

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. 27-CR-20-12646

State of Minnesota,

Plaintiff,

vs.

**DEFENDANT'S NOTICE  
OF MOTIONS AND  
MOTIONS TO DISMISS**

Derek Michael Chauvin,

Defendant.

**TO: THE HONORABLE PETER A. CAHILL, JUDGE OF HENNEPIN COUNTY DISTRICT COURT; AND MATTHEW G. FRANK, ASSISTANT MINNESOTA ATTORNEY GENERAL.**

**NOTICE OF MOTIONS**

**PLEASE TAKE NOTICE** that on September 11, 2020, or as soon as this matter can be heard, the Defendant, Derek Michael Chauvin, through his attorney Eric J. Nelson, Halberg Criminal Defense, will move this Court for the following relief:

**MOTIONS**

1. For an Order dismissing Count I of the Amended Complaint, Second Degree Murder—Unintentional—While Committing a Felony, in violation of Minn. Stat. § 609.19, subdivision 2(1), on the grounds that the State has not pleaded sufficient probable cause to sustain the charge, as required by *State v. Florence*. See *State v. Rud*, 359 N.W.2d 573, 579 (Minn. 1984); Minn. R. Crim. P. 2.01 (requiring the complaint contain “the facts establishing probable cause to believe that the charged offense has been committed”).
2. For an Order dismissing Count II of the Amended Complaint, Third Degree Murder—Perpetrating Eminently Dangerous Act and Evincing Depraved Mind, in violation of Minn. Stat. § 609.195(a) on the grounds that the State has not pleaded sufficient probable cause

to sustain the charge, as required by *Florence*. See *Rud*, 359 N.W.2d at 579; Minn. R. Crim. P. 2.01 (requiring the complaint contain “the facts establishing probable cause to believe that the charged offense has been committed”).

3. For an Order dismissing Count III of the Amended Complaint, Second Degree Manslaughter—Culpable Negligence Creating Unreasonable Risk, in violation of Minn. Stat. § 609.205, subdivision 1, on the grounds that the State has not pleaded sufficient probable cause to sustain the charge, as required by *Florence*. See *Rud*, 359 N.W.2d at 579 (Minn. 1984); Minn. R. Crim. P. 2.01 (requiring the complaint contain “the facts establishing probable cause to believe that the charged offense has been committed”).
4. Any other relief deemed fair and equitable by the Court.

This motion is based upon the files and records in this case, the Minnesota Statutes, the Minnesota Rules of Criminal Procedure, the United States and Minnesota Constitutions and upon such other and further points and authorities as may subsequently be presented to the Court.

Respectfully submitted,

**HALBERG CRIMINAL DEFENSE**

Dated: August 28, 2020

/s/ Eric J. Nelson  
Eric J. Nelson  
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