

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

**NOTICE OF INTENT TO
USE SPREIGL EVIDENCE**

PLAINTIFF,

V.

TOU THAO,

DEFENDANT.

COURT FILE NO. 27-CR-20-12949

TO: THE HONORABLE PETER A. CAHILL, JUDGE OF DISTRICT COURT, AND
MR. MATTHEW G. FRANK, ASSISTANT ATTORNEY GENERAL

NOTICE OF MOTION

Please take notice, that Tou Thao (“Mr. Thao” herein) moves the Court to admit evidence of George Floyd’s (“Mr. Floyd” herein) arrest of May 6, 2019 at the trial of *State v. Thao* pursuant to Minn. R. Evid. 404(b), Minn. R. Evid. 404(a)(b) and *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965).

MOTION

Pursuant to Minn. R. Evid. 404(b) and *State v. Spreigl*, 139 N.W. 2d 167 (Minn. 1965), Mr. Thao, by and through counsel respectfully moves the Court for an order allowing for the admission of *Spreigl* evidence – specifically evidence of Mr. Floyd’s prior arrest of May 6, 2019.

Evidence concerning Mr. Floyd’s commission of another crime is admissible *Spreigl* evidence. *Spreigl*, 139 N.W.2d 167. As Mr. Thao shows the need to admit the *Spreigl* evidence for the proper purposes of showing Mr. Floyd’s intent, absence of mistake, and common scheme

or plan, the evidence will be admissible at trial. Clear and convincing evidence shows that Mr. Floyd was previously arrested for possession of narcotics, and once confronted by police Mr. Floyd ingested enough narcotics to require hospitalization. Mr. Floyd's prior acts are relevant and material to Mr. Thao's case in that they go directly to the cause and *manner* of death.

Respectfully submitted,

Dated: This 16th day October, 2020

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