

STATE OF MINNESOTA
COUNTY OF LYON

IN DISTRICT COURT
FIFTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

File No. 42-CR-08-220

vs.

OLGA MARINA FRANCO DEL CID,

ORDER

Defendant.

WHEREAS the above-entitled matter is set for jury trial to begin on July 28, 2008, and

WHEREAS it is appropriate and in the interests of justice to limit extra-judicial statements regarding this matter,

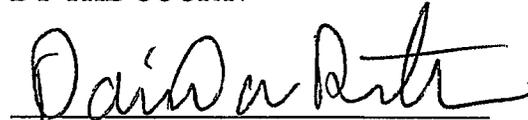
Based upon all the files and records herein,

IT IS HEREBY ORDERED:

1. The attorneys, parties, witnesses, jurors, employees, and officers of the court shall not make any extra-judicial statements relating to the case or the issues in the case for dissemination by any means of public communication from this date through the course of the trial in the above-entitled matter.

Dated: July 23, 2008

BY THE COURT:



David W. Peterson
Judge of District Court

MEMORANDUM

Defendant has been charged in the Amended Complaint with four counts of Criminal Vehicular Homicide, in violation of Minn. Stat. § 609.21, Subd. 1(1), seventeen counts of Criminal Vehicular Injury, in violation of Minn. Stat. § 609.21, Subd. 1(1), one count of False Name and Date of Birth to a Peace Officer, in violation of Minn. Stat. § 609.506, Subd. 2, one

FILED IN THIS OFFICE

7/23/08

Karen J. Bierman
COURT ADMINISTRATOR
Marshall, Lyon County, Minnesota

count of Stop Sign Violation, in violation of Minn. Stat. § 169.20, Subd. 3(a), and one count of No Minnesota Driver's License, in violation of Minn. Stat. § 171.02, Subd. 1.

Minnesota Rule of Criminal Procedure 26.03, Subd. 7 provides, in part:

“Whenever appropriate, the court shall order attorneys, parties, witnesses, jurors, and employees and officers of the court not to make extra-judicial statements relating to the case or the issues in the case for dissemination by any means of public communication during the course of the trial.”

“As a general matter, courts are vested with discretion in managing trials.” State v. Blom, 682 N.W.2d 578, 609 (Minn. 2004) (citing State v. Erickson, 610 N.W.2d 335, 341 (Minn. 2000)).

Such trial management includes issuance of so-called “gag orders” under Rule 26.03, Subd. 7. Id. at 609-10.

This Court is well aware of the extensive publicity that has surrounded this case, including comments to the media from both the State and Defense Counsel. Based upon the history of this case, there is a substantial likelihood that the media will continue to publicize information about this case. At this critical juncture, on the eve of the jury trial, the balance between allowing State and Defense commentary about the case must necessarily shift to the necessity of selecting a fair and impartial jury required by our constitution. The Court concludes that it is appropriate to issue an order under Rule 26.03, Subd. 7. Therefore, from the date of this Order through the course of trial in this matter, the attorneys, parties, witnesses, jurors, and court officers and employees are ordered to refrain from making extra-judicial statements regarding the case or issues in it through any means of public communication.

RUP
7-23-00