

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**STATE'S FIRST SET OF  
MOTIONS *IN LIMINE***

v.

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: The Honorable Peter A. Cahill, Judge of District Court, and counsel for Defendants, Earl Gray, 1st Bank Building, 332 Minnesota Street, Suite W1610, St. Paul, MN 55101; Thomas Plunkett, U.S. Bank Center, 101 East Fifth Street, Suite 1500, St. Paul, MN 55101; Robert Paule, 920 Second Avenue South, Suite 975, Minneapolis, MN 55402.

**NOTICE OF MOTIONS**

PLEASE TAKE NOTICE that on June 13, 2022, or as soon thereafter as counsel may be heard, the State of Minnesota will bring the following motions in limine.<sup>1</sup>

**MOTIONS**

1. The State moves this Court to prohibit defense counsel from engaging in speaking objections and to require all arguments in support of an objection to occur at a bench conference or to otherwise occur outside of the jury's perception. *See generally* Minn. R. Evid. 103(c).

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<sup>1</sup> The State intends to notice and file additional motions *in limine* at a later date.

2. The State moves this Court to prohibit Defendants from introducing irrelevant character evidence not permitted by the rules of evidence or case law. *See* Minn. R. Evid. 404(a)(1) (permitting only evidence “of a pertinent trait of character”); *State v. Lasnetski*, 696 N.W.2d 387, 395 (Minn. App. 2005).
3. The State moves this Court to prohibit reference to Defendants’ spouses, children, or other family members in opening statements, closing arguments, and direct or cross-examinations. *See* Minn. R. Evid. 402, 403, 404(a)(1).
4. The State moves this Court to prohibit Defendants’ counsel from commenting at any time during the trial or during closing arguments on the failure or alleged failure of the prosecution to call a witness or introduce evidence equally available to either party. *See State v. Bernardi*, 678 N.W.2d 465, 471 (Minn. App. 2004) (citing *State v. Thomas*, 232 N.W.2d 766, 768 (Minn. 1975)).

Dated: April 1, 2022

Respectfully submitted,

KEITH ELLISON  
Attorney General  
State of Minnesota

**/s/ Matthew Frank**  
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