

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

State of Minnesota,

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

Plaintiff,

vs.

**EXHIBT R
PETITIONS TO PROCEED
AS PRO SE COUNSEL**

Matthew David Guertin,

Defendant.

Judicial Officer: Sarah Hudelston

TO: THE HONORABLE SARAH HUDLESTON, JUDGE OF DISTRICT COURT;
MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND
MAWERDI HAMID, ASSISTANT HENNEPIN COUNTY ATTORNEY

**SYNTHETIC JUDICIAL SYSTEM EXPOSED
AI-DRIVEN DOCKET SIMULATIONS AND PSYCHIATRIC
DISPOSAL WITHIN THE 4TH JUDICIAL DISTRICT COURT**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

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

Plaintiff,

vs.

**DEFENDANT'S MOTION
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

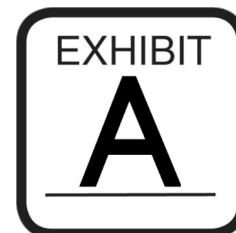
Plymouth, MN 55442

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.

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

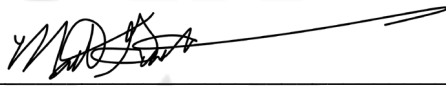
Joel Fisher

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

STATE OF MINNESOTA
COUNTY OF HENNEPIN **Filed in District Court**
State of MinnesotaDISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

SEP 09 2020

Plaintiff,

PETITION TO PROCEED
AS PRO SE COUNSEL

vs.

Terrell P. Johnson

Defendant.

Court File No. 27-CR-19-12466;27 CR-19-19606;27 CR-20-8926;27 CR-18-27501

TO: THE ABOVE-NAMED COURT

I, the defendant in the above-entitled action, request the Court to allow me to represent myself, and do respectfully represent and state as follows:

1. My full name is Terrell Dannie Johnson. I am 41 years old. My date of birth is 8/28/79. The last grade that I went through in 12 school is _____.

2. I have received and read the (complaint)(indictment).

3. I understand the charge(s) made against me.

4. Specifically, I understand I have been charged with the crime(s) of _____ alleged to have occurred on or about _____, in Hennepin County, Minnesota.

5. I have discussed my desire to represent myself with an attorney whose name is Joshua M. Tuchscherer.

6. I (have) (have never) been a patient in a mental hospital.

7. I (have) (have not) talked with or been treated by a psychiatrist or other person for a nervous or mental condition.

8. I (have) (have not) been ill recently.

9. I (have) (have not) recently been taking pills or medicine.

10. I understand that I have an absolute right to have an attorney represent me in these proceedings. I understand that if I am eligible for the services of the public defender, the Court will appoint the Office of the Hennepin County Public Defender to represent me.

CRM704 (10/2015)

h. If I wish to give up my right to represent myself, I know that the Court will not automatically grant my request. The Court will consider the following in either granting or denying that request: the stage of the proceedings, whether advisory counsel is prepared to take over, the length of the continuance necessary for the advisory counsel to assume representation, the prejudice to either party, whether the jury has been sworn, and any other relevant considerations.

i. If the Court grants my request to give up the right to represent myself and substitute advisory counsel, the trial date may be continued if requested by the advisory counsel. The trial date will then be reset at a date mutually agreeable between counsel for the prosecution and counsel for the defendant.

j. In the unlikely event that the Court orders advisory counsel to represent me after the trial has started and jeopardy has attached, the Court may grant a mistrial if requested by my new attorney and reset the trial date at a date mutually agreeable between counsel.

k. I understand that if I am not a citizen of the United States, a plea of guilty or a finding of guilty for this crime may result in deportation, exclusion from admission to the United States or denial of naturalization as a United States citizen.

18. That in view of the above, I wish to waive my right to be represented by an attorney and I wish to represent myself.

Dated: 9-9-2020

Terrell D. Johnson
Petitioner

(Amended effective October 1, 2015.)

CRM704 (10/2015)

15. I understand that I am entitled to require any witnesses that I think are favorable to me to appear and testify at my trial by use of a subpoena as approved by the judge.

16. I understand:

a. That a person who has prior convictions or a prior conviction can be given a longer prison term.

b. That the maximum statutory penalty that the Court could impose for this crime (taking into consideration any prior conviction or convictions) is imprisonment for _____ years, and/or a fine of \$ _____. That if a minimum sentence is required by statute the Court may impose a sentence of imprisonment of not less than _____ months for this crime.

17. I understand that if the Court grants my petition to represent myself, the Court may appoint advisory counsel. I understand that if the Court appoints advisory counsel I have the right to consult with advisory counsel in making any decisions regarding the conduct of this case. However, I am under no obligation to seek advice from advisory counsel. I understand that the role of advisory counsel is limited. I understand that:

a. Advisory counsel will be physically present in the courtroom during all proceedings in my case.

b. Advisory counsel will respond to requests for advice from me. Advisory counsel will not initiate such discussions.

c. The support staff of the advisory counsel - investigators, secretaries, law clerks, and legal service advisors - will not be available to me.

d. If I need investigative services, expert services, waivers of fees, research, secretarial services, or any other assistance, I must petition the Court for whatever relief or assistance I deem appropriate. Such request is pursuant to Minnesota Statutes, section 611.21.

e. If I am out of custody and desire to conduct legal research, I will be expected to do it myself at the library.

f. Advisory counsel will not be prepared to try my case on the trial date unless ordered to be prepared to do so by the Court.

g. Advisory counsel will be present for all Court appearances to consult with me if I request. Advisory counsel will be seated either at the back of the courtroom or at counsel table, based on my wishes and the Court's wishes. In an effort to vindicate my constitutional right to self-representation, advisory counsel will not initiate motions, objections, arguments to the Court, or any other aspect of representation unless I have given prior approval to the specific aspect of representation.

CRM704 (10/2015)

11. I understand that if the Court grants my petition to represent myself, I will be responsible for preparing my case for trial and trying my case. I understand that I will be bound by the same rules as an attorney. I understand that if I fail to do something in a timely manner, or make a mistake because of my unfamiliarity with the law, I will be bound by those decisions and must deal with them myself.

12. I understand the Court will schedule a probable cause hearing, if one has not already been held. At the probable cause hearing, I can make a motion that the complaint or indictment filed against me be dismissed for lack of probable cause. That the preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.

13. I understand:

a. The prosecution for their case against me may have:

i. physical evidence obtained as a result of searching for and seizing evidence.

ii. evidence in the form of statements, oral or written, that I made to the police or others regarding the charges;

iii. evidence discovered as a result of my statements or as a result of the evidence seized in a search.

iv. identification evidence from a line-up or photographic identification.

v. evidence the prosecution believes indicates that I committed one or more other crimes.

b. I have the right to a pretrial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me at trial in this case.

c. I can testify at the hearing if I want to, but my testimony could not be used as substantive evidence against me if I went to trial and could only be used against me if I was charged with the crime of perjury. (Perjury means testifying falsely.)

d. The preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.

14. I understand that I am entitled to a trial by jury of 12 persons in a felony case and a jury of 6 persons in other cases and all jurors must agree before they can find me guilty. Also, all jurors must agree before they can find me not guilty. I also understand that I may ask for a trial to the judge and not a jury. I further understand that I will conduct all phases of the trial including, but not limited to: writing and filing motions, making arguments to the Court, selection of the jury, cross-examination of the witnesses for the prosecution, direct examination of my witnesses, making all objections, opening statement and closing argument.

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v. evidence the prosecution believes indicates that I committed one or more other crimes.

b. I have the right to a pretrial hearing before a judge to determine whether or not the evidence the prosecution has could be used against me at trial in this case.

c. I can testify at the hearing if I want to, but my testimony could not be used as substantive evidence against me if I went to trial and could only be used against me if I was charged with the crime of perjury. (Perjury means testifying falsely.)

d. The preparation for, conduct of, and decisions made relating to that hearing will be my sole responsibility.

14. I understand that I am entitled to a trial by jury of 12 persons in a felony case and a jury of 6 persons in other cases and all jurors must agree before they can find me guilty. Also, all jurors must agree before they can find me not guilty. I also understand that I may ask for a trial to the judge and not a jury. I further understand that I will conduct all phases of the trial including, but not limited to: writing and filing motions, making arguments to the Court, selection of the jury, cross-examination of the witnesses for the prosecution, direct examination of my witnesses, making all objections, opening statement and closing argument.

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