

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

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**STATE OF MINNESOTA,**

Plaintiff,

vs.

**THOMAS KIERNAN LANE,**

Defendant.

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**ORDER GRANTING MOTION OF MEDIA COALITION  
TO OBTAIN COPIES OF PUBLICLY-FILED, BODY-  
WORN CAMERA VIDEO EVIDENCE**

Court File No. 27-CR-20-12951

On July 7, 2020, Defendant Thomas Kiernan Lane (Lane) filed a motion to dismiss this action for lack of probable cause. In support of his motion to dismiss, Lane filed eight exhibits. Included among those exhibits are video excerpts from body-worn cameras (BWC) of Lane (Defense Exh. 3) and fellow former Minneapolis Police Department (MPD) Officer and co-defendant J. Alexander Kueng (Kueng) (Defense Exh. 5) which record events during the detention and arrest of George Floyd by Lane and Kueng and their fellow former MPD Officers (and co-defendants) Derek Chauvin (Chauvin) and Tou Thao (Thao) in Minneapolis on May 25, 2020.

The Lane and Kueng BWC videos are the subject of the pending motion, filed July 13, 2020, by a coalition of intervening media companies (Media Coalition).<sup>1</sup> The Court had permitted media representatives and members of the public to make arrangements with Hennepin County

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<sup>1</sup> 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), Court TV Media LLC, Dow Jones & Company (on behalf of The Wall Street Journal), Fox/UTV Holdings, LLC (on behalf of KMSP-TV), Hubbard Broadcasting, Inc. (on behalf of stations KSTP-TV, WDIO-DT, KAAL, KOB, WNYT, WHEC-TV, and WTOP-FM), the Minnesota Coalition on Government Information, The New York Times Company, The Silha Center for the Study of Media Ethics and Law, TEGNA Inc. (on behalf of KARE-TV), and the Star Tribune Media Company LLC.

District Court administrative personnel to view the Lane and Kueng BWC exhibits at the Hennepin County Government Center but not to obtain copies of the BWCs.<sup>2</sup> By their motion, the Media Coalition objects to those restrictions and is asking the Court to allow them to obtain copies of the Lane and Kueng BWCs in aid of their reporting on the detention and death of Floyd, an event that has generated immense local, national, and international public and media interest and which has spawned demonstrations and protests in Minneapolis and other cities nationally in the ensuing eleven weeks since Floyd's death and examination of police conduct and policies.

A hearing on the Media Coalition's motion<sup>3</sup> was held before the undersigned Judge of District Court at 3:00 p.m. on July 21, 2020 (Hearing). Neither the State nor the Defense opposed intervention by the Media Coalition.

Leita Walker appeared at the Hearing on behalf of the Media Coalition.

Matthew Frank appeared at the Hearing on behalf of the State of Minnesota.

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<sup>2</sup> During the June 29, 2020 hearings in all of these cases, the Court expressed concern about potentially prejudicial publicity in these cases which could impact all four Defendants' Sixth Amendment rights to a fair and impartial trial, which this Court has an independent obligation to protect. *See, e.g., State v. Salitros*, 499 N.W.2d 815, 816-17 (Minn. 1993) (trial judge "'has the responsibility for safeguarding both the rights of the accused and the interests of the public in the administration of criminal justice'" and "is the administrator of justice and has an affirmative obligation . . . to insure that the case is decided on the basis of relevant evidence and the proper inferences therefrom, not on the basis of irrelevant and prejudicial matters" which imposes on the trial judge the obligation "of raising on his or her initiative, at all appropriate times and in an appropriate manner, matters which may significantly promote a just determination of the trial"); *accord United States v. CBS, Inc.*, 497 F.2d 102, 104 (5th Cir. 1974) (noting "heavy obligation rests on trial judges to effectuate the fair-trial guarantees of the Sixth Amendment"); *United States v. Gurney*, 558 F.2d 1202, 1209 (5<sup>th</sup> Cir. 1977) ("it is the trial judge's primary responsibility to govern judicial proceedings so as to ensure that the accused receives a fair, orderly trial comporting with fundamental due process").

<sup>3</sup> The hearing also addressed objections filed by all Defendants and the Media Coalition to this Court's July 9, 2020 Gag Order, which Gag Order the Court vacated on the record during the July 21, 2020 hearing.

Eric Nelson appeared at the Hearing on behalf of Chauvin, who was also present, appearing remotely via Zoom.

Robert Paule appeared at the Hearing on behalf of Thao, who was also present.

Thomas Plunkett appeared at the Hearing on behalf of Kueng, who was also present.

Earl Gray appeared at the Hearing on behalf of Lane, who was also present.

Based upon all the files, records, and proceedings herein, and the parties' and the Media Coalition's written submissions and oral arguments at the Hearing, the Court enters the following Order.

**ORDER**

1. Members of the Media Coalition, as well as other media and members of the public, may obtain copies of the Lane and Kueng BWC video excerpts that were filed, on July 7, 2020, as Exhibits 3 and 5 in support of Defendant's motion to dismiss for lack of probable cause [Dk #43] upon payment of an appropriate fee established by this Court's administrative personnel.

2. A Memorandum Opinion, to follow, is incorporated herein by reference.

**BY THE COURT:**

DATED: August 7, 2020

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Peter A. Cahill  
Judge of District Court