

A24-0780
STATE OF MINNESOTA
IN COURT OF APPEALS

State of Minnesota,

Respondent,

vs.

Matthew David Guertin,

Petitioner.

District Court Case: 27-CR-23-1886

Court Order Date: April 12, 2024

**PETITIONER’S MOTION FOR
LEAVE TO PROCEED IN
FORMA PAUPERIS**

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA

INTRODUCTION

Pursuant to *Minn. R. Civ. App. P. 103.01, subd. 3(c)*, I, Matthew David Guertin, Petitioner in the above captioned case, hereby move the court for leave to proceed in forma pauperis.

STATEMENT OF FACTS

As the Petitioner in the above captioned case, I am a party to a proceeding under *Minnesota Statute, chapter 253B*, which concerns a currently ‘Stayed Order of Civil Commitment’, resulting from a ‘Petition for Civil Commitment’ submitted to the Hennepin County 4th Judicial District Court on July 20, 2023, and the subsequent proceedings, as detailed in court case (27-MH-PR-23-815). Despite not appealing directly

from this civil commitment case, as the Petitioner, I am involved in proceedings that fall under these chapters, fulfilling the requirements set forth by *Minn. R. Civ. App. P. 103.01, subd. 3(c)*.

ARGUMENTS

The court rules specify that the filing fees set out in *Minn. R. Civ. App. P. 103.01, subd. 1*, are not required when the appellant is a party to a proceeding pursuant to *Minnesota Statutes, chapter 253B or 253D*. The rule does not restrict this exemption to appeals that involve the underlying proceeding itself. Thus, my current appeal, while not directly appealing the civil commitment case, should be considered under the same exemption due to my status as a party within the related proceedings, as is clearly defined by the rules of this Court.

SUPPORTING DOCUMENTATION

As evidence of Petitioner's status as a party in the relevant proceedings under chapters 253B, the following exhibits are included as part of this motion:

- *April 3, 2024, Petition to Proceed as ProSe Counsel, **Exhibit A** - Waiver signed by petitioner on January 31, 2024, Index 27*
- *April 3, 2024, Petition to Proceed as ProSe Counsel, **Exhibit B** - Page 4 from the 'ACCEPTANCE OF TERMS OF STAY OF COMMITMENT' signed by Petitioner on August 9, 2023, Index 27*

CONCLUSION

Based on the clear language of *Minn. R. Civ. App. P. 103.01, subd. 3(c)*, and my involvement in the proceedings as specified, I respectfully request that the Court waive the filing fee of \$550 for my current appeal.

WHEREFORE, petitioner respectfully requests the Court grant this motion for leave to proceed in forma pauperis.

Dated: May 14, 2024

By: /s/ Matthew D Guertin
Matthew David Guertin
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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.

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

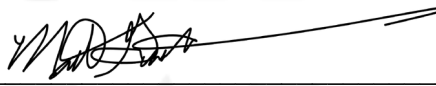
Joel Fisher

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