Rule 615. Exclusion of Witnesses

At the request of a party the court may order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion.

Committee Comment - 1989

The rule conforms to existing law in Minnesota and is consistent with Minn. R. Crim. P. 26.03 subd 7. The rule, unlike the federal rule, leaves the issue subject to the discretion of the trial court. A request for sequestration in criminal cases rarely should be denied. State v. Jones, 347 N.W.2d 796 (Minn. 1984); State v. Garden, 267 Minn. 97, 125 N.W.2d 591 (1963). The committee agrees, however, with the Advisory Committee Note to Fed. R. Evid. 615 that investigating officers, agents who were involved in the transaction being litigated, or experts essential to advise counsel in the litigation can be essential to the trial process and should not be excluded.