

1

1 STATE OF MINNESOTA IN THE DISTRICT COURT  
2 COUNTY OF HENNEPIN CRIMINAL DIVISION  
FOURTH JUDICIAL DISTRICT

3 -----

4 State of Minnesota,  
5 Plaintiff, Transcript of Proceedings  
6 vs. File No. 27-CR-18-6859  
7 Mohamed Mohamed Noor,  
8 Defendant.

9 -----

10 The above-entitled matter came before the  
11 Honorable Kathryn L. Quaintance, Judge of District Court, at  
12 the Public Safety Facility, Minneapolis, Minnesota, on March  
13 21, 2018.

14 \* \* \* \*

15 APPEARANCES

16 Amy E. Sweasy, Assistant Hennepin County Attorney,  
17 appeared on behalf of the State of Minnesota;

18 Thomas C. Plunkett and Peter B. Wold, Attorneys at  
19 Law, appeared on behalf of the Defendant, who was personally  
20 present.

21

22

23

24

25

\* \* \* \*

1 \* \* P R O C E E D I N G S \* \*

2 (The following proceedings began at 1:35 p.m.)

3 THE CLERK: Calling from Line 15 of the  
4 afternoon calender Mohamed Mohamed Noor. This is a  
5 first appearance, Your Honor. He is represented by  
6 private counsel and needs to be ID'd.

7 THE COURT: Go ahead with the identification.

8 THE CLERK: Sir, can you please state and  
9 spell your entire name.

10 THE DEFENDANT: Sure. My first name is  
11 Mohamed, M-O-H-A-M-E-D; last name is Noor, N-O-O-R.

12 THE CLERK: And your middle name.

13 THE COURT: Mohamed, M-O-H-A-M-E-D.

14 THE CLERK: Date of birth, please.

15 THE COURT: 10/20/1985.

16 THE CLERK: And your current address.

17 THE COURT: Current address is 7318 Bass Lake  
18 Road, New Hope, Minnesota 55428.

19 THE CLERK: Thank you.

20 THE COURT: I assume a copy of the complaint  
21 has been served.

22 MR. PLUNKETT: Your Honor, we've received a  
23 copy of the complaint. At this time, I would like to  
24 waive a formal reading of the complaint. I'm also  
25 going to waive formal time requirements for future

1           hearings at this time.

2                       THE COURT:   Okay.

3                       MS. SWEASY:   Good morning -- or good  
4           afternoon, Your Honor.   Amy Sweasy appearing for the  
5           State of Minnesota for the Hennepin County Attorney.  
6           That is correct.   The compliant was served on defense  
7           counsel yesterday, and, I believe, the Rule 7 and 9  
8           notices have also been served.

9                       MR. PLUNKETT:   I'm sure they're coming.

10                      THE COURT:   All right.   The issue of bail?

11                      MS. SWEASY:   Your Honor, the State is  
12           requesting bail in the amount of \$500,000 as is  
13           indicated on the complaint that was signed yesterday by  
14           Judge Barnette.   \$500,000 is the standard bail  
15           guidelines in Hennepin County for murder in the third  
16           degree, which is the highest count in this case.

17                      Other factors contributing to the State's  
18           request for bail in this case relate to, first of all,  
19           the risk of non-appearance for future court  
20           appearances.   There were concerns in the fall that  
21           Mr. Noor had left the country or the jurisdiction, at  
22           least.   We were able to resolve that, and he was,  
23           actually, here in town.   But we did have credible  
24           information about that for a time.

25                      Two other concerns with respect to that.   We

1 are aware of a witness who, at one time, offered  
2 resources to Mr. Noor with respect to either bringing  
3 him to an undisclosed location or hiding him. Those  
4 are the witness' words, not mine, with respect to that.

5 Finally, I am aware that the Minneapolis  
6 Police Department no longer employs Mr. Noor as of  
7 yesterday. That is a significant change of  
8 circumstances that also results in reduced significant  
9 community ties. Mr. Noor's job no longer keeps him  
10 here in town.

11 So given the severity of the charge and those  
12 factors, we would ask that the Court keep the bail at  
13 \$500,000. We would ask, also, for conditions that  
14 Mr. Noor surrender his passport; that he have no  
15 contact with Minneapolis police officer Matthew  
16 Harrity; and that he have no possession or use of any  
17 firearms.

18 THE COURT: Mr. Plunkett.

19 MR. PLUNKETT: Thank you, Your Honor.

20 The State's request for a half of a million  
21 dollar bail is, frankly, outrageous given what we know  
22 about Mr. Noor and what we know about the case.

23 I'm asking the Court to order that he be  
24 released on his promise to reappear and on the  
25 condition that he turn in his passport. Frankly, the

1 other conditions that were listed -- I don't have a  
2 problem with those other conditions if the Court was  
3 inclined to add those conditions.

4 As an initial matter -- and I don't believe  
5 Ms. Sweasy disagrees with me -- Mr. Noor is not, does  
6 not pose a threat to the public safety. Mr. Noor has  
7 lived here since he was about five years old. He grew  
8 up here; he went to grade school in Minnesota; he went  
9 to high school in Minnesota; and he went to college in  
10 Minnesota. And now he lives in Minnesota with his  
11 young family. He has no connections to any place else,  
12 other than the fact of his birth.

13 Yes, it's true, he fled Somalia to avoid a  
14 civil war. But that was when he was a baby, and he has  
15 no recollection of any other home than here. Your  
16 Honor, Mr. Noor is an American.

17 He's been cooperative, Your Honor. He's been  
18 available. In July, when the BAC called and asked for  
19 his DNA, he showed up within an hour and gave a  
20 voluntary sample of his DNA, no warrant needed. In  
21 November, Ms. Sweasy sent an investigator to speak with  
22 him. The investigator left a note on his door. We  
23 called the investigator back within minutes.  
24 Ms. Sweasy's investigator wanted -- had heard this  
25 rumor about the Somalia thing, and the investigator

1 wanted to see Mr. Noor's face. Within an hour he was  
2 at the city hall showing his face; although, he  
3 certainly wouldn't have had to do that.

4 Yesterday, I got word from Ms. Sweasy that a  
5 warrant had been issued. I got word about 10:00. By,  
6 I think, 11:16, according to the jail records, Mohamed  
7 Noor had turned himself in. He's met with his precinct  
8 lieutenant as recently as two weeks ago. He has  
9 regular contact with his friends. He lives here, in  
10 the Twin Cities. There is no concealment, Your Honor.  
11 He has never gone any place; he's remained here. Some  
12 witness saying that "I would give him shelter" is even  
13 proof, because he's here; he didn't go anywhere.  
14 There's no evidence of concealment, at least no real  
15 evidence.

16 The State says that \$500,000 is a standard  
17 bail request for a Murder 3 charge. Reading the  
18 allegations in the complaint, however, the charge is  
19 simply not well supported. Mike Freeman acknowledged  
20 this yesterday when he conceded that proving murder in  
21 the third degree to a jury would be, in his words "a  
22 daunting task."

23 It appears to me that charging Murder 3 was  
24 done in order to request a higher bail, and that should  
25 not be rewarded.

1                   Your Honor, a half a million dollars' bail,  
2                   that is not fair; that's a punitive measure; that is a  
3                   face-saving measure; and it's neither necessary nor  
4                   supported by the law.

5                   Please release Mr. Noor on his own  
6                   recognizance and order that he turn in his passport.  
7                   I've brought the passport with me today.

8                   THE COURT: All right. I just want to remind  
9                   everybody that Officer Noor, like any other person  
10                  charged with a crime in the United States of America,  
11                  is entitled to the presumption of innocence. If he has  
12                  a trial, it will be in a court of law, not in the media  
13                  or in the streets.

14                  I will set bail in the amount of 500,000 with  
15                  no conditions; \$400,000 with conditions. The  
16                  conditions are: No contact with Officer Harrity?  
17                  Harnity?

18                  MS. SWEASY: Harrity --

19                  THE COURT: Harrity. I'm sorry.

20                  MS. SWEASY: -- H-A-R-R-I-T-Y.

21                  THE COURT: I'm sorry. Officer Harrity.  
22                  Your passport has been surrendered by your attorney.  
23                  You may not possess any firearms or ammunition, and you  
24                  must stay in touch with your attorneys and make all  
25                  court appearances and have no new criminal matters.

1                   We need appearances for the record. We  
2                   skipped that step.

3                   MS. SWEASY: Amy Sweasy appearing for the  
4                   State of Minnesota.

5                   MR. PLUNKETT: Tom Plunkett and Peter Wold on  
6                   behalf of Mr. Noor.

7                   THE COURT: All right. And a next appearance  
8                   date.

9                   MS. SWEASY: I think, Your Honor, in order to  
10                  get the discovery process going so that we can have a  
11                  meaningful court appearance, we would look for some  
12                  time in the beginning of May.

13                  MR. PLUNKETT: May 8th?

14                  THE COURT: Let me get my calender up, if you  
15                  would.

16                  I am scheduled to be in another trial at that  
17                  time so we could make it at 8:30 or 1:15.

18                  MS. SWEASY: Either is fine.

19                  MR. WOLD: Yeah. Either is fine.

20                  MR. PLUNKETT: Either's fine.

21                  THE COURT: Well, let's say 8:30.

22                  MS. SWEASY: 8:30 on May 8, then; is that  
23                  right, Your Honor?

24                  THE COURT: Correct.

25                  MS. SWEASY: Thank you.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(The proceedings were concluded at 1:44 p.m.)

1 STATE OF MINNESOTA)  
2 )  
3 COUNTY OF HENNEPIN)

4

5

COURT REPORTER'S CERTIFICATE

6

7 I, Allison J. Wasilk, an Official Court Reporter  
8 in and for the Fourth Judicial District of the State of  
9 Minnesota, do hereby certify that I have transcribed the  
10 foregoing transcript from a CourtSmart audio recording, and  
11 that the foregoing pages constitute a true and correct  
12 transcript of the proceedings taken in connection with the  
13 above-entitled matter.

14

15

Dated and signed the 19th day of September, 2018.

16

17

18

/s/ Allison J. Wasilk  
Allison J. Wasilk  
Court Reporter  
Hennepin County, Minnesota

19

20

21

22

23

24

25