

STATE OF MINNESOTA
HENNEPIN COUNTY

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota

Plaintiff,

The Honorable Regina M. Chu

vs.

Kimberly Ann Potter

Defendant

Dist. Ct. File 27-CR-21-7460

**DECLARATION OF LEITA WALKER
IN SUPPORT OF MEDIA
COALITION'S MOTION
OBJECTING TO CLOSURE OF TRIAL
TO THE PRESS AND PUBLIC**

Leita Walker declares as follows:

1. I am an attorney with Ballard Spahr LLP, representing intervenors American Public Media Group (which owns Minnesota Public Radio); Association of Minnesota Public Educational Radio Stations; The Associated Press; Cable News Network, Inc.; CBS Broadcasting Inc. (on behalf of WCCO-TV and CBS News); Court TV Media LLC; Fox/UTV Holdings, LLC (which owns KMSP-TV); Gannett Satellite Information Network, LLC (which publishes *USA Today*); Hubbard Broadcasting, Inc. (on behalf of its broadcast stations, KSTP-TV, WDIO-DT, KAAL, KOB, WNYT, WHEC-TV, and WTOP-FM); Minnesota Coalition on Government Information; Minnesota Spokesman-Recorder; NBCUniversal Media, LLC; Sahan Journal; Saint Paul Pioneer Press; The Silha Center for the Study of Media Ethics and Law; Star Tribune Media Company LLC; TEGNA Inc. (which owns KARE-TV); and WP Company LLC (which publishes *The Washington Post*) (collectively, the "Media Coalition").

2. I submit this Declaration in support of the Media Coalition's Motion Objecting to Closure of Trial to the Press and Public. This Declaration is based upon my personal knowledge and my review of the files, records, and proceedings in this action.

3. Attached as Exhibit A is a true and correct copy of an email exchange between court personnel for the Fourth Judicial District Court and me regarding logistics for the resentencing of Mohamed Noor. I have redacted the court personnel's name in the interest of their privacy.

4. Attached as Exhibit B is a true and correct copy of an email exchange between court personnel for the Fourth Judicial District Court and me regarding logistics for the trial of Kimberly Potter. I have redacted the court personnel's name in the interest of their privacy.

Dated: October 29, 2021

BALLARD SPAHR LLP

s/ Leita Walker

Leita Walker (MN #387095)
2000 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2119
612-371-6222
walkerl@ballardspahr.com

Attorney for the Media Coalition

Exhibit A

From: [REDACTED] <[REDACTED]@courts.state.mn.us>
Sent: Wednesday, October 20, 2021 4:20 PM
To: Walker, Leita (Minn)
Subject: RE: [EXTERNAL] RE: Pool

⚠ EXTERNAL

- Courtroom 1059 'normal' capacity: 50
- Courtroom 1659 'normal' capacity: 34

From: [REDACTED]
Sent: Wednesday, October 20, 2021 2:35 PM
To: Walker, Leita <WalkerL@ballardspahr.com>
Subject: RE: [EXTERNAL] RE: Pool

See my responses below.

Hi, [REDACTED], another question – I think you told me there are 7 seats for the media in the courtroom and 7 seats for the media in the overflow room. But the judge's order says there are 14 seats for the media in the overflow room. Can you clarify?

- I got this wrong and will be clarifying to everyone I've spoken to as soon as the pool camera people wrap up in here.
- Courtroom is 7 seats for media
- Overflow room actually has 24 seats as capacity, and yes you are correct – Judge Q's order says 14 will be reserved for media
- So media will have 14 seats reserved and, to your separate question, we're going to open any remaining public seats to media once the hearing starts at 9:00 a.m.

Can you also clarify – the judge's order prohibits photography in the hallway of the 10th floor but seems to allow it in the hallways on other floors, including the 16th floor. Can you confirm that?

- I am coordinating with pool camera/audio people now and can't analyze Judge Quaintance's orders in depth at the moment, but recording of any courthouse space including hallways is prohibited unless a specific order clarifies that it is allowed. By my quick read Section 8D of the below makes it clear that recording is not allowed in the spaces you're wondering about:

https://www.mncourts.gov/mncourtsgov/media/High-Profile-Cases/27-CR-18-6859/27-CR-18-6859_Order-Regarding-Audio-Video-Coverage_10-15-2021.pdf

And lastly, can you let me know what normal capacity is for courtrooms 1059 and 1659, if we weren't in a pandemic?

- I can but could this wait until after the hearing, or is it urgent to receive now?

From: Walker, Leita <WalkerL@ballardspahr.com>
Sent: Wednesday, October 20, 2021 2:26 PM
To: [REDACTED] <[REDACTED]@courts.state.mn.us>
Subject: [EXTERNAL] RE: Pool

Hi, [REDACTED] another question – I think you told me there are 7 seats for the media in the courtroom and 7 seats for the media in the overflow room. But the judge's order says there are 14 seats for the media in the overflow room. Can you clarify?

Can you also clarify – the judge’s order prohibits photography in the hallway of the 10th floor but seems to allow it in the hallways on other floors, including the 16th floor. Can you confirm that?

And lastly, can you let me know what normal capacity is for courtrooms 1059 and 1659, if we weren’t in a pandemic?

Thanks!
Leita

From: Walker, Leita (Minn)
Sent: Wednesday, October 20, 2021 1:54 PM
To: '██████████@courts.state.mn.us' <██████████@courts.state.mn.us>
Subject: Pool

██████████, who is providing the camera coverage for the pool?
Leita

Leita Walker

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Exhibit B

From: [REDACTED] <[REDACTED]@courts.state.mn.us>
Sent: Tuesday, October 26, 2021 3:36 PM
To: Walker, Leita (Minn)
Subject: RE: [EXTERNAL] Question about Potter trial

⚠ EXTERNAL

Hi Leita,

The courtroom will be 1856, and the capacity will be essentially the same as it was during Chauvin, due to anticipated occupancy for all trial participants as well as social distancing measures that have recently been reinforced as part of the MN Judicial Branch's latest Order and Preparedness Plan issued by Chief Justice Gildea on Oct. 18.

■

From: Walker, Leita <WalkerL@ballardspahr.com>
Sent: Tuesday, October 26, 2021 2:06 PM
To: [REDACTED] <[REDACTED]@courts.state.mn.us>
Subject: [EXTERNAL] Question about Potter trial

Hi, [REDACTED]. A couple quick questions: Do you know which courtroom the Potter trial will be in? Do you know what the normal capacity of that courtroom is?

Thanks!
Leita

Leita Walker

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