



PRESS RELEASE

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Carver County Attorney Mark Metz announces no criminal charges following the Prince Rogers Nelson death investigation

On April 19, 2018, Carver County Attorney Mark Metz announced that no criminal charges will be filed in Carver County following a two year investigation related to the death of Mr. Prince Rogers Nelson.

This extensive investigation coordinated comprehensive efforts between several federal, state, and local law enforcement agencies, including but not limited to the Carver County Sheriff's Office, the United States Attorney's Office, the Minnesota Bureau of Criminal Apprehension, the Hennepin County Crime Laboratory, and the United States Drug Enforcement Agency.

As a preliminary matter, Attorney Metz notes he only has jurisdiction to file criminal charges for incidents that occur in Carver County. Attorney Metz's primary ethical duty as the Carver County Attorney is to seek justice within the bounds of the law, not merely to convict. He must serve the public interest, exercising professional judgment in both pursuing criminal charges when appropriate while also declining charges when the objective evidence is legally insufficient. In sum, Attorney Metz must seek to protect the innocent and convict the guilty, considering the interests of victims and witnesses, and respecting the constitutional and legal rights of all persons, including suspects and defendants.

The present case is a most unusual and extraordinary case unquestionably involving a world famous celebrity. However, Prince's celebrity status and tremendous fame is not germane to any analytical charging decision based on the legal merits and actual evidence adduced, not any particular bias in favor or disfavor of a particular celebrity or public figure.

In considering any potential criminal charge, a prosecutor must have substantial evidence demonstrating not only probable cause exists to believe a crime was committed but there is also a reasonable likelihood of conviction based on admissible evidence to prove the case beyond a reasonable doubt. Proof beyond a reasonable doubt is the highest evidentiary burden in American law.

Following the extraordinary investigation conducted by federal, state, and local law enforcement, and wherein Carver County Sheriff's Deputies were cross-deputized as federal agents, the following essential information developed.

On April 21, 2016, Prince died from an overdose of fentanyl. Fentanyl is a very powerful synthetic opioid that is 30-50 times more potent than heroin and 50-100 times more potent than morphine. As described below, the evidence demonstrates that Prince thought he was taking Vicodin, not fentanyl.

Vicodin is an opioid painkiller containing hydrocodone and acetaminophen. Typically, Vicodin is used to manage severe pain. The evidence reveals that Prince had experienced significant pain and was using some type of pain medication for a number of years.

The evidence taken from Paisley Park revealed a large number of pill bottles containing different medications and pills. A significant number of the pills found by law enforcement at Paisley Park were not in the original container provided by a pharmacy. For example, law enforcement located numerous white capsule pills with "Watson 853" imprinted on the pills inside Paisley Park. Like Vicodin, "Watson 853" is a legitimate medication made by Watson pharmaceuticals containing hydrocodone and acetaminophen. A number of different pharmaceutical companies produce pills containing hydrocodone and acetaminophen. Many consumers refer generically to such pills as "Vicodin." Notably, the evidence demonstrates that Prince had no known Vicodin or fentanyl prescription.

15 of the "Watson 853" pills were located in Prince's dressing room. Another 64 ½ of these pills were located inside a Bayer bottle and 20 ½ pills were located inside an Aleve bottle on the nightstand next to Prince's bed. Another loose pill was located in Prince's bed.

Prince did not die from a Vicodin or Percocet overdose. The toxicology report is clear that Prince died from a significant overdose of fentanyl. The evidence suggests that Prince took counterfeit Vicodin containing fentanyl on or

about April 21, 2016. Unfortunately, the subject counterfeit Vicodin pills are an exact imitation of real Vicodin pills, but the counterfeit pills contain the potentially deadly opioid fentanyl. Representative samples taken from the counterfeit Vicodin pills seized from Paisley Park chemically tested positive for fentanyl. Nothing in the evidence suggests that Prince knowingly ingested fentanyl. In addition, there is no evidence that any person associated with Prince knew Prince possessed any counterfeit pills containing fentanyl. In all likelihood, Prince had no idea he was taking potentially lethal counterfeit pills. There is no objective evidence suggesting that others around Prince had any knowledge that the pills were counterfeit containing fentanyl.

There is no evidence that the pill or pills that killed Prince were prescribed by a doctor. The law enforcement investigation uncovered no evidence to suggest any sinister motive, intent, or conspiracy to murder Prince. Rather, the evidence demonstrates that Prince had long suffered significant pain and he became addicted to pain medications. The evidence also reveals Prince was an intensely private individual and took efforts to protect his privacy. In fact, Prince did not even own a cell phone and so that was one important piece of evidence detectives could not examine.

The investigation also reveals that on April 7, 2016, Dr. Michael Schulenberg treated Prince at North Memorial Clinic in Minnetonka. Prince's assistant, Kirk Johnson, contacted Dr. Schulenberg and asked him if he would be able to see Prince because Prince had been experiencing numbness and tingling in his hands and legs and had vomited the night before. Dr. Schulenberg conducted a physical exam of Prince and then provided Prince with intravenous fluids. In addition, Dr. Schulenberg gave Prince two prescriptions for non-controlled substances: vitamin D and another drug to treat nausea. The Doctor offered to see Prince again and conduct blood work if it was necessary. Dr. Schulenberg admitted that he put the prescriptions in Kirk Johnson's name in order to protect Prince's privacy.

On April 14, 2016, Kirk Johnson contacted Dr. Schulenberg and asked the Dr. if he would prescribe pain medication for Prince because Prince's hip was bothering him. Dr. Schulenberg's medical notes indicate that the patient called and was leaving for Atlanta for a concert shortly and hurt his back lifting equipment - Prince was wondering if he could get something to treat the pain. Dr. Schulenberg stated that he felt comfortable prescribing Prince Percocet because he had examined Prince the week before. He then prescribed 15 pills of Percocet.

Dr. Schulenberg put the one-time prescription for Percocet in Kirk Johnson's name at the request of Kirk Johnson because Prince wanted to protect his privacy and Prince did not want any narcotics issued in his name. Deputies later located 10 of the 15 Percocet pills inside Prince's suitcase at Paisley Park.

On the evening of April 14, 2016, Prince became unconscious while flying back to Minneapolis from a concert in Atlanta. The plane had to make an emergency landing in Moline, Illinois. At the airport, emergency medical services administered two doses of the antidote Narcan to resuscitate Prince. Prince was taken to an area hospital and released that same day. No pills were chemically tested in Moline but the evidence suggests that it was likely that Prince took a counterfeit Vicodin pill or pills with the "Watson 853" imprint on it that was in a Bayer bottle.

On Monday, April 18, 2016, Kirk Johnson told Dr. Schulenberg that he, Kirk Johnson, was concerned about Prince's opioid use. On Wednesday, April 20, 2016, Dr. Schulenberg examined Prince again and took a blood sample. Prince stated that he was feeling antsy and asked about opioid withdrawal symptoms. Dr. Schulenberg again administered intravenous fluids and provided a prescription for Clonidine, a medication used to treat opioid withdrawal symptoms by lowering blood pressure, and a prescription for an antihistamine similar to Benadryl. That evening, Dr. Schulenberg spoke with Prince's management about arranging chemical dependency treatment for Prince. Management contacted a recovery center in California to assist Prince with his addiction. A representative from "Recovery without Walls" in California, Andrew Kornfeld, traveled to Minnesota on April 21, 2016, to meet with Prince and management in order to arrange a treatment program.

On Thursday morning, April 21, 2016, Dr. Schulenberg told Kirk Johnson that he had Prince's medical records and blood test results. Dr. Schulenberg agreed to meet Kirk Johnson at Paisley Park to drop off the test results. When Dr. Schulenberg arrived, rescue units were already at the scene.

Again, Prince did not die from taking the prescribed Percocet since Percocet contains oxycodone and no fentanyl. The evidence that Dr. Schulenberg prescribed Percocet for Prince in Kirk Johnson's name is not germane to the ultimate question of who may have provided the counterfeit Vicodin with fentanyl to Prince.

Despite the intensive law enforcement investigation, there is no reliable evidence showing how Prince obtained the counterfeit Vicodin laced with fentanyl or who else may have had a role in delivering the counterfeit Vicodin to Prince. As part of the investigation, law enforcement completed forensic analysis on all digital evidence seized pursuant to search warrants. Despite their extensive efforts, law enforcement was unable to determine the source of the counterfeit Vicodin laced with fentanyl.

Therefore, without probable cause and no identified suspect, the Carver County Attorney's Office cannot file any criminal charges involving the death of Prince.

The fact that criminal charges are not brought does not mean that some person or persons associated with Prince did not assist or enable Prince in obtaining the counterfeit Vicodin. After all, Prince somehow came into possession of the pills - and the pills had to come from some source. So too, there is no doubt that the actions of individuals closely associated with Prince will be questioned, criticized, and judged in the days and weeks to come. However, suspicions and innuendo are categorically insufficient to support a criminal charge.

County Attorney Metz notes that assigning blame by implication is not his role as a prosecutor. Rather, Attorney Metz's role is to make exacting legal determinations based on established and reliable facts, not to pass moral judgments. For a prosecutor to ethically charge a person with any crime requires probable cause plus a reasonable likelihood of conviction, noting that the threshold of proof in a criminal case is proof beyond a reasonable doubt to a unanimous jury.

Because Prince was an intensely private individual, the evidence shows that Prince's close associates, including but not limited to Kirk Johnson and Dr. Schulenberg, followed Prince's directives in helping to maintain Prince's desire for privacy. However, there exists no direct evidence that a specific person provided the fentanyl to Prince. In sum, the Carver County Attorney's Office lacks sufficient evidence to charge anyone with a crime related to the death of Prince.

For every legal wrong, there is a legal remedy but not every remedy is criminal in nature. Fortunately, the United States Attorney's Office for the District of Minnesota has announced a civil settlement with Dr. Schulenberg so

Dr. Schulenberg is being held accountable for his actions in writing the Percocet prescription in Kirk Johnson's name.

Because the Carver County Attorney's Office is declining criminal charges, the Carver County Sheriff's law enforcement reports become public data under the Minnesota Government Data Practices Act (requests for federal law enforcement reports must be made pursuant to the federal Freedom of Information Act). The Carver County law enforcement reports will be available for free download on the Carver County Sheriff's website on April 19 or April 20. Therefore, individual data requests are not required.

While some portions of the law enforcement data may be redacted consistent with Minnesota law, the vast majority of the reports and photos are not redacted. Under Minnesota law, all data is presumed public unless some exception applies. Minnesota has a very open and transparent process as it relates to data - even criminal investigative reports and photos of crime scenes. This office must comply with the law and therefore the reports and photos are public at this stage since no charges are filed.

Regarding the autopsy reports, Minnesota law is very specific about data that a medical examiner is allowed to disclose. The law provides that the autopsy report, which includes the toxicology reports, are considered private or nonpublic data under Minnesota law and therefore not accessible to the public.

In conclusion, Attorney Metz emphasizes that the United States continues to suffer from an unprecedented and horrific epidemic of opioid overdoses. Prince's death is a tragic example that opioid addiction does not discriminate, no matter what demographic.

The Carver County Attorney's Office gives its sincere condolences to Prince's family, friends, and his vast legions of fans.

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