

STATE OF MINNESOTA
IN COURT OF APPEALS



State of Minnesota,

ORDER

Respondent,

A21-1228

vs.

Derek Michael Chauvin,

Appellant.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. This appeal was filed by mail on September 20, 2021.
2. The last transcript was delivered on February 22, 2022. Appellant's brief is due on April 25, 2022. *See* Minn. R. Crim. P. 28.02, subd. 10, 34.01.
3. On April 11, 2022, appellant filed a motion requesting leave to file an enlarged brief containing up to 20,000 words. The motion indicates that an enlarged brief is necessary because the facts section of the brief includes "an extensive examination of jury *voir dire*" and "an extensive examination of matters which occurred outside the court proceedings." The motion notes that "[j]ury *voir dire* in this case involved two weeks of examination of potential jurors" and that "the trial after *voir dire* continued for over three weeks," resulting in a 5,932-page trial transcript.

4. On April 12, 2022, respondent filed a response stating that respondent “takes no position on Appellant’s motion but does request that any word limit the Court imposes on Appellant be equally applicable to Respondent’s brief.”

5. Except for good cause shown and with permission of the appellate court, a principal brief shall not exceed 45 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum. Minn. R. Civ. App. P. 132.01, subd. 3. Alternatively, a principal brief is acceptable if it contains no more than 14,000 words. *Id.*, subd. 3(a). To be effective, briefs must be concise, and there are few occasions when a brief in excess of the established limits is allowed. 3 Eric J. Magnuson, David F. Herr & Sam Hanson, *Minnesota Practice* § 132.6 (2019).

6. Appellant indicates that an enlarged brief is necessary to permit “an extensive examination of matters which occurred outside the court proceedings.” This court’s review is limited to documents and evidence presented to the district court, along with the transcript of proceedings. Minn. R. Civ. App. P. 110.01. Addressing extra-record events does not constitute good cause for an enlarged brief on appeal. However, the length of the proceedings in district court and the resulting transcript, as well as the number of issues identified in the statement of the case, support some enlargement of the length limits in this case.

IT IS HEREBY ORDERED:

1. Appellant’s motion for leave to file an enlarged brief is granted in part.
2. On or before April 25, 2022, appellant shall serve and file a brief that does not exceed 17,000 words.

3. Respondent's brief shall be served and filed within 45 days after service of appellant's brief. *See* Minn. R. Crim. P. 28.02, subd. 10. Respondent's brief shall not exceed 17,000 words.

Dated: April 19, 2022

BY THE COURT


Michelle A. Larkin
Judge Michelle A. Larkin