

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

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

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State of Minnesota,

Plaintiff,

vs.

Kimberly Ann Potter,

Defendant.

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**STATE'S MOTION TO EXCLUDE  
IRRELEVANT EVIDENCE PERTAINING  
TO DAUNTE WRIGHT AND OTHER  
STATE WITNESSES**

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

**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE that the State hereby moves the Court for an order excluding the following improper and irrelevant evidence pertaining to Daunte Wright and other State witnesses.

**INTRODUCTION**

Defendant Kimberly Ann Potter killed Daunte Wright during a traffic stop on April 11, 2021. During this traffic stop, Defendant and other officers attempted to place Mr. Wright under arrest pursuant a gross misdemeanor warrant. Mr. Wright attempted to get back into his vehicle and Defendant, after yelling that she would tase Mr. Wright, shot him once with her handgun. This shooting resulted in Mr. Wright's death. The State charged Defendant with one count of first-degree manslaughter and one count of second-degree manslaughter as a result of this incident. A jury trial is set to begin on November 30, 2021.

The defense has made clear through its filings that it will argue that this death at Defendant's hands was a mere "innocent mistake" and to blame Mr. Wright for his own death. (Def. Mot. to Suspend Deadline for the Disclosure of Experts, 2 ¶ 6). The defense has openly "welcome[d] press scrutiny of Mr. Wright's lawlessness." (Def. Mem. in Opp. to the State's Mot. for Visual and Audio Coverage of Trial, 5). But this case is not about "Mr. Wright's lawlessness." This case is not about the "lawlessness" of any of the State's witnesses. This case is about Defendant's rash and reckless conduct which killed Mr. Wright. Whether Defendant is guilty of a crime must be determined in light of facts known to Defendant during the incident. Accordingly, the State respectfully moves this Court to exclude irrelevant evidence concerning any allegations of prior criminal activity of Mr. Wright, any prior contacts of Mr. Wright with police, any alleged gang affiliation of Mr. Wright, any argument related to a restraining order against Mr. Wright, and any evidence of drug use by Mr. Wright. Additionally, the State respectfully moves this Court to exclude any evidence related to drug use or possession by Ms. Albrecht-Payton, to prohibit the defense from introducing evidence any of State's witness' prior convictions, and any attendance at events or demonstrations related to this case by any State witness.

### **ARGUMENT**

#### **I. THE COURT SHOULD EXCLUDE ANY REFERENCE TO IMPROPER CHARACTER EVIDENCE PERTAINING TO DAUNTE WRIGHT.**

Any allegation of wrongdoing by Daunte Wright outside the parameters of the April 11, 2021 traffic stop is irrelevant and improper.<sup>1</sup> The State is aware of unsubstantiated allegations that Mr. Wright participated in criminal activity and is the subject of civil lawsuits pertaining to that

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<sup>1</sup> At the outset, the State does not dispute that both parties may discuss and offer evidence related to Mr. Wright's conduct, including his getting back into the vehicle and potentially attempting to flee officers, on April 11, 2021.

alleged conduct. One civil lawsuit accuses Mr. Wright of shooting another person in the head, of being a member of a street gang, and of having an extensive criminal history.<sup>2</sup> The other civil lawsuit accuses Mr. Wright of assaulting and robbing a man in March 2021.<sup>3</sup> None of these allegations have resulted in any legal finding of guilt or a conviction. The State is also aware that, recently, a video of Mr. Wright holding a handgun surfaced in the media along with allegations that Mr. Wright later used this handgun in a robbery.<sup>4</sup> At the time of his death, Mr. Wright had pending criminal charges this reported robbery<sup>5</sup> and other various nonfelony offenses<sup>6</sup>. These cases were dismissed before any legal finding of guilt or conviction.<sup>7</sup> The discovery materials, which have been disclosed to Defendant, also include police reports that detail various contacts that Brooklyn Center Police Officers had with Mr. Wright for various low-level infractions.<sup>8</sup>

None of this material has any place in this trial. This trial is against Defendant. And Mr. Wright is the victim. For the reasons stated below, none of these allegations, formerly pending cases, adjudications, or specific instances are admissible for any proper or legitimate purpose.

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<sup>2</sup> Kyle Brown, *Lawsuit alleges Daunte Wright shot, permanently disabled teen in 2019*, KSTP (May 30, 2021) <https://kstp.com/news/lawsuit-alleges-daunte-wright-shot-permanently-disabled-teen-in-2019/6125232/>; Hennepin County District Court File No. 27-CV-21-6193.

<sup>3</sup> Kyle Brown, *New lawsuit alleges Daunte Wright assaulted, robbed man in March*, KSTP (June 9, 2021) <https://kstp.com/news/new-lawsuit-alleges-daunte-wright-assaulted-robbed-man-in-march/6133707/>; Hennepin County District Court File No. 27-CV-21-7390.

<sup>4</sup> Yaron Steinbuch, *Daunte Wright reportedly shot video of himself with gun in bathroom*, New York Post (Sept. 10, 2021) <https://nypost.com/2021/09/10/daunte-wright-reportedly-shot-video-of-himself-with-gun-in-bathroom/>

<sup>5</sup> See Hennepin County District Court File No. 27-CR-19-29850 (attempted first-degree aggravated robbery).

<sup>6</sup> See Hennepin County District Court File Nos. 27-CR-21-4400 (gross misdemeanor possession of a pistol without a permit; fleeing a peace officer by means other than a motor vehicle), 27-CR-19-24205 (tampering with a motor vehicle), 27-CR-19-23818 (possession of a small amount of marijuana; trespassing), 27-CR-19-23181 (trespassing), 27-CR-19-23184 (trespassing), 27-CR-19-22959 (trespassing; loitering), 27-CR-19-20754 (trespassing).

<sup>7</sup> See *Id.*

<sup>8</sup> See Bates Nos. 5555-60, 5564-69, 5577-86, 5591-5634, 5648-57, 5670-91, 5712-19, 5725-31, 5739-59, 5763-66.

**A. Any Evidence Of The Noted Allegations Is Inadmissible Under Minn. R. Evid. 404.**

The defense has made clear its intent to attack Mr. Wright's character and paint him as a lawless individual who is responsible for his own death during this trial. But Minnesota Rule of Evidence 404(a) unambiguously makes clear that all of this information is presumptively inadmissible. The Rule categorically bars the admission of evidence related to a person's character "for the purpose of proving action in conformity therewith on a particular occasion." Minn. R. Evid. 404(a).

The Rules of Evidence do permit the admission of "evidence of the character of a *witness* as provided in rules 607, 608, and 609." Minn. R. Evid. 404(a)(3).<sup>9</sup> But, because of Defendant's conduct, Mr. Wright cannot be a witness in this case. As such, his credibility is not open to attack and Defendant should be precluded from admitting evidence of the topics listed by the State in this motion under the guise of using it to attack Mr. Wright's credibility.

Evidence relating to the character of a *victim* may be offered by the defense, but only as it related to "a pertinent trait of character of the victim of the crime." Minn. R. Evid. 404(a)(2). In homicide cases, this generally refers to evidence of the victim's prior violent acts, to the extent that they would "be relevant to show 'reasonable apprehension' by the accused." *State v. Robinson*, 539 N.W.2d 234, 240 (Minn. 1995). But such evidence is admissible *only* if the past acts relate to the incident at issue *and* if the defendant had sufficient prior knowledge of those past acts sufficient to create a reasonable apprehension of violence. *State v. Smith*, 374 N.W.2d 520, 524 (Minn. Ct.

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<sup>9</sup> Under Rule 607, any party may attack the credibility of a witness as permitted by the rules. Under Rule 608, a party may attack a witness's credibility using evidence of specific acts related to the witness's character for untruthfulness. Under Rule 609, a party may attack a witness's credibility through evidence of a prior conviction.

App. 1985). This is not a self-defense case, nor has Defendant provided any written notice of any such affirmative defense.

Some, but not all, of the prior allegations against Mr. Wright allege violent conduct. Under *Robinson*, any prior allegation of criminal conduct that did not involve violence or prior police contact not involving violence is inadmissible. 539 N.W.2d at 240. And any allegation of Mr. Wright's prior commission of an act of violence should not be admitted because none of those allegations are related to the incident in which Defendant killed Mr. Wright. None of those allegations were known to Defendant when she shot Mr. Wright. The video evidence in this case establishes that Defendant did not have any evidence of Mr. Wright's past when she approached his vehicle, before shooting him to death. None of the incidents described above, nor any other criminal allegations – alleging violence or otherwise – were known to the officers when they attempted to arrest Mr. Wright.

Even if any allegations of prior violence by Mr. Wright were known to Defendant, the defense has stated that Defendant “was attempting to disable Mr. Wright . . . during his attempt to flee the police officers,” rather than to prevent him from assaulting officers, and that she “had no intent to fatally harm Mr. Wright.” (Def. Mot. to Suspend the Deadline for the Disclosure of Experts, 2 ¶¶ 6-7). Thus, any attempt by Defendant to admit this evidence in a purported attempt to assert that Defendant was concerned about potential violence would be disingenuous. By the defense's own assertion, Defendant's purpose for choosing to use her Taser was to stop Mr. Wright from fleeing; it was not a response to any articulable fear of physical violence. Accordingly, the Court should not admit any evidence concerning alleged prior criminal conduct, violent or otherwise, or police contacts by Mr. Wright to impugn Mr. Wright's character.

Similarly, any allegations that Mr. Wright might have been associated with any gangs or gang members should be excluded as utterly irrelevant. While these allegations appear in civil lawsuits, it is unknown what the nature of that association may have been or when it might have taken place, if it occurred at all. Most importantly, there is no evidence to show that Defendant had any knowledge or awareness of any such associations. Defendant had never arrested Mr. Wright or even seen him in connection to any gang activity, nor did she or any other officer on scene mention any known or suspected gang affiliation. No such alleged affiliation should be mentioned in the courtroom at trial, either.

**B. Any Evidence Of The Noted Allegations Is Inadmissible Under Minn. R. Evid. 401 And 403.**

Even if any of this evidence did meet a permissible purpose under Rule 404, “all issues of admissibility are ultimately subject to the provisions of Rules 401 and 403.” Minn. R. Evid. 403, comm. cmt. 1989. Under Minn. R. Evid. 401, only evidence that has “any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probably than it would be without the evidence” is relevant and admissible. *See also* Minn. R. Evid. 402 (“Evidence which is not relevant is not admissible”). Rule 403 goes even further, excluding even relevant evidence when its “probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, waste of time, or needless presentation of cumulative evidence.” Minn. R. Evid. 403. And while Defendant has a constitutional right to present a defense, “that right is limited by the evidentiary rules, which preclude the admission of evidence that is repetitive, marginally relevant, or poses an undue risk of harassment, prejudice, or confusion.” *State v. Quick*, 659 N.W.2d 701, 715 (Minn. 2003) (citing *State v. Greer*, 635 N.W.2d 82, 91 (Minn. 2001)). When a party would gain an “unfair advantage” resulting from “the capacity

of the evidence to persuade by illegitimate means,” even relevant evidence is inadmissible. *State v. Cermak*, 365 N.W.2d 243, 247 n.2 (Minn. 1985) (citation omitted).

Presumably, Defendant will allege that she used reasonable force when she elected to use her Taser on Mr. Wright.<sup>10</sup> Whether an officer’s use of force is reasonable is an objective test based on circumstances known to the officer at the time she uses force. *See Graham v. Connor*, 490 U.S. 386, 397, 109 S. Ct. 1865, 1872 (1989). The only relevant evidence here is the objective facts known to Defendant about Daunte Wright at the time she drew her handgun and shot him in the chest.

All of the evidence noted in this section should be excluded under Minn. R. Evid. 401 and 403. Again, there has never been any finding that Mr. Wright committed many of the acts alleged nor that he was associated with any gangs. Even assuming that those claims were true, those claims have no probative value with respect to the central issue in this case, which is whether *Defendant* is guilty of a crime for killing Mr. Wright when she had absolutely no knowledge of those claims on April 11, 2021. Likewise, Mr. Wright’s prior interactions with police officers and prior adjudications provide no value to the jury’s consideration of the charges against Defendant and are inadmissible under Rules 609, 403, and 404. The prejudice from admitting any of this information vastly outweighs any possible, miniscule probative value. The only possible purpose in using such claims and allegations of “lawlessness” to improperly impugn Mr. Wright’s character would be to paint him as a person who deserved the fate that Defendant imposed upon him. This type of victim-blaming that the defense seeks to present is exactly the type of illegitimate purpose that the Rules of Evidence aim to exclude. And admitting such evidence runs a substantial risk of

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<sup>10</sup> Defendant has not served or filed a notice of defenses as required by Minn. R. Crim. P. 9.02(5), which this Court ordered her to do by July 30, 2021. *See* Scheduling Order, filed May 17, 2021.

confusing the issues by misleading the jury into thinking these prior acts are somehow relevant when they, in fact, are not.

The State recognizes that evidentiary matters are within the discretion of the trial court. But that discretion “should not go so far as to sanction an attempt to discredit and disgrace a witness by innuendo instead of competent proof.” *State v. Gress*, 84 N.W.2d 616, 624 (Minn. 1957). The Court should exercise its discretion, remembering that this trial is about Defendant’s conduct not Mr. Wright’s unrelated, alleged conduct, which is presumed inadmissible under the Rules of Evidence. The Court should preclude any attempt to introduce all the evidence related to Mr. Wright listed above, along with any other evidence that seeks to impermissibly attack Mr. Wright’s character.

**C. The Court Should Also Exclude Any Evidence And Argument Related To Any Order For Protection Involving Mr. Wright.**

Upon running routine checks on Mr. Wright’s name during the traffic stop, officers noted that there was an order for protection involving Mr. Wright. No other information was noted about that order for protection. There was no discussion of any details about the underlying allegations that led to the issuance of such an order.<sup>11</sup>

Much like Defendant’s lack of knowledge about the allegations noted above, Defendant had absolutely no knowledge of the nature of any allegations underlying the order for protection. As such, Defendant had no reason to fear violence merely as a result of the existence of the order nor did that order relate to the incident at hand. Indeed, no officer on scene alleged the existence of the order for protection as a reason for Mr. Wright’s arrest nor was the order mentioned to Mr. Wright on scene. Although Defendant did mention a need to identify the female passenger in

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<sup>11</sup> Ultimately, it was determined that the female passenger was not the party protected by the order for protection.

the vehicle driven by Mr. Wright, the existence of the order for protection and presence of a female was not the reason for arresting him. Instead, the officers were attempting to arrest Mr. Wright solely based on his gross-misdemeanor warrant. Accordingly, evidence of the order for protection would be inadmissible under Minn. R. Evid. 404. And because the order for protection did not contribute to the decision to attempt to arrest Mr. Wright nor to Mr. Wright's attempted flight, and certainly not to Defendant's reckless drawing, pointing, and shooting of her firearm, it is incredible to believe that order for protection is even marginally relevant to the issues at hand or likely to aid in the determination the case. *See* Minn. R. Evid. 401.

Instead, any admission of evidence concerning the order for protection would only confuse the issues and mislead the jury. *See* Minn. R. Evid. 403. Again, the prejudice from admitting this information vastly outweighs any possible, miniscule probative value. If admitted, the defense would again be permitted to improperly argue that Mr. Wright was a "lawless" individual who had perhaps made another person, who was unknown to Defendant, fearful enough to obtain an order for protection for reasons entirely outside Defendant's scope of knowledge on April 11, 2021. The Court should reject any attempt to admit evidence of the existence of an order for protection and preclude the defense from introducing such evidence. If the Court does allow evidence of the existence of the order for protection, the Court should still preclude the admission of any allegations underlying the petition for that order and any argument about any generalized fear of Mr. Wright that any subject of the order may had had. Such evidence could only feasibly be used "to discredit and disgrace a witness by innuendo instead of competent proof." *Gress*, 250 Minn. at 347, 84 N.W.2d at 624.

**D. The Court Should Exclude Any Evidence Of Controlled Substance Possession By The Passenger.**

After Defendant shot Mr. Wright, A.A-P., the passenger in Mr. Wright's vehicle was transported to the hospital for her injuries to be assessed and treated. During her time at the hospital, suspected controlled substances were discovered on her person.

Again, evidence of the character of a witness is admissible as provided in Rules 607 (allowing impeachment by either party), 608 (specific acts bearing on untruthfulness), and 609 (prior convictions). Minn. R. Evid. 404(a)(3). Even if the evidence meets the admissibility standard under one of these rules, it still may be excluded if is only "marginally relevant, or poses an undue risk of harassment, prejudice, or confusion," *Quick*, 659 N.W.2d at 715, or serves only "to discredit and disgrace a witness by innuendo instead of competent proof," *Gress*, 250 Minn. at 347, 84 N.W.2d at 624. *See also* Minn. R. Evid. 403.

There is no legitimate purpose for which evidence of this possession of suspected controlled substances could be admitted in this trial. Regardless of what the passenger may have possessed, evidence of such possession has no "tendency to make the existence of any fact that is of consequence to the determination of the action more or less probably than it would be without the evidence." Minn. R. Evid. 401. There is no plausible relationship between any possession of suspected controlled substances by the passenger to Defendant's actions on scene. The suspected contraband was not discovered until well after the traffic stop and after Defendant had already shot Mr. Wright and there is no allegation that the officers on scene had any knowledge or suspicion that the passenger possessed controlled substances on her person. These facts are not even remotely helpful to the jury's determination of whether Defendant is guilty of the offenses charged. And the possession of suspected controlled substances is not an act that might otherwise be admissible under Minn. R. Evid. 608 as bearing on the passenger's character for untruthfulness, nor has she

been convicted of any crime as a result. Therefore, any evidence of the passenger's possession of suspected controlled substances is irrelevant and inadmissible under the Rules of Evidence and should be precluded.

The Rules of Evidence preclude the admission of any evidence that only "poses an undue risk of harassment, prejudice, or confusion." *Quick*, 659 N.W.2d at 715. This is exactly the type of utterly irrelevant evidence that the Rules intended to exclude and, if admitted, could only be used to harass the passenger or unfairly prejudice the jury against her. Accordingly, this Court should exclude any evidence related to any suspected controlled substance possession by the passenger, A.A-P.

**E. The Court Should Preclude The Defense From Using Any Prior Convictions To Impeach The State's Witnesses.**

Evidence that a witness has been convicted of a crime is only admissible to attack that witness' credibility when "the crime (1) was punishable by death or imprisonment in excess of one year under the law under which the witness was convicted and the court determines that the probative value of admitting this evidence outweighs its prejudicial effect, or (2) involved dishonesty or false statement, regardless of punishment." Minn. R. Evid. 609(a). If the conviction meets these criteria, it is only admissible if less than "ten years has elapsed since the date of conviction or of the release of the witness for the confinement imposed . . . unless the court determines" that the conviction's probative value "substantially outweighs its prejudicial effect." Minn. R. Evid. 609(b).

When determining whether to admit a prior conviction of a prosecution witness, the court's "major concerns are to protect the witness from being harassed and unduly embarrassed, the jury from being confused and misled, and everyone involved (court, jury, parties) from having to endure an unnecessarily prolonged trial." *State v. Lanz-Terry*, 535 N.W.2d 635, 639 (Minn. 1995).

Because of these concerns about “harassment, decision making on an improper basis, confusion of the issues, and cross-examination that is repetitive or only marginally relevant,” the court has broad discretion to limit cross-examination of prosecution witnesses. *Id.* This discretion is limited by the defendant’s Sixth Amendment right to confront the witnesses against her and the court must be cautious not to preclude cross-examination designed to reveal bias. *Id.* at 640. “But not everything tends to show bias, and courts may exclude evidence that is only marginally useful for this purpose” or is otherwise a general credibility attack. *Id.* “The introduction of evidence of a prior crime is . . . a general attack on the credibility of the witness;” therefore, preclusion of such evidence does not violate a defendant’s confrontation rights. *Id.* (quoting *Davis v. Alaska*, 416 U.S. 308, 316, 94 S. Ct. 1105, 1110 (1975)).

***a. Katie Bryant***

Mr. Wright’s mother, Katie Bryant, was convicted on October 26, 2020 for felony second-degree controlled substance possession. Hennepin County District Court File No. 27-CR-20-437. Under Minn. R. Evid. 609(a), evidence of this conviction is only admissible at trial if its probative value outweighs its prejudicial effect. Evidence of this conviction should be excluded when it “harassment, decision making on an improper basis, confusion of the issues, and cross-examination that is repetitive or only marginally relevant,” would result from its admission. *Lanz-Terry*, 535 N.W.2d at 639. Evidence of this conviction, which would constitute a general attack on credibility, has absolutely no relevance to the jury’s determination on the charges that Defendant is facing. Admitting this evidence would only permit the defense to harass Ms. Bryant and prejudice the jury against her, deflecting the jury’s attention away from Defendant’s conduct and onto the completely irrelevant past conduct of the State’s witness. The prejudicial impact and confusion of issues that would result if evidence of Ms. Bryant’s conviction was admitted is not at

all outweighed any minimal probative value the conviction offers. The Court should not allow this and should, instead, issue an order prohibiting the defense from questioning Ms. Bryant about this conviction during cross-examination.

***b. Aubrey Wright***

Daunte Wright's father, Aubrey Wright, was convicted on November 6, 2007, of felony third-degree controlled substance possession. *See* Ramsey County District Court File No. 62-K5-07-002737. This conviction will be 14 years old by the time this trial begins. As such, this conviction falls outside the look-back period prescribed by Minn. R. Evid. 609(b). *See also State v. Williams*, 757 N.W.2d 504, 509 (Minn. Ct. App. 2008) (holding "evidence of a conviction is not admissible if more than ten years have elapsed since the date of conviction"). The Court must preclude the defense from questioning Aubrey Wright about this conviction.

**F. The Court Should Exclude Any Evidence That Any Of The State's Witnesses Have Attended Demonstrations Related To Defendant's Killing Daunte Wright.**

The State has previously noted that several protests, marches, vigils, and other demonstrations in Mr. Wright's name have taken place since Defendant killed him. *See* State's Mem. of Law in Support of Mot. for Visual and Audio Coverage of Trial, 1. Some of the State's witnesses, including but not limited to Mr. Wright's mother and father, have attended some of these demonstrations. Their attendance at these demonstrations, as people who were close to Mr. Wright, is not merely unsurprising; it is also irrelevant and inadmissible.

As noted above, "[e]vidence which is not relevant is not admissible." Minn. R. Evid. 402. Evidence is only relevant when it has "any tendency to make the existence of a fact that is of consequence to the determination of the action more or less probable than it would be without the evidence." Minn. R. Evid. 401. The overarching questions that the jury must answer here is

whether Defendant is guilty of first-degree manslaughter and whether Defendant is guilty of second-degree manslaughter. To answer these questions, the jury must look at Defendant's conduct on April 11, 2021 and relevant information about Defendant's training, experience, and knowledge to determine whether she acted recklessly and whether she acted with culpable negligence when she killed Mr. Wright.

There is absolutely nothing that could possibly link Mr. Wright's friends' and family members' attendance at events or demonstrations in Mr. Wright's name to the question of Defendant's guilt or innocence. Evidence of such attendance would solely be for the impermissible purpose of confusing the issues, misleading the jury, and wasting the jury's and Court's time, at best. *See* Minn. R. Evid. 403. At worst, such evidence would be offered to gain an "unfair advantage" resulting from "the capacity of the evidence to persuade by illegitimate means" by prejudicing the jury against these witnesses who were understandably and reasonably grieving the loss of their loved one. *See Cermak*, 365 N.W.2d at 247 n.2. Accordingly, the Court should preclude the defense from offering any evidence of the State's witnesses' attendance at any events or demonstrations related to this case and its underlying events.

### **CONCLUSION**

The Court is imbued with the discretion and authority "to protect witnesses from harassment" and to exclude irrelevant evidence. *State v. Carroll*, 639 N.W.2d 623, 628 (Minn. Ct. App. 2002). For the reasons stated above, the Court grant the State's motion to exclude at trial evidence of all of the allegations or conduct described above. The State also respectfully requests that any and all character and impeachment evidence related to Daunte Wright and the State's witnesses not expressly listed here be excluded, absent prior notice and order from this Court deeming it admissible. Finally, the State respectfully requests that the Court issue an order

precluding the admission of an evidence concerning any of the State's witnesses' participation in protests.

Dated: October 1, 2021

Respectfully submitted,

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