

State of Minnesota
County of HennepinDistrict Court
4th Judicial DistrictProsecutor File No.
Court File No.20A06620
27-CR-20-12646

State of Minnesota,

Plaintiff,

COMPLAINT

Warrant

vs.

DEREK MICHAEL CHAUVIN DOB: 03/19/19767517 17th Street N
Oakdale, MN 55128Defendant.

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: Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind**

Minnesota Statute: 609.195(a), with reference to: 609.195(a)

Maximum Sentence: 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, Minnesota, Derek Michael Chauvin caused the death of George Floyd by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life.

COUNT II**Charge: Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk**

Minnesota Statute: 609.205(1), with reference to: 609.205

Maximum Sentence: 10 YEARS AND/OR \$20,000

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 George Floyd by his culpable negligence, creating an unreasonable risk and taking a chance of causing death or great bodily harm to 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 in 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. Mr. Floyd actively resisted being handcuffed.

Once handcuffed, Mr. Floyd became compliant and walked with Officer Lane to the sidewalk and sat on the ground at Officer Lane's direction. In a conversation that lasted just under two minutes, Officer Lang asked Mr. Floyd for his name and identification. Officer Lane asked Mr. Lloyd if he was "on anything" and explained that he was arresting Mr. Lloyd for passing counterfeit currency.

Officers Kueng and Lane stood Mr. Floyd up and attempted to walk Mr. Floyd to their squad car (MPD 320) at 8:14 p.m. Mr. Floyd stiffened up, fell to the ground, and told the officers he was claustrophobic.

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

The officers made several attempts to get Mr. Floyd in the backseat of squad 320 from the driver's side. Mr. Floyd did not voluntarily get in the car and struggled with the officers by intentionally falling down, saying he was not going in the car, and refusing to stand still. Mr. Floyd is over six feet tall and weighs more than 200 pounds.

While standing outside the car, Mr. Floyd began saying and repeating that he could not breathe. The defendant went to the passenger side and tried to get Mr. Floyd into the car from that side and Lane and Kueng assisted.

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. The defendant and the other two officers stayed in their positions.

The officers said, "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." None of the three officers moved from their positions.

BWC video shows Mr. Floyd continue to move and breathe. 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 Medical Center.

The Hennepin County Medical Examiner (ME) conducted Mr. Floyd’s autopsy on May 26, 2020. The full report of the ME is pending but the ME has made the following preliminary findings. The autopsy revealed no physical findings that support a diagnosis of traumatic asphyxia or strangulation. Mr. Floyd had underlying health conditions including coronary artery disease and hypertensive heart disease. The combined effects of Mr. Floyd being restrained by the police, his underlying health conditions and any potential intoxicants in his system likely contributed to his death.

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.

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

Michelle M Frascone
Special Agent
1430 Maryland Avenue E
St. Paul, MN 55106
Badge: 81

Electronically Signed:
05/29/2020 01:05 PM
Ramsey County, Minnesota

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

Prosecuting Attorney

Amy Sweasy
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
05/29/2020 01:00 PM

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: \$500,000.00

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: May 29, 2020.

Judicial Officer

Luis Bartolomei
District Court Judge

Electronically Signed: 05/29/2020 01:20 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 Warrant upon the Defendant herein named.

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Derek Michael Chauvin
DOB: 03/19/1976
Address: 7517 17th Street N
Oakdale, MN 55128

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 880184

SILS Tracking No. 3173921

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	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3003		MNBCA0000	20200338
	Penalty	5/25/2020	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3003		MNBCA0000	20200338
2	Charge	5/25/2020	609.205(1) Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H5003		MNBCA0000	20200338
	Penalty	5/25/2020	609.205 Manslaughter - 2nd Degree	Felony	H5003		MNBCA0000	20200338