

FORM 133. STATEMENT OF THE CASE

FILED

June 20, 2025

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN COURT OF APPEALS

CASE TITLE:
Matthew D. Hardin

Appellant,

STATEMENT OF THE CASE OF
MATTHEW D. HARDIN (APPELLANT)

vs.

DISTRICT COURT CASE NUMBER:
34-CR-24-341

State of Minnesota and
Nicholas Rekieta,
Respondents.

APPELLATE COURT CASE NUMBER:

1. **Court or agency of case origination and name of presiding judge or hearing officer:**

Kandiyohi County District Court
Judge Stephen Wentzell

2. **Jurisdictional Statement**

(A) Appeal from district court.

Statute, rule or other authority authorizing appeal: Minn Stat. 580A.06, Minn R. App. P. 103.03 (e) though (g), and the collateral order doctrine as recognized and defined in *Kastner v. Star Trails Ass'n*, 646 N.W.2d 235, 236 (Minn. 2002).

Date of entry of judgment or date of service of notice of filing of order from which appeal is taken: June 16, 2025

Authority fixing time limit for filing notice of appeal (specify applicable rule or statute): Minn. R. App. P. 104.01, Subd. 1.

Date of filing any motion that tolls appeal time: n/a

Date of filing of order deciding tolling motion and date of service of notice of filing:
n/a

(B) Certiorari appeal.

Statute, rule or other authority authorizing certiorari appeal: n/a

Authority fixing time limit for obtaining certiorari review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice): n/a

(C) Other appellate proceedings.

Statute, rule or other authority authorizing appellate proceeding: Minn. R. App. P. 120.01, Minn. Stat. 586.01 *et seq.*

Authority fixing time limit for appellate review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice): No applicable authority exists, except that mandamus must be asserted in a reasonably prompt manner as it is an equitable cause of action. *Sinell v. Sharon*, 206 Minn. 437, 437, 289 N.W. 44, 45 (1939).

(D) Finality of order or judgment.

Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees? Yes () No (X)

If no:

Did the district court order entry of a final partial judgment for immediate appeal pursuant to MINN. R. CIV. APP. P. 104.01? Yes () No (X) or

If yes, provide date of order:

If no, is the order or judgment appealed from reviewable under any exception to the finality rule? Yes (X) No ()

If yes, cite rule, statute, or other authority authorizing appeal: The collateral order doctrine and Minn R. App. P. 103.03 (e) though (g).

(E) Criminal only:

Has a sentence been imposed or imposition of sentence stayed? Yes (X) No ()

If no, cite statute or rule authorizing interlocutory appeal: n/a

3. State type of litigation and designate any statutes at issue.

This is a criminal case, in which a member of the public (Matthew D. Hardin, as intervenor) asserts the right under various rules and constitutional doctrines to access and view evidence submitted through MNDES.

4. Brief description of claims, defenses, issues litigated, and result below. For criminal cases, specify whether conviction was for a misdemeanor, gross misdemeanor, or felony offense.

This is a felony criminal case, but neither the State of Minnesota's nor the criminal defendant's claims are at issue in this appeal. Instead, this is a case about whether Mr. Hardin, an interested member of the public, has a right to view certain evidence submitted through MNDES.

Mr. Hardin was granted limited status as an intervenor after the criminal case had concluded with a sentence and a statutory stay of adjudication. Mr. Hardin asserts various constitutional arguments for why he is entitled to view evidence presented to the District Court, and which at least one Court order illustrates the District Court reviewed rather extensively. Mr. Hardin was initially granted access to the evidence submitted via MNDES, but that status was later revoked after the District Court purported to "correct" its records. Mr. Hardin was denied the opportunity to be meaningfully heard or to present evidence in opposition to a "correction" of records that resulted in him being denied access to those records.

5. List specific issues proposed to be raised on appeal.
 - a) Whether Mr. Hardin is entitled to view the evidence he requested under the First Amendment, the Minnesota Constitution, or other common law authority suggesting a right of access to judicial records.
 - b) Whether the District Court has the power to "correct" its records to remove documents from the public domain after they have previously been made available as judicial documents.
 - c) Whether Mr. Hardin had a right to be heard and to present evidence in opposition to the "correction" of records in a way that deprived him of his substantial rights.

6. Related appeals.

List all prior or pending appeals arising from the same action as this appeal. If none, so state.

None.

List any known pending appeals in separate actions raising similar issues to this appeal. If none are known, so state.

None.

7. Contents of record.

Is a transcript necessary to review the issues on appeal? Yes (X) No ()

If yes, full (X) or partial () transcript?

Has the transcript already been delivered to the parties and filed with the district court administrator? Yes (X) No ()

If not, has it been ordered from the court reporter? Yes () No ()

If a transcript is unavailable, is a statement of the proceedings under Rule 110.03 necessary? Yes () No ()

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? Yes () No ()

8. Is oral argument requested? Yes (X) No ()

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes () No (X)

If yes, state where argument is requested:

9. Identify the type of brief to be filed.

Formal brief under Rule 128.02. (X)

Informal brief under Rule 128.01, subd. 1 (must be accompanied by motion to accept unless submitted by claimant for reemployment benefits). ()

Trial memoranda, supplemented by a short letter argument, under Rule 128.01, subd. 2. ()

10. Names, addresses, and telephone numbers of attorney for appellant and respondent.

Attorney for Matthew D. Hardin, Intervenor/Appellant:

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/s/ Oliver W. Bromke

SIGNATURE

DATED: June 20, 2025

(The Statement of Case is not a jurisdictional document, but it is important to the proper and efficient processing of the appeal by the appellate courts. The "jurisdictional statement" section is intended to provide sufficient information for the appellate court to easily determine whether the order or judgment is appealable and if the appeal is timely. The nature of the proceedings below and the notice of appeal determine the jurisdiction of the appellate court. The sections requesting information about the issues litigated in the lower court or tribunal, and the issues proposed to be raised on appeal are for the court's information, and do not expand or limit the issues that might be addressed on appeal. Likewise, the section asking counsel to identify and prior or pending appeals from the same case, and any separate appeals that raise similar issues is intended to provide more information about the procedural history of the case and to ensure that the court has early notice of other pending related matters in case consolidation is appropriate.)