

## Defense attorney Eric Nelson closing argument on April 19, 2021



### Speaker 1:

[inaudible] you may close for the defense.

### Eric Nelson:

May it please the Court, counsel, Mr. Chauvin, members of the jury. We want to take this opportunity first to thank each and every one of you for your service, your diligence, and your attention to this matter. We all recognize the disruption that jury service places on your personal and professional lives, especially in the case of this magnitude and direction. And so on behalf of Mr. Chauvin, I want to thank each and every one of you for your attention and service to this jury.

I'm going to apologize if I get a little long-winded because I get one bite at the apple here. The state has an opportunity to rebut my statement after this.

There's so very much we need to cover. There's so very much we need to talk about, and it is all important. Before I begin my review of the evidence in this case,

I would like to address two very crucial points of law, and they were touched on by the state, the presumption of innocence, and what proof beyond a reasonable doubt means. The presumption of innocence, the defendant is presumed innocent. That's the starting point. He's presumed innocent of these charges. And this presumption remains with him throughout the course of the trial, the presentation of the evidence, throughout the course of your deliberations until and unless the state has proved its case beyond a reasonable doubt. The defendant does not have to prove his innocence. We talked about this in jury selection. We talked about the starting point. The defendant doesn't have to try to catch up. He starts at the presumption of innocence.

Proof beyond a reasonable doubt. Here's the definition that the judge just read you, "Proof beyond a reasonable doubt is such proof as ordinary prudent men and women would act upon in their most important affairs. A reasonable doubt is a doubt that is based upon reason and common sense. It does not mean a fanciful or capricious doubt, nor does it mean beyond all possibility of doubt."

The law recognizes three standards of proof. The preponderance of the evidence is the first and lowest standard. Clear and convincing evidence is the next standard. And the third standard is proof beyond a reasonable doubt. And the way we lawyers sometimes illustrate what these three standards mean is through the scales of justice. The scales of justice equally balanced. When you apply the standard of the preponderance of the evidence, it's also called the scintilla of the evidence, a single grain of sand tips the scales in the favor of one party or the other, and this burden of proof is used in many civil cases.

Somebody at the state wants to take away your driver's license, for an example. That is the burden of proof that the state has in that type of a case. They have to just ever so slightly convince the finder of fact that their evidence supports their action. The next standard is clear and convincing evidence. I mean, that's pretty

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self-explanatory. It is clear evidence and it convinces you, the finder of fact, that the action is correct. This is the standard of proof that is used if the state wants to take away your children, clear and convincing evidence. It tips the scales more in one ... The favor of one party over the other.

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