

A24-0780
STATE OF MINNESOTA
IN COURT OF APPEALS

State of Minnesota,

Respondent,

vs.

Matthew David Guertin,

Petitioner.

District Court Case: 27-CR-23-1886

Court Order Date: April 12, 2024

**PETITIONER’S MOTION FOR
JUDICIAL NOTICE: B**

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA

INTRODUCTION

Petitioner, Matthew David Guertin, respectfully moves this Court pursuant to Minn. R. Civ. App. P. 127 to take judicial notice of the attached Exhibit A. This motion is based on the grounds that Exhibit A provides a detailed, factual account of the petitioner's competency and mental state, challenging the findings of incompetency presented in the initial forensic evaluation report.

FACTUAL BASIS FOR MOTION

1. Exhibit A Content:

Exhibit A contains records, correspondence, and documented evidence provided by the petitioner during and after the Rule 20.01 evaluation conducted by Dr. Jill Rogstad on March 1, 2023. These documents include emails, patent information,

police reports, and other relevant materials that were either referenced or omitted in the forensic evaluation report.

2. **Competency Evidence:**

The documents in Exhibit A demonstrate the petitioner's understanding of the legal proceedings, active participation in his defense, and ability to consult rationally with counsel, as evidenced by his structured documentation and coherent communication with legal and professional contacts.

3. **Judicial Notice Standard:**

Under Minn. R. Civ. App. P. 127, the appellate court may take judicial notice of facts that are not subject to reasonable dispute and are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. The records in Exhibit A meet these criteria as they are part of the official court record and documented communications.

LEGAL ARGUMENT

Taking judicial notice of Exhibit A is appropriate because it consists of official documents and communications that accurately reflect the petitioner's mental state and competency. These documents provide a factual basis that directly contradicts the conclusions of incompetency in the initial forensic evaluation report, thereby aiding the Court in making a well-informed decision regarding the petitioner's status.

KEY FINDINGS AND CONTRADICTORY EVIDENCE

1. Understanding of Legal Proceedings:

The forensic evaluation report acknowledges that "Mr. Guertin expressed awareness of the nature of the current allegations" and was able to discuss "various pleas and the nature of legal proceedings in general". This demonstrates his understanding of the legal process, contradicting the claim of incompetency.

2. Participation in Defense:

The report itself notes that Mr. Guertin "identified a preferred defense strategy for his case" and "asked relevant questions about the outcomes of this defense strategy". Additionally, he provided extensive documentation, organized into sections, supporting his assertions and defense strategy.

3. Consultation with Counsel:

The petitioner has a history of rational communication with his defense counsel, Bruce Rivers, and has engaged in detailed email exchanges and consultations regarding his legal and technical matters. The ability to communicate complex ideas and coordinate a defense strategy with counsel further discredits the finding of incompetency.

4. Discrepancies in Evaluation Report:

The forensic evaluation report contains contradictions and omissions, such as the failure to acknowledge the significance of the Minnetonka Police Report (#23-

000151) provided by Mr. Guertin, which supports his claims of patent theft and corporate targeting. The report also admits a lack of expertise in technology, which undermines the evaluator's ability to assess the petitioner's technical claims and achievements accurately.

REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court take judicial notice of Exhibit A, as it presents crucial, factual evidence that challenges the findings of incompetency and demonstrates the petitioner's ability to understand the proceedings, participate in his defense, and consult rationally with counsel.

Dated: May 28, 2024

By: /s/ Matthew D Guertin
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FACT A1:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "Mr. Guertin espoused perceptual disturbances consistent with delusions (i.e., fixed beliefs that deviate markedly from objective reality and are held despite contradictory evidence). He spoke at length about his prowess with technology, including an invention he patented related to visual effects and photography technology."

(Index #28, p. 121)

FACT A2:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "His views in relation to these matters were also consistent with the phenomenology of delusions. In particular, he asserted that large corporations (e.g., **Netflix and Microsoft**) discovered this technology, realized the financial incentives at stake, and began to target the defendant for nefarious purposes."

(Index #28, p. 121)

FACT A3:

November 7, 2023 - US Patent 11,810,254 is published by the USPTO.

- **Applicant: Netflix, Inc.**
- **Inventor: Stephan Trojansky**
- **Petitioner's name 'Guertin' and his patent number '11,577,177' are listed at the VERY top** of it as a direct result of the 3rd Party Prior Art submission he submitted to the USPTO on February 17, 2023 and is the only prior art citation included which is a granted patent, as opposed to the others (including Kanye West..) which are US patent applications that never became granted patents.

(Index #28, p. 224)

FACT A4:

Petitioner maintains an analysis he produced using chatGPT in which he input his **InfiniSet, Inc. US Patent 11,577,177 and Netflix Inc. US Patent 11,810,254** which contains the following statements:

- “The Netflix patent appears to be a more technical and segmented description of essentially the same technology covered in the InfiniSet patent.”
- “Both patents aim to achieve the same outcome - allowing free movement and realistic filming within a confined virtual set, utilizing a combination of physical and digital elements.”
- “Given that the InfiniSet patent is acknowledged in the Netflix patent, it suggests that the Netflix patent may not meet the novelty requirement due to the prior existence of similar technology.”
- “Given these points, it is arguable that the Netflix patent does not sufficiently differentiate itself from the InfiniSet patent in terms of innovation and application.”
- “it's recommended to challenge the Netflix patent's validity based on these grounds.”

(Index #30, pp. 94-95)

FACT A5:

Petitioner maintains proof of certified mail sent to executives at Netflix, among others. Included is scans of the certified USPS return receipts, USPS postage payment receipts showing a total of \$205.80 spent, and USPS official tracking data from their website

(Index #28, pp. 134-158)

FACT A6:

April 26, 2023 – Petitioner sent an email to Dr. Jill Rogstad

(Bruce Rivers CC'd) which includes the statement:

- “Do you think the executives at Netflix thought these certified mailers which contained my patent were even real when they received them?”

This email has three attachments included:

- “Certified_Mailer_Images_3.pdf”
- “Netflix_3rd_Party_Filing_Form_ACCEPTED_BY_USPTO__.PDF”
- “Screencap_from_USPTO_EFS_Web__.pdf”

(Index #38, pp. 113-116)

FACT A7:

September 20, 2023 - Petitioner receives an email reply from Senator Klobuchar

after sending her an email message through the US Senate official contact system.

(Index #28, p. 191)

FACT A8:

Petitioner’s message to Senator Amy Klobuchar

A very long, detailed, and rational email message was included as a share link in the Petitioner’s email to Senator Klobuchar due to the US Senate email system limiting the size of messages. In this message he goes into great detail about his Minnesota upbringing, his local and international achievements, and his current struggles involving Netflix, and his US Patent 11,577,177.

This message contains the following two statements as part of it:

- “Long story short I am currently in fear for my life insofar as not wanting to go outside at all until I am at least able to secure my investment and get some additional shareholders assigned to my company so that I am not the main 'problem' standing between Netflix and the 500 million + dollars plus

they have invested so far into their endeavor - the one which is technically infringing on my patent - WHICH THEY KNOW THEY ARE.”

- “I am reaching out to you in the hopes that you can 'shine some light' on all of this and help me in resolving this rather large problem. It should also be noted that the US Government helped with initial funding and holds an interest in Paul Debevecs Light Stage research and the resulting patents which may explain why there is an Army dot mil site hosting Paul Debevecs fraudulent 2006 papers for the purpose of helping to carry out and aid in this fraud. This may also explain why I have had government agencies like DARPA, Defense Intelligence Agency, US Army Reserves, US Air Force, INDOPACOM, etc all directly search for me on LinkedIn (which I have proof of) yet none of them have felt the need to message me and say hi at all.”

(Index #28, p. 192-197)

FACT A9:

October 3, 2023 - Petitioner receives a reply from Hanna Welch,

who is a ‘Constituent Advocate & Intern Coordinator’ for Senator Klobuchar. In this email the Petitioner is sent a ‘Privacy Act Release Form’ that he is advised he must fill out before any action is taken on his behalf.

(Index #28, p. 198)

FACT A10:

October 6, 2023 - Petitioner returns ‘Privacy Act Release Form’ to Hanna Welch.

In the ‘Military or Veteran’s Issues’ the Petitioner lists ‘US Army’ in the ‘Branch of Service’ and ‘Fraud’ in the ‘Type of Claim Filed’

The Petitioner also includes the url:

- <https://MattGuertin.substack.com/p/potential-military-and-ai-applications>

which is an analysis of his patents vast applications in the field of military training simulations, which serves to directly support the immense value of the Petitioner's US Patent 11,577,177
(Index #28, pp. 199-203)

FACT A11:

October 10, 2023 at 1:02pm - Petitioner receives an email reply from Hanna Welch

Includes the statement:

- “I am sorry to hear of the difficult issues you are experiencing with numerous agencies.”
(Index #28, p. 204)

FACT A12:

October 10, 2023 at 3:36pm - Petitioner replies to Hanna Welch

Email contains the following statements within it:

- “So if we go off that alone the other agencies involved in all of this are DARPA, Army, State Department, Defense Intelligence Agency, INDOPACOM. Just the fact that Paul Debevec searched for me twice should be a huge red flag as he is the 'face' of the fraud as he has legitimate accomplishments and worked at Google, etc.”
- “Here is the blatantly deceptive forensic psychologist I had to go see after being messed with so much and then stumbling across a video of completely fake people which I had never encountered before that I was literally frozen in fear and thought there may very well be people waiting to kill me outside my apartment if I left at all. They knew I was downloading all of the evidence because why would anyone else care? It was literally only me that they were trying to steal from. My life has literally never been the same since that email from the CEO.”

- “Somehow I end up with a welder that is also in the CIA...or said he was...but even though he was cool I always got sketchy vibes for some reason...theres a whole lot more 'stuff' in regards to the welder but I will spare you. There is also Google taking my trademarked name 'InfiniSet' and then naming their dataset 'InfiniSet' for their new ai after the fact for the purpose I believe of flooding the internet so that I can't get any traction or hits as they literally have a massive amount of ai generated fake news stories constantly being posted where some of them will use the word 'InfiniSet' 8 times in one pointless article.”
(Index #28, pp. 205-208)

FACT B1:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "His remarks and reasoning in these domains referenced unclear, irrational reasoning and implausible events. On this point, the defendant produced a large volume of documentation, which was reviewed for this examination, that he stated supported his conclusions.”
(Index #28, p. 121)

FACT B2:

March 3, 2023 at 12:04 am – Petitioner sends his fourth, and final email

containing additional supporting evidence to Dr. Jill Rogstad (Bruce Rivers CC'd) following their March 1, 2023 in person exam meeting. Included in this email are the following statements:

- “Included here is a copy of an email correspondence between me and my patent attorney discussing the fraud taking place (attached)”
- “The Police report that I filed with the Mntka PD 9 days before the incident at my apartment (attached)”

- “That is everything I will send you...meaning I am not going to keep sending any additional documents or files after the two emails following this one but I figured it wouldn't hurt to include a few more additional pieces of the puzzle which help substantiate the stuff discussed in our meeting. Thanks again! ~Matthew Guertin”

Attached to this email are the following files:

- ‘Email_correspondence_with_IP_attorney_discussing_fraud.pdf’
- ‘WaybackMachine_signup_email__12_09_2023__02_45.pdf’
- ‘Mntka_PD_Police_Report__23-000151__1_12_2023__14_02.pdf’
(Index #28, p. 126)

FACT B3:

‘Records Reviewed’ as included in March 10, 2023 Rule 20.01 Exam Report -

The following ‘Records Reviewed’ are the ones which contain corresponding references to the lower court case record:

- An incident report regarding incident number MP23000151, Minnetonka Police Department, dated January 12, 2023.
(See Index #28, pp. 78-80, 126)
- "Mark Roberts Motion Control - Email Exchange - Exhibit 'MR0.' ”
(See Index #30, p. 96)
- "U.S. Patent #11,577,177- Exhibit 'PT1.' ”
(See Index #28, p. 89)
- "U.S. Patent Application #17/709,126 - Exhibit 'PA1.' ”
(See Index #28, p. 40)
- "Trojansky/Netflix - Exhibit 'NF1 .' ”
(See Index #28, pp. 44, 51, Index #38, pp. 63-65)
- "Eyeline Studios - Exhibit 'NF3.' ”
(See Index #28, pp. 42-43, Index #38, pp. 37-39)
- "Virtual Production - Exhibit 'VP1 .' ”

(See Index #38, pp. 54-62)

- An electronic photograph of a spreadsheet labeled, "Matrix."
(See Index #28, p. 115, Index #30, p. 64 Text 14)
- Two emails addressed to the defendant from "Internet Archive," dated December 9, 2022.
(See Index #28, p. 126, Index #30, pp. 97-98)
- Annotated email exchanges between Mr. Guertin and his patent attorney, dated January 5, 2023 to January 6, 2023.
(See Index #28, p. 126, Index #30, pp. 102-107)
(Index #28, p. 117)

FACT B4:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "Mr. Guertin presently exhibits pronounced delusional beliefs of a persecutory nature. He is prone to inferring nefarious intent from benign events, and his reasoning is marked by referential thinking. These symptoms are highly consistent with the presentation of a psychotic disorder."
(Index #28, p. 124)

FACT B5:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "The defendant's statements were commensurate with persecutory and referential (i.e., the belief that random events have personal significance) thinking."
(Index #28, p. 121)

FACT B6:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "Data from the current evaluation supports the presence of delusional beliefs."
(Index #28, p. 123)

FACT B7:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "Regarding this question of symptoms, however, the presence or absence of mood-related symptoms is comparatively more ancillary to the current referral question given the pronounced nature of Mr. Guertin's delusions at the present time."
(Index #28, p. 123)

FACT B8:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "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."
(Index #28, p. 124)

FACT C1:

Statement : July 13, 2023 finding of incompetency court order -

- "The court appreciates Mr. Guertin's testimony and his participation in the hearing; however, the court has serious concerns regarding 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."
(Index #19, p. 3)

FACT C2:

Statement : July 13, 2023 finding of incompetency court order -

- "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.'"

(Index #19, p. 3)

FACT C3:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 4)

FACT C4:

Statement : July 13, 2023 finding of incompetency court order -

- "For example, when Mr. Guertin spoke about his delusional beliefs, he indicated he would present evidence supporting these beliefs."

(Index #19, p. 4)

FACT C5:

March 2, 2023 at 9:44 pm – Petitioner emails Dr. Jill Rogstad (Bruce Rivers CC'd)

(the day after the in-person meeting) which contains the following statements:

- "Jill, Per our meeting the other day here is a copy of the language matrix I created using MAXQDA which I had mentioned during our discussion, but which is too high resolution to have printed out and include with the stack of supporting documents I provided you with."

- “This still has the original creation date of December 12th, 2022 which further supports the information I relayed to you about how I had caught on to the fraud taking place early on and had been investigating it for a while leading up to the incident that took place at my apartment resulting in the criminal charges I am currently facing. It was very nice to meet you and I appreciate you taking the time to listen. Thanks again, Matthew Guertin”

This email contains an attachment named:

- ‘Matrix.png’
(Index #28, p. 115)

FACT C6:

Statements : January 12, 2023 Minnetonka Police Report #23-000151 -

- “He has been downloading the website and has noticed a number of discrepancies between the current version and the old version of the website”
- “Guertin advised that he has many gigabytes of evidence to show the fraud”
(Index #28, p. 80)

FACT C7:

Statement : July 13, 2023 finding of incompetency court order -

- "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.'"
(Index #19, p. 4)

FACT C8:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 4)

FACT C9:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 4)

FACT C10:

March 7, 2023 - Email reply from Dr. Jill Rogstad (Bruce Rivers CC'd)

in which she is replying to the four emails containing additional evidence that Petitioner sent her following their meeting. The email simply states:

- "Thank you, Mr. Guertin. I wanted to confirm receipt of four emails with the attachments."

(Index #28, p. 129)

FACT C11:

Statement : July 13, 2023 finding of incompetency court order -

- "Mr. Guertin appears to the court to be unable to separate matters involving his criminal charges from his delusional thoughts regarding his technology."

(Index #19, p. 6)

FACT D1:**The legal definition of ‘incompetency’ in Minnesota**

as it pertains to criminal proceedings:

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.

(Minn. R. Crim. P. 20.01 Subd. 2)

FACT D2:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- "Mr. Guertin expressed awareness of the nature of the current allegations. He recognized he is charged with 'reckless discharge of a firearm in a municipality' in relation to accusations that he was 'shooting a gun out [his] window in Minnetonka.' These descriptions coincided with information from charging documents. He was receptive to our education about his remaining charges, which he later stated accused him of 'possession of guns without serial number[s].'"

(Index #28, p. 123)

FACT D3:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- "He spoke cogently about various pleas and the nature of legal proceedings in general, he identified a preferred defense strategy for his case."

(Index #28, p. 124)

FACT D4:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "The defendant asked relevant questions about the outcomes of this defense strategy."
(Index #28, p. 124)

FACT D5:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "He recognized he could not be compelled to testify, he spoke about this option as a way to 'have the opportunity to make all this stuff [about his perceived persecution] public in the courtroom.'"
(Index #28, p. 124)

FACT D6:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "He spoke at length about 'the stuff [he] collected' to support his persecutory beliefs, asserting further that the 'evidence will speak of [sic] itself' if considered by courtroom principals."
(Index #28, p. 124)

FACT D7:

Statements : January 12, 2023 Minnetonka Police Report #23-000151 -

- "I advised Guertin to connect with a computer forensicator in order to parse the data into a readable format"
(Index #28, p. 80)

FACT D8:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "Indeed, while he knows the nature of his charges."
(Index #28, p. 124)

FACT D9:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- "He spoke of various decisions tasked to criminal defendants."
(Index #28, p. 124)

FACT D10:

Statement : July 13, 2023 finding of incompetency court order -

- "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."
(Index #19, p. 2)

FACT D11:

Statement : July 13, 2023 finding of incompetency court order -

- "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."
(Index #19, p. 2)

FACT D12:

Statement : July 13, 2023 finding of incompetency court order -

- "Mr. Guertin and his attorney, Mr. Rivers, have had a professional relationship for many years."
(Index #19, p. 2)

FACT D13:

Statement : July 13, 2023 finding of incompetency court order -

- "Mr. Guertin also admitted to having been through criminal proceedings in the past."

(Index #19, p. 2)

FACT D14:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 2)

FACT D15:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 2)

FACT D16:

Statement : July 13, 2023 finding of incompetency court order -

- "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."

(Index #19, p. 5)

FACT E1:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- “Regarding employment, the defendant disclosed he currently works as the chief executive officer (CEO) of a startup company. He reported past employment at ‘one of the top visual effects companies’ in the entertainment industry, adding that he lived in Los Angeles, California for about six years before moving back to Minnesota in 2020.”

(Index #28, p. 118)

FACT E2:**Petitioner involved in the execution of many successful, high profile events**

and productions. Among these are:

- The 100th Anniversary of the LA Philharmonic Orchestra at the Hollywood Bowl w Katy Perry and a surprise appearance by John Williams who lead the Orchestra in a live performance of the ‘Star Wars’ theme
- Bad Bunny’s 2019 mainstage performance at Coachella Music Festival in 2019
- The UNESCO World Heritage Site World Inauguration of Diriyah – Event took place in Saudi Arabia and was attended by the Saudi Royal Family, including King Salman bin Abdulaziz and Prince Mohammed bin Salman

(Index #28, pp. 26-34)

FACT E3:**Petitioner maintains ‘MattGuertin.com’ - a personal portfolio website**

sharing his many successful and high profile projects

(Index #28, p. 36)

FACT E4:

February 13, 2022 - Petitioner acquired the web url ‘InfiniSet.com’

(Index #28, pp. 37-38)

FACT E5:

April 1, 2021 – Petitioner filed USPTO Trademark #90618638

for the name ‘INFINISET’

(Index #28, p. 41)

FACT E6:

July 18, 2022 - Petitioner Incorporated his company ‘InfiniSet, Inc.’

with the Delaware Secretary of State

(Index #28, pp. 69-70)

FACT E7:

November 13, 2022 - Petitioner registered his company ‘InfiniSet, Inc.’

with the Minnesota Secretary of State

(Index #28, p. 74)

FACT E8:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “During the current evaluation, Mr. Guertin disclaimed any recent mental health symptoms when asked directly. However, both his statements during the interview session and information from collateral sources contradicted this account.....On this point, these sources of data indicated he spoke of a technological invention he patented that was worth a great deal of money (i.e., \$250,000,000).”

(Index #28, p. 119)

FACT E9:

March 19, 2021 - Petitioner filed his provisional patent application

(Index #28, p. 39)

FACT E10:

March 31, 2021 - Stephan Trojansky filed his provisional patent application

(Index #28, p. 40)

FACT E11:

June 30, 2021 - Stephan Trojansky's company 'Eyeline Studios'

with Nevada as its home, is registered with the California Secretary of State as a foreign corporation

(Index #28, p. 42)

FACT E12:

April 19, 2022 – Netflix, Inc. release its Q1 2022 Shareholders letter

with page 5 stating:

- “During the quarter, we completed two acquisitions (leading visual effects company Scanline and gaming studio Boss Fight Entertainment), which had a -\$125 million impact on cash.”

(Index #28, p. 51)

FACT E13:

November 22, 2021 – Netflix puts out an official press release

announcing the acquisition of Scanline VFX and Eyeline Studios, which are both owned by Stephan Trojansky. This press release includes the statement:

- “Netflix will invest in Scanline's pipeline, infrastructure and workforce and continue to support the pioneering work that Scanline's Eyeline Studios is

doing in virtual production to push the boundaries of what is visibly possible.”

(Index #28, p. 44)

FACT E14:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Notably, he spoke in a self-aggrandizing manner throughout the session, emphasizing his perceived achievements, abilities, and skills on numerous occasions. Indeed, as an illustrative example, Mr. Guertin repeatedly highlighted perceptions of his high intellect (e.g., "I'm smart.[...] I'm very good at telling stories, and [I am] very smart"). His remarks often impressed as grandiose in nature. For instance, he spoke of being "an engineer," describing a recent technological invention in glowing terms and characterizing it as somewhat revolutionary.”

(Index #28, p. 120-121)

FACT E15:

February 13, 2023 - Petitioner’s first email to Dr. Jill Rogstad (Bruce Rivers CC’d)

in which he introduces himself and provides a very detailed, coherent, and rational overview of his professional background, which includes a link to his portfolio website ‘MattGuertin.com’ at the very beginning. He additionally provides detailed information concerning his patent that will be officially issued on February 14, 2023 (the following day after the email was sent) along with mentions of Stephan Trojansky, Netflix, and how he believes they may be connected to the broader situation he has now found himself which all revolves around his now granted US Patent 11.577,177. Towards the end of this email Petitioner makes a direct reference to his “engineering” abilities as it actually pertains to the design, engineering, and fabrication of the prototype he built for his

patented technology, and also mentions various awards he has received following his move back to Minnesota from Los Angeles in 2020 due to Covid.

(Index #28, pp. 105-108)

FACT E16:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Mr. Guertin espoused perceptual disturbances consistent with delusions (i.e., fixed beliefs that deviate markedly from objective reality and are held despite contradictory evidence). He spoke at length about his prowess with technology, including an invention he patented related to visual effects and photography technology.”

(Index #28, p. 121)

FACT E17:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “He spoke at length about his prowess with technology, including an invention he patented related to visual effects and photography technology. While some elements of his assertions referenced real technological subjects (e.g., neural radiance fields), the defendant's views in relation to these matters were also consistent with the phenomenology of delusions.

(Index #28, p. 121)

FACT E18:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “On this point, the defendant produced a large volume of documentation, which was reviewed for this examination, that he stated supported his conclusions. However, the links between some of these data and his inferences were not clear. Rather, they showed that his patent had the potential to be lucrative if it was as innovative as others he used as examples.”

(Index #28, p. 121)

FACT E19:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Mr. Guertin's current presentation is consistent with diagnosis of a psychotic disorder, a condition characterized by grossly disrupted perceptions of external reality. In particular, he displays prominent delusional beliefs that include persecutory and referential themes, as he is convinced he has been targeted by large corporations who intend to (a) steal a patented technology that could revolutionize the industry and (b) harm him.”
(Index #28, p. 122)

FACT E20:

March 27, 2021 - Petitioner sends a text to his friend Bruce Rivers

- “What I have invented is going to be disruptive. It's going to change the whole film industry.”
- “Everyone who understands it is blown away.”
- “This is the biggest opportunity for real money I'll probably ever have in my life and I don't want to fuck it up”
(Index #30, p. 79 Texts 04-06)

FACT E21:

April 26, 2023 – Petitioner emails Dr. Jill Rogstad (Bruce Rivers CC'd)

a conversation directly attesting to the ‘revolutionary’ nature of Petitioner’s now granted US Patent 11,577,177:

- “extremely impressive and practical product. it should REVOLUTIONIZE THE INDUSTRY.”
- “Images are linked here - also attached”
(Index #38, p. 115)

FACT E22:**Exhibit from Petitioner's May 6, 2024 Affidavit of Fact**

which has text at the top that reads:

- “Three of the images attached to the April 26, 2023 email that defendant sent to Dr. Jill Rogstad, which provides irrefutable evidence discrediting key points made in her March 10, 2023 Rule 20.01 Exam Report about the defendant.”

Contains three screen captured images from Petitioner's phone:

- Image 1 - From Facebook Messenger, is dated March 19, 2022, and contains a person responding to Petitioner with the statement ““extremely impressive and practical product. it should revolutionize the industry.”
- Image 2 – Contains images sent by the Petitioner on Facebook Messenger that show an extensive amount of custom metal parts, along with 3D modeling images the perfectly coincide with the some of the parts.
- Image 3 – Is a screenshot which contains a list of official ‘Xite Labs Credits:’ where Petitioner is credited with “Falcon Design, Fabrication Direction and Engineering”

(Index #38, p. 118)

FACT E23:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- “On this point, the limits of my expertise in relation to technology matters must be acknowledged, as I lack the specialized training in this field to analyze the defendant's reported invention, patent, or any existing technology it resembles . I tried to consult without success with Mr. Guertin's patent attorney to verify any realistic factors underpinning his assertions. Nevertheless, even if the technological aspects of the defendant's statements prove true (i.e., that he has a viable technology that was introduced by others after he received his patent), his views remain consistent with delusions.”

(Index #28, p. 122)

FACT F1:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- “Mr. Guertin selected a series of email exchanges between a CEO of a related technology company and himself as particularly emblematic of the alleged fraud and conspiracy he discussed. The CEO in question expressed interest in the defendant's patented technology but linked another, similar ‘system that's been around for years,’ further inquiring how Mr. Guertin's patent was ‘unique compared to’ this existing technology.”

(Index #28, p. 121)

FACT F2:**October 31, 2022 – Email reply from the CEO of Mark Roberts Motion Control**

to Petitioner which contains the following statements:

- “Firstly, you have a very interesting and unique set of skills that compliments motion control very well.”
- “Just out of interest in the scene of Chicago, how long was the processing time for it to turn the stills into a 3D map and what type of processing power did you need?”
- “With regards to your invention, I am very interested in it as a product. I know of lots of occasions when such a device has been specifically created for a movie or commercial filming or for fashion photography. In fact here is a system that’s been around for years:
<https://www.photorobot.com/robots/catwalk>
- I am just curious what makes your system unique compared to the ones I am familiar with?”

(Index #30, p. 96)

FACT F3:**Statements : January 12, 2023 Minnetonka Police Report #23-000151 -**

- “He has filed for and acquired a patent for his invention, 'Motorized Rotatable Treadmill and System for Creating the Illusion of Movement.' “
- "The machine is used for filming cinema."
- "He pitched the patent to Mark Roberts Motion Control (mrmoco.com)."
- "The CEO, Mark Roberts, advised that the technology already existed and is used by Photo Robot (photorobot.com)."
- "While reviewing the website over a number of days he realized the website was changing to reflect his patent."
- "The website is being updated in real-time with information from his design."
- "He has proof of the fraud."
- "Photo Robot is effectively stealing his patent by making it look like they have already had the technology."

(Index #28, pp. 79-80)

FACT G1:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- “For instance, when I asked him to expand on examples of "coincidences" to which he had previously referred, he spoke of "see[ing] patterns" because he is "very analytical" and repeating his ability to infer "patterns" before launching into a long, meandering narrative during which he referenced a (a) person with whom he spoke at the Central Intelligence Agency (CIA), (b) "special ops gear" related to his "inventions" and a related description, (c) and "weird things" that suggested he might be returning to the point of my question. However, he instead referenced contacts he had with individuals from various agencies (e.g., the CIA, Federal Bureau of Investigations, and Minnetonka Police Department). I attempted to clarify these statements, but Mr. Guertin's circuitous thinking and speech rendered his logic difficult to follow.”

(Index #28, p. 122)

FACT G2:**Statements : January 12, 2023 Minnetonka Police Report #23-000151 -**

- "He originally called the FBI who advised he needed to file a report with his local police agency."
- "'I advised Guertin to provide the FBI with the case number and the parsed data when he files the report with them.'"

(Index #28, p. 80)

FACT G3:**January 13, 2023 – Petitioner emails Bruce Rivers seeking help with alleged fraud**

(prior to retaining him as defense counsel) involving PhotoRobot he has uncovered. This email includes the following statements:

- "This is happening in real-time right now. It is nuts. They are just editing the internet archive pages like it's the website for their family business."
- "It discredits the entire archive. Any cases which involved the archive get reexamined."
- "And I attached one of the data analysis spreadsheets I created - there are more in the download file."
- "Do you know any federal investigators or anyone that would be interested in investigating this? I am trying to figure out what to do"

(Index #38, pp. 76-77)

FACT G4:**Screen captured images of the 'data analysis spreadsheet'**

included as an attachment to Petitioner's January 13, 2023 email to Bruce Rivers. The spreadsheet images display organized rows of data in which specific patterns are being identified based on file names and archive dates.

(Index #38, pp. 78-84)

FACT G5:**April 26, 2023 – Petitioner emails Dr. Jill Rogstad (Bruce Rivers CC'd)**

and provides multiple website url's to respected online publications, with included article excerpts in which he is officially credited as an "engineer" for high profile projects. At the end of the email is the following statement:

- "PS - I also attached proof of the "special ops gear" which I spoke of in our meeting - here is a link for that as well - Apparently it is manufactured by this company in Israel that manufactureswait for it.....SPECIAL OPS GEAR ! whowouldvethought !?"

Included among the attachments to the email are two files named:

- 'ODF_Optronics.jpg' and 'ODF_Company.jpg'
- (Index #38, pp. 113-117)

FACT G6:**January 14, 2023 - Text messages with 'former CIA Welder'**

purported to be taking place between Petitioner and his 'former CIA welder' in which Petitioner is asking for help concerning the alleged patent fraud he has just discovered, and is investigating -

- "Here - if you have a trusted contact at FBI or wherever that will look into this and considers it a serious matter just send them this as the introduction"
- "I have all supporting documents/ files as well along with a massive cache of additional data"
- "it involves someone at the internet archive conspiring with the ceo of a company in the UK named Assaff Rawner (who believe is the mastermind behind the whole thing as that is who I emailed and was trying to get help from for the robotic cameras his company makes) along with the photorobot company which is located in the Czech Republic."

(Index #30, pp. 64-65, Texts 17-18, 13-14)

FACT G7:**Pictures Petitioner took in January of 2022**

while his prototype was being welded which support the assertions of his welder's self proclaimed 'former CIA' and military affiliations
(Index #30, p. 61)

FACT H1:**Statement : March 10, 2023 Rule 20.01 Exam Report -**

- “discovery materials showed prescription bottles purportedly at the defendant's apartment, and one listed Adderall in the defendant's name. On this point, when asked directly, Mr. Guertin specified that he takes this medication as prescribed. However, he immediately contradicted himself by underlining occasions on which he has taken additional dosages throughout the day”
(Index #28, pp. 118-119)

FACT H2:**Statement : July 13, 2023 finding of incompetency court order -**

- “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.”
(Index #19, p. 4)

FACT H3:**Petitioner's personal portfolio website 'MattGuertin.com'**

Images showcasing his designing, engineering, and fabrication of Bad Bunny's mainstage set piece for the Coachella Music Festival in 2019. Among the images is a photograph of the center, rotating eye element of the set piece completely disassembled. It can be ascertained that this photo was taken outside due to the grass, fencing, and palm trees present in the background.
(Index #28, p. 29)

FACT H4:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “For instance, the defendant endorsed some recent drug use, including marijuana and misuse of his Adderall prescription.”
(Index #28, p. 123)

FACT H5:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “On the other hand, Mr. Guertin's reported difficulties with attentional and behavioral regulation during youth (i.e., the reported diagnosis of ADHD) and misuse of his prescribed psychostimulant medications confound diagnostic precision in this area.”
(Index #28, p. 123)

FACT H6:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Psychotic symptoms typically remit with the prolonged administration of an appropriate psychiatric medication regimen. Given the unknown contributions of his psychostimulant medication misuse to his current presentation, his compliance with this medication as prescribed would be critical to improving his functioning.”
(Index #28, p. 124)

FACT J1:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Nonetheless, these issues were easily surmounted with requests that he repeat the relevant information, which the defendant obliged.”
(Index #28, p. 120)

FACT J2:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “Mr. Guertin was alert. His eye contact was adequate. He remained seated without apparent difficulty during the session, and he did not appear restless or exhibit any abnormal movements. Furthermore, he adhered to the boundaries set and enforced while conducting the interview”

(Index #28, p. 120)

FACT J3:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “The defendant appeared to be in good spirits. When asked, he disclaimed any suicidal or violent thinking, intent, or plan, and he was not judged to be at imminent risk of harm to himself or others at the time of the interview.”

(Index #28, p. 120)

FACT J4:

Statement : March 10, 2023 Rule 20.01 Exam Report -

- “it is reasonable to conclude his mental health could stabilize and his competency-related abilities improve if a proper treatment regimen was implemented. Given his limited insight into the nature of his symptoms, Mr. Guertin would be an appropriate candidate for referral for civil commitment as a person who poses a risk of harm due to a mental illness. Commitment as a person who is mentally ill and dangerous to the public could also be considered given the nature of the specific allegations included with the current referral.”

(Index #28, pp. 124-125)