

Derek Chauvin trial: two jurors cut over impartiality concerns re \$27m Floyd settlement

Jurors dismissed after judge concerned they been tainted by city's settlement with Floyd's family



In video screen grab, defense attorney Eric Nelson, left, with defendant Derek Chauvin at the Hennepin county courthouse in Minneapolis on Wednesday.

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A judge on Wednesday dismissed two jurors who had been seated for the trial of a former Minneapolis police officer accused in George Floyd's death over concerns they had been tainted by the city's announcement of a \$27m settlement with Floyd's family.

Hennepin county judge Peter Cahill recalled seven jurors who were seated before the settlement announcement last week, and questioned each about what they knew of the settlement and whether it would affect their ability to serve. Former officer Derek Chauvin's attorney, Eric Nelson, had requested the recall.

That five of the seven jurors said they were able to shut out the news or set it aside was a fairly good outcome for those who hope the trial will stay on course, and may reduce the chance of Cahill agreeing to a defense request to delay the trial.

Chauvin is charged with murder and manslaughter in the 25 May death of Floyd, a Black man who was declared dead after Chauvin, who is white, pressed his knee against his neck for about nine minutes. Floyd's death, captured on a widely seen bystander video, set off weeks of sometimes violent protests across the country and led to a national reckoning on racial justice.

Cahill was careful to ask jurors if they had heard the news of the settlement without giving details, saying only that there had been “extensive media coverage about developments in a civil suit between the city of Minneapolis and the family of George Floyd” and asking if they were exposed to it.

The first dismissed juror, a white man in his 30s, said he had heard about the settlement. “I think it will be hard to be impartial,” he said.

“That sticker price obviously shocked me,” the second juror dismissed said. The Hispanic man in his 20s said he thought he could set the news aside, but wasn’t sure, and after a long pause, Cahill dismissed him.

Cahill retained five other jurors, including a Black man in his 30s who told Cahill he heard about the settlement on the radio Friday evening but could put it aside and decide the case only on evidence presented in the courtroom.

“It hasn’t affected me at all because I don’t know the details,” he said.

Jury selection through Tuesday had been proceeding faster than expected. Cahill has set opening statements for 29 March at the earliest, but dismissal of some of the previously seated jurors could imperil that timeline. Nine people had been selected for the jury, including seven before Friday’s settlement was announced.

Nelson called the timing of the announcement by city leaders in the middle of jury selection “profoundly disturbing” and “not fair”. He also requested a delay in the trial, which Cahill is considering.

Seven jurors remain, including four men and three women. Four are white, one is multiracial and two are Black, and their ages range from 20s to 50s. Fourteen people, including two alternates, are needed.

On Tuesday, the two sides skirmished over whether evidence of Floyd’s 2019 arrest in Minneapolis should be allowed at trial.

The judge previously rejected Chauvin’s attempt to tell the jury about the arrest – a year before his fatal encounter with Chauvin – but heard fresh arguments Tuesday from both sides. He said he would rule on the request Friday.

Nelson argued that new evidence makes the earlier arrest admissible: Drugs were found in December 2019 during a second search of the car Floyd was in, and were found in a January 2020 search of the squad car into which the four officers attempted to put Floyd.

He also argued the similarities between the encounters are relevant: Both times, as officers drew their guns and struggled to get Floyd out of the car, he called out for his mother, claimed he had been shot before and cried, and put what appeared to be pills in his mouth. Officers noticed a white residue outside his mouth both times, although that has not been explained.

In the first arrest, several opioid pills and cocaine were found. An autopsy showed Floyd had fentanyl and methamphetamine in his system when he died.

Paramedics who examined Floyd in 2019 warned him that his blood pressure was dangerously high, putting him at risk for a heart attack or stroke, and took him to a hospital for examination. Nelson argued that shows Floyd knew that swallowing drugs could land him in the hospital rather than jail.

But prosecutor Matthew Frank argued the only relevant thing in Floyd's death is how he was handled by Chauvin and the other officers.

"What these officers were dealing with is what they were responsible for," Frank said. "What is relevant to this case is what they knew at the scene at this time."

Cahill said he would stop the defense "very quickly" from suggesting at trial that Floyd didn't deserve sympathy because he used drugs.

"You don't just dirty up someone who has died in these circumstances as a defense," he said.