

A24-_____
**STATE OF MINNESOTA
IN COURT OF APPEALS**

Matthew David Guertin,

District Court Case: 27-CR-23-1886

Petitioner,

Court Order Date: April 12, 2024

vs.

State of Minnesota,

**PETITION FOR
DISCRETIONARY REVIEW**

Respondent.

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA

Petitioner, Matthew David Guertin, comes forth pro se to respectfully request a discretionary review of the April 12, 2024 Order issued by the Honorable Julie Dayton Klein of the 4th Judicial District Court, denying Petitioners Petition to Proceed as ProSe Counsel in his criminal court proceedings. This petition is based upon Minn. R. Crim. P. Rule 28.02, subd. 3, R. Civ. App. P. Rule 103.01, subd. 3(c), and R. Civ. App. P. Rule 105.

Included as a necessary element of the extraordinary, and unprecedented nature of what comes before you is 10, separate Addendums as part of this petition, wherein (Add1.23) is (Addendum 1, p. 23), and (Add4.34-39) is (Addendum 4, pp. 34-39).

STATEMENT OF FACTS

On January 24, 2023, Mr. Guertin faced charges of one count of ‘Reckless Discharge of a Firearm Within a Municipality’ under 609.66.1a(a)(3), and three counts of

‘Firearm-Receive/Possess With No Serial Number’ under 609.667(3). These charges stem from an incident on January 21, 2023, where Mr. Guertin discharged a firearm into the air from a bedroom window to attract police attention, believing his life was at risk. He perceived that his communication devices were compromised, preventing a direct call to law enforcement. During the police response, Mr. Guertin ceased firing and voluntarily offered to surrender his firearms, indicating compliance and no intent to harm himself or others.

The allegations of a standoff are inaccurate; the interaction involved Mr. Guertin requesting to eat before exiting the premises, without any negotiation or confrontation. This unusual method of contacting police, while not advisable, stemmed from a series of escalating events. Mr. Guertin was engrossed in his entrepreneurial activities, notably with his company, InfiniSet, Inc., which had recently secured a patent allowance for the Petitioner’s innovative VR treadmill technology as described in US 11,577,177.

The situation escalated when Mr. Guertin discovered what he believed to be a complex scheme to usurp his intellectual property. This included encountering advanced ai technology being utilized and substantial corporate interest in technologies mirroring his inventions. His attempts to seek help were extensive, involving multiple communications with law enforcement and federal agencies, reflecting his growing distress and urgency.

These extraordinary circumstances culminated when Mr. Guertin discovered unauthorized external communications from his computer, despite disabling all known

connectivity. This discovery heightened his fear and confusion, significantly impacting his perception and reactions.

This petition urgently demands a discretionary review of the April 12, 2024 court order along with all associated proceedings of Mr. Guertin, as it has now been unequivocally established that the same external forces previously influencing Mr. Guertin's actions are now actively manipulating the judicial process itself. What is currently taking place is a very clear, and direct interference in Mr. Guertin's legal affairs. The Petitioner asserts that the Hennepin County 4th Judicial District Court is complicit in a criminal conspiracy, directly affecting the integrity of Mr. Guertin's ongoing court case. This unprecedented situation necessitates an immediate and thorough review to rectify the compromised judicial proceedings and uphold justice.

STATEMENT OF ISSUES

FRAUD ON THE COURT BY THE COURT ITSELF:

This petition alleges grave concerns regarding the involvement of the court itself in fraudulent activities directly affecting the integrity of judicial proceedings. The discovery materials presented as evidence have been manipulated to misrepresent the petitioner's activities and living conditions, influencing the outcomes of critical judicial decisions including civil commitment hearings and subsequent legal processes.

1. Evidence of Fraudulent Manipulation: The discovery materials, including photographic evidence, have been altered to present a misleading portrayal of the petitioner's circumstances, directly impacting the psychological evaluations and the court's decisions related to the petitioner's competence and custody. (*Add2.1-41*)

2. Judicial Involvement in Fraud: The court has failed to address multiple pro se motions highlighting the discrepancies and concerns regarding the integrity of the discovery materials, suggesting a concerning level of judicial complicity in these matters.

3. Case Law Support: The actions of the court in this matter reflect a breach of judicial duty, and the severity of these actions warrants not only a review but a complete dismissal and appropriate financial compensation for the egregious handling of my case. The legal foundation for this argument is well-established in Minnesota case law and further supported by specific precedents that detail the severe implications of judicial misconduct and the conditions under which dismissal and financial awards are warranted.

Precedents Supporting Dismissal and Compensation

In re Disciplinary Action against Houge (764 N.W.2d 328, Minn. 2009) establishes that severe discipline is justified when a lawyer's conduct is dishonest and lacks integrity, undermining the administration of justice. This principle extends to the conduct of the court itself, where intentional misrepresentations or misconduct by the court should similarly be met with stringent corrective measures.

The doctrine set forth in *Carlson v. Carlson* (371 N.W.2d 591, Minn. App. 1985) underscores the importance of judicial integrity, particularly where misconduct could result in a fundamentally unfair trial. Where such a breach impacts the outcome of the proceedings, dismissal may be considered a remedy to prevent further injustice.

Gleason v. Geary (8 N.W.2d 808, Minn. 1943) supports the notion that where a party's rights are prejudiced by judicial actions—whether through error, fraud, or misconduct—dismissal or retrial can be sanctioned to correct the judicial error and restore the party's rights.

Supporting Financial Reimbursement

In *Sullivan v. Credit River Township* (299 N.W.2d 716, Minn. 1980), the Minnesota Supreme Court upheld the awarding of attorney fees and costs when a party is forced to engage in litigation due to another party's misconduct. This ruling supports financial compensation for the undue burden placed on individuals who, like myself, are forced to contend with judicial missteps.

Webb v. Jarvis (575 N.W.2d 485, Minn. App. 1998), further elaborates on compensation, indicating that financial damages can be awarded for legal expenses incurred due to protracted or unnecessary legal proceedings triggered by another's misconduct or fraudulent actions.

Conclusion

Given the documented judicial misconduct, procedural errors, and manipulation of evidence in my case, the precedents listed above clearly justify not only the dismissal of all charges against me but also the awarding of financial compensation for the undue hardships and financial burdens imposed upon me. These measures are necessary to uphold the integrity of the legal system and to deter similar misconduct in the future. This Court's intervention is crucial to rectify the grave injustices perpetrated and to ensure that such egregious errors do not recur, thus maintaining public trust in the judiciary.

This petition does not merely seek redress for personal grievances but aims to reinforce the principles of justice and accountability that are foundational to our legal system. The extraordinary nature of the errors and their profound impact on my legal and constitutional rights underscore the urgency of this Court's corrective action. Given the court's failure to rectify or acknowledge these critical issues, I urge the appellate court to conduct a thorough review of the judicial proceedings in question. The integrity of the judicial system and my fundamental rights are at stake, necessitating an immediate and comprehensive investigation and the implementation of appropriate corrective actions to address these violations.

INVOLVEMENT OF EXTERNAL ENTITIES IN JUDICIAL PROCEEDINGS:

This petition raises serious concerns regarding the confirmed involvement of external entities in the judicial proceedings of my case, which has been directly communicated by my defense attorney, Bruce Rivers, stating, "You have some very powerful people keeping an eye on you." This acknowledgment not only raises questions about the impartiality of the judicial process but also implicates potential external influences that could prejudice the proceedings.

1. External Influence and Impartiality: The direct involvement of powerful external entities as confirmed by communication from defense counsel signifies a breach of the judicial impartiality required under the U.S. Constitution. Such influences threaten the fairness of the trial, directly contravening the Due Process Clause of the Fourteenth Amendment as highlighted in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

2. Impact on Fair Trial Rights: The external surveillance and interference in the judicial process could severely affect the fundamental right to a fair trial, protected under the Sixth Amendment. This situation mirrors concerns similar to those in *Sheppard v. Maxwell*, 384 U.S. 333 (1966), where the Supreme Court emphasized the necessity of shielding the judicial process from pervasive external influences.

Conclusion

The involvement of external entities as confirmed by my defense counsel significantly undermines the integrity and impartiality of my trial. Immediate judicial intervention is necessary to rectify these influences and to ensure the proceedings are conducted in a fair and unbiased manner, safeguarding my constitutional rights.

REFUSAL TO PROVIDE ACCESS TO DISCOVERY AND MEDICAL RECORDS:

This petition highlights the ongoing refusal by the court and defense counsel to provide access to essential discovery materials and medical records, despite repeated formal requests and multiple motions filed pro se. This denial constitutes a significant obstruction to my ability to prepare an adequate defense and raises serious questions about the fairness and integrity of the judicial process.

1. Denial of Procedural Rights: The persistent refusal to provide discovery materials and medical records, despite clear procedural mandates, directly violates my procedural rights. This issue is exacerbated by the court's disregard for motions compelling the production of these documents, which has not only hindered my defense preparation but also compromised my right to a fair trial.

2. Impact on Defense and Case Outcome: The lack of access to crucial documents significantly undermines my ability to contest the charges and participate effectively in

my defense. This situation is particularly alarming given the potential exculpatory or mitigating evidence contained within these withheld materials.

3. Legal Precedents and Judicial Obligations: The court's actions contravene established legal standards as illustrated in cases like *Bagent v. Blessing Care Corp.*, 862 NE 2d 985 - Ill: Supreme Court 2007, which emphasizes the critical nature of discovery access in ensuring a fair trial. Additionally, *Maldonado v. Superior Court of San Mateo County*, 274 P. 3d 1110 - Cal: Supreme Court 2012, reinforces the obligation of courts to ensure that defendants have adequate access to necessary records to prepare their defense.

Conclusion

Given the documented refusals and the significant implications of these denials, this petition requests immediate judicial intervention to compel the provision of the withheld discovery and medical records. Such actions are essential to uphold the fairness of the proceedings and to prevent further prejudice against my rights to an effective defense.

IMPARTIALITY CONCERNS AND CIRCULAR HANDLING BY A SMALL TEAM OF JUDICIAL OFFICERS:

This petition addresses significant issues regarding the impartiality of judicial proceedings, which stem from the circular handling of my case by a small team of three judicial officers. This has raised substantial questions about the fairness and independence required in the administration of justice.

1. Circular Handling and Concentration of Power: The continuous handling of my case by the same set of three judicial officers blurs the boundaries required for impartiality and fairness. This concentrated control inherently increases the risk of bias and undermines the impartiality required in judicial proceedings.

2. Systemic Protocols vs. Unethical Arrangements: While this pattern of handling might be seen as a procedural norm within the judicial system, it raises significant legal and ethical concerns about the potential for undue influence and prejudicial treatment, especially when such evaluations facilitate a rapid channeling of cases to this select group.

3. Legal Precedents and Judicial Integrity: Cases like *SooHoo v. Johnson*, 731 NW 2d 815 (Minn: Supreme Court 2007) emphasize the necessity of maintaining judicial impartiality to ensure fairness in proceedings. Moreover, *State v. Barnes*, 713 NW 2d 325 (Minn: Supreme Court 2006), acknowledges the need for clear procedural separations to uphold justice.

Conclusion

Given the observed patterns and the significant issues raised, this petition requests a thorough review of the procedural practices involving the small group of judicial officers. Ensuring judicial impartiality is crucial to maintain public trust and the integrity of the judicial system.

COMPLETE LACK OF REPRESENTATION DUE TO POTENTIAL COERCION OF DEFENSE COUNSEL:

This petition brings to light the serious deficiencies in legal representation which I believe stem from potential threats or coercion exerted on my defense counsel. These circumstances have led to significant ethical and misconduct violations, severely undermining my legal defense.

1. Ethical Violations and Non-Representation: My defense counsel has repeatedly failed to provide crucial discovery documents and an examination report as required by ethical standards under *Minnesota Rule 1.4 (Communication)*. Additionally, promises to represent me in civil proceedings were not honored, violating *Minnesota Rule 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer)*.

2. Potential Coercion and Impact on Legal Representation: The unusual and unexplained behaviors of my counsel, including the failure to challenge crucial reports and use available evidence, suggest a potential coercion scenario. This is corroborated by failures in advocacy as stipulated under *Minnesota Rule 3.1*, where my attorney did not utilize critical evidence during hearings that could have significantly impacted the outcomes of my cases.

3. Legal Precedents and Obligations for Effective Representation: The failure of my attorney to act diligently violates established legal standards, such as those highlighted in

Strickland v. Washington, 466 U.S. 668 (1984), which sets forth the standard for effective legal representation. The breaches observed are antithetical to the duties mandated by the Minnesota Rules of Professional Conduct and jeopardize my constitutional right to a fair trial.

Conclusion

The conduct of my defense counsel, as influenced by external pressures, has compromised the integrity of my defense and violated multiple ethical standards. This petition seeks immediate judicial intervention to rectify these violations and to ensure that my rights to competent and effective legal representation are upheld.

SIGNIFICANT PROCEDURAL ISSUES AND TIMELINE DISCREPANCIES:

This petition addresses the substantial procedural discrepancies and timeline issues within my case. Notably, there was an issuance of a continuance order based on a non-existent motion and significant inconsistencies in the case timeline, including the out-of-order indexing and the mishandling of the Rule 20.01 exam report.

1. Non-Existent Motion for Continuance: On June 14, 2023, a continuance was granted without any corresponding motion filed, which contravenes the procedural norms as outlined in *Rule 115* of the Special Rules of Practice for Hennepin County.

2. Rule 20.01 Exam Report Discrepancies:

The Rule 20.01 exam report dated March 10, 2023, which was ostensibly authored by Dr. Jill Rogstad, presents significant administrative and procedural discrepancies. Notably, Chela Guzman-Weigart, an administrative figure not involved in psychological assessments, is listed as the creator of the document according to its metadata. This unusual authorship attribution conflicts with Rule 14 related to e-filing, which mandates accurate and transparent document handling and authorship in the e-filing system.

3. Procedural and Timeline Inconsistencies: The timeline of case events shows multiple procedural anomalies, such as out-of-order timeline indexes and missing or incorrectly filed documents. These issues raise concerns about the integrity and transparency of the judicial process.

Conclusion

The procedural discrepancies and timeline inconsistencies documented herein significantly impair the fairness and integrity of the legal process. This petition requests a thorough review and rectification of these issues to ensure the principles of justice are upheld.

FLAWS IN DR. ROGSTAD'S RULE 20.01 EVALUATION:

This petition challenges the competency determination made by Dr. Jill Rogstad under Rule 20.01, arguing substantial flaws in the evaluation process, which are both procedural and ethical in nature. The foundational issues center around the validity of the assessment and the adherence to forensic psychology standards.

Contradictions in Assessment and Competency: The evaluation by Dr. Rogstad presents contradictions, where Mr. Guertin's rational explanations and legal strategies are acknowledged yet simultaneously deemed delusional. This discrepancy highlights a potential bias or misinterpretation of his mental state, suggesting a compromised evaluation process.

Ethical and Professional Standards Violations:

Objective and Unbiased Assessment: Dr. Rogstad's role required an impartial evaluation, free from external influences. The presence of metadata suggesting involvement of Chela Guzman-Weigart in the document's creation raises concerns about the authenticity and independence of the evaluation (*APA Ethical Standard 5.01 - Avoidance of False or Deceptive Statements*).

Boundaries of Competence: Dr. Rogstad admitted to lacking expertise in technology, crucial for understanding Mr. Guertin's professional context, thus potentially impairing her judgment (*APA Ethical Standard 2.01*).

Avoiding Harm: The use of an inaccurate or biased report in judicial proceedings could have severe repercussions for Mr. Guertin, violating ethical guidelines on non-maleficence (*APA Ethical Standard 3.04*).

Questionable Evaluation Methods:

Dr. Rogstad's report fails to substantiate its conclusions with comprehensive evidence, relying instead on selective observations that may not accurately reflect Mr. Guertin's mental state. Such an approach contravenes APA Ethical Standard 9.01, which mandates that assessments be based on sufficient substantiated information.

The handling of the evaluation suggests a misunderstanding of high-functioning professional behaviors, which are inappropriately labeled as symptoms of a mental disorder, reflecting a potential misapplication of psychological expertise to legal standards of competency.

Legal and Forensic Psychology Standards:

The evaluation should have integrated a broader range of information, including professional achievements and documented competencies that contradict claims of

incompetency. The oversight to include these aspects suggests a deviation from forensic evaluation standards that require a holistic approach to assessing legal competencies.

Conclusion

The discrepancies and ethical concerns surrounding Dr. Rogstad's Rule 20.01 evaluation call for a thorough review and reconsideration of the competency determination. It is crucial that the assessment adheres to the highest standards of forensic psychology to ensure justice and fairness in the application of the law.

STANDARD OF REVIEW

Minn. R. Crim. P. 28.02, subd. 3, permits discretionary review of criminal pretrial rulings “[i]n the interests of justice.” See also *Minn. R. Civ. App. P. 105.01*. “The decision whether to grant or deny discretionary review hinges on the application of a multi-factor test.” *Doe 175 ex rel. Doe 175 v. Columbia Heights Sch. Dist.*, ISD No. 13, 842 N.W.2d 38, 47 (*Minn. Ct. App.* 2014). The “multi-factor test” was announced by the *Minnesota Supreme Court* in *Gordon v. Microsoft Corp.*, 645 N.W.2d 393, 401-02 (*Minn.* 2002). See *Doe 175*, 842 N.W.2d at 47. The test considers whether the district court ruling is nearly dispositive because it sounds the “death knell” for plaintiff's case or “places inordinate pressure on the defendant to settle,” and whether the district court ruling involves an “important legal issue that is also important to the particular litigation.” *Id.* (*quoting Gordon*, 645 N.W.2d at 401-02). Other factors to consider

include “such [other] factors as [the Court] finds appropriate to the issues to be reviewed, the procedural posture of the case, and other circumstances presented’ by the petition.” Id. As explained below, this petition should be granted in the interests of justice.

ARGUMENT

In light of the unprecedented and egregious nature of the circumstances presented in this case, it is imperative that this Court grants discretionary review. The criteria set forth in the *Gordon v. Microsoft Corp.* multi-factor test are unequivocally met, demonstrating a compelling need for judicial intervention to address the severe injustices and procedural anomalies that have characterized the proceedings thus far.

Impact of District Court Ruling: The district court's rulings have effectively sounded the "death knell" for the petitioner's ability to mount a fair and effective defense. By systematically denying access to crucial discovery materials and mishandling procedural aspects such as the Rule 20.01 exam report, the lower court has placed the petitioner in an untenable position, one that could result in irreversible prejudice to his rights and freedoms.

Inordinate Pressure to Settle: The procedural and ethical missteps, including those involving judicial and external influences, have placed extraordinary pressure on the

petitioner to concede to outcomes not born of justice but of manipulation and undue influence. This runs contrary to the principles of fairness and equity that the judiciary is sworn to uphold.

Important Legal Issues: This case raises critical legal issues that extend beyond the immediate interests of the parties involved. They touch upon the fundamental integrity of the judicial process and the protection of individual rights against judicial and extrajudicial overreach. These issues, particularly those concerning the misapplication of psychological evaluations and the abuse of judicial discretion, are of great public importance.

Necessity and Desirability of Immediate Review: Immediate review by the appellate court is both necessary and desirable to prevent further injustice and to rectify the egregious errors that have marred the proceedings. The extraordinary nature of the errors and their profound impact on the petitioner's legal and constitutional rights underscore the urgency of appellate intervention.

Other Appropriate Factors: Given the unique and deeply troubling aspects of this case, including the potential for these issues to recur in other proceedings, appellate review is not only justified but essential. The appellate court's guidance on these matters will help clarify and develop the law, ensuring that similar errors are not perpetuated in future cases.

CONCLUSIONS

In conclusion, the unprecedented nature of the circumstances surrounding this case compels a swift and decisive intervention by this Court. The evidence and procedural irregularities presented herein not only jeopardize the fairness of the judicial process but also pose a severe threat to my personal liberty and psychological well-being. The prospect of being unjustly institutionalized in a mental health facility based on flawed and manipulated evidence is not only deeply concerning but also indicative of a larger, more systemic issue within our judicial system.

The errors and ethical breaches that have marred this case are not minor procedural missteps but are indicative of a profound and disturbing willingness within certain judicial quarters to manipulate legal outcomes at the expense of justice and transparency. Such actions threaten the very foundations of trust that our legal system is built upon and must be addressed not merely as individual failings but as a potential pattern of judicial behavior that demands correction.

Moreover, the involvement of court personnel and external entities in suppressing and manipulating evidence suggests a concerted effort to silence and discredit me, primarily because I have exposed corruption and malfeasance within the judicial system itself. This creates a perverse incentive for the court to push for an outcome that would see me rendered unable to continue my fight for justice—not for reasons of legal

soundness but to shield corrupt practices from further exposure. This is not only unethical but also fundamentally at odds with the principles of justice that this Court upholds.

Therefore, it is not only appropriate but essential for this Court to grant a review of the case. Upon review, I urge the Court to consider the dismissal of all charges against me due to the egregiously flawed nature of the evidence and the procedural irregularities that have compromised a fair trial. Additionally, considering the severe personal and professional consequences I have endured, appropriate financial reimbursement should also be awarded. A dismissal, complemented by financial restitution, would not only serve the interests of justice but would also act as a powerful deterrent against future judicial misconduct and the misuse of psychiatric evaluations to silence and penalize individuals who dare to expose corruption and unethical practices within our judicial system.

Allowing this case to proceed without thorough scrutiny and without addressing the substantial legal and ethical issues raised would not only undermine my rights but would also erode public confidence in the judicial system's capacity to police its own, maintain integrity, and administer justice impartially. Therefore, I respectfully request that this Court intervene decisively to rectify the grave injustices that have been perpetrated in this case and to restore faith in the judiciary as a fair and just institution.

This petition is not merely a request for relief but a plea for justice—both for myself and for the integrity of our judicial system. The eyes of the community, and indeed the nation, are upon this Court as it decides whether to uphold the law and deliver justice, or to turn a blind eye to corruption and injustice within its own ranks. I trust that the Court will act according to the highest standards of judicial responsibility and grant the relief sought in this petition.

Petitioner can include Addendum references in additional document. This was VERY last minute..

Dated: May 10, 2024

By: s/ Matthew D Guertin

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