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August 4, 2020

VIA E-FILE

The Honorable Peter A. Cahill
Fourth Judicial District Court Judge
Hennepin County Courthouse
300 South 6th Street
Minneapolis, MN 55487

Re: **State of Minnesota v. Thomas K. Lane, Case No. 27-CR-20-12951**

Dear Judge Cahill,

I write to you on behalf of the Media Coalition regarding excerpts of the body-worn camera (“BWC”) footage depicting the arrest and death of George Floyd obtained and distributed yesterday by the *Daily Mail*. See Martin Gould, *EXCLUSIVE: Police bodycam footage shows moment-by-moment arrest of George Floyd for the first time*, DailyMail.com (Aug. 3, 2020), <https://www.dailymail.co.uk/news/article-8576371/Police-bodycam-footage-shows-moment-moment-arrest-George-Floyd-time.html>.

As an initial matter, let me assure you that while members of the Coalition disagree with any restrictions on copying and distributing judicial records such as the BWC footage, they respect the Court’s orders and were surprised by the leak of this footage.

That said, the leak serves only to bolster the Coalition’s argument for making all of the BWC footage available, through official channels, for copying and distribution.

Due to the leak, members of the public—including potential jurors—now have online access to roughly 26 of the approximately 65 minutes of BWC footage submitted to this Court by Thomas K. Lane as exhibits to his Memorandum Supporting Motion to Dismiss. As you know, even before the leak, members of the public—including potential jurors—had easy access to bystander video showing the encounter between Mr. Floyd and the four defendants, the transcripts of the BWC footage previously released by the Court, and descriptions of the BWC footage from journalists who viewed it at the courthouse.

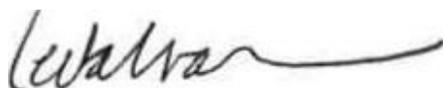
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As we discussed at the hearing on July 21, given the wide array of information about the encounter already available to the public, continued restrictions on the copying and dissemination of the full BWC videos are not effective to protect any cognizable interest, such as the defendants' Sixth Amendment right to a fair trial. That is even more true now. Indeed, continued restrictions on press and public access to the BWC footage may actually *undermine* the Court's efforts to ensure a fair trial given the piecemeal and incomplete nature of what is circulating online.¹

The Coalition urges the Court to immediately release the BWC footage, in its entirety, for copying and distribution. Notwithstanding the recent leak, the Coalition also urges the Court to proceed with issuing an order that addresses the merits of the Coalition's motion. This is an important case that members of the Coalition are closely monitoring. There is a significant probability that other issues related to the First Amendment right of access will arise between now and the March 2021 trial date. (By way of example, a coalition of media organizations intervened at least four times in the proceedings involving Mohamed Noor.) Clarity regarding this Court's interpretation of the law is in the interest of all involved, and the sooner the better.

Thank you for your attention to this matter.

Sincerely,



cc: Matthew Frank
Earl P. Gray
Eric Nelson
Thomas C. Plunkett
Robert Paule

¹ For example, the BWC video that lasts approximately 8 minutes and 34 seconds ends shortly after officers remove Floyd from their squad car and put him on the ground. Similarly, the video that lasts approximately 18 minutes and 30 seconds ends shortly after one of the officers appears to check for Floyd's pulse. As we know from the bystander videos and the transcripts, the encounter in fact lasted far longer than either of these videos do, and many of the actions taken by defendant officers are not depicted in these excerpts.