

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

 State of Minnesota,

Plaintiff,

**OBJECTION TO LIMITATIONS ON
DEFENSE INVESTIGATION**

Vs.

Mohamed Mohamed Noor,

Defendant

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

On December 28, 2018 this Court issued an Order allowing the Defense Team access to a Ford Explorer squad car (squad), but limited their use of the squad to the area at or near the 5th Precinct, rather than requested location “near” the scene of the shooting. The limitation imposed by the Court made any access to the squad car meaningless. In the process the Court also allowed the State of Minnesota to have input into how the Defense conducts its independent investigation and testing. The Defense now objects to:

1. Being questioned in open Court as to how, where and why they would conduct their examination of evidence;
2. The State being given input to where, how and why the defense conducts their independent investigation and review of evidence;
3. The State of Minnesota directing “their agents” not to cooperate with the defense;¹ and
4. The limitations the Court placed on the Defense use of a Ford Explorer Squad car.

The defense is not asking for specific relief at this time, but notes this objection for the record and for future proceedings related to admission of defense information, objections by the State and to memorialize the State’s interference with the Defense.

¹ This issue was resolved by the Court at the 28 December, 2018 hearing.

By way of background defense counsel, Peter B. Wold, sought access to a squad car for independent examination and testing by contacting the Minneapolis Police Federation. Mr. Wold was informed that The Federation had spoken to the administration and a squad would be available on December 28, 2018 for use by the defense and a potential expert witness. On the evening of December 24, 2018 Mr. Wold was informed he would need a Court order if he wished to use the squad car. On December 26, 2018 Mr. Wold filed a motion requesting a squad car. He mentioned in his motion that, “The moon is set to be in the same phase on 12-28-2018, as it was on 7-15-2017, so access to a squad on 12-28-2018, would be most helpful.” His language choice was unartful. The reality is light from the moon’s illumination was set to be the same on December 28, 2018 as the date of the alleged offense. Regardless, time was of the essence.

On December 27, 2018 the Court conducted a hearing and questioned defense counsel on why they wanted to examine a squad car, where and for what reasons. Mr. Wold, not wanting to disclose details and theories of the defense before testing could occur was reticent, but answered the Court’s questions.

On December 28, 2018 Erik E. Nilsson, Deputy Minneapolis City Attorney, filed a letter informing the Court that the City did not object to the Defense having access to a squad car, but had a number of concerns about the proposed order which had been given to the Minneapolis Police Department the previous day. Subsequently the Defense and Mr. Nilsson resolved those concerns and submitted a joint proposed order to the Court via email at around 3:30 PM. (Exhibit A). At 4:28 PM the Court forwarded an Order via email allowing access to the squad car, but added a restriction to use the car at or near the 5th Precinct. The Defense discussed these

restrictions with both Mr. Nilsson and Deputy Chief Fors and determined that the signed order prohibited the squad car from being brought near the scene of the alleged offense.

The Court's order gelded the defense investigation. The process forced the defense to openly discuss their investigation plan and theories of the case. The defense anticipates future disputes over the admissibility of any and all evidence in this matter and notes this objection for the record.

Respectfully submitted,

Dated: December 31, 2018

s/ Thomas C. Plunkett

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