

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Criminal
Court File No. 27-CR-21-7460

State of Minnesota,

Plaintiff,

vs.

Kimberly Ann Potter,

Defendant.

**NOTICE OF DEFENDANT'S PRIOR
CONDUCT THAT THE STATE INTENDS
TO OFFER AT TRIAL**

TO: The Honorable Regina M. Chu, the above-named defendant and defendant's counsel,
Earl Gray, 1st Bank Building, 332 Minnesota Street, Ste. W1610, St. Paul, MN 55101;
Paul Engh, Ste. 2860, 150 South Fifth Street, Minneapolis, MN 55402.

First, PLEASE TAKE NOTICE that the State intends to introduce at trial evidence that on prior occasions, including on March 13, 2013 and June 15, 2016, Defendant drew her Taser during the exercise of her duties as a law enforcement officer. *See* Brooklyn Center Police Department Case Nos. 13-001090, 16-002156; *see also* Bates Nos. 6236-41, 6275-81. These incidents are relevant to show Defendant's proper application of her training regarding the use of a Taser and her knowledge of how to safely and properly draw her Taser. The State also intends to introduce evidence of two additional incidents in which Defendant deployed and fired her Taser, which she described in her interview with one of her retained experts.

Second, PLEASE TAKE NOTICE that the State intends to introduce at trial evidence that from at least as early as 2016 through 2021, Defendant carried her Taser on the reaction side of her duty belt and in a way that required a straight draw, similar or identical to how she carried her

Taser on the date of the incident. Defendant's consistent holstering and positioning of her weapons is also relevant to the issues in this case.

In giving such notice, the State does not concede that any of these specific instances above constitute evidence requiring notice under Minn. R. Evid. 404 or *State v. Spreigl*, 139 N.W.2d 167 (Minn. 1965). The State also reserves the right to offer these specific incidents as impeachment evidence should Defendant testify.

Dated: October 1, 2021

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Matthew Frank
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