

State of Minnesota
County of HennepinDistrict Court
4th Judicial District

Prosecutor File No.	33.EC55.0227
Court File No.	27-CR-20-12949

State of Minnesota,

Plaintiff,

vs.

TOU THAO DOB: 01/02/19861311 130th Lane NW
Coon Rapids, MN 55448

Defendant.

COMPLAINT

Warrant

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: Aiding and Abetting Second Degree Murder - Unintentional - While Committing A Felony**

Minnesota Statute: 609.19.2(1), with reference to: 609.05.1

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, Tou Thao intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other to commit the crime, namely causing 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: Aiding and Abetting Second Degree Manslaughter - Culpable Negligence Creating Unreasonable Risk**

Minnesota Statute: 609.205(1), with reference to: 609.05.1

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, Tou Thao intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other to commit the crime, namely

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 bill 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 back seat. 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, Lane ordered Mr. Floyd out of the car, put his hands on Mr. Floyd, and pulled him out of the car. Lane handcuffed Mr. Floyd.

Once handcuffed, Mr. Floyd walked with Lane to the sidewalk and sat on the ground at 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, Lane asked Mr. Floyd for his name and identification. Lane asked Mr. Floyd if he was "on anything" and noted there was foam at the edges of his mouth. Lane explained that he was arresting Mr. Floyd for passing counterfeit currency.

At 8:14 p.m., Officers Lane and Kueng stood 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 did not want to get in the back seat and was claustrophobic.

MPD Officers Derek Chauvin and Tou Thao (the defendant) 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.

Officer Chauvin went to the passenger side and tried to get Mr. Floyd into the car from that side and Lane and Kueng assisted.

Officer Chauvin 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. Officer Kueng held Mr. Floyd's back and Officer Lane held his legs. Officer Chauvin 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." Officer Chauvin and the other two officers stayed in their positions.

The defendant initially obtained a hobble restraint from the squad car to restrain Mr. Floyd in that manner, but the officers decided not to use it and maintained their positions. During this time, the defendant looked directly at how Chauvin was restraining Mr. Floyd, with Chauvin's knee on Mr. Floyd's neck area, and observed that the three officers had Mr. Floyd subdued in this manner. The defendant then became concerned about a number of citizens who had gathered and were watching the officers subdue Mr. Floyd, and potential traffic concerns, and so the defendant stood between those citizens and the three officers

restraining Mr. Floyd. When one citizen stepped off the curb, imploring Chauvin to get off of Mr. Floyd, the defendant put his hands on the citizen to keep him back.

One of 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 Officer Chauvin said, "No, staying put where we got him." Lane said, "I am worried about excited delirium or whatever." Officer Chauvin said, "That's why we have him on his stomach." Officer Chauvin and Officer 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, Officer Chauvin 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. While the ME did not observe physical findings supportive of mechanical asphyxia, the ME opined 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.

Officers Chauvin, Lane, 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. Officer Chauvin 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 officers 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.

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 01:07 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 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: \$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 01:38 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.

Tou Thao

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: Tou Thao
DOB: 01/02/1986
Address: 1311 130th Lane NW
Coon Rapids, MN 55448

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

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	X	MNBCA0000	20200338
	Modifier	5/25/2020	609.05.1 Liability for Crimes of Another-Intentional	No-Level	H2853	X	MNBCA0000	20200338
2	Charge	5/25/2020	609.205(1) Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H3003	X	MNBCA0000	20200338
	Modifier	5/25/2020	609.05.1 Liability for Crimes of Another-Intentional	No-Level	H3003	X	MNBCA0000	20200338