

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

**MINN. R. GEN. PRACT. 814(a)**  
**AFFIDAVIT OF**  
**SUSAN "SUKI" DARDARIAN**

Affiant, Susan "Suki" Dardarian, having been duly sworn, states as follows:

1. I am senior managing editor and vice president of Star Tribune Media Company LLC ("Star Tribune") and, in that capacity, help edit and direct the news coverage of the above-referenced case against Kimberly Potter. I am more than twenty-one years of age and have personal knowledge of the facts stated herein.

2. I submit this affidavit pursuant to Minn. R. Gen. Pract. 814(a) in support of the Media Coalition's motion to unseal juror names and all other juror materials, including the prospective juror list, juror profiles, juror questionnaires, and the unredacted verdict forms.

3. Rule 814(a) requires the Media Coalition to "set[] forth the reasons for the request." The reason we seek access to juror identities and other juror materials is for news gathering and reporting. I am not in a position to further specify how Star Tribune or other members of the Media Coalition may (or may not) use information they have been barred from viewing and, further, I am advised that it would not be proper for the Court to encroach on the media's editorial judgment. *See, e.g., Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 258 (1974) ("The choice of material to go into a newspaper, and the decisions made as to limitations on the size and content of the paper, and treatment of public issues and public officials . . .

constitute the exercise of editorial control and judgment,” and “[i]t has yet to be demonstrated how governmental regulation of this crucial process can be exercised consistent with First Amendment guarantees of a free press as they have evolved to this time.”).

4. I am in a position, however, to represent that members of the Media Coalition covering the above-captioned criminal case have treated all trial participants, including the jurors, with respect.

5. I have been a journalist for nearly 40 years. Before joining Star Tribune in 2014, I served as a top editor at the *Seattle Times* for 14 years, during which time I also served as president of the Associated Press Managing Editors national organization. I started out as a reporter for *The Herald* in Everett, Washington, and as a reporter and editor at *The News Tribune* in Tacoma, Washington. Most of my time as a reporter and much of my time as an editor has involved the coverage of courts and the justice system, from trials of serial rapists and mass murderers to in-depth explorations about the effectiveness of the courts.

6. As an editor, I have paid close attention to all the high-profile trials happening in the coverage areas of the newspapers I oversee. I am only aware of two other instances in which a court kept sealed all names and information about empaneled jurors for such a lengthy period of time, and those were the Hennepin County judges overseeing the criminal prosecutions of former police officers Mohamed Noor and Derek Chauvin.

7. In general, the opposite is true. Almost always my newspapers have sought—and received—near-contemporaneous access to the names of jurors in high-profile trials. For example, Star Tribune sought and received the names of jurors in the following recent cases, most of which were high-profile:

- a. the 2019 trial of Stephen Frenz on one count of felony perjury, *see* Chao Xiong, “Former Minneapolis landlord Stephen Frenz convicted of felony perjury,” Star Tribune (Oct. 18, 2019), <http://www.startribune.com/former-minneapolis-landlord-stephen-frenz-convicted-of-felony-perjury/563394222/> (quoting juror);
- b. the 2017 trial of Jeronimo Yanez, the police officer who killed Philando Castile, *see* David Chanen, “Two holdouts on Yanez jury changed minds on Friday, juror says,” Star Tribune (June 17, 2017), <http://www.startribune.com/yanez-juror-talks-about-difficult-and-emotional-deliberations/428966163/> (quoting juror);
- c. the 2014 libel trial involving former Governor Jesse Ventura against the estate of Navy SEAL and American Sniper author Chris Kyle, *see* Randy Furst, “Aug. 3: Juror describes how jury reached split decision in Jesse Ventura defamation trial,” Star Tribune (Sept. 4, 2014), <http://www.startribune.com/aug-3-ventura-jury-struggled-before-split-decision-juror-says/269697941/> (quoting juror but honoring juror’s request to not be publicly identified);
- d. the 2013 trial of James Fry, an associate of Tom Petters, *see* David Phelps and Celia Ampel, “Jury: Petters associate Fry guilty,” Star Tribune (June 13, 2013), <http://www.startribune.com/jury-petters-associate-james-fry-guilty-on-all-12-counts/211314751/> (quoting juror);
- e. the 2012 trial of Amy Senser on two counts of criminal vehicular homicide, *see* Abby Simons, “Juror: Senser’s story didn’t add up,” Star Tribune (May 5,

2012), <http://www.startribune.com/juror-senser-s-story-didn-t-add-up/150193555/> (quoting juror); and

- f. the 2009 trial of Dominic Jones for rape and unwanted sexual contact, *see* Rochelle Olson, “April 12: Dominic Jones acquitted of rape charge,” Star Tribune (Aug. 19, 2009), <http://www.startribune.com/april-12-dominic-jones-acquitted-of-rape-charge/17554214/> (quoting juror).

8. I do not believe this case merits different treatment. If anything, the degree of public interest and concern it attracted warrants more transparency.

Further, Affiant sayeth naught.

Susan “Suki” Dardarian

Subscribed and sworn to before me on this 10 day of January, 2022.

Notary Public

