

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. 27-CR-20-12646

State of Minnesota,

Plaintiff,

vs.

**AFFIDAVIT OF
ERIC J. NELSON**

Derek Michael Chauvin,

Defendant.

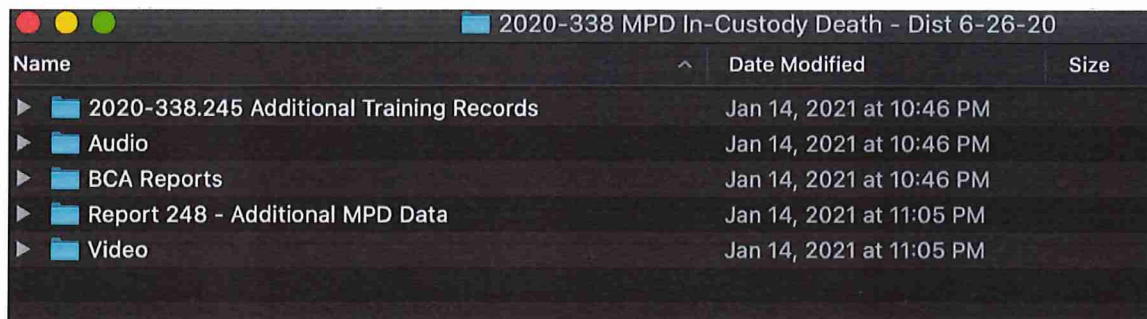
STATE OF MINNESOTA)
) ss.
 COUNTY OF HENNEPIN)

Eric J. Nelson, being first duly sworn, states as follows:

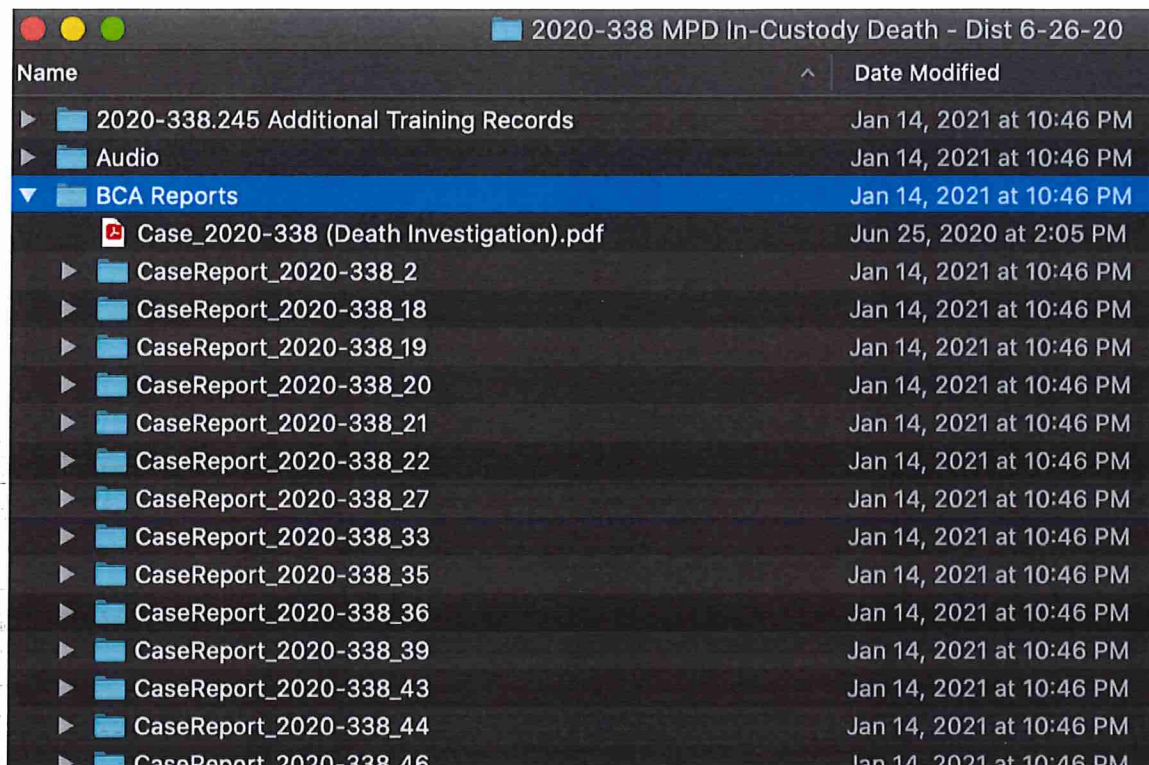
1. I am the attorney for the above-named Defendant.
2. On or about December 17, 2020 the Court issued its order regarding Expert Disclosure Deadlines and Hearing for Defendant's Motions for Trial Continuance. The Court's order requires the Defense to disclose to the State final reports and expert opinions by February 8, 2021.
3. On or about January 11, 2021 the Court issued its order titled Order Regarding Discovery, Expert Witness Deadlines and Trial Continuance. Therein, the Court granted Defendant Chauvin's request for duplicate copies of the BCA disclosures made to the State.
4. On January 12, I emailed Assistant Attorney General Matthew Frank inquiring as to when I could pick up a copy of the files the Court ordered to be disclosed. Mr. Frank called me on or about Thursday, January 14, and left a message indicating

that he had obtained the files and that we needed to discuss certain aspects of the records contained therein.

5. On Friday January 15, 2021, Mr. Frank and I had a telephone conversation wherein we discussed the fact that the hard drive contained certain records that had not be previously disclosed to me. These records included the personnel files of the other co-defendants.
6. Of note and concern, Mr. Frank informed me that the hard drive contained an MPD-prepared PowerPoint presentation regarding the use of and policies surrounding the Lateral Vascular Neck Restraint and other “choke holds” that had not been previously disclosed to the defense. Mr. Frank indicated that it did not appear on the original file they had received from the BCA.
7. Due to the Martin Luther King Day holiday, I was not able to retrieve a copy of the BCA file until Tuesday, January 19, 2021.
8. Upon my initial review of the copy of the BCA disclosures, it was immediately apparent that the manner in which the BCA provided its investigative reports to the Attorney General’s Office was as exactly as I expected it to be. Each of the disclosures from the BCA to the AG was well organized, labeled and easily identifiable as to content. (See attached screen shots below of June 26, 2020 BCA Disclosure to the Attorney General’s Office):



Name	Date Modified	Size
▶ 2020-338.245 Additional Training Records	Jan 14, 2021 at 10:46 PM	
▶ Audio	Jan 14, 2021 at 10:46 PM	
▶ BCA Reports	Jan 14, 2021 at 10:46 PM	
▶ Report 248 - Additional MPD Data	Jan 14, 2021 at 11:05 PM	
▶ Video	Jan 14, 2021 at 11:05 PM	



9. However, with regard to this disclosure, these same records were converted from their original formats and disclosed to the Defense in a **SINGLE** PDF file, that was not searchable or otherwise OCR'ed on July 16, 2020. (See screen shot of AG Disclosure of 7/16/20).



10. The Attorney General received an organized, cohesive and readily searchable case file from the BCA. However, in this instance the AG disclosed to the Defense a

