

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT  
Criminal/Traffic Division

Derek Michael Chauvin,

Petitioner,

v.

State of Minnesota,

Respondent.

**PETITION FOR  
POST-CONVICTION RELIEF**

Minn. Stat. § 590.01

District Court File #27-CR-20-12646

TO THE ABOVE-NAMED DISTRICT COURT, THE OFFICE OF THE MINNESOTA ATTORNEY GENERAL, AND THE HENNEPIN COUNTY ATTORNEY'S OFFICE:

PLEASE TAKE NOTICE that petitioner, Derek Michael Chauvin, through counsel, has filed this notice of petition, petition for postconviction relief, memorandum, and exhibits in support of this petition, pursuant to Minn. Stat. § 590, to challenge his April 20, 2021 Judgment of Conviction.

THE UNDERSIGNED REPRESENTS AND STATES:

- I. He is the attorney for the petitioner, Derek Michael Chauvin, who is imprisoned and restrained of his liberty in the FCI: Big Spring, Texas.
- II. Mr. Chauvin is confined and restrained of his liberty by virtue of the following judgment of conviction:

Mr. Chauvin was found guilty on April 20, 2021, of unintentional second-degree murder while committing a felony, and was sentenced to an upward durational departure of 270 months imprisonment.

III. Mr. Chauvin requests relief as follows:

Mr. Chauvin asks the Court to vacate his conviction for second-degree unintentional murder, his unadjudicated findings of guilt of third-degree depraved mind murder, and second-degree manslaughter, and remand for a new trial. In the alternative, Mr. Chauvin asks the Court for an evidentiary hearing to address the issues presented in this petition and the attached memorandum of law with exhibits, which are incorporated herein. If the Court grants an evidentiary hearing, Chauvin also requests leave to amend this petition to supplement the existing claims presented.

IV. Facts and grounds for relief:

Mr. Chauvin was found guilty of second degree unintentional murder, third degree murder, and second degree manslaughter in connection with the death of George Perry Floyd in the City of Minneapolis on May 25, 2020. The required predicate offense for the second degree murder charge was third degree assault.

Four Minneapolis Police Officers dispatched in response to a report of a counterfeit bill being passed at Cup Foods in south Minneapolis. The entirety of the event was captured on video from multiple angles. Upon their arrival at the scene, the four officers encountered Floyd and removed him from his vehicle. This led to a physical encounter where Floyd was brought to the ground and restrained by three of the officers,

while the fourth kept onlookers away from the scene. Chauvin used a knee-to-neck restraint on Floyd, while the two others controlled Floyd's lower extremities. During the encounter, video evidence reflects that the officers were unable to locate a pulse, and Floyd was later pronounced dead. Mr. Chauvin and the other three MPD Officers were charged in connection with his death and convicted for their roles in the incident.

Dr. Andrew Baker performed the autopsy of Floyd the day after he died. He performed a death investigation, reviewing the materials customarily relied on in his field. He did not watch the video of the encounter prior to performing the autopsy but did see it later the same day. After getting the test results, Baker concluded that Floyd had died of "cardiopulmonary arrest, complicating law enforcement subdual, restraint, and neck compression." His conclusion was that Floyd's heart had failed. Dr. Baker did not find any medical evidence of injuries consistent with asphyxia.

Four physicians testified for the State on the question of causation of death: Dr. Martin Tobin, Dr. Lindsey Thomas, Dr. William Smock, and Dr. Jonathan Rich. Each testified that Floyd had died of asphyxia. While each physician reviewed Baker's medical investigation, they ultimately relied on the video evidence in this case to reach their medical conclusions. Since the trial, Chauvin has retained a group of physicians at the Forensic Panel who will testify that the methodology used by Dr. Tobin, Smock, and Rich, is not generally accepted in the scientific community. He has also retained forensic video analyst James Borden of Critical Incident Review to explain the limitations of video evidence.

The trial court erred in applying Rule 702 by failing to distinguish between forensic video evaluation and practicing medicine. This led to many errors throughout, as

improperly qualified experts opined on events in the various videos in this case. This served to deprive Chauvin of his right to due process.

The manner in which the video evidence was used in this case, reflects an effort on behalf of the State to discredit Baker by placing more emphasis on the testimony of Tobin, Smock, and Rich. Chauvin alleges this led to misconduct, violating his right to due process.

Central at trial was a still-frame from the encounter on May 25<sup>th</sup>. It depicted Chauvin using a restraint tactic that involved placing his knee on the neck or upper back of Floyd. The question of whether Chauvin's tactic was an authorized use of force, was exculpatory on the charge of third degree assault, the predicate offense for the unintentional second degree murder charge. Three Supervisors from the MPD who were in charge of training testified at trial: Medaria Arradondo, Katie Blackwell, and Johnny Mercil. Each was asked by prosecutors whether the tactic reflected in Exhibit 17 was consistent with MPD policy, and each replied that it was not. The record reflects that the State did know it reflected a trained tactic, and prosecutors failed to correct this testimony in violation of *Napue*.

In connection with separate litigation, 34 current and former MPD Officers have come forward in sworn statements attesting that the knee-to-neck tactic was trained and consistent with MPD Policy. Filed with this case are an additional 23 sworn statements from MPD Officers, attesting that the tactic shown in Exhibit 17 was the same as the tactic shown in another State Exhibit shown at trial, BATES 2596. They also attest that the knee-to-neck tactic, the "MRT," was trained by the MPD and that they received it.

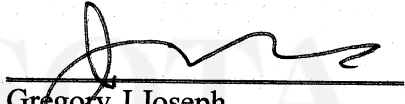
The jury instructions in this case contained descriptions for variations of two crimes, and permitted conviction on an “attempt to attempt” to inflict harm. When combining the various elements, the instructions materially misstate the law and permit conviction on an impermissibly broad array of conduct, in violation of his Sixth and Fourteenth Amendment rights.

The remaining grounds for relief are set forth in the memorandum and exhibits attached hereto and incorporated herein.

Petitioner requests a new trial or, in the alternative, an evidentiary hearing to address the issues presented.

Respectfully Submitted,

Nov. 20, 2025

  
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