

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Case Type: Criminal
Court File No. 27-CR-20-12949

Plaintiff,

vs.

Tou Thao,

Defendant.

**SUPPLEMENTAL PROSECUTION
DISCLOSURE PURSUANT TO
RULE 9.01, SUBD. 1**

TO: The above-named defendant and defendant's attorney, Robert Paule, 920 Second Avenue South, Ste. 975, Minneapolis, MN 55402.

Pursuant to Rule 9.01, subd. 1, Minn. R. Crim. P., attached please find the following supplemental disclosure consisting of pages 38846-39912, incorporating by reference all previous disclosures:

- _____ Police/investigative report(s)
- _____ Statement(s) relating to the case
- _____ Statement(s) of the defendant and/or accomplice(s)
- _____ Social service report(s)
- _____ Search warrant(s)
- _____ Laboratory report(s)
- _____ Report(s) of medical or mental examination(s)
- _____ Criminal history information
- _____ Evidence receipt(s)
- _____ Diagram(s)/documentary exhibit(s)
- X Photograph(s), video tape(s), audio tape(s), and DVDs

- _____ Business/public record(s)
- _____ Spreigl material
- _____ Exculpatory material
- X Other: Expert Witness Rule-26 Report of Michael Berkow, Report of Investigation, Affidavit of Scott A. Stillman, Preliminary Expert Report of John J. Ryan, Preliminary Expert Report of Dr. William Manion, Expert Report of John J. Ryan, Report or Affidavit of Glenn G. Hardin, MPH, DABFT, Report or Affidavit of William Louis Manion, M.D., Expert Report of Dr. S. Charles Schulz, II, Report or Affidavit of Michael M. Baden, M.D., Videotaped Deposition of Theodore C. Chan, M.D., Report or Affidavit of Sellman Charles Schulz, II, M.D., Report or Affidavit of Lawson F. Bernstein, Jr., M.D., Deposition of Joshua O. Zimmerman, Videotaped Deposition Transcript of Andrew M. Baker, M.D., Complaint, Memorandum In Support of Plaintiff's *Daubert* Motion to Exclude the Studies and Testimony of Theodore Chan, Reply Memorandum In Support of Plaintiff's *Daubert* Motion to Exclude the Studies and Testimony of Theodore Chan, The American Journal of Forensic Medical and Pathology - Asphyxial Death During Prone Restraint Revised: A Report of 21 Cases, Reports/Letters from Michael M. Baden, M.D. regarding David Cornelius Smith, deceased, Reports from Theodore C. Chan, M.D. regarding *Smith vs. City of Minneapolis*, No. 11-CV-03071, CV of Theodore Craig Chan, M.D., Exhibits 1-11 - Fussy Exhibit A, A Guide for Manner of Death Classification, Hennepin County Medical Examiner's file regarding David Smith.

The State may, pursuant to Minn. R. Evid. 608(b) or any other rule, cross-examine defendant, if defendant testifies, about any of defendant's conduct that is disclosed as part of this, any previous, or any subsequent, disclosure.

PURSUANT TO MINN. R. CRIM. P. 9.03, SUBD. 4, DISCOVERY MATERIALS SHALL REMAIN IN THE CUSTODY OF DEFENSE COUNSEL, shall not be placed in defendant's custody, and shall be used by defense counsel only for the purpose of conducting that attorney's side of the case. Absent an order from the court issued upon written motion, failure to comply with Minn. R. Crim. P. 9.03, subd. 4, may result in sanctions pursuant to Minn. R. Crim. P. 9.03, subd. 8.

Dated: November 24, 2020

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Matthew Frank
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