

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

**ORDER DENYING MOTIONS
FOR NEW TRIAL AND FOR
SCHWARTZ HEARING**

Derek Michael Chauvin,

Dist Ct. File 27-CR-20-12646

Defendant.

This matter came before the Court on Defendant's motions for a new trial and for a *Schwartz* hearing.

Eric J. Nelson, Attorney at Law, appeared in writing on behalf of Defendant.

Matthew Frank, Assistant Attorney General; and Neal Katyal, Sundeep Iyer, Nathaniel Zelinsky, Harrison Kilgore, and Victoria Joseph, Special Assistant Attorneys General, appeared in writing on behalf of the State of Minnesota.

Based on all the files, records, and proceedings, the Court makes the following:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Defendant has failed to demonstrate that the Court abused its discretion or committed error such that Defendant was deprived of his constitutional right to a fair trial.
2. Defendant has failed to demonstrate that the State engaged in prosecutorial misconduct such that Defendant was deprived of his constitutional right to a fair trial.

3. Defendant has failed to establish a *prima facie* case of juror misconduct or that a juror gave false testimony during *voir dire* to warrant an evidentiary hearing pursuant to *Schwartz v. Minneapolis Suburban Bus Co.*, 104 N.W.2d 301 (Minn. 1960); *State v. Usee*, 800 N.W.2d 192 (Minn. App. 2011).

ORDER

1. Defendant's motion for a new trial is DENIED.
2. Defendant's motion for a *Schwartz* hearing is DENIED.
3. The transcript of proceedings attached to the State's memorandum as Exhibit A is STRICKEN as it was neither prepared nor certified by an official court reporter.

BY THE COURT:

Peter A. Cahill
Judge of District Court