

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.

**TRIAL MANAGEMENT
ORDER**

Kimberly Ann Potter,
Defendant.

ORDER

The following procedures will be followed in the jury trial scheduled in the above-captioned matter:

1. **Date.** Jury selection will begin at 9:00 a.m. on November 30, 2021. The trial will begin at 9:00 a.m. on December 8, 2021, starting with opening statements.
2. **Location.** The trial will be held in Courtroom C-1856. Access to the 18th floor of the Hennepin County Government Center (HCGC) Courts Tower shall be controlled by the Hennepin County Sheriff's Office (HCSO) and Hennepin County Security. No one shall be permitted on the 18th floor unless approved by the HCSO or the Chief Judge, and then only with approved credentials or identification as required by the HCSO.
3. **Media and Family Members.**
 - a. Two media representatives will be allowed in the courtroom during the trial. These seats will be allocated by a lottery system. Media members who occupy these seats are permitted to share their notes with a broader media pool if they wish to self-organize such a system for doing so. The media representatives may

use electronic devices to take notes, but will not be allowed to transmit those notes, post on social media, or transmit any other data from the 18th floor.

- b. The Court has ordered an anonymous jury. If one of the media representatives is a sketch artist, no drawings of the jurors will be allowed other than to depict the jurors as ovals without features. The sketch artist may use a tablet for sketching but will not be allowed to transmit drawings, post on social media, or transmit any other data from the 18th floor
- c. The Court reserves the right to deny courtroom and 18th floor access to any media member or sketch artist who violates any portion of this order, and/or any other rule that is set by the Hennepin County District Court, Hennepin County, the Hennepin County Sheriff's Office, or any other party involved in overseeing HCGC during the trial.
- d. One TV technician or producer will be allowed in the courtroom to facilitate communication with the presiding judge and other TV personnel involved in the production of the television broadcast. The person present in the courtroom may use a laptop computer to facilitate communication with the Court or other Court TV personnel, but not to capture or transmit images or substantive information from the court proceedings. Other TV personnel involved in the broadcast of the trial will be allowed in a specified area of the 18th floor near the courtroom to perform production and technical duties.
- e. Three members of the Daunte Wright family may be present in the courtroom during the trial. Different family members may rotate through the positions, but only those with a court-issued credential may to be admitted to the 18th floor.

- f. Three members of the Kimberly Potter family may be present in the courtroom during the trial. Different family members may rotate through those positions, but only those with a court-issued credential may be admitted to the 18th floor.
- g. Under certain circumstances, the Court may require all persons, except the parties, to vacate the courtroom. The Court may, but is not required to, offer a brief explanation for the Court's request to vacate the courtroom and for when parties who vacated may return.
- h. Persons in the courtroom shall not leave the courtroom unless there is a break in the proceedings or as otherwise directed by the Court.

4. Media Interactions with Family/Witnesses.

- a. Media representatives may not interact with any potential jurors or jurors.
- b. Media representatives assigned to the courtroom or at the HCGC may ask courtroom participants, including any member of the Potter or Wright families, if they would like to speak with them. If the court participant declines, the interaction shall be terminated immediately. If the media representative continues to attempt to interact with the court participant, the court participant is to notify a deputy or security officer that they do not wish to talk to the media representative. The deputy or security officer will ask the media representative to refrain from any further interaction with the court participant. If the media representative continues to attempt to interact with the court participant, the deputy or security officer may ask the media representative to leave the HCGC immediately.

- c. If a court participant is willing to speak to a media representative assigned to the courtroom, the conversation must take place outside of the courtroom in an area designated by the HCSO or Hennepin County Security.
- d. There shall not be any audio or video coverage of interactions with any court participant on the 18th floor. Should audio or video coverage be agreeable to a court participant, the media representative is to arrange an appropriate time and place to conduct an interview.
- e. Any conversations between a courtroom participant and the media representative shall not interfere with the legal proceedings or the security measures designed to ensure the safety of persons in the HCGC.
- f. If a media representative assigned to the courtroom leaves the courtroom to conduct an interview or for any other reason, the timing of re-entry into the courtroom will be determined at the Court's discretion.

5. Jurors and Potential Jurors.

- a. Jurors shall be escorted to and from the 18th floor by HCSO deputies or Hennepin County Security.
- b. Jurors and potential jurors shall follow the instructions of the Court and the HCSO regarding movement while in the HCGC.
- c. No one shall have contact or attempt to communicate with jurors or potential jurors except the presiding judge, court personnel, and HCSO deputies. Attorney contact with the jurors is limited to examination during the jury selection process.
- d. Potential jurors and jurors shall not be referred to by name at any time. They shall be referred to only by the random number previously assigned by the Court.

- e. Jurors and potential jurors shall wear masks unless being questioned on the witness stand and comply with any COVID-19 measures that are in place.

6. Witnesses.

- a. Witnesses must be sequestered. Parties shall instruct their witnesses not to watch any part of the proceedings prior to their testimony and not to discuss their testimony or the testimony of other witnesses until after the witnesses have testified.
- b. Upon being called to the witness stand, the witness shall be directed to stand behind the witness chair in the witness stand where the oath will be administered by the presiding judge.
- c. During testimony, witnesses may use the witness display illustrator system if it will clarify their testimony. The witness does not need to ask for permission to use the illustrator function.
- d. At the end of each day of testimony, the attorney for the party presenting its case shall only provide a list of all witnesses that will be called the following day to the opposing party, the Court, and the HCSO.
- e. Witnesses shall wear masks and comply with all other COVID-19 prevention measures that are in place. Witnesses may remove their masks to testify and will do so if directed by the Court.

7. Attorneys and Parties.

- a. The State may have four lawyers or support staff who are assisting in the trial present in the courtroom at any time. Different personnel may rotate through those positions.

- b. Defendant shall be present at all times during the trial. The defense may have four lawyers or support staff who are assisting in the trial present in the courtroom at any time. Different personnel may rotate through these positions.
 - c. Anyone at either counsel table shall remain seated unless granted permission by the Court or directed by the Court. Communication among trial team members should occur electronically. Attorneys and support staff may use electronic devices in the courtroom.
 - d. Parties, attorneys, and support staff shall wear masks and comply with all other COVID-19 prevention measures that are in place. Attorneys may remove their masks to examine witnesses and to give opening statements and closing arguments while at the lectern.
 - e. Attorneys will conduct all arguments and witness examination from the lectern.
 - f. Objections shall be made without argument unless invited by the Court.
 - g. Sidebar conferences in the presence of jurors shall be conducted using the wireless headset devices provided by the Court. All such conferences shall be off the record, but the Court or the parties may make a record later outside the presence of the jury. Defendant will be provided with a headset to listen to the sidebar conferences.
 - h. All pre-trial and trial exhibits (any evidence offered by the parties and received by the Court) shall be released post-verdict on a date to be determined by the Court.
8. All other rules of decorum found in Minn. Gen. R. Prac. 2 shall be followed unless specifically modified by this order or other orders of the presiding judge. The HCSO and court staff are authorized to enforce the rules of decorum.

BY THE COURT:

Dated: November 9, 2012

Regina M. Chu
Judge of District Court