

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. 27-CR-21-7460

State of Minnesota,

Plaintiff,

vs.

NOTICE OF DEFENSES

Kimberly Ann Potter,

Defendant.

The Defendant, former Brooklyn Center Police Officer Kimberly Ann Potter, by and through her lawyers, Earl Gray and Paul Engh, and in accordance with Rule 9.02, Subd. (5), Minn. R. Crim. P. hereby provides notice of her defenses as follows:

1. The alleged offense occurred April 11, 2021. Despite repeated requests from the Court to identify the final charges, the State delayed amending its Complaint until September 9, 2021.
2. Officer Potter still has not been assured that the Complaint against her will not be amended again.

3. Disclosure of her defenses is dependent upon an understanding of not only what the charges currently are, but what they may be in the future.

4. Reserving her right to also raise additional defenses pending further review of the voluminous discovery, Officer Potter asserts the following may be offered at trial:

A) Innocent Accident.

B) Innocent Mistake.

C) Her perceived use of a Taser was reasonable.

D) Lack of causation.

Dated: October 13, 2021

Respectfully submitted,

/s/ Paul Engh

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