begun pounding on the vehicle with their fists and a drumstick while calling for Defense Counsel to be murdered due to their representation of Kueng and Lane -- had rammed her bicycle into the vehicle, causing estimated damage to the vehicle of more than $2,000.[14]

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[12] *See, e.g.*, https://abcnews.go.com/US/vandals-target-barry-brodds-home-testimony-derek-chauvins/story?id=77149729; https://sanfrancisco.cbslocal.com/2021/05/13/george-floyd-derek-chauvin-suspects-arrested-bloody-vandalism-santa-rosa/; https://www.pressdemocrat.com/article/news/2-additional-arrests-in-vandalism-case-involving-former-santa-rosa-home-of/.

[13] *See, e.g.*, https://www.justice.gov/usao-sdfl/pr/south-florida-resident-guilty-threatening-kill-derek-chauvin-s-lawyer; https://minnesota.cbslocal.com/2021/10/07/derek-chauvin-eric-nelson-threat/.

[14] *See State v. Edith Okerlund*, Hennepin County District Court File No. 27-CR-20-21673 (Okerlund was originally charged with first-degree property damage, a felony, and third-degree

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Chauvin filed an appeal on September 23, 2021.

ANALYSIS

I. ALTHOUGH THERE IS NO ABSOLUTE RIGHT OF THE PRESS OR PUBLIC TO ACCESS ALL RECORDS AND INFORMATION CONTAINED IN COURT RECORDS IN CRIMINAL CASES, JUDICIAL RECORDS ARE PRESUMPTIVELY PUBLIC UNDER MINNESOTA'S APPLICABLE COURT RULES AND THE COMMON LAW, WARRANTING GRANTING PUBLIC ACCESS TO SOME OF THE REQUESTED JUROR INFORMATION SOUGHT BY THE MEDIA COALITION IN LIGHT OF THE PRESENT FACTS AND CIRCUMSTANCES OF THIS CASE.

Whether to make part of the public record, and thus available to the press and to the public, juror names and other juror-related information and documents requires a trial court to balance on a case-by-case basis a number of competing considerations under the particular facts of each case. These competing considerations include the defendant's constitutional rights to a public trial before a fair and impartial jury, the public interest in access to open judicial proceedings to monitor the manner in which justice is being administered, the press' First Amendment rights, and jurors' privacy interests and rights.

In a typical week (excluding the more restrictive conditions under which Minnesota courts were operating during the COVID 19 pandemic from late March 2020 through April 2021), Hennepin County District Court may have six to ten criminal trials and two to four civil jury trials underway. Although the courtrooms are open to the public for these trials, the vast majority of the trials attract no public or media interest, with the only observers being friends or family members of the defendant and the victims in criminal trials and individuals with personal interests in the outcome of civil trials. The jurors in all cases of course are expected to discharge their civic duties, serve conscientiously, and render fair and impartial verdicts based on the

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riot, unlawful force or violence, a gross misdemeanor; she ultimately pled guilty to misdemeanor unlawful assembly, disorderly conduct, and was convicted and sentenced on that charge).

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evidence presented at trial in accordance with the law provided to them by the court. However, in the vast majority of these trials, the jurors selected do so effectively in total anonymity due to the lack of general public or any press interest in those cases and trials.

The *Chauvin* jurors, in contrast, have been called upon to carry out their duties as jurors in a case that played out on a stage of unprecedented public interest and press coverage in wake of tremendous social upheaval and civic unrest not only in the City of Minneapolis but in other cities around the country in the aftermath of the events that unfolded in front of Cup Foods on May 25, 2020. To say, as the Media Coalition does in its brief (Media Coalition Mem. at 2), that the *Chauvin* jury has "served their community under very difficult circumstances" while "handl[ing] harrowing evidence and testimony" is an understatement. This Court, this community, and this State owe an extraordinary debt of gratitude to the members of the *Chauvin* jury for their dedicated service in this case in the first televised criminal trial in Minnesota history under the immense glare of publicity and the unquenchable public interest.

The right of public access to criminal trials is well established. *See Minneapolis Star and Tribune Co. v. Kammeyer*, 341 N.W.2d 550, 559 (Minn. 1983); *Austin Daily Herald v. Mork*, 507 N.W.2d 854, 856 (Minn. App. 1993), *rev. denied* (Minn. Dec. 14, 1993); *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596 (1982); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980). But the issue here is not public access to the trial, to which the press and the public in this case had unprecedented access by virtue of Court TV's livestreaming of the trial.[15] Rather, the issue before the Court on the Medial Coalition's motion is whether -- and, if

[15] Thus, cases like *Waller v. Georgia*, 467 U.S. 39 (1984) (closure of a suppression hearing); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) (closure of voir dire); and *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982) (closure of courtroom during testimony of

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so, the extent to which -- the press and the public have a right to information about the names of the individuals who served as prospective or selected jurors and related juror information contained in the court's records in this case.

The public and press generally are entitled to access to judicial records, *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978) ("It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents."), but that right is not absolute. *Id.* at 598 ("Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes. . . . [T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."); *see also Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197, 202 (Minn. 1986) ("It is undisputed that a common law right to inspect and copy civil court records exists. . . . The common law right of access, however, is not absolute."); *State v. C.A.,* 304 N.W.2d 353, 358-361 (Minn. 1981) (part of the function of a court "is to control court records . . . in order to reduce or eliminate unfairness to individuals"); *State v. C.P.H.*, 707 N.W.2d 699, 704 (Minn. App. 2006) ("Court proceedings and documents enjoy a presumption of openness that ordinarily may not be overcome absent a showing that a party's constitutional rights would be at risk if the proceeding or document is made public," citing *In re GlaxoSmithKline PLC*, 699 N.W.2d 749, 755 (Minn. 2005)).

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minor victim in sex offense case) are not germane to the issue pending before this Court on the Media Coalition's motion.

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There is no statutory mandate making judicial records accessible to the public and the press, as Minnesota statutes requiring public access to government data do not apply to the judiciary. *See* Minn. Stat. § 13.90 subd. 2; *C.P.H.*, 707 N.W.2d at 705. Instead, access to judicial branch records and data is governed by the Minnesota Rules of Public Access to Records of the Judicial Branch. Minn. R. Public Access to Records Jud. Branch 1 subd. 1; *C.P.H.*, 707 N.W.2d at 705. Under the Rules of Public Access to Records of the Judicial Branch, all court records[16] are presumptively open to the public for inspection or copying, but some records are not accessible absent a court order, and case records may be made inaccessible to the public and press pursuant to other court rules or orders. Minn. R. Public Access to Records Jud. Branch 2, 4 subd. 1(f)(2); *accord Minneapolis Star & Tribune Co.*, 392 N.W.2d at 202 (noting presumption in favor of access to court records under common law); *C.P.H.*, 707 N.W.2d at 705 (same).

A. Applicable Court Rules

The starting point is Rule 814 of the Minnesota General Rules of Practice.[17] That rule

[16] "Records" is defined to mean "any recorded information that is collected, created, received, maintained, or disseminated by a court or court administrator. "Case Records" is defined as "all records of a particular case or controversy." Minn. R. Public Access to Records Jud. Branch 3 subd. 5.

[17] The Media Coalition and the State in their briefs discuss many reported appellate opinions from other states and federal courts. Except for United States Supreme Court opinions construing principles of federal constitutional law, none of those opinions is binding on this Court. Because the court rules and state statutes in other jurisdictions may well be substantially different from applicable Minnesota court rules and statutes, this Court will not be canvassing the vast majority of those opinions from other jurisdictions in this Memorandum Opinion. For example, the Arizona case the State cites for the proposition that trial courts "may *always* withhold juror identities," *Morgan v. Dickerson*, 2021 WL 3046844 (Ariz. App. July 20, 2021) – *see* State Mem. at 10 – is inapposite because in contrast to Minnesota law, as the Media Coalition points out, Arizona's rules and statutes "generally require a trial court to keep juror records and biographical information private." *Neff v. Dickerson*, 2021 Ariz. App. LEXIS 139, at *6 (Ariz. App. Div. Two, July 20, 2021).

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provides, in pertinent part:

> The names of qualified prospective jurors drawn and the contents of juror qualification questionnaires shall not be disclosed except as provided by this rule . . . .
>
> **(a) Public Access.** The names of the qualified prospective jurors drawn and the contents of juror qualification questionnaires, except identifying information to which access is restricted by court order . . . completed by those prospective jurors must be made available to the public upon specific requests to the court, . . . , unless the court determines:
>
> (1) In a criminal case that access to any such information should be restricted in accordance with Minn. R. Crim. P. 26.02, subd. 2(2) . . . .

The Advisory Committee Comment to a 2007 Amendment to the rule noted the rule had been amended "to delete the apparently absolute right to public access to jury questionnaires one year after the jury list [had been] prepared" which had been set forth in prior Rule 814(d).

Rule 25.03 of the Minnesota Rules of Criminal Procedure governs the issuance of court orders restricting public access to public records relating to criminal proceedings. Minn. R. Crim. P. 25.03 subd. 1. The rule allows a court to issue a restrictive order only if the court concludes that "access to public records will present a substantial likelihood of interfering with the fair and impartial administration of justice," all reasonable alternatives to the restrictive order are inadequate, and the restrictive order is no broader than necessary to protect against the potential interference with the fair and impartial administration of justice. Minn. R. Crim. P. 25.03 subd. 4.

Several provisions of Rule 26 of the Minnesota Rules of Criminal Procedure are applicable, in pertinent part, as follows:

> **Subd. 2. Juror Information.**
>
> . . .

(2) *Anonymous Jurors*. . . . [T]he court may restrict access to prospective and selected jurors' names, addresses, and other identifying information if a strong reason exists to believe that the jury needs protection from external threats to its members' safety or impartiality. . . . If ordered, jurors may be identified by number or other means to protect their identity. The court may restrict access to juror identity as long as necessary to protect the jurors. . . . .

(3) *Jury Questionnaire.* On the request of a party or on its own initiative, the court may order use of a jury questionnaire as a supplement to voir dire. . . . The court must tell prospective jurors that if sensitive or embarrassing questions are included on the questionnaire, instead of answering any particular questions in writing they may request an opportunity to address the court in camera, with counsel and the defendant present, concerning their desire that the answers not be public. When a prospective juror asks to address the court in camera, the court must proceed under subdivision 4(4) and decide whether the particular questions may be answered during oral voir dire with the public excluded. The court must make the completed questionnaires available to counsel.

. . .

Subd. 4. Voir Dire Examination.

. . .

(4) *Exclusion of the Public From Voir Dire.* In those rare cases where it is necessary, the following rules govern orders excluding the public from any part of voir dire or restricting access to the orders or to transcripts of the closed proceeding.

(a) Advisory. When it appears prospective jurors may be asked sensitive or embarrassing questions during voir dire, the court may on its own initiative . . . advise the prospective jurors that they may request an opportunity to address the court in camera, with counsel and defendant present, concerning their desire to exclude the public from voir dire when the sensitive or embarrassing questions are asked.

(b) In Camera Hearing. If a prospective juror requests an opportunity to address the court in camera during sensitive or embarrassing questioning, the request must be granted. The hearing must be on the record with counsel and the defendant present.

(c) Standards. In considering the request to exclude the public during voir dire, the court must balance the juror's privacy interests, the defendant's right to a fair and public trial, and the public's interest in access to the courts. The court may

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> order voir dire closed only if it finds a substantial likelihood that conducting voir dire in open court would interfere with an overriding interest, including the defendant's right to a fair trial and the juror's legitimate privacy interests in not disclosing deeply personal matters to the public. The court must consider alternatives to closure. Any closure must be no broader than necessary to protect the overriding interest.
>
> . . .
>
> (e) Closure of Voir Dire. If the court determines that an overriding interest justifies closure of any part of voir dire, that part of voir dire must be conducted in camera on the record with counsel and the defendant present.
>
> (f) Findings of Fact. Any order excluding the public from a part of voir dire must be issued in writing or on the record. The court must set forth the reasons for the order, including findings as to why the defendant's right to a fair trial and the jurors' interests in privacy would be threatened by an open voir dire. The order must address any possible alternatives to closure and explain why the alternatives are inadequate.
>
> (g) Record. A complete record of the in camera proceedings must be made. On request, the record must be transcribed within a reasonable time and filed with the court administrator. The transcript must be publicly available, but only if disclosure can be accomplished while safeguarding the overriding interests involved. The court may order the transcript or any part of it sealed, the name of a juror withheld, or parts of the transcript excised if the court finds these actions necessary to protect the overriding interest that justified closure.

B. Why the Court Is Making the Names of the 109 Prospective Jurors Who Were Formally Evaluated and Considered as Potential Jurors, Their Completed Juror Questionnaires and the Prospective Juror List Public.

The basic thrust of the rules summarized in the preceding section is that the information the Media Coalition is seeking regarding the prospective and selected jurors is presumptively public unless (1) a strong reason exists to believe the jury at this stage, six months after the trial, needs protection from external threats to the jurors' safety, or (2) making the requested information available to the public and the press presents a substantial likelihood of interfering with the fair and impartial administration of justice.

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This Court agrees with the State that Minnesota has an interest in protecting all citizens from harassment and that the courts have an especially strong interest in ensuring Minnesota citizens can perform their civic duties, including jury service in criminal trials, without undue repercussions. State Mem. at 5. While public access, as the United States Supreme Court observed in *Press-Enterprise* "enhances both the basic fairness of the criminal trial and the appearance of fairness so essential to public confidence in the system," 464 U.S. at 508, this Court has already taken extraordinary and virtually unprecedented efforts to ensure public and press access to the proceedings in this case by creating a public website to which all publicly-available filings by the parties and court orders are immediately posted and by ordering the livestreaming of the entirety of jury selection, the trial, the return of the jury's verdicts, and the sentencing hearing. As the Media Coalition reports, by virtue of Court TV's livestreaming, more than 18 million viewers watched the sentencing. Court TV, which is one of the entities comprising the Media Coalition, presumably has data regarding its own viewership throughout the trial and other broadcast members of the Media Coalition presumably have ratings data or other records indicating the numbers of viewers and listeners who tuned in to watch or listen to livestreaming of the trial, but that information has not been made part of the Court record.

The State relies upon *State v. Bowles*, 530 N.W.2d 521 (Minn. 1995); *State v. Ford*, 539 N.W.2d 214 (Minn. 1995); *State v. McKenzie*, 532 N.W.2d 210 (Minn. 1995); and *State v. Ferguson*, 729 N.W.2d 604 (Minn. App. 2007) in support of the proposition that this Court may, at this stage, six months after the *Chauvin* trial, continue to completely withhold the jurors' names. State Mem. at 7-8. None of those cases supports that proposition.

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Bowles, *Ford,* and *McKenzie* were first-degree murder trials for three men charged in the locally highly-publicized "assassination-style" murder of Jerry Haaf, a Minneapolis police officer, allegedly in retaliation for an earlier alleged police beating of a blind, elderly black man. In addition, another Vice Lords gang member, Ed Harris[18] -- to whose house Bowles, Ford, and McKenzie had met immediately after shooting Officer Haaf to wash up, change their clothes, and dispose of their guns – was found murdered two weeks later in a Minneapolis alley, allegedly by other Vice Lords gang members because they suspected him of providing the police information about Haaf's murder. The issue in *Bowles, Ford*, and *McKenzie*, though, was not whether a trial court may appropriately keep juror names and related information sealed indefinitely after a trial in contravention of the general presumptive right of public and press access to court records but whether the impaneling of anonymous juries for the trial in all three cases had deprived the defendants of their constitutional right to a fair trial by an impartial jury by undercutting the presumption of innocence during those trials. In the *Bowles* and *Ford* cases, it appears the courts in impaneling the anonymous juries had also kept the jurors' names from the parties, unlike here in which the parties knew the names of all the prospective jurors.

Ferguson involved charges of second-degree intentional murder for the benefit of a gang in a trial before an anonymous jury. As in *Bowles, Ford*, and *McKenzie*, though, the issue in *Ferguson* again was not whether a trial court may appropriately keep juror names and related information sealed indefinitely after the trial has concluded but whether the impaneling of an anonymous jury had deprived Ferguson of his constitutional right to a fair trial by an impartial jury by undercutting his presumption of innocence. The *Ferguson* Court stressed that all those

[18] Evidence presented at the trials indicated that Ford was "second in command" of the Vice

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cases involved allegations that the defendant (or the defendant's gang associates) had allegedly used violence to interfere with judicial and law-enforcement processes in cases in which the underlying charged crimes were also retaliatory in nature and involved gang members, leading the trial courts in those cases to impanel anonymous juries for the jurors' own protection from potential gang intimidation (or worse). 729 N.W.2d at 611. Those considerations of course are not present in this case, which does not implicate gangs or any remote possibility of gang retaliation months after the trial.

Because the trial concluded six months ago, any concerns about juror impartiality, potential jury tampering, or possible attempts to intimidate, harass or other efforts seeking to unduly influence jurors prior to or during trial, which may be legitimate reasons to order an anonymous jury and to seal prospective and impaneled juror names and other identifying information prior to and during the trial, are no longer germane in this case. Rather, the Court's primary concern in issuing its April 23 Order as well as at this juncture is for the jurors' ongoing safety and protection against undesired publicity or unwarranted potential harassment. The Media Coalition takes issue with that, noting that at the September 11, 2020 hearing, this Court had stated that its primary concern – at that time! – was the impartiality of the jury, not concerns about jury safety. Media Coalition Reply Mem. at 2. What the Media Coalition overlooks is changed circumstances and factual developments since the September 11, 2020 hearing:

(1) This Court of course did not know at the time of those remarks that less than two hours later, in the immediate aftermath of the conclusion of that hearing, a group of protestors would surround two Defense Counsel and their clients leaving the hearing, verbally harass and threaten them, pound their fists and a drumstick on

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Lords gang and that Bowles and McKenzie were "foot soldiers" in the gang.

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the vehicle as they were preparing to drive away, with one of the protestors then ramming her bicycle into the vehicle, causing thousands of dollars in damages.

(2) This Court of course could not have known at the time of those remarks that members of the public would vandalize the former home in Santa Rosa, CA of Chauvin's use of force expert, apparently as a means of expressing their displeasure at his trial testimony. News reports indicate that several individuals have been charged criminally for that vandalism and property damage.

(3) This Court of course could not have known at the time of those remarks that a Florida man would threaten to kill Mr. Nelson, apparently as a means of expressing his contemptuous disdain for a lawyer doing his job in seeking to represent his client to the best of his ability and within the bounds of zealous advocacy that govern lawyer's professional obligations to their clients. A press release discloses that individual has been charged criminally and has pled guilty.

(4) While the Court had heard reports from Counsel by the time of that hearing regarding the correspondence, voice messages and calls coming into their offices, as well as having been on the receiving end of correspondence, voice messages, and calls, the Court of course could not have known at that time the increasing amounts of vitriol, ranting, and hateful screeds that would pour out from those on one end of the spectrum who thought it an outrage that Chauvin was even charged and who blamed Floyd for his own death as well as from those on the other end of the spectrum who apparently saw no reason for Chauvin to receive a fair trial by a fair and impartial jury and who were demanding vengeance and retribution for what they themselves deemed cold-blooded, premeditated murder for which they thought Chauvin deserved to die, or at the very least, to spend the balance of his life in prison without regard to the actual crimes the State of Minnesota saw fit to charge and without any recognition that the Minnesota State Legislature did not think those crimes – if Chauvin was found guilty by a jury at trial -- warranted the same punishment as premeditated first-degree murder.

(5) Although the First Amendment protects the expression of odious, ill-informed, vile, and hateful opinions, it does not protect under the guise of "free speech" speech that crosses the line into threats of violence or other harassing behavior the states may proscribe in their criminal laws and does not prevent the State from prosecuting transgressors in the interest of protecting the health and safety of its citizens. Unsurprisingly, not all observers came away from observing the *Chauvin* trial proceedings uniformly impressed and feeling satisfied that justice, in their view, was done. Nevertheless, the Court could not have anticipated the levels of vitriolic screed that continued to rain down during and in the wake of the *Chauvin* trial, in which hyped-up partisans on the far ends of the spectrum feel unconstrained in the current environment in this country in unleashing

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> hateful and unhinged rantings. The Court is less sanguine than the Media Coalition about how readily the jurors should be to ignore such uninvited encomiums that could rain down upon them from certain elements of our society once their names become public. While the members of the media might only publish critical commentary taking jurors to task based upon information gleaned from any juror interviews, the Court does have concerns about possible threats to jurors from members of the public based on some of the correspondence it has received -- in light of the knowledge of actual conduct by some unhappy with some aspect of the events of May 25, 2020, the presentation of evidence at trial, and the outcome of the trial as well as other recent events in this society – and is not prepared to dismiss outright, as it appears the Media Coalition is, the possibility that some jurors may have legitimate fears about threats to their safety from some societal actors once the jurors' names become public knowledge.

But the Court will not ignore those changed circumstances. The jurors called to serve have legitimate expectations of privacy, even if those expectations have to give way ultimately to other interests as discussed herein. The jurors certainly have the right to expect this Court will take seriously possible threats to their safety and their interests in not being subjected to unwarranted harassment simply for doing their duty at the call of the State by serving on the Chauvin jury.

The fact that 11 of the 14 seated jurors and alternates have to this date -- six months after conclusion of the *Chauvin* trial -- chosen not to come forward, identify themselves, and offer interviews to the media is, at a minimum, suggestive of those jurors' desire to maintain anonymity. While the Court is highly sensitive to and desirous of preserving the privacy and anonymity of those jurors, the law in Minnesota, as summarized above, creates a presumption that the names of the jurors and their completed juror questionnaires should be made available to requesting members of the public and press absent an identifiable strong reason to believe the jurors continue to need protection from external threats to their safety or unless this Court can fairly and objectively assess that there is a substantial likelihood that making publicly

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available the names and completed questionnaires of the 109 prospective jurors who were actually evaluated and considered for possible service on the *Chauvin* jury will interfere with the fair and impartial administration of justice. On the present record, this Court cannot assay any strong reason to believe the jurors continue to need protection from any external threats to their safety at this point, four months after this Court's sentencing of Chauvin, or that there is a substantial likelihood that making the prospective and impaneled jurors' names public information will interfere with the fair and impartial administration of justice.

First, as noted above, two of the jurors and one of the alternates chose to go public about their service on the jury, with two of them doing so within a week of the verdict and the other within two months of the verdict and prior to the sentencing. All three gave extensive interviews to varying combinations of local and national print press and broadcast media. None of those jurors has communicated to this Court that they have been harassed or have endured any threats to their personal safety. The State also has not offered any evidentiary showing that any of those three have been unduly harassed or threatened. Although any new filings in this case, whether post-sentencing filings with this court or filings relating to the appeal Chauvin has taken to the Minnesota Court of Appeals, or filings or hearings in the parallel federal civil rights actions pending in the United States District Court for the District of Minnesota involving Chauvin, Thao, Kueng, or Lane, invariably are reported in local and national print and broadcast media – indicating that the press and media remain intensely interested in the cases arising from George Floyd's death – the number of articles has dropped precipitously over the past four months as Chauvin's state court trial recedes into history as compared to the pervasive and omnipresent coverage between June 2020 and June 2021. As the Media Coalition observes

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(Media Coalition Reply Mem. at 3), the level of civic unrest and the continuous protests starting in late May 2020 and continuing through the end of the *Chauvin* trial, have largely abated or, as the Media Coalition aptly puts it, the passage of time has seen "the palpable ratcheting down of emotions in the Twin Cities since Mr. Chauvin's conviction." There simply is no objective evidence from which this Court can conclude there is any present strong reason to believe that making the Chauvin jurors' names and juror questionnaires public information at this time, six months after the jury returned its verdicts, presents any external threats to the jurors' safety.

Nor is there any basis for concluding there is a substantial likelihood that making the prospective and impaneled jurors' names public information will interfere with the fair and impartial administration of justice. As the Media Coalition observes in its Reply Brief at page 2, this Court did announce at the September 11, 2020 hearing its intent, if an anonymous jury was ordered, that the jurors' names would be released after the trial concluded provided that circumstances, including possible civil unrest, did not arise to change that calculus. This Court also informed prospective jurors during the jury selection process and the jurors themselves after they were discharged upon return of the verdicts that they should have no expectation of perpetual secrecy but should instead anticipate the Court would eventually release their names and juror questionnaires once sufficient time had passed and the events roiling the local Minneapolis community had died down, leading the Court to conclude it was safe to make that juror-related information public, and the parties were permitted to voir dire prospective jurors about their views on the eventual release of their identities. This Court has carried through on its commitments to the jurors, mitigating against concerns the State has articulated about the potential chilling effects on future efforts to impanel fair and impartial jurors.

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There is no reason to believe that making the Chauvin's jurors' names and completed juror questionnaires public now and under all these circumstances would interfere with the administration of justice in future cases by making it more difficult to select fair and impartial juries in future high-profile cases.

First, while the *Chauvin* trial certainly represents the apogee of high-visibility criminal trials, Minnesota and Hennepin County have had many high-visibility and highly-publicized trials arising from crimes in which the press and public have taken an interest in the past but that did not create insuperable barriers to impaneling a fair and impartial jury for the *Chauvin* trial. Although the prospective jury list for the *Chauvin* trial included 326 jurors, the parties and Court were able to select 15 jurors in less than twelve full days of voir dire from "only" 109 prospective jurors. And, that jury was selected with the parties having used only 22 of the 28 peremptory strikes the Court had authorized.

Second, the *Chauvin* trial followed only two years after another highly-publicized shooting by another Minneapolis police officer and a resulting month-long trial that also received extensive coverage in the local and national press (*State v. Mohamed Noor*, Hennepin County District Court File No. 27-CR-18-6859), but none of that presented insuperable obstacles to the selection and impaneling of a fair and impartial jury for the *Chauvin* trial. Indeed, in response to a motion by a different coalition of media entities, Judge Quaintance ordered that the list of impaneled juror names, their juror numbers, transcripts of *in camera* juror voir dire, and the original verdict forms be made public in August 2020. *See Noor*, Order Regarding Prospective Juror List, Juror Profiles, Juror Questionnaires, Transcript of In Camera Juror Voir Dire, and Original Verdict Forms (dated July 10, 2020 and filed July 17, 2020). Despite that

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order, made public less than five months before the juror summonses were issued in this case, and only seven months before jury selection commenced in this case, the fact that the *Noor* juror names were made public by court order did not have any discernible impact on this Court's and the parties' ability to select a fair and impartial jury for the *Chauvin* trial.

In short, there simply is no reasonable and objective basis upon which this Court can conclude that making public the *Chauvin* juror names now will cause any insurmountable difficulties for this Court, or the United States District Court for the District of Minnesota in the related federal civil rights cases involving Chauvin, Thao, Kueng, and Lane, in selecting a fair and impartial jury if and when those cases are called for trial in 2022.

The State argues that "the marginal value of releasing jurors' names is 'highly questionable'" and that in view of the "rigorous screening procedures" the prospective jurors underwent, and the public's (and press') opportunity to follow via the livestreaming all the information disclosed during voir dire, permitting reporters or other members of the public to obtain additional information about jurors, including their names, "would be unlikely 'to play a significant positive role in the proceeding.'" State Mem. at 16-17. That may be. However, that would put this Court in the position of making journalistic decisions about the news value of information and second-guessing the news judgment of the Media Coalition members and press and media entities. That this Court is not empowered to do under the law. *See Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241, 258 (1974). As the Media Coalition points out (Media Coalition Reply Mem. at 8), it has no obligation whatsoever under the law to justify its members' interest in juror identities and the related documents relating to the *Chauvin* jury it seeks to

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have made part of the public record by the pending motion.[19]

As is obvious, this Court is sympathetic to the jurors' legitimate interests in maintaining privacy. Unlike judges, who affirmatively seek their judicial roles either by running for office in states that elect judges or by applying for appointment to the bench in the federal judiciary or in states, like Minnesota, that also offer appointment by the Governor as a route to the bench, and lawyers who choose to pursue jobs as prosecutors or as criminal defense counsel, all of whom understand the kinds of pressures and outside influences present in high-profile cases in which they may become involved, none of the *Chauvin* jurors chose career paths in which they at least implicitly accepted the possibility they would wind up being called up to serve in such a case. None of the *Chauvin* jurors undertook any active, affirmative steps resulting in their being summonsed and ultimately selected to serve on the jury (other than being residents of Hennepin County and meeting the criteria as eligible jurors in the county and dutifully responding to their summons). It was only by happenstance that a purely random draw in which a computer selected their name from the database of several hundreds of thousands of eligible Hennepin County residents leading to them receiving juror summons during the week that

[19] The Court does take issue with the Media Coalition regarding its assessment of the relative abilities of lawyers and journalists to conduct searching and probing investigations to suss out the truth and the Media Coalition's bold claim that "journalists prove more adept than attorneys at uncovering pertinent background facts." Media Coalition Reply Mem. at 9-10. Competition and "bragging rights" between members of different professions is irrelevant to the legal analysis and this Court's order here which is controlled by the law of Minnesota and this Court's assessment whether there is a strong reason to continue to keep the jurors' identities sealed to protect their safety or if there is a substantial likelihood that making the jurors' identities public credibly may interfere with the fair and impartial administration of justice in the future. To mention one obvious difference, journalists may operate under daily deadline pressures to be the first out with breaking news of the day, but for the kinds of investigative efforts the Media Coalition trumpets in its Reply Memorandum, journalists have distinct advantages of time to investigate that lawyers operating in a trial setting do not.

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fortuitously happened to be the week the Hennepin County Jury Office was summonsing prospective jurors for the *Chauvin* trial. Unlike trial judges and lawyers, who are commensurately compensated for their professional work in the criminal justice system, the jurors are called to discharge their civic duties as citizens for the legislatively-mandated rate of $20/day. Unlike judges who may in appropriate circumstances recuse themselves from certain case assignments, or many lawyers who are able to select the clients they represent, the prospective jurors whose names were generated by the computer for potential service in the *Chauvin* trial are not given an option to "opt out" upon learning of the trial for which they have been selected as prospective jurors even if they'd rather not serve. The Court's concern for juror privacy, jurors' discomfort at the prospect of having their names become part of the public record, and jurors' wishes to avoid any contact with any members of the public or press relating to their service on a jury they can in no way be said to have sought out however simply does not provide a basis under Minnesota law as it presently exists for this Court to continue to keep out of the public record the jurors' names and completed questionnaires.

The Court trusts that any responsible members of the media who seek to contact any of the prospective and selected *Chauvin* jurors after their names have been made part of the public record pursuant to this order will respect the wishes of any of those jurors who decline to be interviewed or respond to press inquiries, as the Media Coalition's lawyer has assured the Court the members of the Media Coalition will do. Media Coalition Mem. at 20. While the First Amendment does not permit this Court to place prior restraints on the manner in which the press seeks to operate, the Court hopes the Media Coalition's counsel is peering into an unobstructed crystal ball in predicting that members of the media will use their forthcoming

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access to juror names pursuant to this order to make "respectful inquiry and scrutiny of jurors so that the public can better understand their verdict and the workings of the criminal justice system." Media Coalition Reply Mem. at 6.

II. THE INFORMATION AND DOCUMENTS BEING MADE PUBLIC WILL ONLY BE AVAILABLE FOR INSPECTION AND COPYING AT THE HENNEPIN COUNTY GOVERNMENT CENTER; NO REMOTE ACCESS.

Rule 8 of the Rules of Public Access to Records of the Judicial Branch provides that the public and the press "shall be allowed to inspect or to obtain copies of original versions of records that are accessible to the public in the place where such records are normally kept, during regular working hours." Minn. R. Public Access to Records of Jud. Branch 8 subd. 1. However, in view of the privacy concerns created by remote access, the Rule expressly bars remote access to any information that specifically identifies jurors or from which the identity of a juror could be ascertained.[20] Minn. R. Public Access to Records of Jud. Branch 8 subd. 2(b).

Accordingly, the jury verdicts forms, the prospective juror list, the juror questionnaires, and the order to be filed on Nov. 1, 2021 listing the twelve sworn jurors and two sworn alternates will all become public documents on Nov. 1, 2021 but they will not be posted to the

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[20] Rule 8, Rules of Public Access to Records of the Judicial Branch provides, in pertinent part, as follows:

> **Subd. 2. Remote Access to Electronic Records.**
> . . .
> (b) *Certain Data Not To Be Remotely Disclosed*. . . . [T]he public shall not have remote access to the following data fields in the register of actions, calendars, index, and judgment docket, with regard to . . . jurors . . . : . . . (2) street addresses . . .; (3) telephone numbers; . . . and (5) in the case of a juror, . . . information that either specifically identifies the individual or from which the identity of the individual could be ascertained.
>
> . . . Disclosure of juror information is also subject to MINN. GEN. R. PRAC. 814, MINN. R. CRIM. P. 26.02, subd. 2, and MINN. R. CIV. P. 47.01.

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public website the Court has created for this case and remote access will not be allowed for any of those documents. They will be available for inspection and copying at the Hennepin County Government Center for any member of the press or public wishing to view them or to obtain copies of them.

Information about juror addresses and telephone numbers will not be made public. If any jurors wish to provide an email address at which members of the press may contact them, the Court will provide any such email addresses to counsel for the Media Coalition.

The Court also reserves the right, pursuant to the relevant provisions of Minn. R. Crim. P. 26 cited above, and consistent with discussions with some of the jurors during voir dire, to redact information provided on the completed juror questionnaires from the copy of the juror questionnaires that will be publicly filed pursuant to this order.

PAC