

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,

vs.

**NOTICE OF APPEAL BY THE
PROSECUTING ATTORNEY TO THE
COURT OF APPEALS FROM
DISTRICT COURT ORDER DENYING
CONTINUANCE AND ORDERING
SEVERANCE**

J. Alexander Kueng,

Court File No.: 27-CR-20-12953

Thomas Kiernan Lane

Court File No.: 27-CR-20-12951

Tou Thao,

Court File No.: 27-CR-20-12949

Defendants.

To: Clerk of Appellate Courts
305 Minnesota Judicial Center
25 Dr. Martin Luther King Blvd.
St. Paul, MN 55155-6102

Clerk of District Court
C-1251 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Thomas Plunkett
U.S. Bank Center
Suite 1500
St. Paul, MN 55101
Attorney for Defendant Kueng

Judge Peter Cahill
Judge of District Court
C-731 Government Center
300 South Sixth Street
Minneapolis, MN 55487

Earl Gray
1st Bank Building
332 Minnesota Street Suite W1610
Saint Paul, Minnesota 55101
Attorney for Defendant Lane

Robert Paule
920 Second Avenue South
Ste. 975
Minneapolis, MN 55402
Attorney for Defendant Thao

Cathryn Middlebrook
Chief Appellate Public Defender
540 Fairview Avenue North, Ste. 300
St. Paul, MN 55104

PLEASE TAKE NOTICE that the prosecuting attorney in the above-entitled cases hereby appeals to the Court of Appeals of the State of Minnesota from written orders, dated January 11 and January 21, 2021, by the Honorable Peter Cahill, Judge of Hennepin County District Court, *sua sponte* severing Defendants' trial and ordering that it proceed on August 23, 2021.

The Statement of the Case is attached.

DATED: January 28, 2021

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Matthew Frank
By: MATTHEW FRANK
Assistant Attorney General
Atty. Reg. No. 021940X
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1448 (Voice)
(651) 297-4348 (Fax)
matthew.frank@ag.state.mn.us

ATTORNEYS FOR PLAINTIFF