

**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