

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

ORDER

vs.

Tou Thao,
Thomas Kiernan Lane,
J. Alexander Kueng,

Dist Ct. File 27-CR-20-12949
Dist Ct. File 27-CR-20-12951
Dist Ct. File 27-CR-20-12953

Defendants.

The above-entitled matter came before the undersigned Judge, on the request by various media outlets for visual or audio coverage on file with this Court. These requests, and the Court's action on these requests, are governed by Rule 4 of the Minnesota General Rules of Practice for the District Courts. Rule 4.01 provides the general rule that no visual or audio recordings shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge during a trial or hearing of any case. At the Hennepin County Government Center, these areas include Floors 3 through 19, Floor 20, and Floor 24 of the Court Tower. Fourth Judicial District Court Policy D.13(2). At the Hennepin County Public Safety Facility, these areas include the courtrooms and the waiting areas immediately adjacent to the courtrooms. *Id.*

General Rule of Practice 4.02(d) sets forth the exceptions to the general rule as they apply to criminal proceedings before a defendant has been found guilty. Pursuant to this rule, a judge may authorize, with the consent of all parties, the visual or audio recording and reproduction of appropriate court proceedings. A pretrial hearing or any “hearings that take place outside the presence of the jury,”

including hearings to determine the admissibility of evidence and to determine motions, are not appropriate court proceedings for visual or audio reproduction. Gen. R. Prac. 4.02(d)(v).

Given that this is a case that has already received substantial pretrial media coverage, the Court finds that audio or video coverage of the pretrial hearings in this case would not only violate Gen. R. Prac. 4.02(d)(v), but would risk tainting a potential Hennepin County jury pool. In addition, not all parties have given consent as required by the rule. The attorneys will appear in person and there are sufficient seats in the courtroom (with eleven seats reserved for the media, and eleven for members of the public) to ensure the proceedings are public and not a *de facto* partial closure of the courtroom.

Based on the foregoing,

IT IS HEREBY ORDERED

There will be no audio or visual recording or reproduction of any pretrial hearing in this matter except the recording made as the official court record.

During pretrial hearings, no electronic devices may be used in the courtroom except by the Court and the attorneys for the parties.

Audio or visual recording of trial proceedings will be allowed as previously ordered on November 4, 2020, and December 18, 2020. For purposes of this order, hearings immediately before trial or during trial, addressing motions *in limine*, will be considered part of the trial proceedings for purposes of audio and visual recording or reproduction.

BY THE COURT

Peter A. Cahill
Judge of District Court