

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,)
)
 Plaintiff,)
)
 vs.)
)
 MOHAMED MOHAMED NOOR,)
)
 Defendant.)

**STATE’S RESPONSE TO COURT’S
PROPOSAL TO ANONYMIZE THE JURY**

MNCIS No: 27-CR-18-6859

To: THE HONORABLE KATHRYN QUAINANCE, HENNEPIN COUNTY DISTRICT COURT JUDGE; COUNSEL FOR DEFENDANT; AND DEFENDANT.

MOTION

The defendant is charged with second degree intentional murder, third degree murder, and second degree manslaughter. Trial is set for April 1, 2019. The Court has proposed anonymizing the jurors and has asked the parties to respond to its proposal. The State requests that the Court allow the parties to know the identities of potential jurors, but that the jurors be referred to only by juror number while in open court. The State further requests that the identities of all jurors, whether seated or not, remain confidential until the conclusion of the trial.


A recent high-profile case that provides guidance is *U.S. v. Tsarnaev*, the Boston Marathon bombing case that went to trial in 2015. 2015 WL 631330 (D. Mass. Feb. 13, 2015). The parties had originally proposed conducting voir dire in closed session, but the court cited First Amendment concerns and imposed certain guidelines and restrictions similar to those the State recommends here. *See Tsarnaev*, 2015 WL 631330, at 1. The Boston Globe and other news outlets objected to restrictions on press access to the jurors during voir dire and made several arguments related to the quality of audio feed in overflow areas. The court denied the press’s motion to lift the restrictions.


The court found that “careful and meaningful voir dire...requires a high degree of juror candor about personal history and beliefs.” *Id.* at 2. Jurors had expressly conveyed to the court that the experience of voir dire in that high profile case was intimidating and made them nervous. Such concerns create a danger that jurors will feel they cannot be frank in answering questions. *Id.* The prospective jurors in the case were not referred to by name in the courtroom, but the parties knew their names. *Id.* The names of the seated jurors who actually served on the case were not released publicly until nine months after the verdicts were returned. Interestingly, a very modern-day issue raised in the pending appeal and not addressed by existing Minnesota case law, was Tsarnaev’s objection to the court’s decision not to strike jurors who had misrepresented comments they had made about the case on social media sites. A criminal defendant cannot access or clarify this type of information without the names of the jurors.

While there is no controlling Minnesota precedent for referring to jurors by number rather than names, the practice takes place in other U.S. jurisdictions which have held it does not violate a defendant’s constitutional right to a public trial. *See e.g., People v. Goodwin*, 59 Cal. App. 4th 1084, 1087 (1997). Referring to jurors by number rather than name does not convert them into an “anonymous” jury, which may implicate a defendant’s right to a public trial. *U.S. v. Lee*, 886 F.2d 998, 1001 (8th Cir. 1989). Rather, it is a practical middle ground that would protect the jurors’ privacy, reduce the possibility of outside influence, and still allow both parties to fully and fairly try the case.

Respectfully submitted,

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