

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,**FIRST ORDER REGARDING COPY
ACCESS TO TRIAL EXHIBITS**

Plaintiff,

vs.

MOHAMED MOHAMED NOOR,

Court File No. 27-CR-18-6859

Defendant.

On April 9, 2019, this Court issued a Standing Order on Requests for Trial Exhibits During Trial. The Order attached and incorporated the Fourth Judicial District's bench policy relating to public requests for viewing and obtaining copies of filed exhibits ("Court Exhibit Policy") and indicated that access to the trial exhibits would be provided at the conclusion of trial in accordance with the Court Exhibit Policy.

The Court Exhibit Policy provides in pertinent part as follows:

1. Exhibits will be made available for viewing within a reasonable timeframe after they have been deposited with court administration at the conclusion of a trial.
2. Arrangements to view or obtain copies of exhibits must be scheduled through District Court. All media requests must be referred to the Hennepin County District Court Public Affairs Communications Specialist.
3. If upon retrieval of requested exhibit(s), it comes to the clerk's attention that the exhibit(s) contain information or images requiring additional

authorization for public access, the clerk will forward the request to the trial judge for guidance.

4. A judicial order must be provided for any requests to video tape exhibits, take pictures of exhibits, or obtain copies of a recording (including video, DVD, and audio recordings). The order shall indicate that the Court Administrator will refer the recording duplication out through an approved Hennepin County District Court duplication services vendor. Requesting parties are responsible for all costs.

This matter was tried between April 1 and April 30, 2019, when the jury returned its verdicts.

Representatives from several media entities were granted assigned seats in the gallery and were present to observe the proceedings throughout the trial.

During the course of the trial, exhibits were received into evidence. Shortly after the conclusion of the trial, on May 3, 2019, this Court's judicial staff delivered the bulk of the trial exhibits, of which there are nearly three hundred, to court administrative criminal staff for archiving pursuant to court policies as well as for purposes of potential appeal.

Media representatives have contacted the Hennepin County District Court Public Affairs Communications Specialist requesting permission to view and copy trial exhibits. It is not clear to the Court who, other than the *Star Tribune*, has made such requests or if they have requested specific evidence. Court administration has requested general guidance from this Court with respect to exhibit access, and this Court's judicial staff has done some preliminary legal research.

On May 7, 2019, before issuing an order with respect to exhibit access, this Court's judicial staff contacted counsel for the State and Mr. Noor to inquire whether they had a basis under existing law to object to the copying, not viewing, of trial exhibits.

Counsel for Mr. Noor has declined to weigh in on the issue. The State has objected to third-party copying access, citing concerns about post-trial motions, appeal, and potential misuse of graphic evidence without the context in which it was presented at trial.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED:

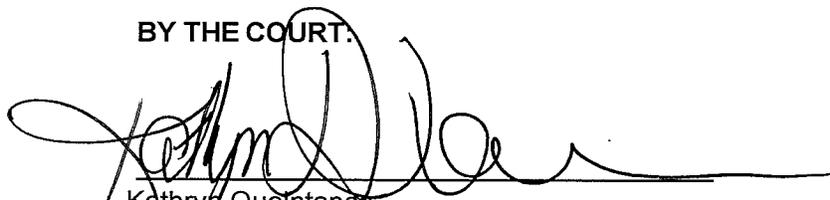
1. The Hennepin County District Court Public Affairs Communications Specialist, working in conjunction with the Court's criminal administrative staff who presently have custody of the trial exhibits, shall allow media representatives access to and the opportunity to view the trial exhibits in this case in accordance with the Court Exhibit Policy.

2. The State has objected to third-party copying of the exhibits in this case. Requests to copy the trial exhibits in this case will be put on hold until the Court has issued an order with respect to copy access.

3. If a member of the media or the public who has requested copy access to the exhibits in this case wishes to respond to the State's objection, it may intervene by filing a Notice and Memorandum setting forth the basis for its position by May 16, 2019, after which the Court will take the matter under advisement and issue an order as promptly as possible.

Dated: 5/13/19

BY THE COURT.



Kathryn Quaintance
Judge of District Court