

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.

PETITIONER'S ADDENDUM - 1

State of Minnesota,

Respondent.

PETITIONERS ADDENDUM - 1

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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.

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

Matthew David Guertin,

Defendant,

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

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 23A00785
Court File No. 27-CR-23-1886

State of Minnesota,

Plaintiff,

vs.

MATTHEW DAVID GUERTIN DOB: 07/17/1981

10233 34th St W
#304
Minnetonka, MN 55305

Defendant.

COMPLAINT

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Dangerous Weapons-Reckless Discharge of Firearm Within a Municipality

Minnesota Statute: 609.66.1a(a)(3), with reference to: 609.66.1a(b)(2)

Maximum Sentence: 2 YEARS AND/OR \$5,000

Offense Level: Felony

Offense Date (on or about): 01/21/2023

Control #(ICR#): 23000258

Charge Description: That on or about January 21, 2023, in Hennepin County, Minnesota, MATTHEW DAVID GUERTIN recklessly discharged a firearm within a municipality.

COUNT II

Charge: Firearm-Serial Number-Receive/Possess With No Serial Number

Minnesota Statute: 609.667(3), with reference to: 609.667

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 01/21/2023

Control #(ICR#): 23000258

Charge Description: That on or about January 21, 2023, in Hennepin County, Minnesota, MATTHEW DAVID GUERTIN received or possessed a firearm that was not identified by a serial number: an automatic rifle.

COUNT III

Charge: Firearm-Serial Number-Receive/Possess With No Serial Number

Minnesota Statute: 609.667(3), with reference to: 609.667

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 01/21/2023

Control #(ICR#): 23000258

Charge Description: That on or about January 21, 2023, in Hennepin County, Minnesota, MATTHEW DAVID GUERTIN received or possessed a firearm that was not identified by a serial number: a full-size pistol.

COUNT IV

Charge: Firearm-Serial Number-Receive/Possess With No Serial Number

Minnesota Statute: 609.667(3), with reference to: 609.667

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 01/21/2023

Control #(ICR#): 23000258

Charge Description: That on or about January 21, 2023, in Hennepin County, Minnesota, MATTHEW DAVID GUERTIN received or possessed a firearm that was not identified by a serial number: a compact pistol.

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STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On January 21, 2023, officers with the Minnetonka Police Department were dispatched to a report of shots being fired from an apartment at 102XX 34th St. W., Minnetonka, Hennepin County, Minnesota.

Upon arriving in the area officers heard shots and were able to confirm where the apartment shots were coming from, and that the occupant of the apartment was MATTHEW DAVID GUERTIN, dob 7/17/1981, "Defendant" herein. Defendant was yelling "I'm going to die because they stole my patent" and repeatedly yelled a Minnetonka Police Department case number. Defendant spoke with a negotiator and after some time threw two firearms out of the window: an automatic rifle and a pistol in a case. Defendant eventually came out of the apartment and was placed under arrest. In a post-Miranda statement Defendant reported that he had fired multiple rounds to get the police to respond to his location, and that he had shot into the sky and trees. Defendant estimated he had fired approximately twenty rounds. Defendant said that he could not communicate via his computer or phone because other people had gained control of his computer and other devices. Defendant also said that he had bought the parts and put together the firearms that he had used.

Officers recovered three firearms from the incident: an automatic rifle, a full-size pistol, and a compact pistol. None of the firearms had serial numbers on them. Officers also recovered additional ammunition and body armor inside Defendant's apartment.

Defendant is currently in custody.

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SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Samantha Johnson
Police Officer
14600 Minnetonka Boulevard
Minnetonka, MN 55345
Badge: 133

Electronically Signed:
01/24/2023 10:49 AM
Hennepin County, MN

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Erin Goltz
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
01/24/2023 10:23 AM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☐ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ *Execute in MN Only*

☐ *Execute Nationwide*

☐ *Execute in Border States*

☒ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$50,000.00

Conditions of Release: No use of drugs/alcohol; Make All Appearances; Remain Law Abiding; No Possession of Weapons

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: January 24, 2023.

Judicial Officer

Edward Thomas Wahl
District Court Judge

Electronically Signed: 01/24/2023 11:40 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF HENNEPIN
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

MATTHEW DAVID GUERTIN

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

27-CR-23-1886
27-CR-23-1886
DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
Filed in District Court
State of Minnesota
1/24/2023 10:47 PM

Name: MATTHEW DAVID GUERTIN
DOB: 07/17/1981
Address: 10233 34th St W
#304
Minnetonka, MN 55305

Alias Names/DOB:

SID: MN00417780

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute:

Fingerprint match to Criminal History Record:

Driver's License #:

SILS Person ID #:

SILS Tracking No.

Alcohol Concentration:

MALE

White

Yes

Yes

403932

3316315

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27-CR-23-1886
27-CR-23-1886
STATUTE AND OFFENSE GRID

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State of Minnesota
1/24/2023 4:47 PM

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	1/21/2023	609.66.1a(a)(3) Dangerous Weapons-Reckless Discharge of Firearm Within a Municipality	Felony	W1E40		MN0271200	23000258
	Penalty	1/21/2023	609.66.1a(b)(2) Dangerous Weapons-Other Offenses	Felony	W1E40		MN0271200	23000258
2	Charge	1/21/2023	609.667(3) Firearm-Serial Number-Receive/Possess With No Serial Number	Felony	W1840		MN0271200	23000258
	Penalty	1/21/2023	609.667 Firearms-Removal or Alteration of Serial Number	Felony	W1840		MN0271200	23000258
3	Charge	1/21/2023	609.667(3) Firearm-Serial Number-Receive/Possess With No Serial Number	Felony	W1840		MN0271200	23000258
	Penalty	1/21/2023	609.667 Firearms-Removal or Alteration of Serial Number	Felony	W1840		MN0271200	23000258
4	Charge	1/21/2023	609.667(3) Firearm-Serial Number-Receive/Possess With No Serial Number	Felony	W1840		MN0271200	23000258
	Penalty	1/21/2023	609.667 Firearms-Removal or Alteration of Serial Number	Felony	W1840		MN0271200	23000258

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State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

Matthew David Guertin,
Defendant.**ORDER CONTINUING
HEARING**

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

The above-entitled matter was scheduled before Julia Dayton Klein, Judge of District Court, on June 14, 2023, for an evidentiary hearing upon the Defense's objection to the competency opinion rendered by Dr. Rogstad, dated March 10, 2023. Jacqueline Perez, Assistant Hennepin County Attorney, represents the State. Bruce Rivers represents Defendant. On June 13, 2023, Mr. Rivers requested a continuance in the matter due to scheduling conflicts. The State did not object. The parties agreed on the new date of July 7, 2023 at 10:30 am. For good cause, the Court finds:

ORDER

1. The contested competency hearing shall be continued to **July 7, 2023 at 10:30 AM.**

By the Court:

Julia Dayton Klein
Judge of District Court

July 13th, 2023 Finding of Incompetency Order - METADATA ANALYSIS

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

27-CR-23-1886

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
PROBATE/MENTAL HEALTH DIVISIONState of Minnesota,
Plaintiff,
v.
Matthew David Guertin,
Defendant.Filed in District Court
State of Minnesota
7/13/2023 1:24 PM

Court File No. 27-CR-23-1886

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER REGARDING
COMPETENCY TO PROCEED**

The greater weight of the evidence establishes that Mr. Guertin is incompetent to proceed.

ORDERDefendant, Matthew David Guertin, is currently **INCOMPETENT** to proceed.

Order Recommended By:

A handwritten signature in black ink, appearing to read "George Borer".

Borer, George
Jul 13 2023 11:00 AM**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Michael Browne".

Browne, Michael
Jul 13 2023 12:13 PM

Referee of District Court

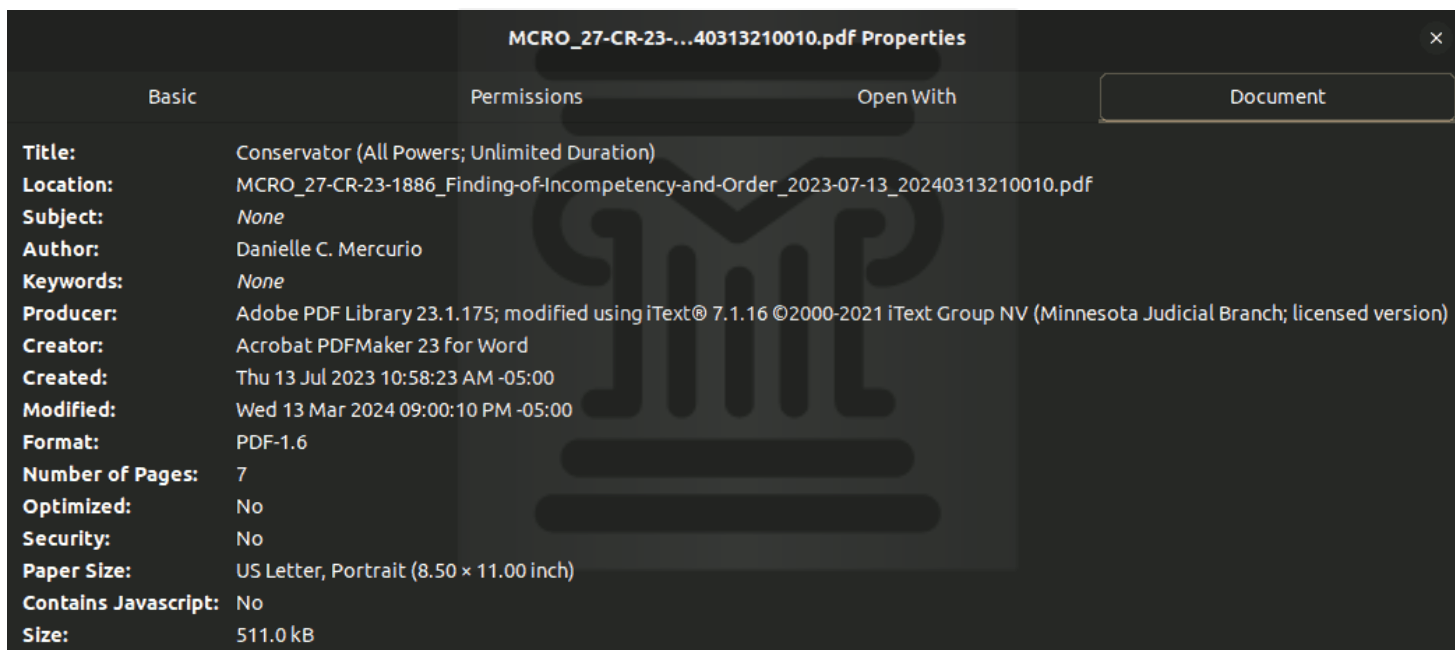
Judge of District Court

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Company                      : Hewlett-Packard Company
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Has XFA                      : No
  
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July 13th, 2023 Finding of Incompetency Order - METADATA ANALYSIS

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‘Standard’ PDF Document Properties -Viewable by anyone**Metadata Document Properties – Viewable using ‘Exiftool’**

Order was signed and recommended by: George Borer

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Metadata Date : 2023:07:13 14:57:12-05:00
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Title : Conservator (All Powers; Unlimited Duration)
Creator : Danielle C. Mercurio

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Jul 13, 2023 4:46 pmFiled in District Court
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7/13/2023 1:24 PMSTATE OF MINNESOTA

COUNTY OF HENNEPINDISTRICT COURT
FOURTH JUDICIAL
DISTRICT PROBATE/MENTAL
HEALTH DIVISION

Court File No. 27-CR-23-1886

State of Minnesota,
Plaintiff,
v.

Matthew David Guertin,
Defendant.**FINDINGS OF
FACT, CONCLUSIONS OF
LAW, AND ORDER
REGARDING COMPETENCY
TO PROCEED**

The above-entitled matter came before the district court, on July 7, 2023, for an evidentiary hearing regarding the Defendant's competency. The hearing took place in person in Courtroom 456 at the Hennepin County Government Center. Jacqueline Perez, Assistant Hennepin County Attorney, appeared for the State. The Defendant appeared along with his attorney, Bruce Rivers, Esq. Jill E. Rogstad, Ph.D., LP, ABPP (Forensic), Senior Clinical Forensic Psychologist at the Fourth Judicial District Court, testified at the hearing and the court received into evidence her *Curriculum Vitae* (Exhibit 2), and her Forensic Evaluation Report dated March 10, 2023 (Exhibit 3). The court also received into evidence a copy of United States Patent No. 11,577,177 B2 dated February 14, 2023 (Exhibit 1), as well as testimony from the Defendant.

The matter was referred for hearing to the undersigned district court referee, who after considering the evidence, the arguments presented, and all the files and records herein, reports to the court making the following recommended Findings of Fact, Conclusions of Law and Order:

1. Defendant is currently **INCOMPETENT** to proceed.

FINDINGS OF FACT

The Defendant, Matthew David Guertin, is charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons-Reckless Discharge of Firearm Within a Municipality (Felony), Firearm-

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27-CR-23-1886

Serial Number-Receive/Possess With No Serial Number (Felony), Firearm-Serial Number Receive/Possess With No Serial Number (Felony), and Firearm-Serial Number-Receive/Possess With No Serial Number (Felony), from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, the Honorable Lyonel Norris, Referee of District Court, found probable cause to believe that the offenses were committed and that Defendant committed them. He then ordered that a Rule 20.01 evaluation be completed. Jill E. Rogstad, Ph.D., LP, ABPP (Forensic), was assigned to complete the evaluation of the Defendant. She filed her report on March 10, 2023, opining that Mr. Guertin is incompetent and provided the following diagnoses:

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary).

Mr. Guertin challenges Dr. Rogstad's conclusion, taking the position that he is competent to proceed in his criminal matters. Mr. Guertin testified that he is currently employed as the Chief Executive Officer (CEO) of a start-up company. His company is listed as the assignee on United States Patent No. 11,577,177 B2, and he, as an individual, is listed as the inventor and the applicant. *Ex. 1.* Mr. Guertin testified that he understands his charges, noting that reckless discharge of a firearm in a municipality is a felony with a maximum of a two-year sentence. He notes that he and his attorney have discussed possible defenses; that he understands the information relayed to him by his attorney; and that there is nothing impeding their relationship. In fact, Mr. Guertin and his attorney, Mr. Rivers, have had a professional relationship for many years. Mr. Guertin also admitted to having been through criminal proceedings in the past. While he acknowledged that he may not understand all the technicalities of criminal proceedings, he indicates that he would ask his attorney if he had questions about the proceedings. Mr. Guertin appeared well-dressed, noting that he wore a tie to court "to be presentable." He presents as intelligent and passionate about his work with technology, including his patent. However, much of his testimony was focused on his

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technological work and patent, and he required frequent redirection to stay on point. In fact, there were times during his testimony that Mr. Guertin became lost in his answer to a question because of rambling statements about his patent or other unrelated topics. For instance, when discussing the events that led to what he describes as the "most cordial standoff ever" [with the police], Mr. Guertin began discussing his actions in firing his gun in order to attract the police. He did so instead of calling 911 because he could not trust his electronic devices due to his suspicions involving Netflix and Microsoft and protection of his patent. The court appreciates Mr. Guertin's testimony and his participation in the hearing; however, the court has serious concerns regard Mr. Guertin's ability to meaningfully participate in criminal proceedings and understand the process, given his perseveration regarding his patent, and his delusional beliefs about others.

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Dr. Rogstad opines that Mr. Guertin is not competent to proceed in his criminal matters, concluding in her report " ... that Mr. Guertin's symptoms presently compromise his capacity to understand rationally the proceedings, participate in the defense, and consult rationally with counsel." Ex. 3, p. 9. Dr. Rogstad offers a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary). While Dr. Rogstad testified that this is a legitimate diagnosis, she indicated that additional information would be needed to provide more specificity. Dr. Rogstad notes that Mr. Guertin " ... displays prominent delusional beliefs that include persecutory and referential themes," the content and intensity of which " ... are highly consistent with phenomenology of the persecutory delusions that can accompany psychotic disorders." *Id.* at 7. She further indicates that Mr. Guertin may also suffer from a mood-related disorder, namely mania or hypomania, given "... his frequent digressions and tendency to become distracted by his own thoughts," which "... were consistent with flight of ideas." *Id.* at 8. She also notes that Mr. Guertin was "highly distractible" during the examination, making it " ... difficult to extract meaningful,

27-CR-23-1886

coherent information from him." *Id.* The court observed identical behavior during his testimony on July 7, 2023, to that exhibited during his examination. Dr. Rogstad testified that misuse' of Adderall could account for some of Mr. Guertin's symptoms, but acknowledged that she was not a toxicologist or medical doctor and that she did not know how much Adderall Mr. Guertin actually took. Despite reporting this possibility, Dr. Rogstad opines Mr. Guertin is not competent.

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State of Minnesota
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As a result of his symptoms, Dr. Rogstad believes that Mr. Guertin is unable to participate in the legal process regarding his criminal matters. She credibly testified that while Mr. Guertin has good factual knowledge, he is unable to apply this knowledge due to delusional beliefs. For example, when Mr. Guertin spoke about his delusional beliefs, he indicated he would present evidence supporting these beliefs. In her report, Dr. Rogstad states, " ... while he knows the nature of his charges, Mr. Guertin's delusional beliefs are inextricably linked to his perceptions of his current legal situation, and they obstruct his ability to apply this factual legal knowledge to discussions of his own case in a rational manner devoid of delusional reasoning." *Id.* at 9. Specifically, Dr. Rogstad reports that his delusions impacted his perception of relevant evidence, that he supported the choices he made "...with impaired perceptions of objective reality," and that ultimately, he was unable to participate in "consistently coherent" and "reality-based" discussions regarding the proceedings. *Id.* Her testimony supports these conclusions when she states that Mr. Guertin did not understand evidence or the ramifications of making decisions because of the delusions that emerged as they were discussing legal proceedings. Dr. Rogstad also testified that Mr. Guertin lacks insight into his mental health, as evidenced by his belief that he is under duress as opposed to having any impaired perceptions. Finally, Dr. Rogstad testified that neither her report nor her opinion changed after observing Mr. Guertin's testimony during the July 7, 2023 hearing.

¹ Mr. Guertin testified that he takes additional dosages of his Adderall medication on long days because the medication is "fast-acting." He gave one example as working overnight at Coachella to finish an art piece for the next day.

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The court finds that the greater weight of the evidence establishes that Mr. Guertin is not competent to proceed at this time. He suffers from a mental illness with a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder, as offered by Dr. Rogstad. This may also include a mood component, namely mania or hypomania. This mental illness prevents Mr. Guertin from rationally understanding the legal process and obstructs his ability to prepare a defense or rationally consult with his counsel. Dr. Rogstad persuasively reports that Mr. Guertin's delusions impact his strategical decisions. For instance, he indicated that providing testimony at his trial would serve " ... as a way to 'have the opportunity to make all this stuff [about his perceived persecution] public in the courtroom,'" with similar thoughts regarding evidence he collected. Ex. 3, p. 9. Additionally, the court observed Mr. Guertin testify, during which his answers often wandered towards the themes of technology, patents, and competitors. While it is evident that Mr. Guertin is an intelligent, talented individual with a passion for technology, this does not necessarily make him competent to proceed in his criminal matters. He may understand the factual components of criminal proceedings, but it is evident to the court that he is unable to apply this factual knowledge in his defense. Based upon the totality of evidence before the court including Mr. Guertin's testimony, Dr. Rogstad's testimony, and the exhibits received into evidence, the court concludes that the greater weight of the evidence establishes that Mr. Guertin is not currently competent to proceed and thus, the defense has not met their burden of proof.

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In summary, the court finds the testimony and report of Dr. Rogstad to be the most credible and persuasive evidence regarding Mr. Guertin's competency to proceed. Dr. Rogstad has extensive experience conducting forensic evaluations, including having completed approximately 400 forensic evaluations. See also Ex. 2. Her report was thorough and considered several possible factors contributing to Mr. Guertin's symptoms, as well as the significance of those symptoms.

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The court also notes the similarity in Mr. Guertin's presentation during both his evaluation and at the July 7, 2023 hearing: Mr. Guertin presented as verbose, with responses to questions that included excessive detail. He often brought his responses back to the themes of technology, patents, and competitors; and on occasion, had to ask that questions be repeated due to his extensive responses. Mr. Guertin appears to the court to be unable to separate matters involving his criminal charges from his delusional thoughts regarding his technology. It was evident that he continues to suffer from mental health concerns that impact his ability to fully understand and engage in the proceedings regarding his criminal matters.

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7/13/2023 1:24 PM

CONCLUSIONS OF LAW

"A defendant has a due process right not to be tried or convicted of a criminal charge if he or she is legally incompetent." *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011). Rule 20.01 of the Minnesota Rules of Criminal Procedure requires that if the court finds by the greater weight of the evidence that the defendant is competent, it must enter an order finding the defendant competent to proceed. Minn. R. Crim. P. Rule 20.01, subd. 5(c). A defendant is incompetent and must not plead, be tried, or be sentenced if the defendant due to mental illness or cognitive impairment lacks ability to: (a) rationally consult with counsel; or (b) understand the proceedings or participate in the defense. *Id.*, subd. 2. The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case. Moreover, fact-finders, including district courts, are not required to accept an expert's testimony or recommendation. *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016). Foremost, throughout the criminal proceedings the trial court must be mindful of its protective duty to ensure that a defendant is competent to proceed. *See State v.*

27-CR-23-1886

Bauer, 245 N.W.2d 848, 852 (Minn. 1976) (ruling that the court should have conducted further inquiry into the important matter of defendant's competency).

The greater weight of the evidence establishes that Mr. Guertin is incompetent to proceed.

ORDER

Defendant, Matthew David Guertin, is currently **INCOMPETENT** to proceed.

Order Recommended By:



Borer, George
Jul 13 2023 11:00 AM

Referee of District Court

BY THE COURT:



Browne, Michael
Jul 13 2023 12:13 PM

Judge of District Court

MINNESOTA
JUDICIAL
BRANCH

Filed in District Court
State of Minnesota
7/13/2023 1:24 PM

Filed in District Court
State of Minnesota
Nov 15, 2023 3:34 pm

State of Minnesota

District Court

Hennepin County

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

MATTHEW DAVID GUERTIN,
Defendant.Order to Fourth Judicial District Court
Psychological Services
27-CR-23-1886

Defendant Information	
<input checked="" type="checkbox"/> Out of Custody <input type="checkbox"/> In Custody – at Facility: _____	
Date of Birth: 07/17/1981	SILS Identifier: 403932
Phone: Home: 763-221-4540, Cell: 763-221-4550	
Email: mattguertin@protonmail.com	
Current Address: 4385 Trenton Lane North Apt 202 Plymouth MN 55442	
<input type="checkbox"/> Confirmed address with Defendant	
Additional family/collateral contact number and instructions:	

It is hereby ordered:

- ☒ For felony and gross misdemeanor cases, probable cause has been found.
☐ The defendant is to be released upon completion of the interview process.
☐ This is part of the targeted misdemeanor program.

1. The Chief of Psychological Services of the Fourth Judicial District or the Chief's designee ("Examiner") shall conduct the following psychological evaluation, assessment and/or consultation regarding the defendant:

- ☒ Competency to participate in proceedings pursuant to Rule 20.01
☐ Mental state at the time of the alleged act pursuant to Rule 20.02 (M'Naghten Rule)
☐ Sex Offender Evaluation (psychosexual) pursuant to Minnesota Statute § 609.3457
☐ Repeat Sex Offender Evaluation pursuant to Minnesota Statute § 609.3457
☐ Consultation (Pre-Sentence) _____
☐ Other (please specify) _____

2. Copies of this evaluation shall be provided to the Court and the following individuals:

Defense Attorney: BRUCE MICHAEL RIVERS
 Prosecuting Attorney: JACQUELINE PEREZ

Phone: 612-339-3939
 Phone:
 Phone:

3. The hearing for the return of the psychological evaluation will be held on **January 16, 2024 at 1:30 PM.**

4. Upon presentation of this order, the relevant custodian of records shall provide (whether mailed, faxed, or personally delivered) to the Examiner all relevant records from the following sources: behavioral, chemical dependency, developmental disability, educational, employment, judicial, law enforcement (including audio/visual recordings), medical, probation/correction, psychological, and social service. A copy of the records so requested shall be delivered to the Examiner within 96 hours of presentation of this order. Records that are faxed shall be sent to 612-348-3452. Mailed records should be sent to Hennepin County District Court, Psychological Services, 300 South Sixth Street, C-509 Government Center, Minneapolis, Minnesota 55487. All agencies maintaining the above-listed records may also communicate verbally with the requesting Examiner.
 - **The Court specifically finds** good cause exists for authorizing the disclosure of the identified records, including chemical dependency records, because other ways of obtaining the information are not available or would not be effective, and the public interest and need for disclosure outweighs the potential injury to the patient, the physician/patient relationship and any chemical dependency treatment facility or organization holding records pertaining to Defendant.
5. During the preparation of the report, the Examiner and any employee of Community Corrections and Rehabilitation may discuss the case and share relevant information in a manner consistent with Minnesota Rules of Criminal Procedure, Minnesota Statutes, and case law.
6. If a sex offender evaluation has been ordered and the defendant is a Repeat Sex Offender as defined in Minnesota Statute § 609.3457, Psychological Services is ordered to comply with both the requirements of §609.3457 and the agreement with Minnesota State Operated Forensic Services. A copy of any Repeat Sex Offender Report produced by Psychological Services shall be forwarded to the Court and the Commissioner of Corrections.
7. In the case of Rule 20 evaluations, the Examiner shall offer in the report an opinion and support for the opinion on whether the defendant:
 - a. Is suitable to refer for consideration of civil commitment and the basis of the possible commitment,
 - b. May be mentally ill and dangerous, and
 - c. Needs immediate hospitalization.
8. In the case of Rule 20 evaluations, the Examiner shall promptly notify the prosecutor, defense attorney and the Court if the Examiner concludes that the defendant:
 - a. Presents an imminent risk of serious danger to another,
 - b. May be imminently suicidal, or
 - c. Needs emergency intervention.

Dated: November 15, 2023

Julia Dayton Klein
District Court Judge

- ✓ Please direct the prosecuting agency to forward a copy of the police report for each case to Psychological Services.
- ✓ If a defendant is to be released upon completion of the interview process, a Conditional Release Order must be filed giving that direction.

Mr. Matthew David Guertin

4385 Trenton Ln N #202
 Plymouth, MN 55442
 MattGuertin@ProtonMail.com
 (763) 221-4540

January 5th, 2023

Ms. Jacqueline Perez
 300 South 6th StreetC2000
 Minneapolis, MN 55487

Re: State of Minnesota 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 34th Street #304, on January 2nd 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

Add. 22

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-23-1886

Plaintiff,

vs.

Matthew David Guertin,

Defendant.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER REGARDING
COMPETENCY

This matter was scheduled to come before the undersigned Referee of District Court on January 16, 2024. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Bruce Rivers, Esq.

Prior to the hearing, the parties agreed to a finding of incompetency entered administratively. Based on all the files, records and proceedings in this case, the Court makes the following:

FINDINGS OF FACT

1. Defendant (date of birth 07/17/1981), was charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons (Felony) and three counts of Firearm-Serial Number-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. On November 15, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.
Jacqueline Perez, Assistant Hennepin County Attorney – Criminal Division;
Bruce Rivers, Attorney for Defendant
3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office – Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office – Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court – Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:
 - a. Fourth Judicial District Court – 4thCriminalRule20 email list;
 - b. Bruce Rivers, Attorney for Defendant (riverslawyers@aol.com);
 - c. Jacqueline Perez, Assistant Hennepin County Attorney (jacqueline.perez@hennepin.us);
 - d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
 - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

Mr. Matthew David Guertin

XXXXXXXXXXXXXXXXXXXX
 Plymouth, MN 55442
 XXXXXXXXXXXXXXXXXXXXXXX
 (XXX) XXX-XXXX

January 30th, 2024

**Hennepin Government Center**

Attn: Civil Court Division
 300 South Sixth St
 Minneapolis, MN 55487

27-MH-PR-23-815

Filed in District Court
 State of Minnesota
 1/30/2024 6:37 AM

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

**In The Matter of the Civil Commitment of:
 Matthew David Guertin,
 Respondent**

Court Case# 27-MH-PR-23-815

MOTION FOR CONTINUANCE

I, Matthew David Guertin, the respondent in the above-referenced civil commitment proceeding, hereby respectfully request a continuance of the court hearing currently scheduled for February 1, 2024. This request is based on several critical factors that significantly impact my ability to adequately prepare for the hearing.

1. I have only recently become aware of the scheduled court date, giving me less than a week to prepare, which is insufficient given the complexity of the case.

2. I have not received crucial medical records, including the psychological evaluation report by Dr. Adam Milz, despite repeated requests to my legal representatives.

Email communications showing my attempts at receiving my exam report are included with this motion

3. There has been a lack of effective communication with my civil court-appointed attorney, possibly due to errors in information provided by the court or an oversight on the part of the attorney. Regardless I was just alerted via email yesterday that he did not have a correct phone number to reach me.

Email from Joel Fisher indicating that he was not provided with or did not have my correct phone number on record is included with this motion.

4. I am considering the possibility of seeking advice from private counsel to ensure a comprehensive defense.

5. Confusion and potential misinformation about my case have been indicated in communications I had with someone from the Hennepin County Prepetition Screening Program, whom I spoke with on the phone yesterday after receiving a call, further complicating my situation

Pursuant to Rule 122 of the Hennepin County Civil Court Rules, a continuance can be requested by motion in situations where the parties have not had adequate time to prepare due to emergent issues. Additionally, Rule 115 of the Special Rules of Practice for the Hennepin County Civil Court governs civil motion practice and supports the consideration of such requests to ensure proper preparation and fair proceedings.

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

REASONS FOR REQUEST:

- 1. Lack of Essential Medical Records:** Non-receipt of crucial medical records directly hinders my understanding of the case and defense preparation.
- 2. Need for Effective Communication with Legal Counsel:** The apparent miscommunication with my appointed attorney affects my right to effective legal representation.
- 3. Exploring Options for Private Legal Counsel:** The serious nature of the case compels me to consider additional legal opinions to ensure the best possible defense. In regards to the 'seriousness' that I mention I am specifically referring to the contents of the court order that was filed in criminal court as a result of Dr. Adam Milz's psychological evaluation report which makes mention of me potentially losing my freedom by being detained and committed to a facility.

The mentioned court order filed in criminal court is included with this motion for reference.
- 4. Requirement for Clarity and Fairness in Proceedings:** The confusion and potential errors in the handling of my case by the involved agencies necessitate additional time for clarification and appropriate preparation.

I kindly request that the court reschedule the hearing to a date at least 30 days later to allow sufficient time for these preparations.

In the interest of justice and a fair hearing, I respectfully request the Court to grant this motion for continuance. Adequate preparation time is essential to ensure that my rights are fully protected and that I can effectively participate in my defense. All communication regarding this motion is to be directed to myself via the email listed at the top of this motion please.

Thank you for your attention to this matter.

Respectfully,

Isi Matthew David Guertin

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM**STATE OF MINNESOTA****COUNTY OF HENNEPIN****DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION**

State of Minnesota,

Court File No. 27-CR-23-1886

Plaintiff,

vs.

Filed in District Court
State of Minnesota
Jan 17, 2024 7:29 am**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER REGARDING
COMPETENCY**

Matthew David Guertin,

Defendant.

This matter was scheduled to come before the undersigned Referee of District Court on January 16, 2024. Tom Arneson, Assistant Hennepin County Attorney, represented the plaintiff. Defendant was represented by Bruce Rivers, Esq.

Prior to the hearing, the parties agreed to a finding of incompetency entered administratively. Based on all the files, records and proceedings in this case, the Court makes the following:

FINDINGS OF FACT

1. Defendant (date of birth 07/17/1981), was charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons (Felony) and three counts of Firearm-Serial Number-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. On November 15, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

to rationally consult with counsel; or lacks the ability to understand the proceedings or participate in the defense. This opinion was uncontested by either party.

CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

ORDER

1. The criminal proceedings in this matter are suspended until Defendant is restored to competency to proceed. While suspended, the criminal court retains authority over the criminal case including, but not limited to, bail or conditions of release.
2. Copies of this Order shall be served upon counsel for the parties and any objections to this Order shall be filed with the Court within ten (10) days of the date of service.

Jacqueline Perez, Assistant Hennepin County Attorney - Criminal
Division; Bruce Rivers, Attorney for Defendant

3. The Hennepin County Prepetition Screening Program (PSP) must conduct a prepetition screening pursuant to the Minnesota Commitment and Treatment Act and make a recommendation as to whether the defendant should be civilly committed under the Act.
4. PSP shall investigate whether civil commitment should be pursued and forward a recommendation in a written report supporting or not supporting civil commitment to the Hennepin County Attorney's Office - Adult Services Division ("HCAO-ASD") within five (5) days of receiving this Order.
5. Prepetition Screening shall provide copies of the Rule 20 Competency Evaluation, the criminal Complaint(s), and the underlying police report(s) along with its written recommendation to the Hennepin County Attorney's Office -Adult Services Division.
6. Defendant is ordered to cooperate with the civil commitment process including appearing at all court appearances in the civil and criminal cases.
7. Members of PSP shall have access to all Defendant's files and records, including those protected by Federal regulation or law. This Order grants the members of PSP access to the records of any individual or entity that has provided observation, evaluation, diagnosis, care, treatment, or confinement of the Defendant. This Order applies to, but is not limited to, records maintained by: Minnesota Fourth Judicial District Court Psychological Services; chemical

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

dependency evaluators and treatment providers; health clinics; medical centers and hospitals; physicians; psychologists; mental health care providers; case managers; parole and probation agencies; residential and nonresidential community mental health treatment facilities or programs; regional treatment centers; the Minnesota Department of Corrections; the correctional authority for any other state; schools and school districts; law enforcement agencies; and the Court's own records.

8. This Order also authorizes employees or officers of the record keepers described above to discuss the Defendant's condition, history, treatment, and/or status with the members of PSP. Information collected by PSP pursuant to this Order shall be considered private data on the Defendant, but it may be included in the written report produced by PSP and forwarded to the HCAO-ASD.
9. If the Fourth Judicial District Court - Probate/Mental Health Division finds the Defendant to be mentally ill, developmentally disabled, chemically dependent, or mentally ill and dangerous to the public, the Defendant may be committed directly to an appropriate safe and secure facility.
10. The head of the treatment facility shall submit a written report addressing the Defendant's competency to proceed in the criminal case when the Defendant has attained competency, or at least every six months.
11. Psychological Services of Hennepin County District Court, or the Department of Human Services Forensic Evaluation Department if the defendant is civilly committed, shall have access to Defendant's treatment records to prepare the required report(s) on the defendant's mental condition with an opinion as to competency to proceed. By presentation of a copy of this order, whether mailed, sent electronically, discussed verbally, or personally delivered, the custodian of records for any agency, department, or health care provider shall release all information and/or records related to Defendant, including medical, psychological, behavioral, social service, probation/correctional, developmental disability, military, Social Security, employment, and educational records, to the agency requesting the records within 72 hours. This Order shall be sufficient to require an agency, department, entity, or health care provider to release the requested information and/or records related to treatment Defendant has received in connection with that facility. Any of the defendant's records released pursuant to this order

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

may not be disclosed to any other person without court authorization or Defendant's signed consent.

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.
13. Defendant's next appearance in Hennepin County District Court - Criminal Division on this matter and status review of Defendant's competence to proceed is July 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be filed and e-served to:
 - a. Fourth Judicial District Court - 4thCriminalRule20 email list;
 - b. Bruce Rivers, Attorney for Defendant (riverslawyers@aol.com);
 - c. Jacqueline Perez, Assistant Hennepin County Attorney (jacqueline.perez@hennepin.us);
 - d. Hennepin County Attorney's Office - Adult Services Division (if a commitment is ordered);
 - e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court - Probate/Mental Health Division.
14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:

BY THE COURT:


Mercurio, Danielle
Jan 16 2024 8:27AM

Referee of District Court


Dayton Klein, Julia
Jan 16 2024 9:22AM

Judge of District Court

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM**Matthew Guertin - Hello**

From (senders in message print header) matt
 To Joel Fisher
 Date Friday, January 26th, 2024 at 1:38 PM

Joel,

Apparently you are my newly assigned attorney since I am still incompetent and unable to understand the nature of the charges against me or aid in my own defense...

I found your contact information by logging into my Hennepin County Case file and reviewing the service contacts....you know....since I am incompetent and whatnot.

I tried calling you but did not get an answer. Just wanted to touch base.

I am also wondering if my court proceedings are going to be over Zoom?

I assembled the timeline and graph you see below based on automated emails I received from LinkedIn and added personal events to it as well. In addition I have also attached all of the irrefutable, digitally authenticated 'PROOF' to this email in the form of all of the corresponding email headers, raw html, .EML exports, and PDF prints for every search date which serves to forensically verify the entire graph including the search count numbers listed as well as the actual entities that conducted searches of my LinkedIn profile.

In addition I have also attached my original psychological evaluation from Jill Rogstad along with all email communication between myself and her, my psychological evaluation conducted by Michael Robertson, My granted patent, the Netflix granted patent (that my name and patent are listed at the very top of...) along with the letter my California psychiatrist I have been seeing for over 7+ years wrote as a response to Dr. Jill Rogstad's egregious report.

I look forward to talking with you and meeting you prior to my court hearing that is coming up. If you are available for a call or a Zoom sometime soon (before my court appearance...) let me know what works and I will make it work on my end.

Thanks for your time,

Matthew David Guertin
 Inventor/ Founder/ CEO
 InfiniSet, Inc.
 Minneapolis, MN
www.MattGuertin.com
[US 11577177B2](https://www.uspto.gov/patent/publications/11577177B2)

Also - Please email me my newest psychological evaluation as soon as you are able. Please and thank you.. :-)

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM**Re: Matt Guertin/ LinkedIn Search Graph**

From (senders in message print header) matt
To Bruce Rivers
Date Friday, January 26th, 2024 at 4:38 PM

Bruce,

Can you please email me my psychological evaluation report?

Thank you.

-Matt

Re: Matthew Guertin - Hello

From (senders in message print header) Joel Fisher
To matt
Date Saturday, January 27th, 2024 at 2:13 PM

Hi, Mr. Guertin--I wanted to let you know that I received your email. I'm hoping to see if there is some sort of an offer from the county.

Joel Fisher
Attorney at Law
2642 University Avenue
Suite 214A
St. Paul, Minnesota 55114
612-XXX-XXXX

Re: Matthew Guertin - Hello

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

From (senders in message print header) matt
To Joel Fisher
Date Sunday, January 28th, 2024 at 9:51 PM

Joel,

An 'offer' for what exactly? I have no idea what is going on..

Thanks,

-Matt

Re: Matthew Guertin - Hello

From (senders in message print header) Joel Fisher
To matt
Date Monday, January 29th, 2024 at 5:46 AM

I'll try to call you this AM.

Joel Fisher
Attorney at Law
2642 University Avenue
Suite 214A
St. Paul, Minnesota 55114
612-XXX-XXXX

27-MH-PR-23-815

Filed in District Court
State of Minnesota
1/30/2024 6:37 AM

Phone

From (senders in message print header) Joel Fisher
To matt
Date Monday, January 29th, 2024 at 11:14 AM

What's the best # to reach you. I must have an old # 763-245-0896.

Joel Fisher
Attorney at Law
2642 University Avenue
Suite 214A
St. Paul, Minnesota 55114
612-XXX-XXXX

MINNESOTA
JUDICIAL
BRANCH

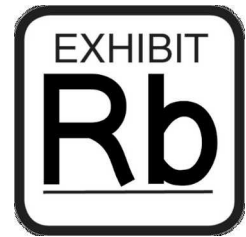
Mr. Matthew David Guertin

XXXXXXXXXXXXXXXXXX

Plymouth, MN 55442

XXXXXXXXXXXXXXXXXX@XXXXXXXXXX.com

(XXX) XXX-XXXX

January 30th, 2024**Hennepin Government Center**

Attn: Civil Court Division

300 South Sixth St

Minneapolis, MN 55487

STATE OF MINNESOTA**COUNTY OF HENNEPIN****DISTRICT COURT****FOURTH JUDICIAL DISTRICT****CIVIL DIVISION****In the Matter of the Civil Commitment of:****Matthew David Guertin,****Respondent****Court Case # 27-MH-PR-23-815****MOTION FOR PRODUCTION OF MEDICAL RECORDS**

I, Matthew David Guertin, the respondent in the above-referenced civil commitment proceeding, hereby respectfully request the production of medical records pertaining to my psychological evaluation conducted by Dr. Adam Milz. This motion is made pursuant to the relevant rules and regulations governing the disclosure and production of medical records in the State of Minnesota and Hennepin County.

1. As part of the ongoing proceedings in my case, I underwent a psychological evaluation conducted by Dr. Adam Milz on January 3rd 2024
2. The findings and details of this evaluation are critical to my understanding of the case and preparation for my defense.
3. Despite multiple requests, I have not yet received these essential documents.

Pursuant to Rule 15 of the Special Rules of Practice for the Hennepin County Civil Court, which allows for the admission of relevant and reliable evidence including medical records without requiring foundation witnesses, and in accordance with Rules 11.03(a) and 14.06 of the General Rules of Practice for the District Courts, I request the production of my medical records.

I specifically request the Court to direct Dr. Adam Milz, or the custodian of his records, to produce the following:

1. The complete psychological evaluation report conducted by Dr. Adam Milz of myself on January 3rd 2024
2. All notes, observations, and any other documents or records related to the evaluation.
3. Any other relevant medical or psychological records that pertain to my mental health evaluation and treatment.

REASONS FOR REQUEST:

Access to these records is essential for a comprehensive understanding of the evaluation's conclusions, which are instrumental in formulating my defense strategy in the civil commitment proceedings.

In light of the above, I respectfully request the Court to order the production of the specified medical records at the earliest convenience. This is necessary to ensure that I have a fair opportunity to review and respond to the information contained within these documents, which are critical to my case. All communications and correspondence pertaining to this motion can be directed to me via my email address included at the top of this motion.

Thank you for your attention to this matter.

Respectfully,

/s/ Matthew David Guertin



STATE OF MINNESOTA
COUNTY of HENNEPIN

DISTRICT COURT FOURTH
JUDICIAL DISTRICT MENTAL
HEALTH DIVISION

In Re: the Civil Commitment of

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

Matthew Guertin

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

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 31st, 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 31st, 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 9th, 2023, and officially entered into the record of civil case file 27-MH-PR-23-815 on August 9th, 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 necessary¹; and
- d) Grant such other and further relief as the Court deems just and proper.

¹ 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 5th, 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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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