

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,
Plaintiff,
v.
Mohamed M. Noor,
Defendant.

Court File No.: 27-CR-18-6859

**DEFENDANT'S SECOND
MOTION IN LIMINE**

NOTICE OF MOTION

PLEASE TAKE NOTICE that on March 28 or March 29, 2019, at 9:00 AM, or as soon thereafter as counsel may be heard, before the Honorable **KATHRYN L. QUAINTANCE**, Judge of District Court, Defendant, by and through his attorneys, will make the following Motion:

MOTION

Defendant, Mohamed M. Noor, by and through his attorneys, and pursuant to Minnesota Rule of Evidence 702, moves this Court to for an Order allowing Defendant to examine two of the State's proposed experts to determine whether they are qualified.

**I. MOTION TO EXAMINE STATE EXPERTS TO DETERMINE
QUALIFICATIONS**

The State has requested a hearing to determine the qualifications of Defendant's expert Emanuel Kapelsohn. At the pre-trial hearing on March 1, 2019, the Court granted the State's request for a hearing. The Court also allowed Defendant to make a similar

request to examine the State's experts with regards to their qualifications. Defendant requests the opportunity to examine two of the State's numerous experts with regards to their qualifications. Specifically, Defendant requests the State produce Derrick Hacker and Timothy Longo for examination to determine their qualifications as expert witnesses.

Derrick Hacker's report suggests he will offer expert testimony regarding Defendant's conduct as a police officer and use of force on July 15, 2017. Mr. Hacker is an administrative officer in the investigative unit of a suburban Minnesota police department. The majority of his use of force training appears to have occurred prior to 2009. He was a use of force coordinator for his suburban department in 2010. Since then, it appears the bulk of his training has been related to SWAT and administrative or leadership courses. While he does appear to have administrative or supervisory roles in use of force with his current employer, he does not appear to have published any articles on use of force. It also appears this will be Mr. Hacker's first time testifying in district court as an expert witness. His CV does not indicate he has been qualified as an expert witness in district court.

Because Mr. Hacker has never been found to be an expert in district court and because his CV suggests his professional emphasis shifted after 2010 from use of force to SWAT and Administrative roles, Defendant has concerns whether Mr. Hacker's current training and experience would qualify him as an expert pursuant to Rule 702 of the Minnesota Rules of Evidence. As a result, Defendant respectfully requests an opportunity to examine Mr. Hacker to determine whether he is currently qualified to offer testimony

regarding use of force.

Timothy Longo, like Mr. Hacker, is being offered as an use of force expert and as an expert of police policy. Mr. Longo became a police officer in 1984, but appears to have retired from law enforcement in 2016. He served half of his career in the Baltimore Police Department before becoming the chief of the Charlottesville, Virginia Police Department in 2001. His job experience in Baltimore appears to have been primarily related to technical services, specifically overseeing the communication system of the police department. His CV does not suggest he has received any specialized training, beyond that of an ordinary police officer, in use of force. It also does not appear he has lectured, taught, or published any articles on use of force. Like Mr. Hacker, Defendant has concerns whether Mr. Longo has sufficient experience and education in the use of force to qualify as an expert pursuant to Rule 702, and as a result, Defendant respectfully requests an opportunity to examine Mr. Longo to determine whether he is currently qualified to offer testimony regarding use of force.

Respectfully submitted,

Dated: March 8, 2019.

s/ Thomas C. Plunkett

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