

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1822**

Alpha News,
Appellant,

vs.

City of Detroit Lakes, et al.,
Respondents.

**Filed July 6, 2026
Affirmed
Ross, Judge**

Becker County District Court
File No. 03-CV-24-706

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Minnesota (for appellant)

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Considered and decided by Ross, Presiding Judge; Cochran, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

After the district court denied Alpha News’s Minnesota Government Data Practices Act (DPA) motion requesting all body-worn and squad-car camera footage from then state senator Nicole Mitchell’s arrest, this court clarified the DPA’s meaning of “benefit . . . to the public” and reversed and remanded the case to the district court “to reconsider Alpha

News’s request” based on our opinion (the first appeal). The district court conducted a hearing on the motion after remand, and Mitchell was convicted of burglary after a trial during which some of the requested video footage was disclosed and therefore became public under the DPA. The district court then reconsidered and denied Alpha News’s motion for release of all the footage. In this second appeal, we hold that deciding the motion on remand based on the circumstances that existed before the appeal rather than on the circumstances after Mitchell’s conviction rested on a reasonable interpretation of our remand instructions. We also hold that the district court acted within its discretion in weighing the statutory factors relevant to the motion. We therefore affirm.

FACTS

Media sources reported in April 2024 that Detroit Lakes police officers had arrested then state senator Nicole Mitchell in the act of burglarizing her stepmother’s house. Mitchell published her explanation of events both on her Facebook page and to the media through her attorney.

Alpha News submitted a Minnesota Government Data Practices Act (DPA) request to the Detroit Lakes Police Department seeking the release of any body-worn and squad-car camera footage from Mitchell’s arrest. The police department refused on the ground that the requested data was confidential because it was part of an active criminal investigation. Alpha News sued the City of Detroit Lakes and moved the district court to compel the requested release. The district court reviewed the video footage *in camera* and denied the motion after it conducted the balancing test required by Minnesota Statutes section 13.82, subdivision 7 (2024) (“subdivision 7”). Alpha News appealed, and we

reversed the dismissal in *Alpha News v. City of Detroit Lakes*, 20 N.W.3d 627, 640 (Minn. App. 2025). We clarified the DPA’s meaning of “benefit . . . to the public” in the subdivision 7 balancing test and we remanded the case to the district court “to reconsider Alpha News’s request” based on our opinion. *Alpha News*, 20 N.W.3d at 632, 634, 638.

Mitchell’s criminal case proceeded simultaneously with Alpha News’s continued litigation to obtain the body-worn and squad-car camera footage. In the criminal case, the state amended its complaint against Mitchell to add details about her offense and quotes from Mitchell allegedly captured by the police cameras. In the data-request case yet before us, Alpha News submitted a supplemental brief and orally argued to the district court on remand for the release of all the footage, repeatedly addressing potential concerns about “pretrial publicity” and discussing release during the “pretrial period.” After Alpha News presented its brief and argued orally, Mitchell was tried and found guilty of first-degree burglary. Some, but not all, of the video footage of Mitchell’s arrest had been played during Mitchell’s trial, effectively making those portions public data under the DPA. Alpha News sent the district court a letter advising the court of the conviction and contending again “that the video footage requested in this case should be released in full.”

The district court issued its decision in a lengthy order that applied the statutory balancing test and again denied Alpha News’s motion. It dismissed the complaint and entered judgment. Alpha News appeals.

DECISION

Alpha News presents three arguments. It argues first that the district court erroneously declared its request moot. It argues second that the district court’s analysis

erroneously ignored the fact that Mitchell had been tried and found guilty. And it argues third that the district court weighed the statutory factors improperly. We address each argument in turn.

I

Alpha News’s contention that the district court wrongly deemed the case moot does not lead us to reverse. It is true that the district court’s order on remand references mootness:

When Alpha News first sought the release of the police body-worn and dash camera footage, the investigation relating to Mitchell was still active and ongoing. The matter has since gone to trial and been adjudicated. Although resolution of the case changes the nature of the requested data and renders [the] Court’s decision in the matter moot, the Court of Appeals considered this matter precedential.

Alpha News describes the district court’s mootness discussion as “difficult to follow” and erroneous. We agree that the issue is not moot, but we disagree that the error affects our decision.

The district court mistakenly described its decision concerning Alpha News’s data request as moot. Mootness is a question of law that we review *de novo*. *Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023). Courts may ordinarily exercise jurisdiction only over justiciable controversies, *In re Guardianship of Tschumy*, 853 N.W.2d 728, 733–34 (Minn. 2014), and a moot controversy is not justiciable, *Snell*, 985 N.W.2d at 283. The district court based its mootness determination on the timing of the request after remand. The DPA generally classifies data based on when the data request is made. Minn. Stat. § 13.03, subd. 9 (2024). When Alpha News moved the district court to order the release of the

footage, the DPA protected the data from release because it constituted criminal-investigative data relevant to an active criminal investigation under Minnesota Statutes section 13.82, subdivision 7. *Alpha News*, 20 N.W.3d at 635–36. A criminal investigation is considered active under this statute until the defendant exhausts or abandons her right to appeal. Minn. Stat. § 13.82, subd. 7(c). Because Mitchell had not exhausted or abandoned her right to appeal at the time of the district court’s decision, the status of the footage (or, as the district court put it, “the nature of the requested data”) continued unchanged and whether to order its disclosure remained a matter of the district court’s discretion.

That the district court mistakenly described its decision concerning Alpha News’s data request as moot does not, however, bear on our decision. We do not correct district court errors that have no effect on the outcome. Minn. R. Civ. P. 61 (explaining that harmless errors are to be ignored). Immediately after its mootness comment, the district court characterized “the matter [as] ‘one capable of repetition, yet evading review,’” indicating that its mootness determination would not prevent it from deciding the motion. *See Kahn v. Griffin*, 701 N.W.2d 815, 821–22 (Minn. 2005) (discussing reasons to decide some moot issues, including those that are “capable of repetition, yet evading review”). Because the district court’s erroneous mootness characterization did not affect its decision, the mischaracterization constituted a harmless error.

II

We also are not persuaded to reverse based on Alpha News’s contention that the district court erroneously ignored the fact that Mitchell had been tried and found guilty, suggesting that the district court should not have limited its analysis of the subdivision 7

factors to issues bearing on pretrial considerations. Alpha News believes that the district court was bound instead to analyze its motion by considering that some of the footage was released during the criminal trial and that Mitchell had been convicted based on the footage. It emphasizes that, under those additional circumstances, some of the requested data had already become public by the time of the district court's analysis. *See* Minn. Stat. § 13.82, subd. 7. But how the district court complies with our remand instructions is a matter of district court discretion. *Janssen v. Best & Flanagan, LLP*, 704 N.W.2d 759, 763 (Minn. 2005). And a district court's decision to follow appellate remand instructions strictly and in limited fashion rather than broadly does not reflect an abuse of discretion. *See Dobbins v. State*, 845 N.W.2d 148, 156 (Minn. 2013); *State v. Jonas*, ___ N.W.3d ___, ___, 2026 WL 1053209, at *4 (Minn. App. Apr. 20, 2026) (holding that the district court abused its discretion by failing to follow our instructions on remand). We do not believe that the district court's narrow approach reflected an abuse of discretion for the following reasons.

It appears to us that the district court was attempting to strictly follow our remand instructions when it prefaced its decision, "This Order is limited to disclosure of data at the pre-trial stage." Our *Alpha News* opinion directed the district court to "reconsider Alpha News's request." 20 N.W.3d at 632. Alpha News had presented its motion at the pretrial stage of Mitchell's criminal proceedings, and the district court had previously considered the motion and balanced the subdivision 7 factors particularly in light of the pretrial circumstances. When we issued our opinion and remanded the case, Mitchell's criminal proceedings remained in the pretrial setting. Likewise, when Alpha News submitted its post-remand brief and its oral argument to the district court, Mitchell's criminal trial had

still not commenced. Alpha News’s brief continued to stress the pretrial nature of the requested disclosure, insisting that “there is value to providing this information to the public *now* as opposed to waiting to see what data becomes public after Senator Mitchell’s criminal trial.” And it emphasized the supreme court’s recognition that “pre-trial publicity . . . can coexist with a fair trial.” Its oral argument focused even more intently on the pretrial circumstances. Counsel for Alpha News specifically referenced “pre-trial publicity,” “pre-trial disclosure,” or the “pre-trial period” six times in only seven transcribed pages. Given our express directive to *reconsider* a decision the district court made in the pretrial setting and Alpha News’s continued focus on disclosure specifically in the pretrial context, the district court’s approach was reasonable despite the facts that developed after the briefing and argument. We hold that the district court acted within its discretion by confining its analysis to pretrial considerations.

We are not persuaded otherwise by Alpha News’s argument that the district court considered other facts that surfaced after the remand but not the facts of Mitchell’s trial and conviction. The only “facts” Alpha News references are the added details in the amended criminal complaint, including new details and another burglary-related charge. Although this amendment occurred after the remand, its substance bore on the pretrial circumstances. These added details naturally could become part of the district court’s balancing of pretrial concerns and demonstrate no inconsistency in reasoning. We acknowledge that, shortly before the district court issued its order, Alpha News alerted the district court that Mitchell had been tried and convicted and that some of the body-worn camera footage had been played during her trial and therefore made public. But its letter

did not ask the district court to parse out the public footage from any remaining confidential footage, and Alpha News did not amend its motion or bring a new motion with new argument based on disclosure of footage during trial or based on the fact of Mitchell's conviction. Indeed, the letter repeated the same request already before the district court "that the video footage requested in this case should be released in full" and that "the Court [should] grant [Alpha News's existing] motion." Under these circumstances, we cannot say that the district court was bound to alter its established course to decide the motion in the context in which it was originally presented.

III

We also conclude that the district court acted within its discretion in weighing the subdivision 7 factors and declining to direct the city to disclose the requested data. A district court may order the release of criminal-investigative data protected as part of an active criminal investigation under the DPA if, following an *in camera* review, it finds "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." Minn. Stat. § 13.82, subd. 7. We review a district court's subdivision 7 balancing analysis for an abuse of discretion. *Alpha News*, 20 N.W.3d at 635. And an abuse of discretion occurs when a district court misapplies the law or reaches a decision contrary to logic and the record. *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022). The district court analysis reflects its weighing of factors and decision not to order the footage released—matters that fall within its discretion.

The district court followed the statute's directive. It listed and discussed all the benefits to the public that Alpha News had identified as resulting from disclosing the

footage. These benefits included aiding the public in choosing elected officials, holding elected officials accountable for their actions, judging the accuracy of Mitchell's exculpatory comments, holding police accountable for their interactions with the public and the accuracy of their reporting of their conduct, aiding citizens in petitioning officials to support or oppose the senate ethics investigation into Mitchell's conduct, and helping the media disseminate news. The district court also listed and discussed harms that might result from requiring the city to disclose the footage. These included potential personal harm to Mitchell as a private citizen apart from her official role, the impact on her opportunity for a fair trial based on evidentiary and jury-tainting concerns, and possible undue public "speculation and spectacle." The district court's analysis included its express balancing of these positive and negative concerns against each other. Its detailed discussion of these matters took up 16 pages of its 19-page memorandum.

Alpha News complains essentially that the district court's analysis was a strained effort that gave too much weight to the potentially harmful factors and not enough weight to the beneficial factors. It would have us conclude that "[t]he district court shortchanged the public-accountability benefit from releasing the footage" and that its reasoning was "self-contradictory" and based on exaggerated concerns. We cannot say that Alpha News's objections are wholly unsupported. But at the core, its argument would have us conduct our own weighing of benefits and harms and engage in our own balancing of them. It asks us implicitly to conduct the subdivision 7 analysis and expressly to "authorize disclosures of the data." The argument overlooks the deference afforded to district courts in the balancing of competing factors. *See In re Civ. Commitment of Kenney*, 963 N.W.2d 214,

221–22 (Minn. 2021). Equally fatal to its position on appeal, Alpha News overlooks the clearly discretionary nature of the district court’s ultimate decision of whether to order disclosure after balancing the competing interests: “The court *may* order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action.” Minn. Stat. § 13.82, subd. 7 (emphasis added). We will not substitute our judgment for that of the district court.

Affirmed.