

STATE OF MINNESOTA  
IN SUPREME COURT  
A-5

ORDER PROMULGATING AMENDMENTS TO  
THE RULES OF CRIMINAL PROCEDURE

WHEREAS, the Supreme Court Advisory Committee on the Rules of Criminal Procedure has recommended certain amendments to the Rules of Criminal Procedure; and

WHEREAS, the Supreme Court held a hearing on the recommended amendments on February 11, 1983, and is fully advised in the premises; and

WHEREAS, by order of June 9, 1983, the Supreme Court adopted certain amendments to the Rules of Criminal Procedure to govern all actions commenced or arrests made after 12 o'clock midnight July 31, 1983;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the annexed amendments to Rules 25.01 and 25.03 of the Rules of Criminal Procedure be, and the same are, prescribed and promulgated for the regulation of practice and procedure in the courts of the State of Minnesota;

IT IS FURTHER ORDERED, that these amendments to the Rules of Criminal Procedure shall govern all criminal actions commenced or arrests made after 12 o'clock midnight July 31, 1983.


Dated: June 28, 1983

BY THE COURT:

SUPREME COURT  
**FILED**

JUN 28 1983

WAYNE TSCHIMPERLE  
CLERK

  
Chief Justice

Rule 25.01. Pretrial Hearings--Motion to Exclude Public

All pretrial hearings shall be open to the public. However, the defendant may move that all or part of such hearing be held in chambers or otherwise closed to the public on the ground that dissemination of evidence or argument adduced at the hearing may disclose matters that may be inadmissible in evidence at the trial and likely to interfere with his right to a fair trial by an impartial jury. The motion shall not be granted unless the court determines that there is a substantial likelihood of such interference. With the consent of the defendant, the court may make such an exclusion order on its own motion or at the suggestion of the prosecution. No exclusion order shall issue without the court setting forth the reasons therefor. Any person aggrieved may petition the supreme court for immediate review of the order granting or denying exclusion. Whenever under this rule all or part of any pretrial hearing is held in chambers or otherwise closed to the public, a complete record of the proceedings shall be made and upon request shall be transcribed and filed and shall be available to the public following the completion of the trial or disposition of the case without trial. For the protection of innocent persons, the court may order that names be deleted or substitutions made therefor in the record.

### Rule 25.03. Restrictive Orders

Except as provided in Rule 33.04 the following rules shall govern the issuance of any court order restricting public access to public records relating to a criminal proceeding:

#### Subd. 1. Motion and Notice.

(a) A restrictive order may be issued only upon motion and after notice and hearing.

(b) Notice of the hearing shall be given in the time and manner and to such interested persons, including the news media, as the court may direct.

#### Subd. 2. Hearing.

(a) At the hearing, the moving party shall have the burden of establishing a factual basis for the issuance of the order under the conditions specified in subd. 3.

(b) The public and news media shall have a right to be represented at the hearing and to present evidence and arguments in support of or in opposition to the motion.

(c) A verbatim record shall be made of the hearing.

#### Subd. 3. Grounds for Restrictive Order.

The court may issue a restrictive order under this rule only if the court concludes on the basis of the evidence presented at the hearing that:

(a) Access to such public records will present a clear and present danger of substantially interfering with the fair and impartial administration of justice.

(b) All alternatives to the restrictive order are inadequate.

#### Subd. 4. Findings of Fact.

The court shall make written findings of the facts and statement of the reasons supporting the conclusions upon which an order granting or denying the motion is based.

#### Subd. 5. Appellate Review.

(a) Anyone represented at the hearing or aggrieved by an order granting or denying a restrictive order may petition the supreme court for review, which shall

be the exclusive method for obtaining review.

(b) The supreme court shall determine upon the hearing record whether the moving party sustained the burden of justifying the restrictive order under the conditions specified in subd. 3 of this rule, and may reverse, affirm, or modify the order issued.