

1 STATE OF MINNESOTA DISTRICT COURT

2 COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

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4 State of Minnesota,)

5 Plaintiff,) First Appearance

6 vs.) Case No. 27-CR-20-12949

7 Tou Thao,)

8 Defendant.)

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10 The above-entitled matter came on for hearing before
11 the Honorable Paul Scoggin, one of the judges of the
12 above-named court, in Courtroom 141 of the Public Safety
13 Facility, city of Minneapolis, county of Hennepin, state
14 of Minnesota, on the 4th day of June, 2020, at 12:54 p.m.

14 APPEARANCES

15 MATTHEW FRANK, Assistant Attorney General, appeared
16 for and on behalf of the plaintiff;

17 ROBERT PAULE, ESQ., Attorney at Law, appeared for and
18 on behalf of the defendant;

19 TOU THAO, Defendant, was personally present.

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25 REPORTED BY: Lisa Iaria Knisley, Official Court Reporter

1 P R O C E E D I N G S

2 THE CLERK: Your Honor, calling line 3, Tou
3 Thao, here on a first appearance, needs to be ID'd,
4 and he has private counsel present.

5 THE COURT: Appearances, please.

6 MR. FRANK: Good morning, Your Honor,
7 Assistant Attorney General Matthew Frank on behalf of
8 the State.

9 MR. PAULE: Good afternoon, Your Honor, Robert
10 Paule, P-A-U-L-E. I'm here for Mr. -- it's pronounced
11 Thao, for the Court's information. Good afternoon.

12 THE COURT: Thank you. Good afternoon to both
13 counsel. Good afternoon, Mr. Thao.

14 Mr. Thao -- well, Mr. Paule, you are asserting
15 that there is proper ID in the court information?

16 MR. PAULE: Yes, Your Honor.

17 THE COURT: With that, acknowledging receipt
18 of the complaint, waive its reading?

19 MR. PAULE: I would, Your Honor.

20 THE COURT: All right. On bail.

21 MR. FRANK: Thank you, Your Honor. Obviously,
22 the Court is well aware of what the charges are in
23 this case. It's a very serious case with a lot of,
24 obviously, public awareness of the rather serious
25 charges. Because of that and the obvious, I think,

1 potential pressures to flee and to be difficult to
2 find, we would ask the Court to impose a million
3 dollars unconditional bail and 750,000 with
4 conditions. We would specifically ask that -- as
5 those special conditions that the defendant not work
6 in any law enforcement or security capacity; that he
7 surrender any firearms; and if he does have a firearms
8 permit, that that be surrendered as well. He's no
9 longer a licensed peace officer -- well, he's a
10 licensed peace officer but no longer employed as a
11 peace officer, but if he does have a permit, we would
12 ask that that be surrendered. Your Honor, we would
13 have -- we would also ask that he be ordered not to
14 have any contact with the victim's family and then all
15 the other, of course, usual conditions: Remain law
16 abiding, maintain contact, and so on.

17 THE COURT: Mr. Paule.

18 MR. PAULE: Thank you, Your Honor. I
19 understand that the -- the Court obviously has to make
20 a determination based on two factors: One is the risk
21 to public safety; one is the likelihood of my client
22 appearing in court.

23 With regard to the risk to public safety, I do
24 understand the nature of these charges. That being
25 said, this is a very different type of charge. This

1 occurred during the course of my client's employment
2 as a peace officer, and obviously, this is a very
3 unusual situation from a legal standpoint. I would
4 point out to the Court that, at least in my opinion,
5 the public safety aspect is somewhat different than,
6 perhaps, a normal person with these types of charges.
7 That being said, I know this Court will curry no favor
8 to either side.

9 With regard to the second issue, which is the
10 likelihood of my client appearing in court, I would
11 point out that my client has long-term ties -- I
12 believe is a lifelong metropolitan resident. He is
13 married. He has children. Up until recently, he was
14 employed.

15 I was -- I've been representing Mr. Thao since
16 last Tuesday. We have been in constant contact with
17 the people on the other side of this, specifically
18 dealing with the Hennepin County Attorney's Office,
19 agents from the BCA, as well as now the Attorney
20 General's Office. We've been monitoring the situation
21 closely. My client has been cooperating with the
22 investigation. We actually went in this Tuesday and
23 gave a statement to the Bureau of Criminal
24 Apprehension. I accompanied my client to that, and
25 when we were made aware -- may I add, made aware not

1 through the Attorney General's Office but through law
2 enforcement -- that they had issued a complaint and
3 issued a warrant for my client, I personally made
4 arrangements to have him turn himself in yesterday.
5 He is no risk to flee so I ask the Court to impose a
6 much, much lower bail than what the Attorney General's
7 Office is asking.

8 I would ask the Court to consider issuing a
9 \$200,000 bail or a \$100,000 bail with conditions, and
10 with regard to those conditions, I do not have any
11 objection to any of those. I know that my client
12 surrendered his firearm when he was asked to do so. I
13 will ask and check with him if there are any other
14 firearms. I will make sure that those are no longer
15 in his possession and in a proper place, and I will
16 also deal with the aspect of any potential permit to
17 carry as well.

18 THE COURT: Mr. Thao, I'm hard pressed to come
19 up with any comparison under the rules for setting
20 bail in this case. I'm going to set bail in the
21 amount of \$1 million with no conditions; \$750,000 with
22 conditions. Those conditions are that you make all
23 your court appearances; you remain law abiding -- your
24 next court appearance will be June the 29th -- that
25 you not have any contact with any member of the

1 victim's -- alleged victim's family; you will be on
2 supervised release, if you post; no law enforcement or
3 security work; surrender permits; you may not be in
4 possession of firearms or ammunition.

5 Your next appearance is June the 29th at 9:00.
6 It will be across the street in the home -- or in the
7 Government Center. Thank you.

8 MR. FRANK: Your Honor, may I interrupt for
9 just a moment?

10 THE COURT: Yep.

11 MR. FRANK: I would also like to request that
12 he agree to waive extradition should he leave the
13 state.

14 THE COURT: Mr. Paule?

15 MR. PAULE: No objection, Your Honor.

16 THE COURT: I'll also order, sir, that you
17 sign a waiver of extradition.

18 MR. FRANK: Thank you, Your Honor.

19 THE COURT: Thank you.

20 MR. FRANK: Thank you, Your Honor.

21 THE COURT: The record should reflect that the
22 defendant has signed a waiver of extradition, and I am
23 evidencing that by attaching my signature.

24 (The proceedings were concluded at 1:01 p.m.)
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1 STATE OF MINNESOTA)

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3 COUNTY OF HENNEPIN)

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5 REPORTER'S CERTIFICATE

6 I, Lisa Iaria Knisley, Official Court
7 Reporter, do hereby certify that I reported the
8 foregoing proceedings as a Remote Stenographic Court
9 Reporter via CourtSmart and thereafter transcribed the
10 same, as evidenced by the foregoing transcript, and
11 that the same is a true and correct transcription to
12 the best of my ability of said matter heard before the
13 Honorable Paul Scoggin, one of the judges of the
14 Fourth Judicial District, city of Minneapolis, county
15 of Hennepin, state of Minnesota, on the 4th day of
16 June, 2020.

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22 Dated and signed this 4th day of June, 2020.

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24 /s/ Lisa Iaria Knisley
25 Lisa Iaria Knisley
Official Court Reporter