State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 20A06620
Court File No. 27-CR-20-12646

State of Minnesota,

Plaintiff,

vs.

DEREK MICHAEL CHAUVIN DOB: 03/19/1976

Defendant.

COMPLAINT

Order of Detention

[X] Amended

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Second Degree Murder - Unintentional - While Committing A Felony
Minnesota Statute: 609.19.2(1)
Maximum Sentence: Imprisonment of not more than 40 years.
Offense Level: Felony

Offense Date (on or about): 05/25/2020

Control #(ICR#): 20200338

Charge Description: That on or about May 25, 2020, in Hennepin County, Minnesota, Derek Michael Chauvin, caused the death of a human being, George Floyd, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting, namely assault in the third degree.

COUNT II

Charge: Third Degree Murder - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind
Minnesota Statute: 609.195(a)
Maximum Sentence: Imprisonment of not more than 25 years.
Offense Level: Felony

Offense Date (on or about): 05/25/2020

Control #(ICR#): 20200338

Charge Description: That on or about May 25, 2020, in Hennepin County, Derek Michael Chauvin caused the death of another, George Floyd, by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life.

COUNT III

Charge: Second Degree Manslaughter - Culpable Negligence Creating Unreasonable Risk
Minnesota Statute: 609.205(1)
Maximum Sentence: Imprisonment of not more than 10 years, or payment of a fine of not more than $20,000, or both.
Offense Level: Felony

Offense Date (on or about): 05/25/2020

Control #(ICR#): 20200338

Charge Description: That on or about May 25, 2020, in Hennepin County, Minnesota, Derek Michael Chauvin caused the death of another, George Floyd, by his culpable negligence, creating an unreasonable risk and consciously took the chances of causing death or great bodily harm to another, George Floyd.

STATEMENT OF PROBABLE CAUSE

On May 25, 2020, someone called 911 and reported that a man bought merchandise from Cup Foods at 3759 Chicago Avenue in Minneapolis, Hennepin County, Minnesota with a counterfeit $20 bill. At 8:08 p.m.,Minneapolis Police Department (MPD) Officers Thomas Lane and J.A.Kueng arrived with their body worn cameras (BWCs) activated and running. The officers learned from store personnel that the man who passed the counterfeit $20 was parked in a car around the corner from the store on 38th Street.

BWC video obtained by the Minnesota Bureau of Criminal Apprehension shows that the officers approached the car,Lane on the driver's side and Kueng on the passenger side. Three people were in the car; George Floyd was in the driver's seat, a known adult male was in the passenger seat and a known adult female was sitting in the backseat. As Officer Lane began speaking with Mr. Floyd, he pulled his gun out and pointed it at Mr. Floyd's open window and directed Mr. Floyd to show his hands. When Mr. Floyd put his hands on the steering wheel,Lane put his gun back in its holster.

While Officer Kueng was speaking with the front seat passenger, Officer Lane ordered Mr. Floyd out of the car, put his hands on Mr. Floyd, and pulled him out of the car. Officer Lane handcuffed Mr. Floyd.

Once handcuffed,Mr. Floyd walked with Officer Lane to the sidewalk and sat on the ground at Officer Lane's direction. When Mr. Floyd sat down he said “thank you man” and was calm. In a conversation that lasted just under two minutes,Officer Lang asked Mr. Floyd for his name and identification. Officer Lane asked Mr. Floyd if he was "on anything" and noted there was foam at the edges of his mouth. Officer Lane explained that he was arresting Mr. Lloyd for passing counterfeit currency.

At 8:14 p.m., Officers Kueng and Lanestood Mr. Floyd up and attempted to walk Mr. Floyd to their squad car. As the officers tried to put Mr. Floyd in their squad car, Mr. Floyd stiffened up and fell to the ground. Mr. Floyd told the officers that he was not resisting but he did not want to get in the back seat and was claustrophobic.

MPD Officers Derek Chauvin (the defendant) and Tou Thao then arrived in a separate squad car.

The officers made several attempts to get Mr. Floyd in the backseat of their squad car by pushing him from the driver's side. As the officers were trying to force Mr. Floyd in the backseat, Mr. Floyd repeatedly said that he could not breathe. Mr. Floyd did not voluntarily sit in the backseat and the officers physically struggled to try to get him in the backseat.

The defendantwenttothepassengersideandtriedtogetMr.FloydintothecarfromthatsideandLaneand Kuengassisted.

The defendant pulled Mr. Floyd out of the passenger side of the squad car at 8:19:38 p.m. and Mr. Floyd went to the ground face down and still handcuffed.Kueng held Mr. Floyd's back and Lane held his legs.The defendant placed his left knee in the area of Mr. Floyd's head and neck. Mr. Floyd said, "I can't breathe" multiple times and repeatedly said,"Mama" and "please," as well. At one point, Mr. Floyd said “I’m about to die.” The defendant and the other two officers stayed in their positions.

One of theofficerssaid,"You are talking fine" to Mr.Floyd as he continued to move back and forth. Lane asked, "should we roll him on his side?" and the defendant said,"No, staying put where we got him." Officer Lane said," I am worried about excited delirium or whatever." The defendant said,"That's why we have him on his stomach." The defendant and Kueng held Mr. Floyd’s right hand up. None of the three officers moved from their positions.

While Mr. Floyd showed slight movements, his movements and sounds decreased until at 8:24:24, Mr. Floyd stopped moving. At 8:25:31 the video appears to show Mr. Floyd ceasing to breathe or speak. Lane said, "want to roll him on his side." Kueng checked Mr. Floyd's right wrist for a pulse and said, "I couldn't find one." None of the officers moved from their positions.

At 8:27:24, the defendant removed his knee from Mr. Floyd's neck. An ambulance and emergency medical personnel arrived, the officers placed Mr. Floyd on a gurney, and the ambulance left the scene. Mr. Floyd was pronounced dead at Hennepin County MedicalCenter.

TheHennepinCountyMedicalExaminer(ME)conductedMr.Floyd'sautopsyonMay26,2020. While the ME did not observe physical findings supportive of mechanical asphyxia, the ME opines that Mr. Floyd died from cardiopulmonary arrest while being restrained by law enforcement officers. The autopsy revealed that Mr. Floyd had arteriosclerotic and hypertensive heart disease, and toxicology testing revealed the presence of fentanyl and evidence of recent methamphetamine use. The ME opined that the effects of the officers' restraint of Mr. Floyd, his underlying health conditions, and the presence of the drugs contributed to his death. The ME listed the cause of death as "[c]ardiopulmonary arrest complicating law enforcement subdual, restraint, and neck compression," and concluded the manner of death was homicide.

The defendant and Officers Lange and Kueng subdued Mr. Floyd prone to the ground in this manner for nearly 9 minutes. During this time, Mr. Floyd repeatedly stated he could not breathe and his physical condition continued to deteriorate such that force was no longer necessary to control him. The defendant had his knee on Mr.Floyd's neck for 8 minutes and 46 seconds in total. Two minutes and 53 seconds of this was after Mr. Floyd was non-responsive.Police are trained that this type of restraint with a subject in a prone position is inherently dangerous. Officer Chauvin's restraint of Mr. Floyd in this manner for a prolonged period was a substantial causal factor in Mr. Floyd losing consciousness, constituting substantial bodily harm, and Mr. Floyd's death as well.

Defendant is in custody.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant	James D. Reyerson Special Agent 1430 Maryland Avenue E St. Paul, MN 55106 Badge: 1385	Electronically Signed: 06/03/2020 01:04 PM Ramsey County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Matthew Frank Assistant Attorney General 445 Minnesota Street Suite 1400 St. Paul, MN 55101 (651) 297-1075	Electronically Signed: 06/03/2020 11:42 AM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☐ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **_____ ___, _____ at _____ AM/PM** before the above-named court at the address listed on the attached court summons to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ ***Execute in MN Only*** ☐ ***Execute Nationwide*** ☐ ***Execute in Border States***

☒ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $1,000,000.00
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: June 3, 2020.

Judicial Officer Luis Bartolomei
District Court Judge

Electronically Signed: 06/03/2020 01:27 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF HENNEPIN
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Derek Michael Chauvin

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name:	Derek Michael Chauvin
DOB:	03/19/1976
Address:	[redacted]
Alias Names/DOB:	
SID:	MN20CE0972
Height:	
Weight:	
Eye Color:	
Hair Color:	
Gender:	MALE
Race:	
Fingerprints Required per Statute:	Yes
Fingerprint match to Criminal History Record:	Yes
Driver's License #:	
Alcohol Concentration:	

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	5/25/2020	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2853	N	MNBCA0000	20200338
2	Charge	5/25/2020	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3003	N	MNBCA0000	20200338
3	Charge	5/25/2020	609.205(1) Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H5003	N	MNBCA0000	20200338