

Judge in George Floyd Prosecutions Allows Cameras in the Courtroom

By Emmy Parsons

Finding that an overflow room is no substitute for in-person attendance, the judge overseeing the prosecutions of the four men charged in the death of George Floyd recently ordered that “[a]udio and video recording, broadcasting and streaming will be allowed” of the trial.

[Minnesota v. Chauvin](#).

The court ordered this over the State’s objection, and in contravention of Minnesota’s rules governing cameras in courtrooms, finding there was no other way to comply with the public trial guarantees of the First and Sixth Amendments given the pandemic’s social distancing requirements.

As the court explained, because of the unprecedented demands of the COVID-19 pandemic, it anticipates that not a single member of the public – or even of the families of Floyd or the former police officers charged with his murder – will be in the courtroom for the prosecutions. The court acknowledged that the First Amendment does not guarantee the right to televise criminal trials, but said that under these circumstances the defendants’ Sixth Amendment right to a public trial and the press’ and the public’s First Amendment right of access to criminal trials cannot be “vindicate[d]” absent audio and visual coverage.

Notably, the Court rejected the State’s argument that overflow courtrooms could satisfy the constitutional demands, stating “it is difficult to conclude that overflow courtrooms are a reasonable measure to protect the constitutional rights of the defendants, the public, and the press,” and going on to say:

[A]n overflow courtroom is not truly a courtroom, but merely a venue for the consumption of a televised trial. They are courtrooms in name and appearance only. Nothing in Rule 4.01 or 4.02 permits a closed-circuit audio and video feed to another location for public consumption, even if you call that location a courtroom or an “overflow” courtroom. The State’s suggestion that the Court use overflow courtrooms is itself an admission that cameras in the courtroom are sometimes necessary to broadcast a trial contrary to Rule 4.02(d). The State merely wants a limited audience.

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The court initially ordered audio and visual coverage of the trials in November, after considering motions from all four defendants seeking such coverage. Two weeks later the State filed a motion to reconsider the court's order, arguing that the live broadcast of the prosecutions might make some witnesses reluctant to testify. The four defendants and a coalition of 13 media and public interest organizations filed briefs opposing the State's motion to reconsider. On December 18, the court affirmed its order and denied the States Motion.

The consolidated trial for all four defendants is scheduled to begin in March 2021 and is anticipated to continue into April.

Emmy Parsons is an associate with Ballard Spahr LLP. Emmy represents the media coalition in this matter with Leita Walker, also of Ballard Spahr LLP.

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