

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court File No.: 27-CR-20-12951

Plaintiff,

v.

**DEFENDANT LANE'S RENEWED
MOTION TO CHANGE VENUE AND
CONTINUE THE TRIAL**

Thomas Kiernan Lane,

Defendant.

The defendant, Thomas Lane, through his attorneys, Earl Gray and Amanda Montgomery, renews his motion for a change of venue for the trial in this case to a location outside of Hennepin County, and moves for a continuance of the July 13, 2022 trial date. An impartial trial cannot be had in Hennepin County ever, but especially not at this time.

This motion is based upon the recent state trials of other officers in Hennepin County: Noor, Potter, and Chauvin; the federal criminal trials of Lane, Thao, and Kueng; and other events related to the politics involved occurring in Hennepin County from 2020 to present time. It is abundantly clear from the juror questionnaires that a fair and impartial jury cannot be selected from a Hennepin County jury pool¹. The pool in Hennepin County certainly does not represent a "jury of peers" for a police officer defendant during these times.

The difference in jury questionnaires from a statewide pool, as was the scenario in the recent federal case, is drastic. The vast majority of potential Hennepin County jurors have

¹ See Affidavit of Earl P. Gray.

strong opinions unfavorable to police officers and specifically these defendants. It is clear that the vast majority of the Hennepin County community has a deep and bitter prejudice against police officer defendants and this case. See Irvin v. Dowd, 366 U.S. 717, 727 (1961). Although statewide jurors will have heard of and have information about this case, it is the significant community involvement and strong opinions, specific to Hennepin County, that is the problem. Simple knowledge of the headlines and general facts of the case is vastly different than the current situation occurring in Hennepin County. As the Court put it in Irvin, “It is not requiring too much that [a defendant] be tried in an atmosphere undisturbed by so huge a wave of public passion and by a jury other than one in which two-thirds of members admit, before hearing any testimony, to possessing a belief in his guilt.” *Id.* at 728 (internal citations omitted). A large portion of potential Hennepin County jurors have already made up their minds.

Lastly, the fact that Chauvin was convicted by a Hennepin County jury, just a year ago, and these defendants are charged with aiding and abetting the crimes he was convicted of, is more reason to continue and move this trial outside of Hennepin County. The fact that these three defendants were convicted in federal court, a few months ago, is even more reason, if needed, to continue and move this trial. There is no possibility of a fair and impartial jury with the residents of Hennepin County, the politics, and public hatred of these defendants. The constitutional right to a fair and public trial by an impartial jury belongs to the defendant, alone – not “all parties.” Waller v. Georgia, 467 U.S. 39, 46 (1984).

These motions are further based on the Fifth, Sixth and Fourteenth Amendments to the United States and Minnesota Constitutions, Minnesota Rules of Criminal Procedure, the Minnesota Statutes and case law.

Dated: May 4, 2022

Respectfully Submitted,

s/ Earl Gray

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