

State of Minnesota
Hennepin County

District Court
Fourth Judicial District

Court File Number: **27-CR-18-6859**

Case Type: Crim/Traf Mandatory

State of Minnesota,

Plaintiff

vs.

**ORDER REGARDING
AUDIO/VIDEO COVERAGE OF
RESENTENCING**

Mohamed Mohamed Noor,
Defendant

The following organizations filed timely notices of their intent to cover, by audio and video means, the resentencing proceedings in the above-referenced case, to be held at 9:00 a.m. on October 21, 2021, in Courtroom 1059 of the Hennepin County Government Center: MPR News, KSTP-TV, WCCO TV, KMSP-TV, Star Tribune, Law and Crime Trial Network, AP, and KARE 11.

The requests, and the Court's action on these requests, are governed by Rule 4 of the Minnesota General Rules of Practice for the District Courts. Rule 4.01 provides the general rule that no visual or audio recordings shall be taken in any courtroom, area of the courthouse where courtrooms are located, or other area designated by order of the chief judge during a trial or hearing of any case. The Court's Order on Conduct at Resentencing, filed simultaneously with this Order, further restricts the possession of electronic and recording devices on the Tenth Floor of the Hennepin County Government Center during the resentencing hearing in this case. The provisions of this Order shall function as an exception to the restrictions set forth in the Order on Conduct at Resentencing.

General Rule of Practice 4.02(e) sets forth the exception to the general rule as it applies to criminal proceedings after a defendant has been found guilty. Pursuant to this rule, a judge must allow visual or audio coverage of sentencing proceedings absent good cause. The parties were given notice of the above-referenced organizations' intent to cover the sentencing proceedings by audio and visual

means. Neither party has objected to the notices or provided the Court with good cause as to why the sentencing should not be recorded.

To disrupt the proceedings as little as possible and to maintain their dignity, only one pool camera and necessary equipment with one operator, one still camera with one operator, and the sketch artist's iPad shall be permitted in the courtroom. Rule 4.04(a). The Court is concerned that the video and still cameras used do not produce distracting light and are as quiet as possible. *See* Rule 4.04(b)(1),(2). Media personnel must demonstrate to the Court that the equipment sought to be utilized meets these requirements prior to its use at the resentencing. Rule 4.04(b)(3). Any pooling arrangement shall take this into consideration. The still camera photographer shall assume a fixed position within a designated area, preferably with a tripod, and shall not attract attention with movement. Rule 4.04(c)(2).

The provisions of Rule 4 anticipate that any media organizations who notice intent to provide audio or visual coverage are capable of complying with its requirements. Importantly, Rule 4 anticipates that media organizations noticing of intent to provide audio or visual coverage possess the high quality audio and visual equipment necessary to comply with the provisions of Rule 4.04(b) and to share in the pooled feed. While Rule 4 and the General Rules of Practice do not define "media" or "news coverage," at a minimum, the Court will interpret those terms as requiring that an entity be in the business of disseminating original audio or visual content and information to the general public. *See* U.S.C. § 1602 ("The term 'media organization' means 'a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.'").

Pooling arrangements shall be the responsibility of the Approved Media Outlets; all of these outlets shall have access to the pooled coverage.

Access to the jury room next to the courtroom shall be provided for television camera and audio equipment and for equipment necessary for the Approved Media Outlets to share in the pooled feed. *See* Rule 4.04(c)(1).

Based on the notices and other information in the court record with respect to audio and video coverage at the resentencing proceedings, **IT IS HEREBY ORDERED** that:

1. The Approved Media Outlets' requests to cover the resentencing proceedings by audio and visual means is **GRANTED** subject to the limitations prescribed by this Court and Minnesota General Rules of Practice 4.02(e) and 4.04.
2. Only one pool camera and necessary equipment, one still camera, and the sketch artist's iPad meeting the requirements of Rule 4.04(b) will be permitted in Courtroom 1059 during the resentencing proceedings. Pooling arrangements shall be the responsibility of the Approved Media Outlets; however, these outlets will all have access to the pooled coverage.
3. Courtroom 1059 will open for set-up from 1:00 p.m. to 4:00 p.m. on October 20, 2021, and from 7:30 a.m. to 9:00 a.m. on October 21, 2021. All equipment must be in place and ready for use by 9:00 a.m. on October 21, 2021. Recording must be complete and all equipment removed from Courtroom 1059 immediately after the resentencing proceedings in this case.
4. Victims, in this case the family members of the deceased, shall not be recorded absent their written consent. At this time, no victim has given written consent.
5. Victim impact statements read by a victim witness advocate shall not be recorded absent the written consent of the victim. At this time, no victim has given written consent.
6. Any witnesses the parties may call have a right to object to being recorded. At this time, the Court is not aware of any potential witnesses.
7. Arguments of counsel and any statements from the Defendant or the Court may be recorded while in session.
8. None of the following may be recorded:
 - a. Courtroom 1059 at any time the Court is not on the bench;
 - b. Bench conferences, and any conferences between attorneys and their clients, staff, or victims;
 - c. The gallery in any fashion; or
 - d. Any other Hennepin County Government Center locations where the use of recording devices is prohibited, such as other courtrooms and the hallways where courtrooms are located. Recording is permitted on the Public Service, or Skyway, level of the Government Center.
9. Any notices of intent to cover the resentencing proceedings in this case by audio or visual means filed after this Order is filed are denied as untimely.
10. This Order does not prohibit the Approved Media Outlets from sharing their recordings or photographs with other media outlets or individuals.
11. Any audio and video coverage permitted by this Order must comply with all other applicable provisions contained in Minnesota General Rules of Practice 4.02 and 4.04.

BY THE COURT:

Date: October 15, 2021

Kathryn L. Quaintance
Judge of District Court