

**STATE OF MINNESOTA
IN SUPREME COURT**

Alpha News,

Petitioner,

vs.

City of Detroit Lakes, et al.

Respondents.

Appellate Court File No.: A25-1822

**PETITION FOR
REVIEW OF DECISION
OF THE COURT OF APPEALS**

DATE OF FILING OF COURT OF
APPEALS DECISION: July 6, 2026

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TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Alpha News respectfully seeks review of the Court of Appeals’ nonprecedential decision affirming the district court’s denial of Alpha News’ request under the Minnesota Government Data Practices Act, Minn. Stat. §13.82, subd.7, for police video footage of Senator Nicole Mitchell’s arrest.

Sen. Mitchell’s April 2024 arrest and its aftermath were some of the most consequential events in recent Minnesota politics. Following the arrest, she publicly suggested she had done nothing wrong—based on which the Senate voted on party lines not to expel her. Sen. Mitchell went on to vote for major legislation that passed the Senate by a single vote. So there is a great public interest in all available information about what exactly she did.

Alpha News seeks the release of all police video footage from the incident. The district court, however, has repeatedly denied the release, despite an initial reversal by the Court of Appeals. Most recently, the district court held that this video would be improperly “impactful” on a criminal jury (even though Mitchell had already been convicted), but would *not* be impactful on our State’s political discourse because written accounts of the arrest are already public. The Court of Appeals recognized that this reasoning was problematic, but held it was an unreviewable “discretionary” determination.

This Court should grant review (1) because of the case’s statewide importance, and (2) to address recurring statewide questions about the boundaries of district courts’ discretion in denying requests like this one.

LEGAL ISSUES

1. Do Minnesota voters have a substantial interest in seeing the full police footage of Senator Mitchell's arrest?
2. Under Minn. Stat. §13.82, subd.7, does a district court exceed its discretion if it denies (or grants) a data request based on a manifest misunderstanding of the relevant facts, or logic that is facially self-contradictory?

CRITERIA GOVERNING REVIEW

A decision from this Court will clarify the law on a recurring question of statewide impact: the boundaries of district courts' discretion in assessing requests for criminal investigative data pursuant to the MGDPA. Minn. R.Civ. App. P.117, subd.2(d).

Alternatively, by denying the public information of exceptional political importance on grounds that are manifestly contrary to fact and logically self-contradictory, the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of this Court's supervisory powers. *Id.*, subd.2(c).

STATEMENT OF THE CASE

A. The MGDPA Requires A Balancing Analysis For The Release Of Criminal Investigative Data.

The MGDPA classifies "investigative data collected or created by a law enforcement agency in order to prepare a case" as "confidential or protected nonpublic while the investigation is active." Minn.Stat. §13.82, subd.7. An investigation that results in prosecution remains "active," for these purposes, until the "exhaustion of or expiration of all rights of appeal by a person

convicted on the basis of the investigative data.” *Id.* subd.7(c). To obtain such data, members of the public must “bring an action in the district court,” which “may order that all or part of the data ... be released,” depending on “whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data.” *Id.*

Even after a criminal investigation becomes inactive, police body-camera footage remains to the public only by court order pursuant to a similar balancing test. Minn.Stat. §13.825, subd.2.

B. Senator Mitchell’s Arrest and Its Aftermath.

Alpha News seeks police video footage of the burglary arrest of Senator Mitchell on April 24, 2024. In the following days, then-Senator Mitchell stated publicly that she had simply been trying to “check on” her stepmother, whose “Alzheimer’s and associated paranoia” led her to falsely “accuse[]” Senator Mitchell “of stealing;”¹ that the criminal complaint against her “fail[ed] to include exculpatory facts;”² and that “a much different picture will emerge when all the facts are known.” *Alpha News v. City of Detroit Lakes*, 2026 Minn.App.Unpub. LEXIS 698, at *12 (Minn.App. July 6, 2026). Media commentators described her as suggesting that “authorities in Becker County are fabricating evidence against a sitting State Senator.”³

¹ N.Mitchell, <https://www.facebook.com/NicoleMitchellMN/>.

² R.Faircloth, <https://twitter.com/RyanFaircloth/status/1783170847617757304>.

³ J.Kolb, <https://twitter.com/jpkolb/status/1783165097050882350?s=46>.

The public interest in this issue would be significant at any time—but in the political context of early 2024, it was exceptional. Senator Mitchell’s party, the DFL, held the governorship and a majority of the House of Representatives—and a 34-33 majority in the Senate. Thus, it quickly became clear that whether she remained in office would determine whether the DFL could enact legislation without bipartisan support for the remainder of the legislative session. This turned developments in her case into national news.⁴

Ultimately, Sen. Mitchell remained in office for another year-plus, on the strength of her statements that she did nothing wrong. Days after her arrest, the Senate declined to expedite an ethics complaint seeking her expulsion, in a 33-33 tie vote, and a Senate subcommittee held the complaint awaiting “more information.”⁵ Sen. Mitchell then delayed her criminal trial by invoking Minn. Stat. §3.16, which exempts legislators from attending court during the session.

This made a major difference in the law. At the end of the 2024 session, the Legislature enacted and the Governor signed a sweeping, 1400-plus-page omnibus bill including hundreds of significant new measures and appropriations. Minn.L. 2024, ch.127. This bill garnered the bare-minimum 34 votes in the Senate—including Senator Mitchell’s. There can be no doubt that bipartisan compromise legislation would have been dramatically different.

⁴ *E.g., Minnesota Lawmaker to Resign After Being Convicted of Felony Burglary*, NBC News (July 21, 2025), <https://www.nbcnews.com/politics/politics-news/minnesota-lawmaker-resign-convicted-felony-burglary-rcna220169>.

⁵ Doc. 32 (2nd Supp. Howell Decl. ¶¶6, 12- 13).

Senator Mitchell’s criminal trial was eventually held in July 2025. Prosecutors adduced in evidence some of the police footage from her arrest. This vividly illustrated that the criminal complaint had been accurate: she was dressed all in black, holding a flashlight, hiding in the basement of her stepmother’s house, told her stepmother that she was “trying to get a couple of my dad’s things,” and told police that “I know I did something bad” and “I have never done anything like this.”⁶ The remainder of the arrest footage—all portions not adduced in evidence—remains unavailable to the public.

The jury convicted Sen. Mitchell of first-degree burglary and possession of burglary tools. *State v. Mitchell*, No. 03-CR-24-654 (Minn.Dist.Ct. 2025). After conviction, Sen. Mitchell resigned her office, but also also appealed her conviction. *Id.*, No. A25-2237 (Minn.Ct.App.). As of the filing of this Petition, after multiple extensions of time, the appeal is still in the briefing stage.

Meanwhile, Ms. Mitchell is seeking to revive her political career. Two weeks before this Petition, she filed to run for Woodbury City Council, in what statewide media are describing as a “comeback bid.”⁷

⁶ Luke Sprinkel, *Bodycam Video from Nicole Mitchell’s Arrest Played in Court During Senator’s Felony Burglary Trial*, Alpha News (July 15, 2025), <https://alphanews.org/bodycam-video-from-nicole-mitchells-arrest-played-in-court-during-senators-felony-burglary-trial/>.

⁷ Ferguson, MPRNews, *Nicole Mitchell wages comeback bid with city council run a year after burglary conviction* (July 22, 2026), <https://www.mprnews.org/story/2026/07/22/nicole-mitchell-wages-comeback-bid-woodbury-city-council-run-year-after-burglary-conviction>. One of the four main “Priorities” listed on the homepage of Ms. Mitchell’s campaign website is “Greater transparency.” <https://www.nicolemitchell.org/>.

C. The Lower Courts Deny the Arrest Footage.

Alpha News is a Minnesota news outlet covering local, state, and federal government. Days after then-Sen. Mitchell's arrest, Alpha News filed this case in the district court, seeking the police video footage of the arrest. No one opposed. The City of Detroit Lakes "took no position," and Sen. Mitchell did not seek to participate. 20 N.W.3d 627, 633-344 & 632 n.1 (Minn.Ct.App. 2025). The district court nevertheless denied the request. The Court of Appeals reversed, holding that "information that would help the public in holding [elected] officials accountable is a 'benefit ... to the public' under the statute, and "we cannot discern ... whether [the district court] applied a meaning of 'benefit ... to the public' that is consistent with our interpretation." *Id.* at 639-40.

While this case was on remand, Sen. Mitchell was tried and convicted. Alpha News filed a supplemental letter notifying the district court, and stating that it still wanted the full footage from her arrest. Once again, no one opposed.

But the district court again denied the release. It stated that the video would not help the public evaluate "their elected officials," because "the information requested is already available to the public in written form." (Add.6-7, 19.) On the other hand, the court found that, because "visual depictions tend to be impactful," releasing the video would harm Ms. Mitchell by risking prejudice to her criminal trial. (Add.7, 19-20.) The fact that the trial was already over played no role in the court's analysis.

Alpha News appealed, arguing that the district court abused its discretion by ignoring the completion of the criminal trial and by incoherently treating the video as "impactful" on the jury pool but not on public political opinion.

The Court of Appeals acknowledged that “[w]e cannot say that Alpha News’s objections are wholly unsupported.” (Add.11.) But it nevertheless affirmed, concluding that “the district court acted within its discretion by confining its analysis to pretrial considerations,” and that it could not reevaluate the district court’s discretionary “balancing of competing factors.” (Add.9, 11)

This Petition follows.

ARGUMENT

This Court’s review is warranted for two reasons. First, this case is important to our State. Second, it presents an important legal issue that this Court should settle: data requests must be evaluated on the facts as they exist and under basic standards of rationality, lest they breed public distrust.

I. The Public Deserves All The Facts About Sen. Mitchell’s Arrest.

Most simply, this Court should grant review because the people of Minnesota have a weighty interest in knowing whatever the government knows about what Sen. Mitchell did on the night of her arrest. As we explained above, Minnesota citizens and businesses now must follow major statutory rules that almost certainly would never have been enacted if the Senate had expelled Sen. Mitchell. Moreover, almost every Senator who voted on the expulsion remains in office today. These are Senators who, if they did not actually view the footage of Sen. Mitchell’s arrest before their votes on retaining her, at least could have requested or subpoenaed the footage. Minnesotans evaluating these politicians

have a strong interest in knowing what they saw, or could have seen. That interest deserves consideration by this Court.

II. The Court Should Clarify That District Courts Have No Discretion To Ignore Undisputed Facts Or Employ Self-Contradictory Logic.

Second, and perhaps more importantly in the long run, this Court’s intervention is needed to correct the lower courts’ problematically broad view of a district court’s “discretion” with respect to requests for criminal investigative data.

In purporting to balance the “benefit” of releasing the footage against the potential “harm,” subd.7, the district court concluded that this “impact[ful]” video evidence seriously risked influencing a jury, but would add nothing significant to political discourse. (Add.7, 17-18.) This did not correspond to reality because the actual jury had already convicted Ms. Mitchell. Moreover, this analysis was self-contradictory because the jury pool and the voting populace heavily overlap—video evidence could not plausibly impact one but not the other.

In other contexts, an abuse of discretion occurs where a decision is “against logic and the facts on record.” *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022). That is exactly what happened here, and the Court of Appeals seems to have recognized it. Waving this away as an unreviewable “discretionary” decision, as the Court of Appeals did, will distort the law and breed public distrust. Our era already features too many conspiracy theories regarding public officials. The law should not encourage more by allowing the public

to be denied data on grounds that are obviously counterfactual and internally incoherent.

CONCLUSION

The Petition should be granted.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this document conforms to the requirements of Minn. R. Civ. App. P. 117, subd. 3 is produced with a proportional 13-point font, and the length of this document is 1,971 words. This Petition for Review of Decision was prepared using Microsoft Word 365, Version 2604.

/s/ Nicholas J. Nelson

Nicholas J. Nelson