

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.

**ORDER FOR JUROR
ANONYMITY AND SEQUESTRATION**

Kimberly Ann Potter,
Defendant.

The above-entitled matter came duly before the Honorable Regina M. Chu, Judge of District Court, for a Scheduling Conference on August 9, 2021 at 9:30 a.m. Erin Eldridge, Assistant Minnesota Attorney General; Matthew Frank, Assistant Minnesota Attorney General; Raoul Shah, Assistant Hennepin County Attorney, and; Joshua Larson, Assistant Hennepin County Attorney appeared for and on behalf of the State of Minnesota. Attorney Paul Engh appeared for and on behalf of Defendant, who waived her appearance.

The parties have stipulated as follows: (1) the identities of all selected jurors and prospective jurors shall remain anonymous, (2) the jury shall be partially sequestered during trial. Based upon all the files, records, and proceedings, the Court makes the following:

CONCLUSIONS OF LAW

1. Minn. R. Crim. P. 26.02 subd. 2 (2) provides that the Court “may restrict access to prospective and selected jurors’ names, addresses, and other identifying information if a strong reason exists to believe that the jury needs protection from external threats to its members’ safety or impartiality.”
2. Minn. R. Crim. P. 26.03 subd. 5 (3) requires sequestration of a jury “if the case is of such notoriety or the issues are of such a nature that, in the absence of sequestration, highly prejudicial matters are likely to come to the jurors’ attention.”

3. Minn. R. Crim. P. 26.02 subd. 4 allows the Court to order that the examination of each juror take place outside of the presence of other chosen and prospective jurors. Such sequestered selection is mandatory if a significant possibility exists of pretrial exposure to prejudicial material. Minn. R. Crim. P. 26.02 subd. 4 (2) (b).

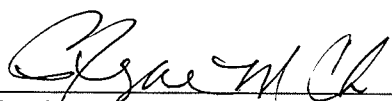
ORDER

1. District Court administration shall not divulge prospective and selected jurors' names, addresses, and other identifying information except to attorneys involved in the litigation of this case.
2. Attorneys who receive prospective and selected jurors' names, addresses, and other identifying information shall not disclose that information to anyone except their clients or employees and contractors working with the attorneys on this case. Anyone receiving this information from the attorneys shall also keep it confidential as required by this Order.
3. Juror questionnaires that are filed as public documents shall be redacted to remove all jurors' names, addresses, and other identifying information and shall identify jurors with sequential numbers reflecting the random order list position of each juror or potential juror.
4. The jurors' names, addresses, and other identifying information shall be kept confidential by the Court and all parties throughout the trial and deliberation. At the conclusion of deliberations, jurors' names and some contact information shall be made public only by the Court and on a date designated by the Court in a subsequent written Order. Anything not expressly made public shall remain confidential.
5. Jury selection will be conducted by sequestered selection as specified in Minn. R. Crim. P. 26.02 subd. 4(3)(d).
6. Defendant shall be allowed five peremptory challenges. The State shall be allowed three peremptory challenges. Defense peremptory challenges, when exercised, shall be exercised at the end of each Defendant's examination of the juror. The Court, on request, may allow Defendant to exercise a peremptory challenge later if good cause is shown. The State will exercise its peremptory challenges at the conclusion of its examination of each individual juror. Two alternate jurors will be selected and seated throughout the trial. Alternate jurors shall be selected and serve as set forth in Minn. R. Crim. P. 26.02 subd. 9.
7. Attorneys and the Court will refer to a juror or potential juror only by the number assigned to that juror.
8. Jurors will be partially sequestered during trial.

- a. HCSO will keep the jurors secure throughout each day of trial, including during breaks. During the day, jurors will remain in the Hennepin County Government Center. Court administration will provide lunch for jurors during the midday recess. Jurors may use electronic devices during any recess during trial.
 - b. The Court may order full sequestration at any time if the partial sequestration plan proves ineffective in keeping the jurors free from outside influence.
9. Jurors will be fully sequestered during deliberation pursuant to Minn. R. Crim. P. 26.03 subd. 5, except that jurors will be allowed to use electronic devices to contact family members as long as the jurors continue to avoid discussion of the trial. HCSO deputy sheriffs will supervise the jury while the jury is sequestered.

BY THE COURT:

Dated: August 10, 2021



Regina M. Chu
Judge of District Court