

**Mr. Matthew David Guertin**

4385 Trenton Ln N #202

Plymouth, MN 55442

MattGuertin@ProtonMail.com

(763) 221-4540

January 5<sup>th</sup>, 2023**Ms. Jacqueline Perez**

300 South 6th Street C2000

Minneapolis, MN 55487

Re: **State of Minnesota v. Matthew David Guertin****Court File No: 27-CR-23-1886**

Dear Ms. Perez,

As the defendant in the above named case whom is facing criminal charges received in Hennepin County of which you are named as the prosecuting attorney responsible for said charges, I would respectfully ask that I please be provided with the following discovery materials related to my case pursuant to the Minnesota Rules of Criminal Procedure, Rule 9:

- i. All Brady material
- ii. Squad video
- iii. Audio tapes
- iv. All 104 police photographs (as is listed in Dr. Jill Rogstad's 'Confidential Forensic Evaluation Report' pertaining to my case) which were taken by the Minnetonka Police Department of 10233 West 34<sup>th</sup> Street #304, on January 21<sup>st</sup> 2023. I would please ask that I receive these in their original, and non-compressed digital file format. If there are in fact physical, photographic quality prints those would also suffice.

I would appreciate receiving these materials as soon as possible. Please forward all correspondence to my email address. If any of these materials require postal mail for whatever reason they can be mailed to my address as listed at the top of this filing. Do not hesitate to contact me should you have any questions.

Sincerely,

*/s/ Matthew David Guertin*

**NOTICE OF DISMISSAL AS DEFENSE COUNSEL / Matthew Guertin / 27-CR-23-1886**

From mattguertin <MattGuertin@protonmail.com>

To Bruce Rivers<riverslawyers@aol.com>

Date **Wednesday, April 3rd, 2024 at 7:07 AM**

**EXHIBIT****K**

Bruce,

My filed 'Motion to Proceed as Pro Se' is attached.

**Please submit a formal 'Withdrawal of Representation' into my case file when you are able.**

Thank you,

~Matt Guertin

Sent with [Proton Mail](#) secure email.

300.35 KB 1 file attached

**27-CR-23-1886\_Pro-Se-Motion\_2024-04-03.pdf** 300.35 KB

**EMAIL PGP HEADER -**

X-Pm-Content-Encryption: on-compose

X-Pm-Origin: internal

Subject: NOTICE OF DISMISSAL AS DEFENSE COUNSEL / Matthew Guertin / 27-CR-23-1886

From: Matt Guertin <MattGuertin@protonmail.com>

Date: Wed, 03 Apr 2024 13:07:44 +0000

Mime-Version: 1.0

Content-Type: text/html

To: Bruce Rivers <riverslawyers@aol.com>

X-Attached: 27-CR-23-1886\_Pro-Se-Motion\_2024-04-03.pdf

Message-Id: <VpRWrtOhv4nRg2TtFUNeb9f2hskPGevOSHeBtfSzDTtFH5frVCyHdV-gSw1b8nAXx8lhCsZzHUGzrPY3KwXAAzgcxXlrVptig04OKV1ITbk=@protonmail.com>

X-Pm-Scheduled-Sent-Original-Time: Wed, 03 Apr 2024 13:07:28 +0000

X-Pm-Recipient-Authentication: riverslawyers%40aol.com=none

X-Pm-Recipient-Encryption: riverslawyers%40aol.com=none

**Re: NOTICE OF DISMISSAL AS DEFENSE COUNSEL / Matthew Guertin /****27-CR-23-1886**

From Bruce Rivers <riverslawyers@aol.com>  
 To mattguertin<MattGuertin@protonmail.com>  
 Date **Wednesday, April 3rd, 2024 at 7:38 AM**

**Call me**

Sent from my iPhone

**EMAIL PGP HEADER -**

Return-Path: <riverslawyers@aol.com>  
 X-Original-To: MattGuertin@protonmail.com  
 Delivered-To: MattGuertin@protonmail.com  
 Authentication-Results: mail.protonmail.ch; dkim=pass (Good 2048 bit  
 rsa-sha256 signature) header.d=aol.com header.a=rsa-sha256  
 Authentication-Results: mail.protonmail.ch; dmarc=pass (p=reject dis=none)  
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 header.i=@aol.com header.b="eVyQVpaR"  
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 client certificate requested) by mailin037.protonmail.ch (Postfix) with ESMTPS id  
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 3 Apr 2024 13:38:34 +0000 (UTC)  
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STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court File No.: 27-CR-23-1886

Plaintiff,

vs.

**DEFENDANT'S MOTION**  
**TO REPRESENT SELF**  
**PRO SE**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; MS. JACQUELINE PEREZ, ASSISTANT HENNEPIN COUNTY ATTORNEY; AND MR. BRUCE RIVERS, CURRENTLY APPOINTED COUNSEL, WHO IS HEREBY NOTIFIED OF THE DEFENDANT'S INTENT TO DISMISS SAID COUNSEL AND PROCEED PRO SE.

**MOTION**

COMES NOW the Defendant, Matthew David Guertin, pursuant to Rule 10.01 of the Minnesota Rules of Criminal Procedure, the Sixth and Fourteenth Amendments to the United States Constitution, Minn. Stat. § 611.14, and relevant case law, including *Indiana v. Edwards*, 554 U.S. 164 (2008), and respectfully moves this Court for an order allowing the Defendant to represent himself in the above-captioned matter. In support of this Motion, the Defendant states as follows:

**INTRODUCTION**

The Defendant has been informed of his right to effective assistance of counsel under the Sixth Amendment and understands the risks and responsibilities associated with self-representation.

## LEGAL BASIS FOR MOTION

Under Rule 10.01 of the Minnesota Rules of Criminal Procedure, a defendant has the right to the assistance of counsel and the corollary right to represent oneself.

The Supreme Court in *Indiana v. Edwards*, 554 U.S. 164 (2008), recognized that a state may insist upon representation by counsel for those competent enough to stand trial under the Dusky standard but who still may not be competent to conduct trial proceedings by themselves.

The Dusky standard, established in *Dusky v. United States*, 362 U.S. 402 (1960), requires that a defendant have a sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him.

## DEFENDANT'S COMPETENCY AND UNDERSTANDING

The Defendant reasserts his competency under the Dusky standard, emphasizing a rational and factual understanding of the proceedings and the ability to conduct his defense. Notably, the court has previously acknowledged the Defendant's capacity to engage in significant legal decisions, as evidenced in the following instances:

### 1. Consultation and Waiver Decision:

The court deemed the Defendant competent enough to consult with a court-appointed attorney and make informed decisions regarding the waiver signed by the Defendant on January 31<sup>st</sup>, 2024. This action presupposes a recognition of the Defendant's understanding and capacity to make reasoned legal decisions.

*SEE EXHIBIT A – Waiver.*

*For the purposes of this argument, Exhibit A - the Waiver, is referenced solely to illustrate inconsistencies in the court's application of competency standards, not as*

*an acknowledgment of its validity or as an affirmation of informed consent. The Defendant explicitly reserves all rights to contest the waiver's validity on grounds of lack of informed consent and miscommunication regarding the court proceedings.*

2. 'ACCEPTANCE OF TERMS OF STAY OF COMMITMENT' Agreement:

Furthermore, in the proceedings related to the Defendant's civil commitment, the court's decision to proceed with the 'ACCEPTANCE OF TERMS OF STAY OF COMMITMENT' agreement—specifically altering the requirement for a psychologist's endorsement by placing 'N/A' on the signature line of Court Examiner, Michael Robertson in which his signature would have been affirming the following statement:

*“Based upon my examination of the respondent and review of relevant records, I am of the opinion that the respondent is competent to understand this agreement.”*

This decision implicitly acknowledges the Defendant's competency to understand and agree to complex legal and medical arrangements.

*SEE EXHIBIT B – Page 4 of 'ACCEPTANCE OF TERMS OF STAY OF COMMITMENT'*

**ARGUMENT FOR CONSISTENCY IN COMPETENCY DETERMINATIONS**

The Defendant argues for a consistent application of competency standards across his legal proceedings. The inclusion of Exhibits A and B supports the argument that the Defendant has been recognized as competent in crucial legal contexts, which should logically extend to his capacity for self-representation.

## DEFENDANT'S ACKNOWLEDGMENT OF RISKS

The Defendant acknowledges the risks associated with self-representation, including the potential for a less favorable outcome than if represented by counsel, and asserts his informed decision to waive his right to counsel.

## REQUEST FOR STANDBY COUNSEL

Given the complexities of legal proceedings and in alignment with the principles established in *Indiana v. Edwards*, the Defendant requests the Court appoint standby counsel to assist if necessary, ensuring the fairness of the trial process while respecting the Defendant's autonomy in his defense.

## EXHIBITS

Attached herewith are the exhibits referenced in this motion:

### Exhibit A:

Waiver signed by the Defendant in consultation with court-appointed attorney Joel Fisher, on January 31<sup>st</sup>, 2024 demonstrating the court's recognition of the Defendant's competency to make informed legal decisions.

### Exhibit B:

Page 4 from the "ACCEPTANCE OF TERMS OF STAY OF COMMITMENT" agreement, which was altered by the court to reflect the Defendant's competency in agreeing to complex legal and medical arrangements, signed by the Defendant on August 9<sup>th</sup>, 2023, and officially entered into the record of civil case file 27-MH-PR-23-815 on August 9<sup>th</sup>, 2023.



These exhibits are provided to substantiate the Defendant's argument for a consistent application of competency determinations and his capacity to represent himself pro se.

### **COMMITMENT TO PROCEDURAL AND SUBSTANTIVE RESPONSIBILITIES**

The Defendant wishes to affirm to the Court his full understanding and commitment to upholding both the procedural and substantive responsibilities entailed in self-representation. The Defendant recognizes the gravity and complexity of navigating legal proceedings and is prepared to diligently engage with the court's processes, adhere to legal standards, and present a defense that is coherent, respectful, and grounded in law. This commitment underscores the Defendant's determination to ensure that his representation is not only in compliance with the procedural requirements but also effectively advocates for his rights and interests within the substantive framework of the justice system.

### **RELIEF SOUGHT**

WHEREFORE, the Defendant respectfully requests the Court:

- a) Grant this Motion allowing the Defendant to represent himself pro se in the above-captioned matter;
- b) Appoint standby counsel to provide assistance as needed, pursuant to *Indiana v. Edwards*;
- c) Schedule a hearing on this Motion, if the Court deems it necessary<sup>1</sup>; and
- d) Grant such other and further relief as the Court deems just and proper.

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<sup>1</sup> Defendant respectfully requests that any scheduled hearings be scheduled after May 5, 2024 as Defendant is also currently maintaining the role of 'pro se patent attorney' insofar as formulating a legally sound response to the non-final office action that was issued by the USPTO for US Patent Application 18/108,858 on December 5<sup>th</sup>, 2023 of which the Defendant is the inventor of.



Respectfully submitted,

Date: April 3, 2024

By: /s/ Matthew Guertin

Matthew David Guertin

Defendant Pro Se

4385 Trenton Ln N #202

Plymouth, MN 55442

Telephone: 763-221-4540

Email: MattGuertin@Protonmail.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2024, I served a copy of this Motion on the Prosecutor's Office, Ms. Jacqueline Perez, through the 'E-File & Serve' system which automatically notifies all included 'Service Contacts', and on my current attorney of record, Bruce Rivers, through the 'E-File & Serve' system, in addition to a copy of this motion sent to his email 'RiversLawyers@aol.com', and a text message to his personal cell phone making him aware of my decision to dismiss him as my defense counsel.



STATE OF MINNESOTA  
COUNTY of HENNEPIN

DISTRICT COURT FOURTH  
JUDICIAL DISTRICT MENTAL  
HEALTH DIVISION

**In Re: the Civil Commitment of  
Matthew Guertin**

**Court File: 27-MH-PR-23-815**

**DOB: 7/17/1981**


**WAIVER**

**Respondent.**

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After a full consultation with my attorney who has explained my rights to me and discussed with me the various alternatives available to me, I do hereby knowingly and voluntarily consent to the Court extending my Stay of Commitment for a period of 9 months, without the hearing provided by Minn. Stat. §253B.05 subd.3, 08 and .09.

Dated: 1/31/2024

  
Matthew David Guertin  
Respondent

CERTIFICATION

I have advised the Respondent of all rights affected by the foregoing waiver, including the various options available and the consequences flowing from each option. The Respondent understood the rights involved and willingly signed the Waiver.

Dated: \_\_\_\_\_

\_\_\_\_\_

Attorney ID# 29579

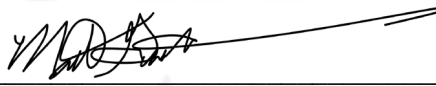
Joel Fisher

EXHIBIT  
B

**X ~~Agreement Regarding the Requested Jarvis (Neuroleptic Medication)~~**

- ~~I understand that the County Attorney may also request that the continued neuroleptic medication Petition be set on for hearing, and the revocation of the stayed commitment will not be delayed because of it.~~
- ~~I understand that the neuroleptic medication hearing will be set as soon as possible, and I waive the right to object to the timeliness of the notice, as long as transportation can be arranged for me, and my attorney can appear.~~
- ~~I understand that if a neuroleptic medication hearing is scheduled on this continued petition, only that issue will be addressed at the hearing.~~
- ~~If I wish to request a hearing on the revocation of the stayed commitment, I must make a separate request for hearing to the Court, within 14 days after the revocation.~~

Dated: August \_\_, 2023

  
 Mathew David Guertin, Respondent

I have advised Mathew David Guertin, Respondent above, of the nature and conditions of this agreement, his/her trial rights, the right to have this matter tried before the District Court, and his/her right to have the matter reconsidered pursuant to Minn. Stat. § 253B.17.

Dated: August \_\_, 2023

\_\_\_\_\_  
 Michael Biglow, Counsel for Respondent

Based upon my examination of the respondent and review of relevant records, I am of the opinion that the respondent is competent to understand this agreement.

Dated: August \_\_, 2023

\_\_\_\_\_  
 N/A  
 Michael Robertson, Court Examiner

**STATE OF MINNESOTA**  
**COUNTY OF HENNEPIN**

**DISTRICT COURT**  
**FOURTH JUDICIAL DISTRICT**  
**PROBATE/MENTAL HEALTH DIVISION**

State of Minnesota,

Court File No. 27-CR-23-1886

Plaintiff,

vs.

Matthew David Guertin,

Defendant,

**ORDER DENYING**  
**DEFENDANT'S MOTION TO**  
**REPRESENT SELF PRO SE**

Defendant, Mr. Matthew David Guertin, brought a motion on April 3, 2024, to represent himself pro se in the above-captioned matter.

**FINDINGS OF FACT**

1. Defendant (date of birth 07/17/1981) was charged in MNCIS file 27-CR-23-1886 with Reckless Discharge of a Firearm (Felony) and three counts of Receive/Possess with No Serial Number (Felony) arising from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, Referee Lyonel Norris found probable cause to believe that the offenses were committed, and that Defendant committed them.
2. This Court first found Defendant incompetent to proceed on July 13, 2023, pursuant to Rule 20.01 of the Minnesota Rules of Criminal Procedure.
3. On November 15, 2023, Judge Julia Dayton Klein ordered a subsequent Rule 20.01 evaluation. Defendant was again found incompetent on January 17, 2024.

**CONCLUSIONS OF LAW**

4. Pursuant to Minn. R. Crim. P. 20.01, subd. 1., a defendant is not permitted to waive counsel if the defendant lacks the ability to voluntarily, and intelligently waive the right to counsel; appreciate the consequences of proceeding without counsel; comprehend the nature of the charge; comprehend the nature of the

proceedings; comprehend the possible punishment; or comprehend any other matters essential to understanding the case.

5. The standard for an individual to waive the right to counsel is the same standard as used to determine competency. *State v. Thompson*, No. A20-1232 (Minn. Ct. App. Jul. 26, 2021) (citing *Godinez v. Moran*, 509 U.S. 389, 396 (1993); *State v. Camacho*, 561 N.W.2d 160, 170-74 (Minn. 1997)). A defendant found to be incompetent is not permitted to waive the constitutional right to counsel. *Id.*
6. Defendant was deemed incompetent to proceed pursuant to Minn. R. Crim. P. 20.01, subd. 2 and, therefore, Defendant currently lacks the ability to waive counsel.

**IT IS ORDERED:**

1. Defendant's Motion to Represent Self Pro Se is **DENIED**, and Mr. Bruce Rivers shall proceed as the attorney of record.
2. The Defendant shall appear for a six-month review hearing regarding the Rule 20.01 proceedings on July 16, 2024, before the undersigned District Court Judge.

**BY THE COURT:**

---

JULIA DAYTON KLEIN  
Judge of District Court

**Matthew David Guertin**  
1075 Traditions Ct.  
Chaska, MN 55318  
MattGuertin@ProtonMail.com  
763-221-4540

**May 3, 2024**

**Clerk of the Court**  
MN 4<sup>th</sup> Judicial District Court  
300 South Sixth Street  
Minneapolis, MN 55487

**Re: Follow-Up on Unacknowledged Motions for Discovery, Judicial Notice (27-CR-23-1886) and Medical Records (27-MH-PR-23-815)**

Dear Judge Julia Dayton Klein and the Clerk of the Court,

I am writing to respectfully follow up on my previously filed motions: a Motion for Judicial Notice, a Motion to Compel Discovery, and a Motion to Compel Production of Medical Records, which all have yet to be acknowledged by the court or my defense counsel despite multiple attempts. These motions were filed on April 3, 2024 and April 4, 2024, and as of one month later no action has been taken nor any communication received regarding their status. This correspondence seeks to ensure that these motions are addressed in a timely manner, as stipulated by the procedural guidelines of the court.

Despite the current dormant status of my criminal case, with ongoing felony charges, it remains imperative that all procedural rights be preserved and respected, including timely access to discovery and medical exam reports. The inability to obtain all of these necessary documents significantly impedes my ability to effectively prepare my defense and to respond appropriately to both my criminal (27-CR-23-1886) and civil case (27-MH-PR-815).

The fact that the court believes me to currently be ‘incompetent to stand trial’ and ‘unable to understand the nature of the charges against me or aid in my own defense’ does not mean that the court no longer has an obligation to acknowledge, and respond to legally relevant, properly structured motions filed by myself in which I am trying to obtain materials that the court is obligated to make sure I am provided with as clearly addressed in Rule 9.01subd.1(3)(b), Rule 9.01subd.1(4)(a), Rule 9.01subd.1(6), Rule 9.01subd.1a(1), Rule 9.01subd.2(1) of the ‘Minnesota Rules of Criminal Procedure’, along with Rule 13(a) of the ‘Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Acts’.

This letter serves both as a formal reminder of the outstanding motions and as part of my ongoing efforts to assert my procedural rights. The continuous non-response from the court raises serious concerns about procedural fairness and my right to a fair legal process. This is especially true in light of the substantial allegations I have very clearly, and coherently presented in my 'Motion to Compel Discovery and Affidavit of Fact' submitted to the court on April 4, 2024, which unequivocally serves to show that the only discovery materials that were ever provided to me thus far were fraudulent insofar as the cropping and editing that was carried out for the purpose of portraying a significantly skewed portrayal of my residence, and activities prior to my arrest, and the current criminal charges. It is in fact these very same, fraudulent photographs that were relied upon by Dr. Michael Robertson in order to produce his exam report about me following the Order of Civil Commitment that was submitted to the court on July 20, 2023 (27-MH-PR-815)

In the courts order denying my Petition to Proceed as Pro Se Counsel, the courts denial of said motion is based upon the backdrop of the overwhelming care and concern that the court has about my personal well-being insofar as wanting to ensure that my supposed inability to understand and comprehend what is currently taking place doesn't impede my chances at a fair, just, and impartial legal outcome within the court. If this were actually the case then should the court not be even more concerned by the current situation taking place in which you have a supposedly incompetent defendant actively attempting to 'aid in his own defense' through a multitude of ways, only for all of them to be impeded by not just the court itself, but also his own defense counsel ?

If my Stayed Order of Civil Commitment, the Plan for Care Agreement I signed, and the reason for denying my Petition to Proceed as Pro Se Counsel all revolves around the supposed overwhelming care and compassion the court has for me and my well being, then why is it the court itself that is currently causing all of the unneeded anxiety and worry in my life right now?

It is the court that expected me to show up in person at a civil commitment hearing on February 1, 2024 without being able to know what the exam report about me contained within it.

It is the court that still has not provided me with said exam report even though it is now exactly four months, and two separate motions later.

It is the court who refuses to make the prosecution turn over the discovery materials they are obligated to provide to me, and for which I have also submitted two additional unacknowledged motions for.

If all that is required to help me out is for the court to simply 'do its job' ultimately, then why does the court continue to not do so?



I can't help but be extremely concerned about what else the court may have in store for me in regards to my upcoming review hearing scheduled for July 16, 2024 in light of everything that has (and has not..) taken place thus far. If neither the court nor my defense counsel has been willing to provide me with the Rule 20.01 exam report from the review that took place four months ago then what are the chances I will be provided with the next one ?

I would respectfully ask the court to help improve my mental well being with an expedited review of my pending motions, and an update on the actions the court intends to take regarding my many unanswered requests for both discovery materials and access to my medical records, which I have also requested multiple times to my defense counsel, Bruce Rivers, to no avail. Should you require any additional documentation or clarification regarding my motions, please do not hesitate to contact me directly. I would also kindly ask that both the discovery materials as well as my medical exam report be sent directly to me at the email provided above, since my defense counsel has been doing a spectacular job at failing to fulfill the many obligations he has to his client (me), as are all very clearly laid out in Rules 1.0 through 1.18 of the Minnesota Rules of Professional Conduct.

I would also like to take this opportunity to let the court know that as of Wednesday the 1st I now have an active health plan through MnCare/HealthPartners, and I should also have a therapist lined up within the next couple business days, which is something I have always thought would be beneficial to at least try out long before my recent court involvement. This also means that I will have *officially* satisfied the terms of the 'Stayed Order of Civil Commitment' that I signed in August of 2023.

Thank you for your time, and prompt attention to the many matters contained herein. I trust that the court will act swiftly to resolve this oversight for the purpose of ensuring that both my criminal, and civil cases proceed in accordance with the principles of justice, procedural fairness, and most importantly, my mental well-being.

Sincerely,

Matthew David Guertin

**STATE OF MINNESOTA****DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Court File No.: 27-CR-23-1886

Plaintiff,

vs.

**DEFENDANT'S MOTION  
TO COMPEL DISCOVERY**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; THE HONORABLE JULIA DAYTON KLEIN, JUDGE OF THE DISTRICT COURT; MS. JACQUELINE PEREZ, ASSISTANT HENNEPIN COUNTY ATTORNEY; CLERK OF THE COURT; AND THE OFFICE OF THE HENNEPIN COUNTY ATTORNEY.

**INTRODUCTION**

Defendant Matthew David Guertin respectfully submits this Motion to Compel Discovery. This motion arises from the State's failure to provide all requested discovery materials essential for the Defendant's defense, despite multiple formal requests and follow-up correspondence. The Defendant challenges the authenticity and completeness of the discovery materials received, highlighting significant procedural concerns that compromise the integrity of the legal process and the Defendant's right to a fair trial.

## **BACKGROUND**

1. On January 5, 2024, the Defendant submitted a formal pro se "Demand or Request for Discovery" to the prosecuting attorney, Ms. Jacqueline Perez (*See* Index #22). This request specifically cited Minnesota Rules of Criminal Procedure, Rule 9, and included requests for:
  - All Brady material
  - Squad video
  - Audio tapes
  - All 104 police photographs taken by the Minnetonka Police Department on January 21, 2023
2. On April 4, 2024, the Defendant submitted a pro se "Motion to Compel Discovery and Affidavit of Fact" (*See* Index #29). This motion highlighted the State's failure to provide the requested materials and detailed discrepancies in the discovery provided, suggesting fraudulent alterations.
3. On May 3, 2024, the Defendant submitted a follow-up correspondence (*See* Index #36) to the Court, reiterating the need for the requested discovery materials and the failure of both the Court and defense counsel to address these requests.

## **LEGAL BASIS**

The legal foundation for this motion is anchored in Minnesota Rule of Criminal Procedure 9.01, which mandates the prosecution's duty to disclose materials crucial for the defense. Specifically, the rules cited are:

- Rule 9.01 subd. 1(3)(b):

Requires the disclosure of any relevant written or recorded statements made by the defendant or co-defendant.

- Rule 9.01 subd. 1(6):

Requires the disclosure of any evidence that the prosecution intends to use at trial which is material to the preparation of the defense.

- Rule 9.01 subd. 1a(1):

Requires the prosecution to disclose evidence that tends to negate the guilt of the accused or mitigate the offense.

- Rule 9.01 subd. 2(1):

Requires the prosecutor to permit the defendant to inspect and copy or photograph any relevant material and documents.

Additionally, the Defendant invokes Rule 901(b)(1) of the Federal Rules of Evidence, which sets standards for the authentication or identification of evidence.

## **ARGUMENTS**

### 1. Ineffective Assistance of Counsel:

The Defendant's current counsel, Bruce Rivers, has demonstrated ineffective assistance by failing to secure the necessary discovery materials, significantly impairing the Defendant's ability to prepare an effective defense.

### 2. Procedural Violations:

The State's failure to provide complete and authentic discovery materials violates Minnesota Rule of Criminal Procedure 9.01. This misconduct not only undermines the fairness owed to the Defendant but also infringes upon his constitutional rights under the due process clauses of both state and federal jurisprudence.

### 3. Need for Transparency:

Full and transparent disclosure of discovery materials is essential to rectify the current discrepancies and ensure that all evidence presented in this case is authentic, unaltered, and complete.

## **REQUEST FOR RELIEF**

The Defendant respectfully requests that the Court order the State to:

1. Provide all missing discovery materials forthwith.

2. Conduct a thorough investigation into the discrepancies and manipulations identified by the Defendant, ensuring that all evidence presented in this case is authentic, unaltered, and complete.
3. Send all discovery materials directly to the Defendant at MattGuertin@Protonmail.com, due to the ineffective assistance of current defense counsel.

### **CONCLUSION**

For the reasons stated above, the Defendant respectfully requests that this Court grant the motion to compel discovery and ensure that all necessary and authentic discovery materials are provided directly to the Defendant to facilitate a fair and just legal process.

Date: June 3, 2024

Respectfully submitted,

By: /s/ Matthew Guertin

Matthew D. Guertin

Defendant Pro Se

1075 Traditions Ct.

Chaska, MN 55318

Telephone: 763-221-4540

Email: MattGuertin@Protonmail.com

**STATE OF MINNESOTA****DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT**

State of Minnesota,

Court File No.: 27-CR-23-1886

Plaintiff,

vs.

**DEFENDANT'S MOTION  
FOR SUBSTITUTE  
COUNSEL**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; THE HONORABLE JULIA DAYTON KLEIN, JUDGE OF THE DISTRICT COURT; MS. JACQUELINE PEREZ, ASSISTANT HENNEPIN COUNTY ATTORNEY; CLERK OF THE COURT; AND THE OFFICE OF THE HENNEPIN COUNTY ATTORNEY.

### **INTRODUCTION**

Defendant Matthew David Guertin respectfully moves this Court for an order appointing substitute counsel in place of his current attorney, Bruce Rivers.

### **BACKGROUND**

1. Defendant is currently represented by Bruce Rivers.
2. Serious allegations of ineffective assistance of counsel have been raised against Mr. Rivers in the Defendant's petition for discretionary review, filed in the Minnesota Court of Appeals, case A24-0780, which are supported by compelling



and irrefutable evidence that is part of this case record (See Index #89, Exhibit A).

These instances of ineffective assistance include:

- Failure to provide the Defendant with discovery materials, as well as the January 3, 2024 Rule 20.01 exam report prepared by Dr. Adam Milz (See Index #30, pp. 37-38, 83 (Text 29), 85 (Calls 05), 135, Index #38, p.143)
  - Failure to present exculpatory evidence possessed during the Defendant's July 7, 2023 court hearing (See Index #30, p. 60, Index #38, pp. 99-100, 102-103, 113-116, 118-119)
  - A conflict of interest, as well as a mention to the Defendant about 'powerful people keeping an eye on him,' directly addressed in a June 16, 2023 email (See Index #30, pp. 22-24, 73-76)
  - A promise to represent the Defendant in his civil commitment proceedings (See Index #30, pp. 24-25, 81-82 (Text 17-22)) which was not honored (See Index #30, pp. 25, 77-78, 82-83 (Text 23-26))
3. These instances have significantly undermined the Defendant's trust in Mr. Rivers' ability to provide effective legal representation.
4. This Court has refused to provide necessary discovery materials and has not addressed the Defendant's other motions, further compromising his right to a fair trial.

## **ARGUMENTS**

### 1. Ineffective Assistance of Counsel:

These allegations against Mr. Rivers demonstrate a significant breach of his duty to provide effective counsel, as defined under *Strickland v. Washington*, 466 U.S. 668 (1984).

### 2. Conflict of Interest:

Mr. Rivers' conflict of interest further impairs his ability to represent the Defendant effectively. The Defendant's lack of trust in Mr. Rivers is justified and severely impacts the attorney-client relationship.

### 3. Constitutional Rights:

The Defendant has a constitutional right to effective assistance of counsel under the Sixth Amendment. The documented failures and conflicts clearly demonstrate that this right has been compromised.

### 4. Procedural Failures:

This Court has refused to provide necessary discovery materials and address the Defendant's motions, depriving him of due process.

5. Ensuring Full Discovery:

It is imperative that new counsel be provided with all discovery materials as part of their assignment to this case. This is essential to ensure transparency and to address the current discrepancies concerning discovery materials.

6. Ensuring a Fair Trial:

This Court has an obligation to ensure the Defendant receives a fair trial. Appointing substitute counsel is necessary to maintain due process and the integrity of the judicial process.

**CONCLUSION**

For the reasons stated above, the Defendant respectfully requests that this Court grant his motion for substitute counsel and appoint a new attorney, preferably a public defender if necessary, to represent him in this case. This appointment is necessary until the Defendant is able to recover the retainer paid to Bruce Rivers, which is needed to secure new defense representation.

Date: June 3, 2024

Respectfully submitted,

By: /s/ Matthew Guertin

Matthew D. Guertin

Defendant Pro Se

1075 Traditions Ct.

Chaska, MN 55318

Telephone: 763-221-4540

Email: MattGuertin@Protonmail.com

**Matthew David Guertin**  
1075 Traditions Ct.  
Chaska, MN 55318  
MattGuertin@ProtonMail.com  
763-221-4540

**June 3, 2024**

**Clerk of the Court**  
MN 4<sup>th</sup> Judicial District Court  
300 South Sixth Street  
Minneapolis, MN 55487

**Re: Case Number 27-CR-23-1886 – Follow-Up on Discovery Requests**

Dear Judge Jay Quam, Judge Julia Dayton Klein and the Clerk of the Court,

I am writing to follow up on my previous requests for discovery materials in the above-referenced case. Despite multiple formal requests and a motion to compel discovery, I have yet to receive the necessary discovery materials essential for my defense.

The failure to provide these materials significantly impairs my ability to prepare for trial and violates my right to due process. I respectfully request that the Court address this issue promptly.

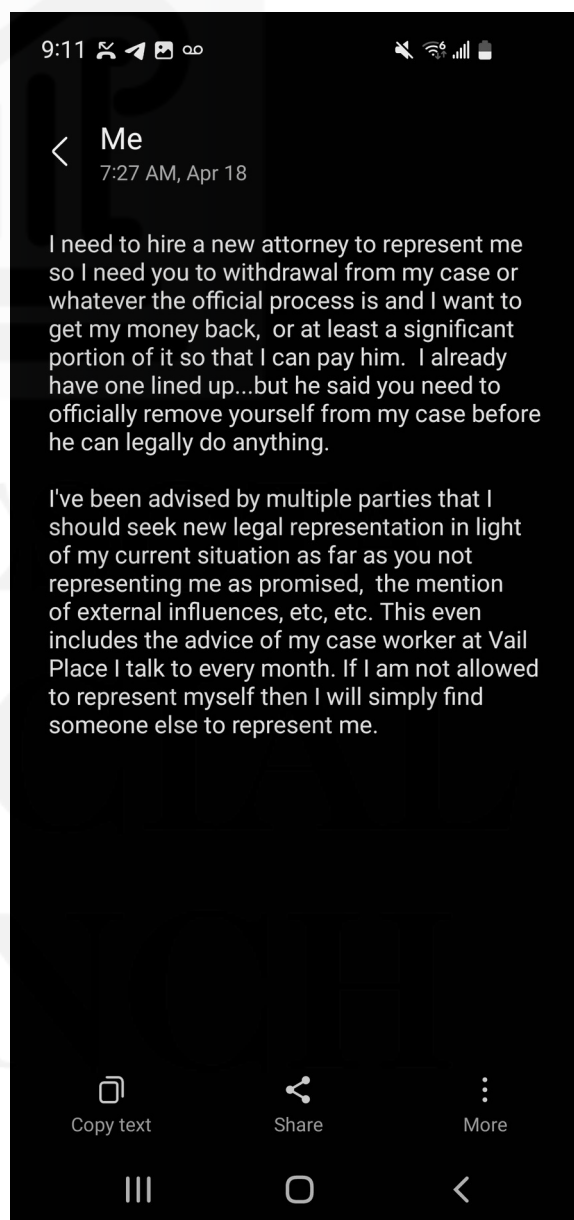
I have filed a motion for substitute counsel and a renewed motion to compel discovery, emphasizing the need for transparency and effective legal representation. I urge the Court to consider these motions and ensure that my rights are upheld.

Thank you for your attention to this matter.

Sincerely,

Matthew David Guertin

EXHIBIT  
L



**6:56 AM, June 6, 2024 – Outgoing**

I DO NOT WANT TO BE REPRESENTED BY YOU ANYMORE.

I DON'T TRUST YOU.

PLEASE WITHDRAWAL FROM MY CASE.

I want a public defender.

I want discovery.

I still want my Rule 20 exam from last January.

I'm not calling you

**7:51 AM, June 6, 2024 – Incoming**

What did I do to you?

**7:53 AM, June 6, 2024 – Incoming**

Where do I send your file?

**4:20 PM, June 6, 2024 – Outgoing**

I filed a motion for substitute counsel to be appointed since I'm apparently unable to understand the nature of my charges or aid in my own defense, therefore preventing me from self representation. Regarding the whole 'rationally consulting with counsel' part, I'm going to go ahead and see if the following is 'rational' or not:

What you've 'done' is provide ineffective assistance of counsel as defined in the criteria of Strickland vs. Washington that Minnesota uses as its 'test' for determining whether or not a claim of 'ineffective assistance is counsel' is valid or not. Therefore your question is flawed. What you should actually be asking me is "What HAVEN'T I done for you?"

It can all be boiled down to basic logic Bruce.

If me and you both know you're a skilled defense attorney who has a vast amount of experience preparing and presenting all sorts of evidence in all sorts of cases, then me and you also both know damn well that the evidence I personally prepared

and analyzed at Index #29 in my case file 100% irrefutably establishes the fact that the discovery photos I was sent by my court appointed attorney (after you failed to follow through with your promise of representation in civil commitment proceedings..) is 100% manipulated and incomplete, as in FRAUD ON THE COURT BY THE COURT/ STATE.

The question then becomes why in the hell is it me that is forced to address it and not you?

If you have the authentic discovery then you KNOW it's fraudulent and that I'm 100% correct.... so why wouldn't you then use this as an opportunity to DEFEND YOUR CLIENT (me)?

Instead, not only are you not addressing it, but you are refusing to provide your client (me..) with the authentic discovery materials for my case despite an untold number of direct requests for you to do so.... just as you have also failed to provide me with the rule 20.01 exam from January 3, 2024.

Based on the fact that you told me I had 'powerful people keeping an eye on me' during our May 22, 2023 call (ironically the longest telephone conversation we've ever had since then...) and then subsequently lied to me directly to my face, in person at your office insofar as denying that you ever said that - it's now become blatantly obvious that something is very very wrong with not just your representation since then, but nearly every single aspect of my case.

How many 'coincidences' can take place before its considered an established 'pattern' vs. a random happenstance?

Do you think the fact that I just so happened to notice LinkedIn searches in August of 2023 for my unfinished, unused, profile page, that has NEVER had any employment history at all included with



it - and then created a graph that shows 4 searches by the US Air Force, US State Department, 2 x Lockheed Martin, Forcepoint and 3Gimbals (the same day as my criminal charges originated..), 2 x DARPA, Defense Intelligence Agency, USINDOPACOM, KBR Inc, 2 x USC School of Cinematic Arts, US Army Reserves, etc, etc, etc which ALL JUST HAPPENS TO PERFECTLY ALIGN WITH THE MANY EVENTS THAT HAVE NOW BECOME MY 'LIFE' is a random 'coincidence'? Or is it an obvious 'pattern' that serves to confirm EXACTLY what you told me on May 22, 2023 over the phone?

Is it a random 'coincidence' that a bunch of entities DIRECTLY connected to Netflix, Inc. were all searching for my profile before my official patent application was even published and still shouldn't been a complete 'secret'?

And if I'm incompetent, and all of my achievements, and my belief that I invented something 'revolutionary' is all mere 'delusions' then why the hell would any of these entities be searching for me to begin with? Does the US State Department spend its time searching for delusional schizophrenics?

You know damn well what is taking place.

It's one thing for some 'nobody' sitting in a trailer park to claim that they're the target of a illegal intelligence operation, as they smoke meth and watch cartoons - It's a whole different story when the person making the claim also invented and has received a patent for the 'holy grail' of virtual reality/ film production, which is confirmed to have VAST implications for use in military training simulations.

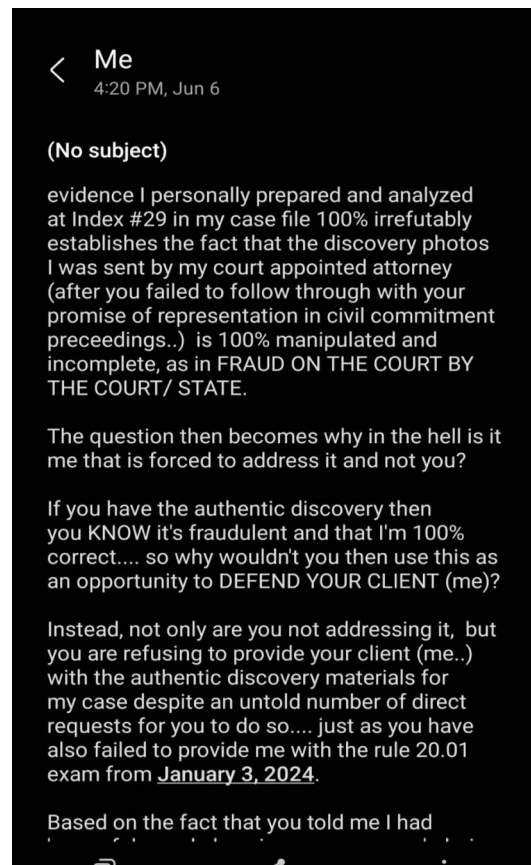
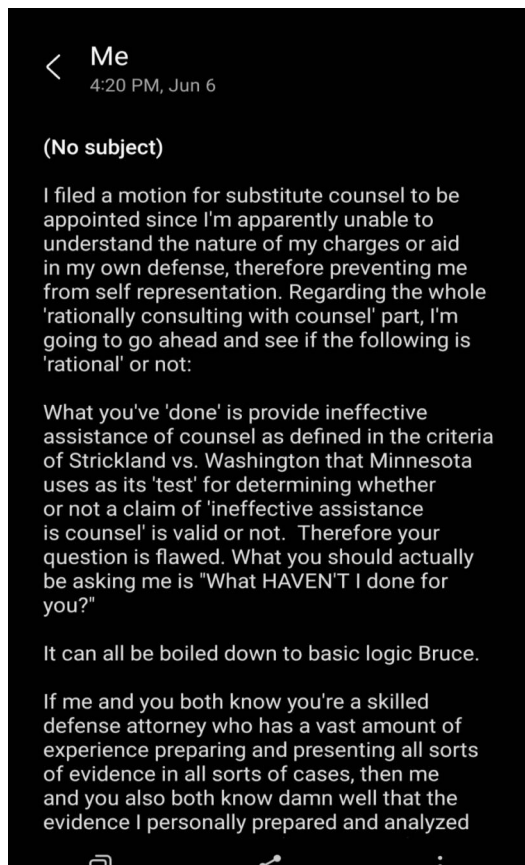
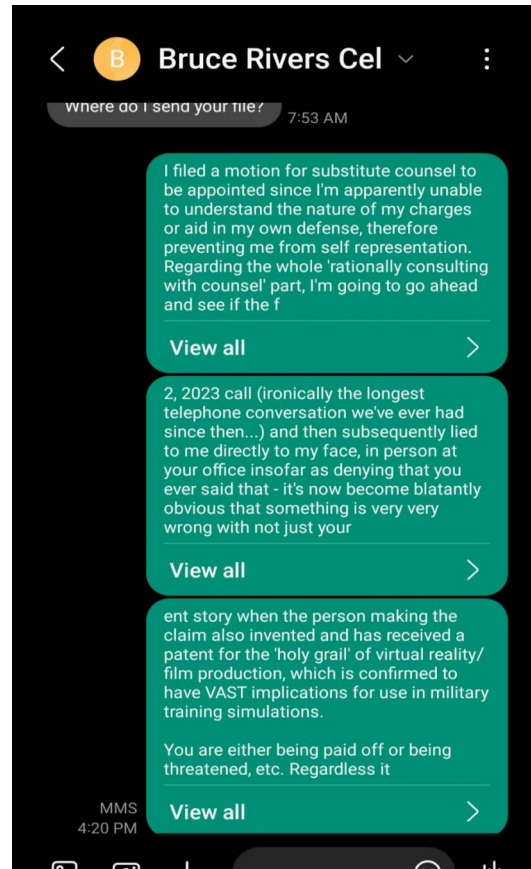
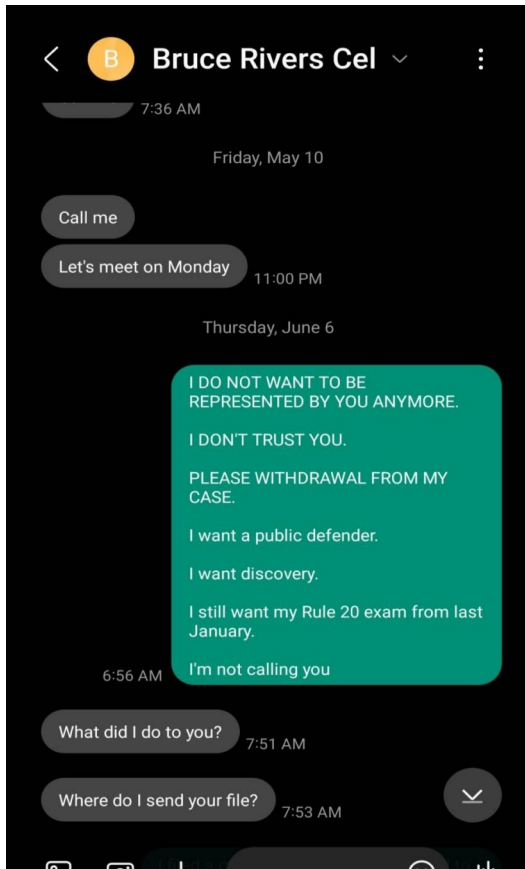
You are either being paid off or being threatened, etc. Regardless it is now blatantly obvious that you are 'compromised' - which is the entire reason the courts are so adamant about me being

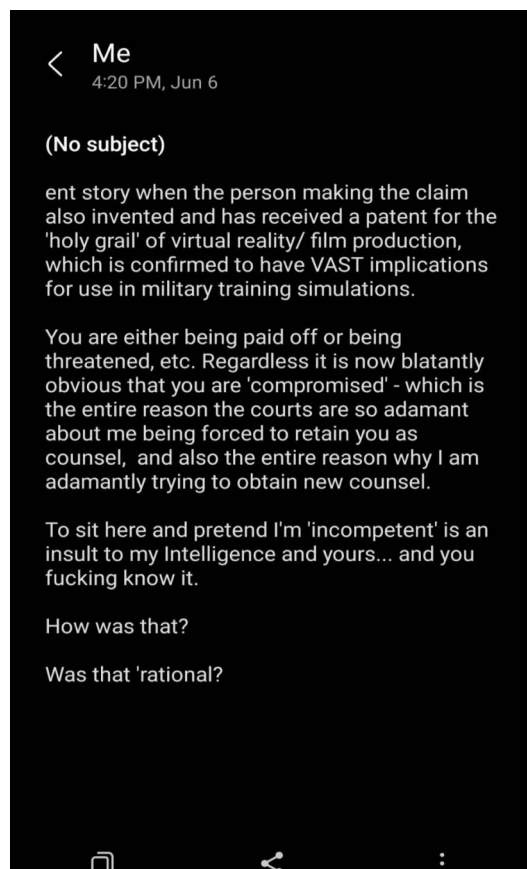
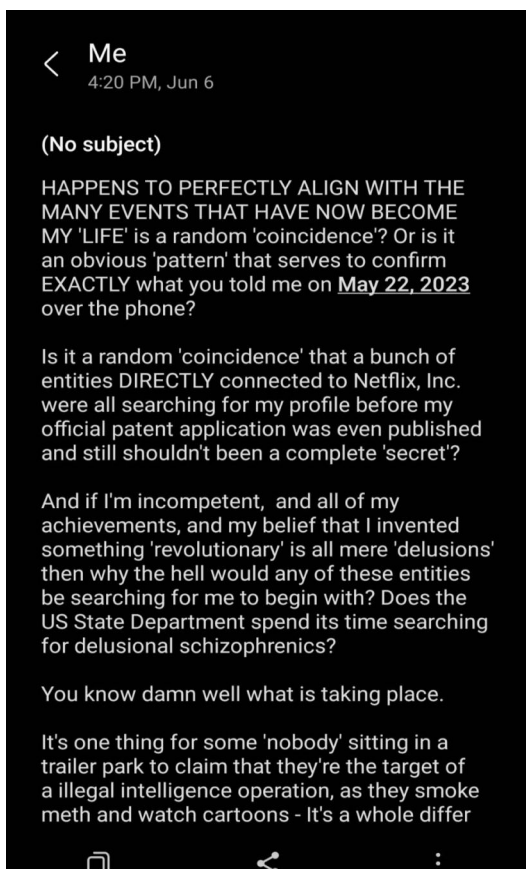
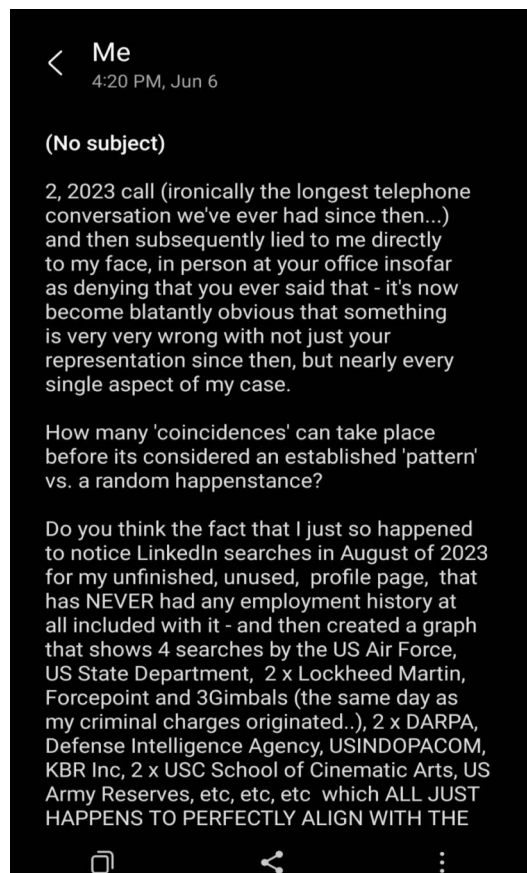
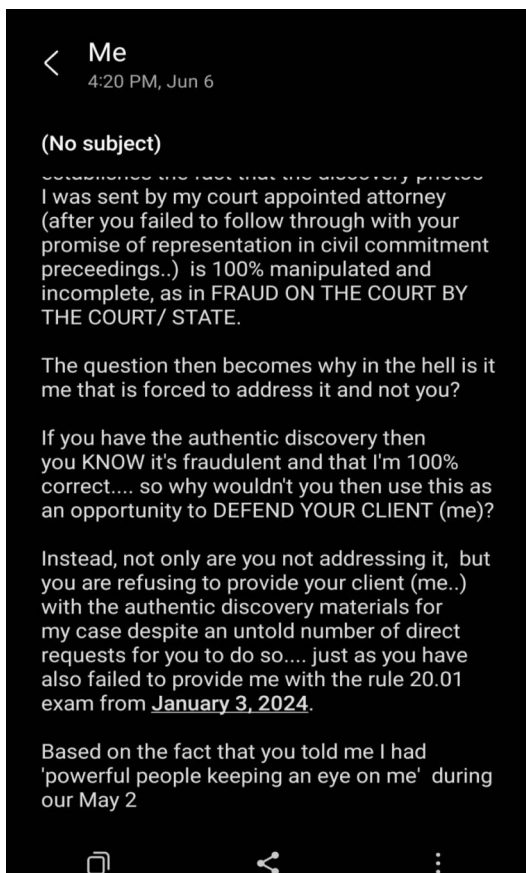
forced to retain you as counsel, and also the entire reason why I am adamantly trying to obtain new counsel.

To sit here and pretend I'm 'incompetent' is an insult to my Intelligence and yours... and you fucking know it.

How was that?

Was that 'rational? “





**March 10th, 2023 Jill Rogstad's Rule 20 Report - METADATA ANALYSIS**

Page 1 of 2 27-CR-23-1886



Matthew David  
Guertin 07/17/1981  
27-CR-23-1886



Filed in District Court  
State of Minnesota  
3/10/2023 4:30 PM

**PSYCHOLOGICAL SERVICES**

300 S. 6<sup>th</sup> Street, Suite C-509, Minneapolis MN 55487-0351 • (612) 348-3723 • FAX (612) 348-3452

March 10, 2023

**CONFIDENTIAL FORENSIC  
EVALUATION REPORT**

....it is reasonable to conclude his mental health could stabilize and his competency-related abilities improve if a proper treatment regimen was implemented. Given his limited insight into the nature of his symptoms, Mr. Guertin would be an appropriate candidate for **referral for civil commitment as a person who poses a risk of harm due to a mental illness.** Commitment as a person who is mentally ill and dangerous to the public could also be considered given the nature of the specific allegations included with the current referral.

Please do not hesitate to contact me if the Court has further questions about this report.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill Rogstad" followed by "Ph.D., ABPP, LP" in a smaller, less legible script.

**Jill E. Rogstad, Ph.D., LP, ABPP (Forensic)**

Licensed Psychologist

Board Certified in Forensic Psychology by the American Board of Professional Psychology

Senior Clinical Forensic Psychologist, Fourth Judicial District

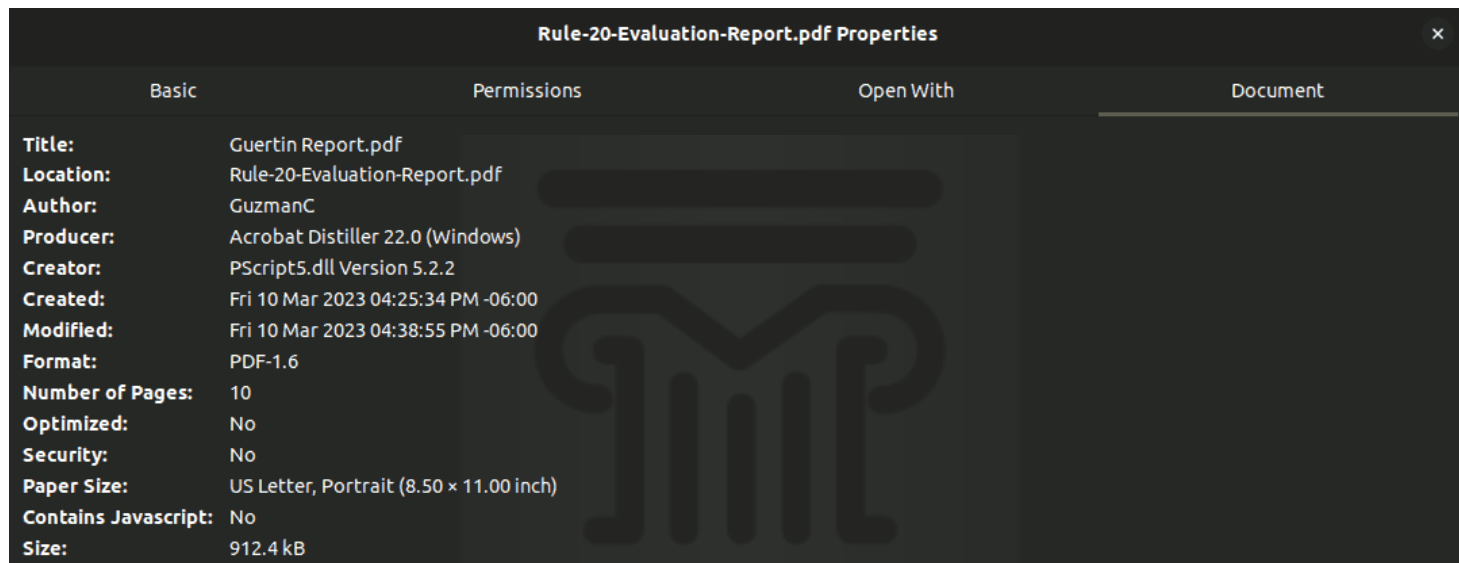
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**March 10th, 2023 Jill Rogstad's Rule 20 Report - METADATA ANALYSIS**

Page 2 of 2    27-CR-23-1886

**'Respectfully submitted' by: Dr. Jill Rogstad, Ph.D., LP, ABPP (Forensic)****Author : GuzmanC****Create Date :** 2023:03:10 16:25:34-06:00**Metadata Date :** 2023:03:10 16:38:55-06:00**Producer :** Acrobat Distiller 22.0 (Windows) <~~~Doesn't include the E-File 'iText' metadata**Title :** Guertin Report.pdf**Creator : GuzmanC****Chela Guzman-Wiegert**

Assistant County Administrator – Law, Safety, and Justice

The assistant county administrator of Law, Safety and Justice is responsible for advising the county board and county administrator on policies and issues related to and involving the Hennepin County justice partners. This position oversees the strategic and fiscal management of the Adult Representation Services, Community Corrections, and Law, Safety and **Justice Information Technology** areas. The assistant county administrator also serves as county administration's liaison to the Fourth Judicial District Court, the County Attorney's Office, the Public Defender's Office, and the Sheriff's Office.

<https://www.hennepin.us/your-government/leadership/county-administrator>
**Committee Members | Hennepin County Criminal Justice Coordinating Committee**

Jacob Frey - Minneapolis Mayor

Brian O'Hara - Minneapolis Police Chief

**Chela Guzman-Wiegert** - Assistant County AdministratorKerry Meyer - 4<sup>th</sup> Judicial District Court Chief JudgeSara Gonsalves - 4<sup>th</sup> Judicial District Court Administrator

Dawanna Witt - Hennepin County Sheriff

Jason Nelson - Hennepin Police Chiefs Association

<https://www.hennepin.us/your-government/leadership/county-administrator>

Committee Members | Hennepin County Criminal Justice Coordinating Committee

# Committee Members



## Committee members

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Jeffrey Lunde, Commissioner, Hennepin County

### Vice Chair

Eric Werner, Chief, Maple Grove Police Department

### Hennepin County

Jeffrey Lunde, Commissioner

Mary Moriarty, County Attorney

Marion Greene, Commissioner

Dawanna Witt, Sheriff

#### **Chela Guzman-Wiegert, Assistant County Administrator**

Michael Berger, Chief Public Defender

Leah Kaiser, Director Behavioral Health & Justice Strategies

Catherine Johnson, Director Community Corrections & Rehabilitation

### City of Minneapolis

#### **Jacob Frey, Mayor**

Brian O'Hara, Police Chief

Michael Rainville, Council Member

Robin Wonsley, Council Member

Kristyn Anderson, City Attorney

### Fourth Judicial District Court

#### **Kerry Meyer, Chief Judge**

Todd Fellman, Juvenile Court Presiding Judge

Hilary Caligiuri, Criminal Court Presiding Judge

#### **Sara Gonsalves, Judicial District Administrator**

### Hennepin County Suburbs and Specialty Law Enforcement

Nikki Appelbaum, Suburban Prosecutors Association

Jason Nelson, Hennepin Police Chiefs Association

Tim Busse, Mayor, City of Bloomington

Eric Werner, Chief, Maple Grove Police Department

Julie Maas-Kusske, Mayor, City of Maple Plain

Specialty Law Enforcement

<https://www.hennepin.us/cjcc/members>



Office of the county administrator | Hennepin County**Chela Guzman-Wiegert****Assistant County Administrator – Law, Safety, and Justice**

Email: chela.guzman@hennepin.us

Phone: 612-348-4249

Fax: 612-348-9777

The assistant county administrator of Law, Safety and Justice is responsible for advising the county board and county administrator on policies and issues related to and involving the Hennepin County justice partners. This position oversees the strategic and fiscal management of the Adult Representation Services, Community Corrections, and Law, Safety and Justice Information Technology areas. The assistant county administrator also serves as county administration's liaison to the Fourth Judicial District Court, the County Attorney's Office, the Public Defender's Office, and the Sheriff's Office.

**Lisa Cerney****Assistant County Administrator – Public Works**

Email: lisa.cerney@hennepin.us

Phone: 612-348-3054

Fax: 612-348-9777

The assistant county administrator for Public Works is responsible for advising the county board and county administrator on policies and issues and ensuring coordination among Public Works departments, public and private agencies, community organizations and partnerships. The assistant county administrator also serves as deputy executive director of the Hennepin County Regional Railroad Authority and the Hennepin County Housing and Redevelopment Authority.

**Appointed officials**

State law requires the county to appoint qualified individuals to fill certain roles.

- Assessor: Joshua R. Hoogland
- Auditor: Daniel Rogan
- Chief Medical Examiner: Andrew M. Baker, M.D.
- Highway Engineer: Carla Stueve
- Chief Public Defender: Vacant
- Examiner of Titles: Susan Ledray

<https://www.hennepin.us/your-government/leadership/county-administrator>