

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**

State of Minnesota, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **MOHAMED MOHAMED NOOR,** )  
 )  
 Defendant. )

**STATE’S AMENDED MOTION TO  
EXCLUDE OR LIMIT TESTIMONY OF  
DEFENSE WITNESS EMANUEL  
KAPELSOHN**

MNCIS No: 27-CR-18-6859

\* \* \* \* \*

To: THE HONORABLE KATHRYN QUAINANCE, HENNEPIN COUNTY DISTRICT COURT JUDGE; COUNSEL FOR DEFENDANT; AND DEFENDANT.


**AMENDED NOTICE OF MOTION AND MOTION**

The defendant is charged with second degree intentional murder, third degree murder, and second degree manslaughter. The case is set for trial April 1, 2019. Pursuant to the Minnesota Rules of Evidence and the laws of the State of Minnesota, the State hereby moves the Court to exclude testimony from defense witness Emanuel Kapelsohn on grounds that he is not sufficiently qualified to render an expert opinion in this case. Alternatively, the State moves the court for an order limiting Mr. Kapelsohn’s testimony to conform to the rules of evidence and laws of the State of Minnesota.

In addition to those issues previously raised in the State’s supporting memorandum filed on February 15, 2019, the State further asserts Mr. Kapelsohn is insufficiently qualified to render an opinion on either Officer Harrity’s or the defendant’s purported psychological response to stress, including physical and perceptual changes during stressful events, perceptual or cognitive distortions, body alarm reaction, memory distortion, or auditory exclusion. Mr. Kapelsohn also is insufficiently qualified to render an opinion based on “force science.”

Respectfully submitted,

MICHAEL O. FREEMAN  
Hennepin County Attorney

By:   
AMY E. SWEASY (26104X)  
Assistant County Attorney  
C-2100 Government Center  
Minneapolis, MN 55487  
Telephone: (612) 348-5561

By:   
PATRICK R. LOFTON (0393237)  
Assistant County Attorney  
C-2100 Government Center  
Minneapolis, MN 55487  
Telephone: (612) 348-5319

Dated: March 15, 2019