

**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
FOR CONTINUANCE**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; CLERK OF THE COURT; AND THE OFFICE OF THE HENNEPIN COUNTY ATTORNEY.

I. INTRODUCTION

Defendant Matthew David Guertin respectfully moves this Court for an order granting a continuance of all proceedings, including the upcoming October 1, 2024, review hearing. This request is based on the need for effective representation and to address unresolved issues regarding fraudulent discovery materials and the Defendant's refusal to participate in a third Rule 20 exam.

II. BACKGROUND**A. Current Motion for Substitute Counsel:**

The Defendant has submitted a Motion for Substitute Counsel due to serious conflicts of interest and ineffective assistance of counsel by his current attorney, Mr. Bruce Rivers. The attached MN OLPR Complaint (referenced in Exhibit Index 03)

substantiates these concerns, detailing Mr. Rivers' involvement in fraudulent discovery and his refusal to withdraw as counsel despite clear conflicts of interest.

B. Upcoming Review Hearing on October 1, 2024:

The Defendant is currently scheduled for a review hearing on October 1, 2024. This hearing is critical as it pertains to the Defendant's competency and compliance with his stayed order of commitment. Without effective legal representation, the Defendant's rights and ability to present a proper defense are severely compromised.

C. Refusal to Participate in Third Rule 20 Exam:

The Defendant has respectfully refused to participate in a third Rule 20 exam due to the unresolved issues with fraudulent discovery materials that were directly involved in the previous competency determinations. This refusal was communicated to Ms. Katheryn Cranbrook and is thoroughly documented in Section XIV of the MN OLPR Complaint (Exhibit Index 03).

D. Defendant's Compliance with Stayed Order of Commitment:

The Defendant has been fully compliant with all terms of his Plan for Care Agreement, including regular meetings with his caseworker from Vail Place, securing health insurance, and attending weekly therapy sessions. His caseworker has indicated that no additional mental health supervision is necessary, and a letter to this effect will be submitted to the Court before the November 8, 2024, expiration of the stayed order.

E. Pending Motion for Substitute Counsel:

The Defendant's pending Motion for Substitute Counsel further justifies the need for a continuance. Proceeding with the October 1 hearing without resolving the issues of representation and fraudulent discovery would deny the Defendant his right to effective assistance of counsel and a fair hearing.

III. ARGUMENTS IN SUPPORT OF CONTINUANCE**A. Need for Effective Representation:**

Proceeding with the October 1, 2024, review hearing without addressing the Defendant's Motion for Substitute Counsel would severely prejudice the Defendant's case. Effective legal representation is essential to ensure that the Defendant's rights are protected and that the issues surrounding the fraudulent discovery materials and competency determination are adequately addressed.

B. Resolution of Pending Issues:

A continuance is necessary to allow sufficient time for the Court to address the Motion for Substitute Counsel and for new counsel to be appointed and adequately prepare for the review hearing. This will ensure that all pending issues, including the fraudulent discovery materials and the Defendant's refusal to participate in the third Rule 20 exam, are properly resolved.

C. Defendant's Compliance and Stability:

The Defendant has demonstrated full compliance with the terms of his stayed order of commitment. He has not had any additional issues since the charges originated

19 months ago, and has actively engaged in all required mental health and care activities. This compliance supports the need for a fair and thorough review process, which cannot be achieved without effective legal representation.

D. Prevention of Prejudice and Retaliation:

Given the serious allegations in the Defendant's federal civil rights case and the significant external influences potentially involved, it is critical that the Court ensures a fair and transparent process. Granting a continuance would help prevent any appearance of retaliation or unjust actions against the Defendant, thereby maintaining the integrity of the judicial process.

IV. RELIEF REQUESTED

For the reasons stated above, the Defendant respectfully requests that this Court:

- a. Grant a Continuance of All Proceedings, including the October 1, 2024, review hearing, until such time that the Defendant's Motion for Substitute Counsel has been addressed and new legal representation has been appointed.
- b. Stay All Proceedings until effective legal representation has been secured for the Defendant, ensuring that his right to a fair hearing and due process are protected.
- c. Schedule a Hearing to address this Motion for Continuance and any additional issues raised by the Defendant, at the Court's earliest convenience.

- d. Schedule a Hearing to address this motion and any additional issues raised by the Defendant, at the Court's earliest convenience.

V. CONCLUSION

The Defendant respectfully urges this Court to grant a continuance to allow for the resolution of critical issues regarding his legal representation and to ensure that his constitutional rights are upheld.

Dated: September 25, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

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