

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Case Type: Criminal
Court File No. 27-CR-20-12949

Plaintiff,

AFFIDAVIT OF MATTHEW FRANK

vs.

Tou Thao,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

MATTHEW FRANK, being first duly sworn deposes and states:

1. I am an Assistant Attorney General representing the State of Minnesota in the above-captioned matter. I make this affidavit in support of the State's Response Opposing Defendant's Motion To Dismiss For Lack Of Probable Cause.

2. Submitted herewith as Exhibit 1 are true and correct copies of pertinent portions of the Minneapolis Police Department's Policy and Procedure Manual.

3. Submitted herewith as Exhibit 2 will be a true and correct copy of the cell phone video recorded by Darnella Frazier on May 25, 2020.

4. Submitted herewith as Exhibit 3 are relevant portions of the Minneapolis Police Department's 2019 Use of Force Manual.

5. Submitted herewith pursuant to Minn. Stat. § 480A.08, subd. 3, is a copy of *State v. Trevino*, No. A14-0252, 2015 WL 1401464 (Minn. Ct. App. Mar. 30, 2015).

FURTHER AFFIANT SAYETH NAUGHT.

/s/ Matthew Frank
MATTHEW FRANK

Subscribed and sworn to before me
this 24th day of August 2020.

/s/ Ann M. Chalmers
Notary Public

My Commission Expires Jan. 31, 2022