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August 10, 2023

Ms. Mary Moriarty
Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487
Email: mary.moriarty@hennepin.us

Via Email

Re: Preservation Notice as to Minnesota State Trooper Ryan Londregan

Dear Ms. Moriarty:

As you know, Peter Wold and I represent Trooper Ryan Londregan regarding the incident pertaining to Mr. Ricky Cobb II (the “Incident”).

As you also know, the Minnesota Bureau of Criminal Apprehension (“BCA”) continues to investigate the Incident. We remain confident that when that investigation is complete, if prosecutors conduct a thorough and impartial review of the BCA’s investigation, they will conclude that all Minnesota State Troopers involved, including our client, Trooper Ryan Londregan, not only acted properly, but heroically.¹

Nevertheless, we have learned through recent media reports that Governor Walz, as well as members of your office, have met with the family of Ricky Cobb II. These meetings are, to say the least, troubling. The Minnesota state and federal constitutions embody the notion that prosecutorial independence is essential to the success of the American judicial process. Impartial prosecutors are critical to the public’s confidence that charging decisions follow the rule of law—and not political winds. Public confidence in such decision-making promotes faith and belief in not only charging decisions, but also the judiciary. And the greater the belief in independent prosecutors and the judiciary, the greater the chance of continued success of our republic.

¹ As you undoubtedly know by now, despite beginning as a Minnesota State Trooper for less than two years now, Trooper Londregan has received numerous accolades for his exceptional law enforcement, including, but not limited to, the Mothers Against Drunk Driving Outstanding Rookie of the Year Award for the year 2022, the Minnesota Department of Public Safety Office of Traffic Safety’s DWI All-Star Award for the year 2022, four recognitions for arresting three impaired drivers in one shift from the Minnesota Department of Public Safety Office of Traffic Safety, and a Minnesota State Patrol Chief’s Commendation Award for DWI Enforcement in 2022.

It is unfortunate, therefore, that these recent, inappropriate meetings compel us to take actions to protect Trooper Londregan's rights. Accordingly, and although we know Trooper Londregan *should* never be charged with any crime, we hereby demand that your office collect, retain, and preserve the following categories of documents²:

1. Documents (including emails, text messages, and voicemails) relating to meetings between the Hennepin County Attorney's Office and any member of the Cobb family (including all associates and individuals accompanying them);
2. Documents (including emails, text messages, and voicemails) relating to meetings between the governor (including, but not limited to, members of his staff) and any member of the Cobb family (including all associates and individuals accompanying them);
3. Documents relating to any communication³ between any member of the Cobb family (including all associates and individuals accompanying them) and the Hennepin County Attorney's Office;
4. Documents relating to any communication between any member of the Cobb family (including all associates and individuals accompanying them) and the governor (including, but not limited to, members of his staff);
5. Documents relating to any communication between the Hennepin County Attorney's Office and the BCA relating to the Incident;

² As used herein, the word "document" means any written, recorded, or graphic material, whether prepared by you or by another person, that is in your possession, custody, or control. The term includes memoranda; reports; letters; telegrams; electronic correspondence; electronic mail (i.e., e-mail); text messages (whether SMS or otherwise); any communications recorded in any form or medium; notes; minutes; and transcripts of conferences, meetings, and telephone or other communications; contracts and other agreements, statements, ledgers, and other records of financial matters or commercial transactions; notebooks, calendars, and diaries; diagrams, graphs, charts, blueprints, and other drawings; plans and specifications; publications, including treatises, books, and periodicals; and published or unpublished speeches or articles; photographs, photocopies, microfilm, microfiche, and other copies or reproductions; tape, disk, and other electronic recordings; and computer printouts. The term "document" also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term "document" includes the original document (or a copy thereof if the original is not available), all drafts, whether or not they resulted in a final document, and all copies which differ in any respect from the original, including any notation, underlining, marking, or information not on the original. Documents include communications.

³ As used herein, the word "communication" means any exchange, transfer, or dissemination of facts or information, regardless of the means by which it is accomplished, and includes any documents attached to the communication.

6. Documents relating to any communication between the governor (including, but not limited to, members of his staff) and the BCA relating to the Incident;
7. Documents relating to any communication between the Hennepin County Attorney's Office and the Minnesota State Patrol relating to the Incident; and
8. Documents relating to any communication between the governor (including, but not limited to, members of his staff) and the and the Minnesota State Patrol relating to the Incident.

Moreover, as you know, Minnesota law commands that the State preserve all evidence (including any and all documents) that may be relevant to any claim/charge against Trooper Londregan or to any potential defense by Trooper Londregan, whether or not those documents fit into one of the five categories listed above. *See, e.g., State v. Jenkins*, 782 N.W.2d 211, 235 (Minn. 2010) (“A defendant’s right to due process of law is implicated when the State loses, destroys, or otherwise fails to preserve material evidence.”). And please note that your duty to preserve documents includes the obligation to disable or turn off all automatic deletion, including the automatic deletion of any email or text messages, on all State of Minnesota agents’ email, cell phones, and other electronic devices.

The Minnesota Supreme Court has held that when “...evidence is destroyed as a result of intentional conduct, we consider whether there is any evidence that the State destroyed or released the evidence ‘to avoid discovery of evidence beneficial to the defense.’ ” *Jenkins*, 782 N.W.2d. at 235 (quoting *State v. Bailey*, 677 N.W.2d 380, 398 (Minn. 2004)). Because you are on notice to preserve the above-described documents, you now know these documents constitute “evidence beneficial to the defense.” *Id.* Therefore, in the unlikely event this matter proceeds to court, we will pursue sanctions relating to any failure to preserve such evidence.

It is unfortunate that I must write this letter. We hope and expect that in the future, your office’s participation in this matter will exhibit a much higher degree of simple fairness—the same fairness *required* by the Minnesota state and federal constitutions.

Very truly yours,



Christopher W. Madel

cc: Peter B. Wold, Esq. (via email @ pwold@wold-law.com)