

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Case Type: Special Administration
Court File No.: 10-PR-16-46
Judge: Kevin W. Eide

Estate of Prince Rogers Nelson,
Decedent,

And

Tyka Nelson,

Petitioner.

**RESPONSE OF BRIANNA NELSON AND
V.N. TO MEMORANDUM FOR
PRESENTATION OF PRIMA FACIE
EVIDENCE OF GENETIC
RELATIONSHIP BETWEEN DECEDENT
AND COREY D. SIMMONS**

Brianna Nelson and V.N., through her mother Jeannine Halloran, respond to statements and assertions made in the November 17, 2016 Memorandum for Presentation of Prima Facie Evidence of Genetic Relationship Between Decedent and Corey D. Simmons (“November 17 Memorandum”) concerning Corey Simmons’ assertion that Duane J. Nelson is his father. While the Court excluded Brianna Nelson and V.N. as heirs, that decision is being appealed. Should the appeal be successful, Brianna and V.N. should be permitted to submit evidence that Duane Nelson *did not* have a parent-child relationship with Corey Simmons as well as evidence that John L. Nelson had a parent-child relationship with Duane J. Nelson. Brianna and V.N. request leave to present documents and testimony of witnesses in addition to the results of genetic testing to show that Corey Simmons is not Duane Nelson’s biological son and that Duane Nelson never considered Corey to be his son.

Duane Nelson Was Not Corey's Biological Father

Corey Simmons introduced himself to the Nelson family at the funeral of Duane Nelson. While much of the family accepted his claims at face value, Carmen Weatherall, Brianna Nelson's mother, knew that was not true and said so. A few months later, Corey Simmons asked Brianna Nelson to submit genetic material for a genetic test in order to prove that Carmen was wrong and put all doubts to rest. Corey Simmons purchased a genetic test kit, collected the genetic samples, and submitted those samples to DDC, the same company that the Special Administrator engaged to handle genetic testing for this case.

In November 2012, DDC provided Corey Simmons with the results. Those results established that *Corey Simmons is not genetically related to Brianna Nelson*. See Exhibit A – redacted genetic testing results. According to the DDC analysis:

Based on testing results obtained from analyses of the DNA loci listed, the probability of half-siblingship is 0.02%. The likelihood that [Brianna Nelson and Corey Simmons] do not share a common biological parent is 5,657 to 1.

Id. According to DDC's analysis, it is highly unlikely that Corey Simmons and Brianna Nelson have the same biological father. Corey Simmons did not seek further genetic testing.

Although the genetic test did not establish a biological relationship, Brianna Nelson and other Nelson family members continued to maintain a warm, familial relationship with Corey Simmons. That relationship, however, does not establish that Duane and Corey had a parent-child relationship during Duane's life.

Duane Nelson Did Not Consider Corey His Child

There is substantial evidence, that Brianna and V.N. would submit at an evidentiary hearing, demonstrating that Duane Nelson did not consider Corey Simmons to be his child. Brianna and V.N. as well as others submitted numerous photographs and documentary evidence

of their relationship to Prince Rogers Nelson and the Nelson family. Brianna and V.N. also submitted birth certificates and recognitions of parentage in which Duane Nelson formally acknowledged he was the father of Brianna and Duane Junior. Brianna and V.N. submitted vacation and holiday photographs of Brianna and Duane Junior with Duane Nelson and the Nelson family.

Corey Simmons has submitted no evidence like this. No recognition of parentage for Corey Simmons was submitted because Duane Nelson never signed one. There are no photographs of Duane Nelson with Carolyn or Corey Simmons. While Corey Simmons claims that Duane Nelson kept pictures of Corey in his briefcase, there was not one photo of Corey found among Duane Nelson's possessions after his death. While Corey took lots of photographs of himself with the Nelson family, not one of these photos was taken before Corey showed up at Duane Nelson's funeral. Brianna and Duane Junior spent summers and holidays with their father and the Nelson family. Corey Simmons did not. The evidence will show that Duane Nelson did not treat Corey as his son or in any way like he treated his children Brianna and Duane Junior.

Corey Simmons claims that Carmen Weatherall acknowledged Duane as Corey Simmons' father. That is not true. Carmen has known since college that Duane Nelson did not believe Corey Simmons was his son. During and after college, Duane told Carmen about Carolyn Simmons' claim that he was Corey's father. Duane told Carmen that he was aware that Carolyn Simmons was intimate with other men at the time she was intimate with him. Duane told Carmen he did not believe Corey looked like him.

Moreover, Carmen Weatherall will testify that she did not make the statements that Corey Simmons and Shalonda McKinney attribute to her and that she did nothing to keep Duane Nelson away from Carolyn and Corey Simmons. See Exhibit 16 of November 17 Memorandum.

In important respects, the testimony and statements of Carolyn and Corey Simmons about visits that Duane Nelson made to see Corey as a child are in conflict with contemporaneous documents. For example, Carolyn Simmons claims that Duane Nelson dropped out of the University of Wisconsin – Milwaukee (“UWM”) in the spring of 1977 and returned to the Twin Cities. That is not true. Records from UWM show that Duane attended school the entirety of the spring of 1977. *See* Exhibit B – Letter from UMW.

At an evidentiary hearing, Brianna and V.N. will show that Duane’s relationship with Corey Simmons was not at all like his relationship with Brianna and Duane Junior. While there is ample evidence that Duane publicly held out Brianna and Duane Junior as his children during his life, there is no evidence that Duane ever acknowledged Corey Simmons or held him out as his son.

For these reasons, Brianna Nelson and V.N. respectfully request the opportunity to rebut these and other false assertions and statements that Corey Simmons has made to support his claim that Duane Nelson is his father at an evidentiary hearing.

Dated: November 22, 2016

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