

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

vs.

Kimberly Ann Potter,
Defendant.

**ORDER REGARDING PUBLIC ACCESS
TO AND COPYING OF ADMITTED
TRIAL EXHIBITS AND COURT TV
LIVESTREAM**

On March 1, 2018, the Fourth Judicial District issued a Bench Procedure/Policy relating to Public Requests for Viewing and Obtaining Copies of Court Filed Exhibits (Court Exhibit Policy).

The Court Exhibit Policy provides in pertinent part as follows:

1. Exhibits will be made available for viewing within a reasonable timeframe after they have been deposited with court administration at the conclusion of a trial.
2. Arrangements to view or obtain copies of exhibits must be scheduled through District Court. All media requests must be referred to the Hennepin County District Court Public Affairs Communications Specialist.

[. . .]

4. No sealed exhibits will be available for viewing at any time without a court order specifically stating that the exhibits may be unsealed for purpose of viewing and/or copying.

[. . .]

6. A judicial order must be provided for any requests to video tape exhibits, take pictures of exhibits, or obtain copies of a recording (including video, DVD, and audio recordings). The' order shall indicate that the Court Administrator will refer the recording duplication

out through an approved Hennepin County District Court duplication services vendor. Requesting parties are responsible for all costs.

"There is no statutory mandate to make judicial records accessible to the public." *State v. C.P.H.*, 707 N.W.2d 699, 705 (Minn. App. 2006); *See* Minn. Stat. § 13.90 subd. 2 (Minnesota's statutes requiring public access to government data do not apply to the judiciary.) Rather, public access to judicial records is governed by and subject to the Rules of Public Access to Records of the Judicial Branch (State Public Access Rules) and the Fourth Judicial District's Court Exhibit Policy. Under the governing policies, there is no absolute right to public access to all judicial records because courts retain the inherent judicial power to control court records. *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981); *C.P.H.*, 707 N.W.2d at 704-05.1 The State Public Access Rules provide that evidentiary exhibits from a hearing or trial shall not be remotely accessible, Rule 8 subd. 5(c), and generally authorize a court to restrict access to certain evidence by court order. Rule 8, subd. 5(a). Rule 8, subdivision 6 of the State Public Access Rules authorizes the Court Administrator to charge appropriate fees to those requesting copies.

This matter was tried between November 30, 2021 (start of voir dire) and December 23, 2021 (return of jury verdicts). The Court sentenced Defendant on February 18, 2022. The trial and the sentencing hearing were livestreamed by Court TV pursuant to prior orders of this Court.

During the course of the trial, a total of 204 exhibits were received into evidence and considered by the jury during deliberations. *See* Exhibit A ("Admitted Trial Exhibits").

Upon conclusion of the trial, Court TV delivered to the Court a hard drive containing the complete livestream of jury selection and the trial, which has been marked as Court Exhibit 30. Exhibit A contains a complete list of the admitted exhibits shown on livestream.

In deference to the privacy of the deceased and the wishes of the Wright family, this Court

did not livestream Mr. Wright's autopsy photos although they were shown in the courtroom and the public and media overflow courtrooms. For the same reasons, the autopsy photos, labeled as JRY103-107 and JRY110-JRY145, will not be subject to public disclosure. They are listed on Exhibit B.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED

1. Upon the filing of this Order, the Hennepin County District Court Public Affairs Communications Specialist (hereinafter, "Communications Specialist") and appropriate others within Hennepin County District Court Administration, working in conjunction with the Court's criminal administrative staff, all of whom collectively presently have custody of the Admitted Trial Exhibits as well as of Court Exhibit 30, shall allow members of the public and press access to and the opportunity to inspect and view the Admitted Trial Exhibits and Court Exhibit 30.
2. Court Administration shall make copies – or, at the discretion of Court Administration, may refer copying and recording duplication out through an approved Hennepin County District Court duplication services vendor – of any of the Admitted Trial Exhibits and of Court Exhibit 30 requested by any member of the public or press and provide those copies to the requesting parties upon payment by the requesting party of the standard Hennepin County District Court copying charges for such exhibits. In addition, if requested by Court Administration for any party requesting a copy of Court Exhibit 30, the requesting party shall also provide, at the requesting party's expense, a suitable hard drive to Court Administration upon which Court Exhibit 30 is to be copied/duplicated.
3. Pursuant to the Court Exhibit Policy, no member of the public or press may obtain copies of

any of the audio-video exhibits included among the Admitted Trial Exhibits by taking pictures of them or by other technical means of videotaping or duplicating them while viewing and inspecting such exhibits pursuant to paragraph 1. Copies of any audio-video exhibits, including Court Exhibit 30, may only be obtained by a requesting party pursuant to paragraph 2 upon payment of the required fees.

4. The Court defers management of the details of the processes by which inspection and viewing of the Admitted Trial Exhibits will be conducted and copies provided to requesting parties to Court Administration. All requests to inspect/view any of the Admitted Trial Exhibits or Court Exhibit 30, and/or to obtain copies of any of those exhibits in accordance with this Order shall be referred to the Communications Specialist, whose contact information is available on the public website established for this case, on which website this Order is also being posted.

BY THE COURT:

Dates: April 25, 2022

Regina M. Chu
District Court Judge
Fourth Judicial District

APPENDIX

EXHIBIT A

Exhibit No.	Description	Type
1	Aerial Shot of 63 rd Ave. (facing north)	Photograph
2	Aerial Shot of 63 rd Ave. (facing east)	Photograph
3	Daunte Wright w/ Son	Photograph
4	Daunte Wright w/ Hospital Bracelet	Photograph
6	Katie Bryant Arriving at Scene	Audio or Video
10	Luckey Squad/Luckey BWC (1:53:33-2:01:05)	Audio or Video
11	Luckey Squad/Luckey BWC (2:01:00-2:02:28)	Audio or Video
12	Luckey Squad/Potter BWC (2:01:00-2:02:28)	Audio or Video
13	Potter BWC (2:01:00-2:02:17)	Audio or Video
14	Luckey BWC/Potter BWC (2:02:05-2:04:36)	Audio or Video
29	Officer Buck BWC (2:05:36-2:06:37)	Audio or Video
30	Albrecht-Payton Ear Injury	Photograph
31	Albrecht-Payton Jaw/Lip Injury	Photograph
32	Patrica and Kenneth Lundgren	Photograph
33	Lundgren's Subaru (passenger)	Photograph
34	Lundgren's Subaru (front)	Photograph
35	Lundgren's Subaru (driver)	Photograph
36	Blanski Surveillance (2:01:52-2:17:21)	Audio or Video
37	Officer Salvosa Squad (2:01:52-2:17:21)	Audio or Video
38	Composite of Salvosa BWC and Blanski surveillance (2:02:01-2:02:52)	Audio or Video
39	Salvosa BWC (2:01:42-2:17:00)	Audio or Video
40	Still from Lorentz Squad (2:11:45)	Photograph
41	Still from Sommers BWC	Photograph
42	Still from Irish BWC (2:27:52)	Photograph

43	Still from Sommers BWC (2:36:55)	Photograph
44	Still from Lorentz BWC (2:49:29)	Photograph
45	Irish BWC (2:10:39-2:18:46)	Audio or Video
46	Still from Hader BWC	Photograph
49	Still from Small BWC	Photograph
50	Still from Buck BWC	Photograph
54	Sommers BWC (2:05:55-2:19:07)	Audio or Video
58	Still from Donahue BWC (2:22:21)	Photograph
59	Still from Donahue BWC (2:27:06)	Photograph
60	Still from Bergeron BWC	Photograph
61	Composite of Johnson Squad and Johnson BWC (1:59:33-2:01:13)	Audio or Video
62	Composite of Luckey Squad and Johnson BWC (2:01:00-2:02:28)	Audio or Video
63	Johnson BWC (2:01:00-2:02:28)	Audio or Video
64	Johnson BWC (2:02:06-2:07:32)	Audio or Video
65	Johnson BWC (2:10:21-2:11:21)	Audio or Video
71	Composite of Johnson and Fricke BWC (2:20:04- 2:21:44)	Audio or Video
84	Johnson in Uniform at BCPD	Photograph
85	Johnson's Holster at BCPD	Photograph
91	Sommers BWC (2:34:15-2:34:55)	Audio or Video
92	Photo: Still from Lorentz BWC (2:38:28)	Photograph
95	Still from Lazenberry BWC (3:48:31)	Photograph
98	Still from BCA SA Phill	Photograph
99	ME Photo: DSCN3192	Photograph
102	Close-Up of White Buick	Photograph
108	ME Photo: 212509	Photograph
147	ME Photo: 212509 Bullet 1	Photograph
148	ME Photo: 212509 Bullet 2	Photograph
149	ME Photo: 212509 Red Shirt	Photograph
152	ME Photo: 212509 Red Shirt-Right Side	Photograph

155	ME Photo: 212509 Jean Jacket	Photograph
157	ME Photo: 212509 Jean Jacket Hole in Left Side Close-Up	Photograph
158	ME Photo: 212509 Jean Jacket Hole in Left Side Close-Up 2	Photograph
160	ME Final Report	Document
161	Scene Map from Field Report	Photograph
162	63rd Ave. Looking East 1	Photograph
163	63rd Ave. Looking East 2	Photograph
164	63rd Ave. Looking East 3	Photograph
165	63rd Ave. Looking East 4	Photograph
166	White Buick (front view)	Photograph
167	White Buick (windshield damage)	Photograph
168	White Buick Driver's Seat 1	Photograph
169	White Buick Driver's Seat 2	Photograph
170	White Buick Driver's Seat 3	Photograph
171	White Buick Driver's Seat with Item #7	Photograph
172	Item #7	Photograph
173	Wright's Backpack	Photograph
174	Lime Green Tent	Photograph
176	Item #12 Johnson's Gun	Photograph
177	Item #12 Johnson Gun Serial Number	Photograph
178	Item #13 Potter's Gun, Magazine, and Live Round	Photograph
179	Item #13 Potter's Gun Serial Number	Photograph
180	Item #13 Loaded Magazine	Photograph
181	Item #13 Live Round from Chamber of Potter's Gun	Photograph
182	Item #13 Magazine	Photograph
183	Item #13 Magazine Unloaded	Photograph
184	Wright's Vehicle	Photograph
185	Wright's Vehicle with Driver's Seat, Console, and Shoe	Photograph

186	Wright's Vehicle Driver's Seat and Steering Wheel	Photograph
187	Wright's Vehicle View from Passenger's Side of Driver's Seat	Photograph
188	Wright's Vehicle Windshield Damage	Photograph
189	Wright's Vehicle Blood on Ceiling of Car	Photograph
190	Wright's Vehicle Blood on Backseat	Photograph
191	Wright's Vehicle Item #22 Blood on Driver's Seat	Photograph
192	Wright's Vehicle Item #22 Close-Up	Photograph
193	Wright's Vehicle Item #25 and Marker A	Photograph
194	Wright's Vehicle Item #25 and Marker A Close-Up	Photograph
195	Wright's Vehicle Item #26 and Marker B	Photograph
196	Item #26 and Marker B Close-Up	Photograph
197	Item #27 and Marker B	Photograph
198	Item #27 and Marker C	Photograph
199	Potter's gun and magazine, ammunition from the magazine, and chamber round	Weapon
200	Discharged Cartridge Casing	Weapon
201	Fired Bullet	Weapon
202	Ammunition from Potter's Gun	Weapon
203	Potter's Taser 7	Weapon
204	Composite of Luckey Squad, Potter BWC, Johnson BWC (2:01:00-2:02:28)	Audio or Video
210	Kim Potter (front)	Photograph
211	Kim Potter (right side)	Photograph
212	Kim Potter (left side)	Photograph
213	Kim Potter (back)	Photograph
214	Potter's Duty Belt Flat on Table	Photograph
215	Potter's Taser Removed	Photograph
216	Potter's Empty Firearm Holster	Photograph
217	Potter's Empty Firearm Holster Close-Up	Photograph

218	Potter's Empty Firearm Holster Close-Up 2	Photograph
219	Potter's Empty Taser Holster 2	Photograph
220	Potter's Empty Taser Holster 1	Photograph
221	Potter's Empty Taser Holster 2	Photograph
222	Potter's Empty Taser Holster 3	Photograph
223	Potter's Empty Taser Holster 4	Photograph
224	Taser Laying on Side	Photograph
225	Taser with Serial Number	Photograph
226	Email from Commander Flesland about Potter's Work History	Document
240	Photograph of Daunte and Aubrey Wright	Photograph
243	Taser Annual User Update Version 22 (June 22, 2020)	Document
244	Taser CEW Transition Course Version 22 (June 22, 2020)	Document
246	Taser CEW User Transition Certification (March 2, 2021)	Document
247	Taser CEW Annual Re-certification (November 5, 2020)	Document
248	Taser CEW Annual Re-certification (November 12, 2019)	Document
249	Taser CEW Annual Re-certification (November 27, 2018)	Document
250	Taser CEW Annual Re-certification (November 9, 2017)	Document
251	Taser CEW Annual Re-certification (November 15, 2016)	Document
252	Taser CEW User Certification (April 7, 2015)	Document
253	Taser User Certification (January 9, 2007)	Document
254	Taser Certification (May 12, 2005)	Document
255	Taser Certification (December 16, 2002)	Document
258	BCPD Electronic Control Device Lesson Plan (April 7 & 9, 2015)	Document
259	BCPD In-service Use of Force (March 6, 2019)	Document
263	BCPD In-service Taser Training (November 27, 2018)	Document
264	Taser Training PPT Version 20.2 2018	Document
265	BCPD In-service Use of Force (March 26, 2018)	Document

266	Use of Force In-service (August 30, 2018)	Document
270	Taser CEW Warnings, Instructions, and Information (May 19, 2017)	Document
271	BCPD 2016 Fall In-service (November 15, 2016)	Document
272	BCPD Readiness Aspects of Use of Force 2016	Document
316	In-service 2016 (November 15, 2016)	Document
317	BCPD In-service Affidavit of Attendance (November 15, 2016)	Document
318	BCPD Use of Force In-service (September 5, 2017)	Document
321	Fall Use of Force Affidavit of Attendance (September 5, 2017)	Document
323	Use of Force Affidavit of Attendance (March 26, 2018)	Document
325	BCPD in-Service Use of Force (March 26, 2018)	Document
327	Use of Force In-service 2020	Document
330	2020 Low-Light/Inclement Weather Training Affidavit of Attendance (October 26, 2020)	Document
333	BCPD Policy 300, Use of Force	Document
334	BCPD Policy 304, CEW	Document
335	Potter Training Class Dates	Document
336	BCPD Policy Code of Ethics	Document
337	BCPD Policy, Officer-Involved Shooting	Document
338	BCPD Policy 307, Vehicle Pursuits	Document
340	BCPD Policy 100, Law Enforcement Authority	Document
341	BCPD Policy 102, Oath	Document
342	BCPD Policy 306, Firearms	Document
343	BCPD Policy 319, Conduct	Document
344	BCPD Policy 418, FTO Program	Document
346	BCPD Policy 425, Foot Pursuits	Document
349	BCPD Policy 1000, Recruitment and Selection	Document
351	BCPD Policy 1014, Fitness of Duty	Document
355	Document: Potter Signed Oath	Document
364	In-Service Use of Force Learning Objectives - 2012	Document

369	Taser PPT, Taser Warning	Document
370	Taser PPT, Diagram	Document
371	Taser PPT, Safety Switch	Document
372	Taser PPT, Holster Pro/Con List	Document
374	Taser PPT, Increased Risk	Document
376	Taser PPT, Recommended Targeting Zones	Document
378	Potter's Duty Belt	Article of Clothing
379	Potter's Gun Holster	Weapon
380	Potter's Taser Holster	Weapon
382	Still from Potter Squad (4/20/2016 at 2:39:59)	Photograph
383	Still from Johnson BWC (11/2/2018 at 5:05:10)	Photograph
384	Still from Soliday BWC (2/21/2018 at 3:53:45)	Photograph
385	Still from Holt BWC (11/4/2019 at 4:16:11)	Photograph
386	Still from Holt BWC (6/15/2020 at 2:26:54)	Photograph
387	Still from Luckey BWC (4/11/2021 at 2:12:13)	Photograph
388	Taser X26P Conducted Electrical Weapon End-User Course Version 20 (January 1, 2016)	Document
391	Potter Training Confirmation and Certificate (February 7-11, 2011)	Document
392	Potter Training Confirmation of Potter (April 10, 2013)	Document
393	Potter Completion of FTO Update (April 10, 2018)	Document
1000	Miller CV	Document
1001	Ijames CV	Document

EXHIBIT B

Exhibit No.	Description	Type
103	ME Photo: DSCN3172	Photograph
105	ME Photo: DSCN3182	Photograph
107	ME Photo: DSCN3184	Photograph
110	ME Photo: X-ray of Victim's Chest	Photograph
114	ME Photo: 212509 Jeans	Photograph
116	ME Photo: 212509 Front of Body	Photograph
118	ME Photo: 212509 Wound Left Side Close-Up 1	Photograph
119	ME Photo: 212509 Wound Right Side Close-Up	Photograph
120	ME Photo: 212509 Body	Photograph
121	ME Photo: 212509 Wound Left Side	Photograph
122	ME Photo: 212509 Wound Right Side	Photograph
123	ME Photo: 212509 Wound Left Side Close-Up 2	Photograph
124	ME Photo: 212509 Wound Right Side Close-Up 2	Photograph
125	ME Photo: 212509 Face	Photograph
126	ME Photo: 212509 Wound on Nose and Lip	Photograph
141	ME Photo: 212509 Inside Ribcage	Photograph
143	ME Photo: 212509 Ribcage with Trajectory Rod	Photograph
145	ME Photo: 212509 Heart	Photograph