

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

---

STATE OF MINNESOTA,

**DEFENDANT’S**  
**AMENDMENTS TO**  
**MOTIONS IN LIMINE #55**  
**AND #63**

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

On May 13, 2022, Mr. Thao filed Defendant’s Motions in Limine. Index #554. Mr. Thao now respectfully amends two of those motions for clarity.

**Motion in Limine 55**

First, Mr. Thao respectfully moved this Court for “[a]n order precluding improper questioning or testimony of use of force by any witness.” Index #554, *Motion in Limine 55*. Mr. Thao amends *Motion in Limine 55* to read as:

An order precluding improper questioning or testimony **on** use of force by any witness.

**Motion in Limine 41**

Secondly, Mr. Thao respectfully moved this Court for the following:

Defense moves the Court to reconsider its Trial Management Order issued on May 25, 2022, regarding its ruling on headset

conversations being off the record. To protect the defendant's State and Federal Constitutional right to an open proceeding, defense moves to make spoken objections on the record. Having objections on headsets and only privy to the attorneys and Judge would constitute a closure of the courtroom. Additionally, it would result in incomplete record of objections made by counsel which would hinder any potential appeals and be in violation of Minn. Stat. §486.02.  
Index #554, *Motion in Limine* 63.

Mr. Thao respectfully amends this motion by adding the following statement:

In this Court's Trial Management Order, the Court stated that "Sidebar conferences in the presence of jurors shall be conducted using the wireless headset devices provided by the Court. All such conferences shall be off the record unless a party makes a specific request to have the conference on the record". Index # 542. Mr. Thao makes his specific request at this time to have all sidebar conferences on the record during trial unless specifically stated otherwise.

Dated: This 20<sup>th</sup> day of May, 2022

/s/ Robert M. Paule  
Robert M. Paule (#203877)  
Robert M. Paule, P.A.  
920 Second Avenue South  
Suite 975  
Minneapolis, MN 55402  
T: (612) 332-1733  
F: (612) 332-9951

Natalie R. Paule (#0401590)  
Paule Law P.L.L.C.  
101 East Fifth Street  
Suite 1500  
St. Paul, MN 55101  
T: (612) 440-3404  
nrp@paulelaw.com

Attorneys for Tou Thao