

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

v.

DEREK MICHAEL CHAUVIN,

Defendant.

ORDER

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

The above captioned matter came before the undersigned upon the State's request for the Court to review the record of this trial starting on March 8, 2021, and for the Court to adopt its prior decisions regarding motions in limine and juror qualifications made on March 8, 9, and 10, 2021.

When the Court commenced this trial on March 8, 2021, there was a matter pending before the appellate courts, and the State raised the concern that the pending appeal could potentially provide an issue in a later appeal about the Court's jurisdiction over trial matters. All aspects of those appeals concluded by separate orders of the Minnesota Supreme Court and the Minnesota Court of Appeals on March 10, 2021, and the Court of Appeals entered judgment, returning jurisdiction over the matter involved in the appeal to this Court on March 10, 2021.

Although the State, the Defendant, and the Court believe that the Court had jurisdiction for all of the Court's actions between March 8 and March 10 involving hearing arguments and ruling on various motions in limine and conducting voir dire, now that the clerk of appellate courts has issued the judgment in the appeal, this Court clearly has jurisdiction over all aspects of this case relating to trial, including the issue that had been the subject of the appeal. The State

has requested that the Court make certain findings on the record to assuage any future concerns, however minimal they may be, that this Court may have lacked jurisdiction to conduct proceedings on March 8-10 during the pendency of appellate proceedings. Defendant consents to the State's request.

Out of an abundance of caution, and based on a full review of the record, the Court makes the following:

FINDINGS OF FACT AND ORDER

1. The Court commenced the trial of this matter on its scheduled date of March 8, 2021. On March 8, an appeal of the Court's February 11, 2021 Order denying the State's motion to amend the complaint to reinstate the count of third-degree murder this Court had previously dismissed by Order dated October 21, 2021 was still pending at the appellate courts. On March 8, the Court heard arguments on various motions in limine and made rulings on some of the motions. On March 9 and March 10, the Court heard, and made rulings on, some motions in limine and presided over jury voir dire. Five jurors were seated in those two days.

2. The Court of Appeals issued its judgment in the pending appeal on the evening of March 10, 2021.

3. On March 11, 2021, the Court held argument on the record regarding the State's motion to reinstate the charge of third-degree murder or, in the alternative, to amend the Complaint to include such a charge. At the conclusion of that argument, the Court granted the State's motion to reinstate the third-degree murder charge.

4. The Court has reviewed the record of the proceedings between March 8, 2021 and March 10, 2021, including the Court's rulings on motions in limine and decisions regarding the qualifications and selection of jurors.

5. Had the Court conducted those same proceedings beginning March 11, 2021, the Court would not have conducted those proceedings any differently or decided matters any differently. Had the Court conducted those same proceedings beginning March 11, 2021, it would not have affected in any way what arguments the parties could have presented in any motion, what questions they could have asked jurors in voir dire, or what reasons they may have had for seeking to strike jurors. Had the Court conducted those same proceedings beginning March 11, 2021, it would not have affected the outcome of any motion or the decision to seat or excuse any juror.

6. Nevertheless, the Court now expressly adopts and affirms those proceedings in this Court on March 8-10, 2021, including all of its decisions regarding motions in limine and jury selection.

7. Defendant consents to these findings of fact and Order.

BY THE COURT:

Peter A. Cahill
Judge of District Court