

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Plaintiff,

vs.

**STATE'S MOTION TO PROHIBIT
DEFENDANTS FROM FILING
EXPERT REPORTS**

Derek Michael Chauvin,

Court File No.: 27-CR-20-12646

J. Alexander Kueng,

Court File No.: 27-CR-20-12953

Thomas Kiernan Lane,

Court File No.: 27-CR-20-12951

Tou Thao,

Court File No.: 27-CR-20-12949

Defendants.

TO: The Honorable Peter A. Cahill, Judge of District Court, and counsel for Defendants, Eric J. Nelson, Halberg Criminal Defense, 7900 Xerxes Avenue South, Suite 1700, Bloomington, MN 55431; Robert Paule, 920 Second Avenue South, Suite 975, Minneapolis, MN 55402; Earl Gray, 1st Bank Building, 332 Minnesota Street, Suite W1610, St. Paul, MN 55101; Thomas Plunkett, U.S. Bank Center, 101 East Fifth Street, Suite 1500, St. Paul, MN 55101.

The State hereby moves the Court for an Order prohibiting the Defendants from filing their retained experts' reports with the court. An expert's report is part of the discovery in a criminal case. *See* Minn. R. Crim. P. 9.02, subd. 1(2)(b), 1(4)(d). The rules of criminal procedure plainly provide that the parties are not to file discovery with the court unless the court directs otherwise. *See* Minn. R. Crim. P. 9.03, subd. 9. Filing the reports before the Court has had an opportunity to determine that the content is admissible in trial could prejudice potential jurors. The Defendants each filed their initial expert witness disclosures with the court and so it is reasonable to expect that they will likewise file their expert reports in contravention of Rule 9.03, subd. 9. Filing of the

expert reports at this time serves no purpose for the proceedings. For these reasons, the State respectfully requests that the court specifically Order the Defendants to comply with Rule 9.03, subd. 9 and not file their expert reports with the Court.

Dated: January 29, 2021

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Matthew Frank
MATTHEW FRANK
Assistant Attorney General
Atty. Reg. No. 021940X

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1448 (Voice)
(651) 297-4348 (Fax)
matthew.frank@ag.state.mn.us

ATTORNEYS FOR PLAINTIFF