

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

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

**STATE’S MEMORANDUM OF LAW IN
OPPOSITION TO DEFENDANT’S
REQUESTED JURY INSTRUCTIONS**

MNCIS No: 27-CR-18-6859

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

INTRODUCTION

On February 15, 2019, the State filed its requested jury instructions. The State objects to any modifications proposed by the defendant to the following Minnesota jury instructions:

1. CRIMJIG 3.03 – PROOF BEYOND A REASONABLE DOUBT
2. CRIMJIG 11.38 – MURDER IN THE THIRD DEGREE – ELEMENTS
3. CRIMJIG 11.56 – MANSLAUGHTER IN THE SECOND DEGREE – ELEMENTS
4. CRIMJIG 7.11 – AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS.

The defendant has also requested the “ordinary” self-defense instruction and an instruction on justifiable taking of a life in addition to his proposed sweeping modification to the pattern jury instruction for authorized use of deadly force by peace officers. The State opposes the court giving these instructions because these defenses are not available to an on-duty police officer and the proposed modification is unsupported by Minnesota law.

