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PSYCHOLOGICAL SERVICES
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**CONFIDENTIAL FORENSIC
EVALUATION REPORT**

March 10, 2023

The Honorable Presiding Judge
Fourth Judicial District Judicial Officer
Hennepin County District Court

Re: Matthew David
DOB: Guertin 07/17/1981
File Number: 27-CR-23-1886

Dear Your Honor:

REASON FOR REFERRAL

Matthew Guertin is a 41-year-old man. He is currently charged with four felony counts: (1) dangerous weapons and recklessly discharging a firearm within a municipality and (2) three counts of receiving or possessing a firearm not identified by a serial number. These charges stem from an alleged incident in January 2023 during which the defendant is accused of possessing an automatic rifle, full-size pistol, and compact pistol, and firing shots from his apartment. Pursuant to the court order of the Honorable Lyonel Norris and the Honorable Toddrick Barnette, dated January 25, 2023, Mr. Guertin was referred for an evaluation of his competency to proceed under Minnesota Rules of Criminal Procedure, 20.01, Subd. 2, which addresses his capacity to understand the proceedings, participate in the defense, and consult rationally with counsel. The current report was prepared for this purpose.

FORENSIC NOTIFICATION

Mr. Guertin was informed of the nature and purpose of this evaluation at the beginning of the interview. He was told the evaluation concerned his competency to proceed. He was informed the usual doctor-patient relationship did not exist in the context of this court-ordered evaluation, as the information obtained was not confidential. Specifically, he was notified an evaluation report would be prepared and submitted to the Court, and the defense and prosecuting attorneys would also be provided with copies. Mr. Guertin expressed his understanding of this advisement by summarizing its essential components and asking relevant questions. He agreed to participate in the interview.

SOURCES OF INFORMATION

Assessment Procedures

- An interview session with Mr. Guertin on March 1, 2023, at the Psychological Services office of the Hennepin County Government Center (HCGC) in Minneapolis, Minnesota. For training purposes, Dr. Casey Boland, a forensic psychology postdoctoral fellow with Psychological Services, primarily conducted the interview, which I supervised.

- Mr. Guertin also sent me seven unsolicited email messages on February 13, 2023; February 14, 2023; February 15, 2023; March 2, 2023; and March 3, 2023.

Records Reviewed

- The current criminal complaint, Fourth Judicial District, filed January 24, 2023.
- Incident report from the alleged instant offense, Minnetonka Police Department, dated January 21, 2023.
- An incident report regarding incident number MP23000151, Minnetonka Police Department, dated January 12, 2023.
- MNCIS records from court file number 27-CR-23-1886 and other cases referencing the defendant.
- The following discovery materials related to the alleged instant offense:
 - Audio recording from the statement Mr. Guertin made to law enforcement at the time of his arrest.
 - 104 photographs from the alleged offense.
- Medical records from Mr. Guertin's contacts with Hennepin County Medical Center (HCMC), dated October 3, 2009 to October 7, 2009.
- Custodial records from the defendant's incarcerations at the Hennepin County Jail (HCJ), dated December 17, 2007 to January 25, 2023.
- Documentation provided by the defendant, organized in sections with the following title page headings:
 - "Mark Roberts Motion Control - Email Exchange - Exhibit 'MR0.' "
 - "U.S. Patent #11,577,177- Exhibit 'PT1.' "
 - "U.S. Patent #11,577,177- Exhibit 'PA2.' "
 - "U.S. Patent #11,577,177- Exhibit 'PA3.' "
 - "U.S. Patent Application #17/709,126 - Exhibit 'PA1.' "
 - "Trojansky/Netflix - Exhibit 'NF1.' "
 - "Eyeline Studios - Exhibit 'NF3.' "
 - "Virtual Production - Exhibit 'VP1.' "
 - "Mark Roberts Motion Control - www.MrMoCo.com - Exhibit 'MR1.' "
 - "Dimension Studios - Exhibit 'DM1.' "
 - "Dimension Studios - Exhibit 'DM2.' "
 - "Microsoft - Exhibit 'MS4.' "
 - "Microsoft - Exhibit 'MS3.' "
 - "Microsoft - Exhibit 'MS2.' "
 - "Microsoft - Exhibit 'MS1.' "
 - "Photorobot - Exhibit 'PR1.' "
 - "Photorobot & Internet Archive - Exhibit 'PR2.' "
 - "Photorobot & Internet Archive - Exhibit 'PR3.' "
- The following data were emailed to me by the defendant after the interview session:
 - An electronic photograph of a spreadsheet labeled, "Matrix."
 - Two emails addressed to the defendant from "Internet Archive," dated December 9, 2022.
 - Three files containing website data from www.photorobot.com.
 - Incident report from case number MP23000151, Minnetonka Police Department, dated January 12, 2023.
 - Annotated email exchanges between Mr. Guertin and his patent attorney, dated January 5, 2023 to January 6, 2023.

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Collateral Contacts

- Tom Prochazka, Assistant Hennepin County Attorney, via email on February 22, 2023.

Three additional sources of data were sought but not available by the time this report was prepared. First, on

February 22, 2023, Dr. Boland and I attempted unsuccessfully to reach defense counsel to discuss the current referral. Second, I also tried to reach Mr. Guertin's patent attorney on March 10, 2023, without success. Finally, a request for records from the defendant's reported contacts with the Schuster Medical Research Institute in California was not returned.

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RELEVANT BACKGROUND AND HISTORY

General History

Mr. Guertin stated he was born and raised in Minnesota. He indicated he was reared by his mother, and did not have contact with his father during his youth. He also disclosed placements in foster care and involvement with youth services organizations, which he attributed to his youthful behavioral misconduct (e.g., running away and juvenile arrests) and his mother's corresponding difficulty coping with his behavior. However, Mr. Guertin reported a good relationship with his mother, with whom he currently lives, at present. He did not endorse any childhood trauma or victimization, which was consistent with information he offered to medical providers in HCMC records.

Mr. Guertin remarked that he withdrew from school during his senior year of high school "to go work," adding that he "was bored" in school. On this point, he added that he participated in special education curricula for attentional and behavioral difficulties, noting he was "bored," "rambunctious," and had trouble focusing on his studies. He underlined perceptions of his high intelligence, however, noting he found school "boring and easy" and "had a super high GPA [grade point average]." He said he subsequently obtained a general education development (GED) degree. Medical records related further that he did not attend college courses.

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. Mr. Guertin also spoke of previous positions at night clubs, and HCMC records from a 2009 contact corroborated that he reported work programming lights for these clubs, as well as self-employment with a painting business, at that time. He disavowed receiving any financial assistance.

Substance Use History

During the current examination, Mr. Guertin endorsed an extensive substance use history. He said he began using alcohol and marijuana around age 14. He estimated he consumes alcohol "every couple of months" at social gatherings, though he acknowledged "isolating himself" recently "to the point [that] people think it's unhealthy." He characterized his more recent marijuana use as occasional and opportunistic, noting he will use the drug "if it's around and someone has it," which he approximated occurs "a few times a month." When asked about other drugs, Mr. Guertin stated he has used "everything but heroin" throughout his lifetime, including "psychedelics" (e.g., dimethyltryptamine [DMT] and lysergic acid diethylamide [LSD]) and stimulants (e.g., methamphetamines and crack cocaine). However, he disavowed the use of these drugs within recent years. HCMC records listed similar substances (i.e., alcohol, methamphetamines, LSD, and other hallucinogens) the defendant reported using during a 2009 encounter, noting he identified at that time his drugs of choice as alcohol and hallucinogens. Although he disclaimed during the current evaluation any past participation in substance abuse treatment, HCMC records listed a program in which he was reportedly enrolled as an adolescent in relation to his marijuana use and its effects (i.e., paranoia).

Mr. Guertin stated he is presently prescribed the psychostimulant medication Adderall for attention-related issues. He indicated the medication was authorized by a doctor based in California whom he has seen for the past six years. Records from this facility were requested but not received to verify this information. Nonetheless, photos included with 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, attributing this practice to being "a workaholic."

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Psychiatric Treatment History

As mentioned, Mr. Guertin spoke of attention-related problems dating back to his youth. He stated he was diagnosed with both attention-deficit/hyperactivity disorder (ADHD; a neurodevelopmental disorder that emerges during youth and is characterized by difficulties with attentional and behavioral regulation) and bipolar disorder (i.e., a mood disorder in which one experiences prolonged, abnormally elevated mood states). He expressed disagreement with the latter diagnosis, which was similar to statements he made in collateral records. For instance, in an audio recording included with discovery materials, Mr. Guertin underlined his views on this diagnosis by commenting, "You're supposed to go up and down [if you have bipolar disorder], but I'm always up." He disclosed sleep irregularities (e.g., not sleeping for the two days preceding his arrest) at that time. Likewise, the defendant said during the current evaluation that he needs "not even six" hours of sleep at night, underlining further instances of a decreased need for sleep without associated fatigue. He further characterized himself as a high-energy person, though he disclaimed any perceptions that his energy was excessive. He stated he is presently prescribed Adderall and the anti-anxiety medication Klonopin, describing the former as particularly effective for "keep[ing] focus" and "slowing [him] down."

Mr. Guertin disclosed brief hospital admissions "when [he was] younger" that he attributed to complications of his substance use patterns. Specifically, he related he was held at facilities briefly and involuntarily for making "really stupid decisions" while intoxicated. Although they only reflected one such admission, HCMC records corroborated this account. In particular, these records indicated the defendant was admitted to the hospital for four days in October of 2009, after he threatened to jump from an interstate bridge overpass that led to a "90-minute standoff" with law enforcement. At the hospital, Mr. Guertin explained his actions in terms of his drug use, noting he became paranoid and distrustful after using LSD, called 911, became concerned "the police were out to get him instead," and then tried to escape law enforcement by climbing the overpass structure. Records specified his blood alcohol level was also elevated (i.e., 0.10) at the time. A few days into the hospitalization, a psychiatrist documented that Mr. Guertin's speech was somewhat rapid and pressured, and he could be "over-inclusive" with details, but his thinking and perceptions were otherwise unremarkable. Hospital staff reportedly petitioned to have the defendant civilly committed, but it was not supported, and he was eventually discharged without psychiatric medications. At that time, clinicians attributed his clinical presentation at the time of his admission to the effects of his substance use and intoxication level.

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. The former will be reviewed in the next section of this report. Regarding the latter, the police report and discovery materials from the alleged offense reflected a number of unusual beliefs the defendant espoused around the time of his arrest. 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). He asserted that organizations discovered this invention, and began accessing, "deleting, and changing files in [his] computer." Indeed, the police report and photographs from Mr. Guertin's apartment suggested his electronic devices were wrapped in tinfoil, and he covered his windows and walls with "space blanket material." During an audio recorded statement, the defendant further asserted other persons were trying to "kill [him]," which was corroborated by photographs of statements the defendant had written in a notebook and on the walls throughout his apartment. For instance, he wrote that he believed someone put "a 'hit' out on [him]," adding, "Whoever is behind all of this has one million different ways to set me up or frame me if they want." During the aforementioned audio recording, he said he inferred this nefarious intent by "symbology" he found on websites (e.g., perceived associations with September 11, 2001). He

also spoke at length about contacts he had with artificial intelligence posing as "real people," noting he discerned the impostors with a "word-language analysis" that identified anomalies (e.g., phrases like "3D scanning") in these discussions. He described recent conversations he had in the following way during the recording: "I don't know if I'm talking to real people at this point."

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COURSE OF THE EVALUATION

Mr. Guertin and I spoke prior to the March 1 interview session for the purposes of scheduling. Afterward, he sent me a series of unsolicited email messages in which he asked a number of questions about the upcoming interview, and he offered lengthy descriptions and explanations for the aforementioned belief system accompanied by links he characterized as evidence supporting his assertions. The beliefs in question were consistent with those articulated in both the previous paragraph and the next section of this report. His statements suggested he intended to send me more messages, as he provided the following foreword: "In what I am sure will be one of many follow up emails leading up to our meeting..." I responded by asking that he not send these messages, explaining that both

(a) the information he provided and (b) his questions (which referenced some themes contained in the aforementioned forensic notification) would be reviewed at length during the interview session. I directed him to bring the evidence to which he referred to the interview session, at which time I would review it. He subsequently sent a message with a logistical question, which I answered, but he later sent another long email with several questions. I assured him that he would be provided ample opportunity to make these inquiries (which were again relevant to the evaluation but would be addressed by the forensic notification), and I indicated I would no longer respond to any such messages since the interview session was the appropriate forum in which to discuss these matters. Mr. Guertin adhered to these boundaries, and he did not send more emails before the March 1 session. He supplemented our discussions from the interview session with four additional emails that included annotated attachments, which he asserted supported the statements he made during the interview.

CURRENT CLINICAL PRESENTATION

As mentioned, the interview session occurred in person at the HCGC. Mr. Guertin arrived approximately 30 minutes late for the appointment, although he called to notify me that he was on the way to the session and would be tardy. I explained the policy regarding examinees' late arrivals, and he replied that he would rather be late and "100% prepared" than arrive on time. As noted, he arrived with a large stock of documents, organized into sections, which he provided for my review and stated supported his assertions.

During the interview session, Mr. Guertin was occasionally difficult to hear given the configuration of these on-site interview rooms, which are equipped with Plexiglas in relation to the recent global pandemic. Nonetheless, these issues were easily surmounted with requests that he repeat the relevant information, which the defendant obliged. As mentioned, a postdoctoral fellow in forensic psychology conducted the bulk of the interview, but I was present in the room throughout the session, supervised its administration, and offered additional inquiries as indicated.

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, although he expressed irritation in a slightly condescending manner on one occasion in response to Dr. Boland's interruption to keep his comments on-topic.

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. 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.

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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. While some elements of his assertions referenced real technological subjects (e.g., neural radiance fields¹), the defendant's 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. For instance, he expressed views that these agencies accessed his patented technology through his personal devices, fraudulently implemented it as if created by them, and went to great lengths to cover up the theft. Mr. Guertin further insisted the entities in question intended to harm or kill him, referring to the situation as a "conspiracy" "at a bigger level" in which he perceived his "safety to be at risk," citing "weird coincidences" (e.g., the presence of "two cars behind [him]" at one time²) to support his conclusions. 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. 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. The documentation he identified as most critical³ did not support his assertions, instead suggesting Mr. Guertin was prone to inferring nefarious intent from benign stimuli. The documentation and supplementary, emailed materials in no way supported or clarified the more improbable (e.g., targeting him individually to harm him) elements of his beliefs. On the contrary, the defendant's statements were commensurate with persecutory and referential (i.e., the belief that random events have personal significance) thinking.

Although his speech was not pressured, Mr. Guertin was verbose, as his responses to our questions frequently included excessive detail not targeted by the question. He was prone to long narratives on themes only peripherally related to the topic at hand. He could be directed with firm interjections and attempts to refocus him to the subject at hand, but these interventions were less successful as the interview progressed. Indeed, the defendant was prone to distraction, often by his own thoughts. He tended to offer fragmented remarks that failed to convey an entire idea before drifting to another subject that was either (a) loosely related to his prior statements or (b) required repeated clarification from Dr. Boland or me to discern the links. This tendency became increasingly prominent as the interview progressed, particularly as we discussed his delusional beliefs in more depth, and occurred especially in response to open-ended questions. It also became increasingly difficult to intervene and redirect his attention.

¹ For example, see Mildenhall, B., Srinivasan, P. P., Tancik, M., Barron, J. T., Ramamoorthi, R., & Ng, R. (2022). NeRF: Representing scenes as neural radiance fields for view synthesis. *Communications of the ACM*, 65(1), 99-106. DOI: 10.1145/3503250. Accessed from <https://dl.acm.org/doi/pdf/10.1145/3503250> on February 28, 2023.

² In the discovery materials reviewed for the current evaluation, Mr. Guertin made a similar reference to these observations during his audio recorded interview with law enforcement around the time of his arrest, which involved his presence at the police station on a prior date. Notably, the interviewing detective outlined a reality-based, plausible explanation for the presence of these vehicles, though the defendant continued to assert the nefarious intent signaled by their presence during the current interview.

³ 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.

to the matter at hand during these instances. On this point, Mr. Guertin had difficulty completing a full, coherent narrative without becoming sidetracked by seemingly incidental elements of the story, which rendered the progression of his logic and overall meaning of his statements difficult to discern. As an illustrative example, I asked Mr. Guertin a series of questions toward the end of the session to clarify some information he had provided. I purposefully presented these inquiries in a targeted, directive manner to mitigate the potential for such long, meandering narratives. Nevertheless, his responses remained disjointed, and they often failed to convey the specific information sought despite his tendency to speak for long periods of time. 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. He also seemed to contradict himself at times. Indeed, on a few occasions, I tried to summarize succinctly my understanding of the broader conceptual themes of his long, disjointed statements. The defendant indicated my inferences were inaccurate, but his attempts to explicate and correct any misconceptions failed to convey his meaning coherently given his propensity for digressions in his thinking and speech.

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FORENSIC ANALYSIS AND OPINION

According to the Minnesota Rules of Criminal Procedure, 20.01, Subd. 2, a defendant is incompetent to proceed with his legal case if he is presently experiencing symptoms of a mental illness or cognitive impairment that prevent his from understanding the proceedings, participating in the defense, or consulting rationally with counsel. I considered these criteria when developing the current forensic opinion.

Does the defendant have a mental illness or cognitive impairment?

Clinical impressions were formed considering information from the above-named sources, which provide sufficient basis to offer the following diagnosis in accordance with the criteria set forth by the *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition, Text Revision (DSM-5-TR):

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary)

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. 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. Specifically, the more improbable elements of Mr. Guertin's beliefs have plausible, alternative explanations offered by collateral sources (e.g., his interpretations of the vehicles he believed were following him), and their content (e.g., being followed and targeted for nefarious purposes, including efforts to harm or kill him; accessing his personal devices at his home) and intensity are highly consistent with the phenomenology of the persecutory delusions that can accompany psychotic disorders. Similarly, the factors he has cited to support his views (e.g., inferences about "symbolology" embedded in data he reviewed and "coincidences" with unclear links to

his ultimate conclusions) relied heavily upon referential thinking.

Diagnosis is complex in Mr. Guertin's case, and diagnosis of an unspecified psychotic condition is offered, for two key reasons. First, the defendant's age does not preclude the potential for a recent onset of delusions, which would favor the diagnosis of a delusional disorder (i.e., a condition characterized by prominent delusions that tends to emerge later in life in comparison to other psychotic disorders). However, several confounding factors exist that complicate diagnostic precision. For instance, the defendant endorsed some recent drug use, including marijuana and misuse of his Adderall prescription. As a result, the potential effects of such substance use on the emergence and maintenance of his mental health symptoms cannot be definitively discounted.

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Second, and on a related note, the possibility that Mr. Guertin's current condition includes a mood-related component cannot be ruled out, though this analysis is also complex. On the one hand, several aspects of his clinical presentation are consistent with the elevated mood states that typify mania or hypomania. For instance, the defendant presented with inflated self-esteem and grandiosity. Data also reflected instances during which he experienced decreased need for sleep. Although his speech was not pressured, he was quite verbose during the interview, and his frequent digressions and tendency to become distracted by his own thoughts were consistent with flight of ideas (i.e., the tendency to change topics linked by only loose, superficial connections). As mentioned, he was also highly distractible throughout the session to the point that it became difficult to extract meaningful, coherent information from him. These symptoms are consistent with the presentation of a manic or hypomanic episode. 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. It is possible his mood-related symptoms are (a) substance-induced, (b) reflective of an underlying personality style in which he exhibits grandiosity and self-aggrandizement, exacerbated by a neurodevelopmental issue related to his attentional and behavioral regulation, or (c) some combination thereof. Collateral records were sparse to confirm the onset of any symptoms and the nature of the defendant's functioning in the relevant domains beyond his self-report, and the reliability of his account is called into question by the limited insight he has into other aspects of his mental health (e.g., delusions). For these reasons, diagnosis beyond an unspecified condition is not offered at the current time.

Fortunately, diagnostic precision is not required to answer the current referral question, which instead relies upon an analysis of *current symptoms* and any corresponding effects on specifically defined, competency-related abilities. These abilities are addressed in the next section of this 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. In other words, data from the current evaluation support the presence of delusional beliefs. In addition, my clinical observations from the interview session highlight the potential presence of manic or hypomanic symptoms at the current time, which cannot be ruled out based on existing data.

Does the defendant's mental illness prevent a factual or rational understanding of the legal process or the charges against her? Does the defendant's mental illness presently obstruct his ability to work with an attorney to prepare a reasonable defense?

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]." However, it should be noted that Mr. Guertin's further discussion of the circumstances surrounding his arrest and perceptions of his legal situation were mired in delusional reasoning. For instance, while

he spoke cogently about various pleas and the nature of legal proceedings in general, he identified a preferred defense strategy for his case that relied heavily upon the implausible evidence of his perceived persecution. Dr. Boland and I also introduced discussions of the mental illness defense during the interview. Although the defendant asked relevant questions about the outcomes of this defense strategy (e.g., whether such a defendant would be "committed"), he had difficulty discussing logically the potential applications of this alternative to his own circumstances given his prominent delusions and limited insight into their implausible nature. Moreover, we asked Mr. Guertin about the possibility of testifying on his own behalf should his case proceed to trial. While 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." His delusions also compromised his capacity to discuss evidentiary factors in relation to the current proceedings. Indeed, 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.

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FORENSIC OPINION

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. The defendant is also verbose, and he is prone to distraction by his own thoughts while providing these narratives. This tendency results in meandering, sometimes incoherent statements in which his meaning is difficult to discern, and even targeted, directive lines of questioning are not consistently successful in clarifying his ideas. This looseness in his thinking is particularly prominent when discussing delusional themes. Although diagnostic precision in this case is difficult, the possibility that his current psychiatric condition includes a mood component beyond the presence of psychotic symptoms cannot be definitively ruled out.

The aforementioned symptoms interfered with our discussions of legal matters during the current evaluation. Indeed, 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. On this point, he spoke of various decisions tasked to criminal defendants, but he supported his choices with impaired perceptions of objective reality. His delusions further impact his perceptions of the evidence relevant to his case. Furthermore, he had difficulty participating in consistently coherent, reality-based discussions about the proceedings during the current evaluation, which calls into question (a) the productivity of his legal exchanges with his attorney when preparing a defense and (b) his capacity to testify in the proceedings. The combination of these factors supports the conclusion that **Mr. Guertin's symptoms presently compromise his capacity to understand rationally the proceedings, participate in the defense, and consult rationally with counsel.**

FURTHER CONCLUSIONS AND RECOMMENDATIONS

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. His abstinence from substance use is also recommended to improve and maintain his mental health stability. Although his response to such recommended intervention is unknown, research (Pirelli & Zapf, 2020) has demonstrated that nearly all (81%) defendants deemed incompetent to proceed can be restored to adjudicative competency under traditional competency restoration commitment statutes. These statutes do not exist in Minnesota at present, but 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.

Please do not hesitate to contact me if the Court has further questions about this report.

Respectfully submitted,

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 Jill E. Rogstad, Ph.D., LP, ABPP, LP

Jill E. Rogstad, Ph.D., LP, ABPP (Forensic)

Licensed Psychologist

Board Certified in Forensic Psychology by the American Board of Professional Psychology

Senior Clinical Forensic Psychologist, Fourth Judicial District