

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

Case Type: Felony
Judge Regina M. Chu
Court File No.: 27-CR-21-7460

v.

Kimberly Ann Potter,
Defendant.

**ORDER AND MEMORANDUM ON
MEDIA COALITION MOTION TO
UNSEAL JUROR NAMES AND
ASSOCIATED JUROR INFORMATION**

This matter is before the Court on the motion of the Media Coalition¹ to disclose the jurors' names and make public other information regarding the jurors and prospective jurors.

On January 21, 2022, the Media Coalition filed a notice of motion, supporting memorandum of law, an Affidavit of Susan Dardarian, and an Affidavit of Leita Walker (In. Nos. 179-182) in support of its motion asking the Court to unseal:

1. juror identities;
2. the prospective juror list;
3. juror profiles;
4. the completed juror questionnaires; and
5. the original verdict forms.

On January 28, 2022, the State filed a memorandum (In. No. 186) opposing the Media Coalition's motion to unseal juror identities and other juror material. The defense did not file a brief responding to the Media Coalition motion.

¹ The Media Coalition includes: 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).

On February 25, 2022, the Media Coalition filed a reply memorandum.

This Court took the Media Coalition's motion taken under advisement without oral argument.

Based upon all the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. While any of the sworn and alternate jurors remain free to reveal their identities at any time and to speak to the public and the media, the Court's prior orders regarding the confidentiality of information relating to the jurors' names, addresses, other demographic and identifying information and the completed jury questionnaires remain in effect through April 29, 2022.
2. The Media Coalition's Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:
3. On April 29, 2022, the Court will file a public document with the names and juror numbers of the fourteen (14) sworn and alternate jurors. Information regarding juror addresses and other contact information will not be made public.
 - a. On April 29, 2022, the Court will unseal the following:
 - i. the completed juror questionnaires of the 54 prospective jurors who were formally evaluated and considered as potential jurors during the jury selection process between November 30, 2021 and December 3, 2021;²
 - ii. the prospective juror list listing those 58 prospective jurors; and
 - iii. the original verdict forms signed by the jury foreperson.³
 - b. The Court reserves the right to redact from the completed juror questionnaires that will be made publicly available certain private information consistent with discussions during voir dire.
 - c. The jury verdict forms, the prospective juror list, the juror questionnaires, and the order to be filed on April 29, 2022, listing the twelve sworn jurors and two sworn alternates will become public documents on April 29, 2022, but these documents will not be posted to the public website created for this case and remote access will not be allowed for any of these documents.
 - d. No document with juror demographic profiles was ever created in this case.
4. The attached Memorandum is incorporated by reference.

² "Prospective jurors who were formally evaluated and considered as potential jurors" includes not only the 33 prospective jurors who were questioned on the record during voir dire between November 30 and December 3, 2021, but also the 21 prospective jurors who were dismissed for cause before being questioned based on the parties' joint motion after review of those jurors' completed questionnaires.

³ To protect the anonymity of the jury foreperson consistent with the Court's prior orders regarding confidentiality and juror anonymity, the verdict forms that were filed as public records on December 23, 2021 [In. Nos. 168-169] had listed only the foreperson's juror number.

BY THE COURT:

Dated: April 25, 2022

Regina M. Chu
Judge of District Court

MEMORANDUM

This case involved the use of deadly force by a police officer and generated substantial media and public attention as well as civil unrest following the shooting. Both sides requested an anonymous jury. Accordingly, the Court agreed to proceed with an anonymous jury in accordance with the parties' agreement.

The trial concluded on December 23, 2021 and Defendant was sentenced on February 18, 2022. The information sought by the Media Coalition is presumptively public unless there is a strong reason to believe jury members need protection from "external threats to their safety or impartiality." Minn. R. Crim. P. 26.02 subd. 2 (2). The State argues the Media Coalition's motion to unseal identifying juror information should be denied for at least six months from the sentencing date to protect the jurors from harassment and to preserve juror impartiality. Juror impartiality is not a concern at this point – the trial is over. What's more, there is no objective evidence to believe continued anonymity is required to ensure juror safety. There was a peaceful demonstration on the sentencing date, but no reports of civil unrest relating to this case.

The Court expects members of the media to respect the wishes of any of the prospective and selected jurors who decline to be interviewed or respond to press inquiries. Juror addresses and telephone numbers will not be made public.

The information in question will only be available for inspection and copying at the Hennepin County Government Center. Minn. R. Public Access to Records of Jud. Branch 8, subd. 1. Information that specifically identifies jurors or from which the identity of a juror could be ascertained will not be available by remote access. Minn. R. Public Access to Records of Jud. Branch 8, Subd.2 (b).

RMC