

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Case Type: Criminal
Court File No. 27-CR-20-12646

Plaintiff,

vs.

**STATE'S NOTICE OF INTENT
TO OFFER OTHER EVIDENCE**

Derek Michael Chauvin,

Defendant.

TO: The Honorable Peter A. Cahill, Judge of District Court, the above-named Defendant, and counsel for Defendant, Eric J. Nelson, Halberg Criminal Defense, 7900 Xerxes Avenue South, Suite 1700, Bloomington, MN 55431.

Please take notice that at the trial of the above-captioned matter, the State intends to offer evidence of the following:

1. On March 15, 2014, Defendant restrained an arrested male by placing his body weight on the male's upper body and head area as the male laid in the prone position on the ground. Defendant reported that he used this restraint to control the male's movements and to place the male in handcuffs. *See* MPD CCN 2014-082863.
2. On February 15, 2015, Defendant restrained an arrested male by applying pressure to the male's lingual artery below the male's chin bone and pressing the male against a wall. Defendant then pulled the male to the ground, placed him in a prone position, and placed handcuffs on the male. Defendant kept the male handcuffed in the prone position until other officers arrived to aid him in placing the male in a squad car. *See* MPD CCN 2015-054320.
3. On August 22, 2015, Defendant participated in rendering aid to a suicidal, intoxicated, and mentally-disturbed male. Defendant observed other officers fight with and tase the male. Defendant then observed other officers place the male in a side-recovery position, consistent with training. Defendant rode with the male to the hospital to receive medical care. Officers involved in the response received a commendation for their appropriate efforts and received feedback from medical professionals that, if officers had prolonged their detention of the male or failed to transport the male to the hospital in a timely manner, the male could have died. *See* MPD CCN 2015-317385.

4. On April 22, 2016, Defendant restrained an arrested male by placing both of his hands around the male's neck and applying pressure to both sides of the male's neck. Defendant then forced the male backwards onto the sidewalk and handcuffed him. After Defendant placed the male in handcuffs, he stood the male up. Defendant's actions resulted in a small crowd of concerned citizens to view Defendant's actions. The male later complained of asthma, and paramedics were called to the scene. *See* MPD CCN 2016-141710.
5. On June 25, 2017, Defendant restrained an arrested female by placing his knee on her neck while she laid in prone position on the ground. Defendant shifted his body weight onto the female's neck and continued to restrain the female in this position beyond the point when such force was needed under the circumstances. *See* MPD CCN 2017-235836.
6. On September 4, 2017, Defendant detained an arrested juvenile by applying a neck restraint, flipping the juvenile on his stomach, and pinning him to the floor. Defendant continued to restrain the juvenile in this position beyond the point when such force was needed under the circumstances. *See* MPD CCN 2017-337738.
7. On March 12, 2019, Defendant detained an intoxicated male on the ground by applying a neck restraint on the male while sitting on the male's lower back. Defendant continued to restrain the male in this position beyond the point when such force was needed under the circumstances. *See* MPD 2019-71230.
8. On July 6, 2019, defendant kicked an intoxicated male in the midsection and then applied a neck restraint on the male until the male was rendered unconscious. Defendant continued to restrain the male in this position beyond the point when such force was needed under the circumstances. *See* MPD 2019-19749.

In this above-entitled case, on May 25, 2020, Defendant and his codefendants placed the victim George Floyd, who was already handcuffed, in a prone position on the ground. Defendant placed one knee on Mr. Floyd's neck and upper back area and shifted his body weight onto Mr. Floyd's neck, rendering Mr. Floyd unconscious. Defendant continued to restrain Mr. Floyd in this position beyond the point when such force was needed under the circumstances, causing Mr. Floyd's death.

In the upcoming trial, the State anticipates that Defendant or defense counsel may claim that Defendant did not intentionally assault Mr. Floyd in a manner inconsistent with training.

To meet its burden of proof and in light of anticipated defenses, the State seeks to introduce in its case in chief evidence of the above-listed incidents to prove Defendant's knowledge; intent; common scene or plan; absence of a justifiable mistake, accident, misunderstanding; and state of mind at the time of the crime. The State intends to prove the underlying conduct by offering testimonial evidence, photographic and video evidence, and any other supporting documentation.

Please note that the State intends to file a separate memorandum in support of admission of this evidence prior to trial. In addition, the State may offer evidence of other acts, instances of specific conduct, and prior convictions pursuant to Minn. R. Evid. 404, 608, and 609. At this time, however, the State is still receiving, reviewing, and disclosing materials related to these types of evidence and will file notices to admit such evidence as soon as it is identified by the State.

Dated: September 10, 2020

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