

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

DEFENDANT’S
MEMORANDUM OF
LAW IN SUPPORT OF
MOTION IN LIMINE #25

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 respectfully moved the Court for “[a]n order prohibiting non-expert witnesses from offering opinions as to the use of force used, amount of force, effects of force, or psychological/medical effects of force used.” *See Id. – Motion in Limine 26.*

Counsel noted the State elicited bystander testimony regarding the force used during Mr. Floyd’s arrest and the affects of that force in *State v. Chauvin*. Mr. Thao moves this court to prohibit any questioning or testimony of non-expert witnesses on the use of force, amount of force, effects of force, and/or psychological/medical effects of force used on Mr. Floyd. Non-expert witness testimony on those topics violates Minn. R. Evid. 602 and Minn. R. Evid. 701.

Dated: This 20th 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