

A24-0780
STATE OF MINNESOTA
IN COURT OF APPEALS

State of Minnesota,

District Court Case: 27-CR-23-1886

Respondent,

Court Order Date: April 12, 2024

vs.

Matthew David Guertin,

**PETITIONER'S MOTION FOR
WAIVER OF FEES PURSUANT
TO RULE 103.01 SUBD. 3(c)**

Petitioner.

TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA

STATEMENT OF FACTS

1. On May 10, 2024, the Petitioner, Matthew David Guertin, submitted his Petition for Discretionary Review through the E-MACS electronic filing system. He selected the 'filing fees not required' option and stated in the comments that he is currently on a stayed order of civil commitment, thus meeting the terms of Minn. R. Civ. App. P. 103.01 pursuant to being a party in a 253B proceeding.
2. On May 13, 2024, the court issued a 'Notice of Case Filing' which included a deficiency notice stating that either the \$550 filing fee or a copy of an order from the district court waiving the filing fee on appeal is required.
3. The Petitioner addressed this deficiency by contacting the appellate court clerk and explaining that he is involved in a proceeding pursuant to Minnesota Statutes,

chapter 253B. The clerk, after checking, informed the Petitioner that he still needed to pay the fee and did not meet the criteria of Minn. R. Civ. App. P. 103.01, subd. 3(c).

4. After reviewing Minn. R. Civ. App. P. 103.01, subd. 3(c) again, the Petitioner was certain that he met the criteria for a fee waiver.
5. On May 14, 2024, the Petitioner filed a Motion for IFP (In Forma Pauperis) to address the fee waiver issue.
6. On May 17, 2024, The Honorable Chief Justice, Susan L. Segal issued an order denying the Motion for IFP but provided instructions for rectifying the fee discrepancy.
7. The Petitioner now files this revised 'MOTION FOR WAIVER OF FEES PURSUANT TO RULE 103.01 SUBD. 3(c)' to have the \$550 filing fee waived and the deficiency removed.

ARGUMENTS

1. Minn. R. Civ. App. P. 103.01, subd. 3(c) clearly states that the filing fees set out in Minn. R. Civ. App. P. 103.01, subd. 1, are not required when the appellant is a party to a proceeding pursuant to Minnesota Statutes, chapter 253B or 253D. This rule does not restrict the fee waiver to appeals directly involving the proceeding under these chapters.

2. The Petitioner's involvement in a proceeding under Chapter 253B, as evidenced by the order mentioning Minn. R. Crim. P. 20.01, qualifies him as a party to such proceedings. This is further supported by Minn. R. Civ. App. P. 101.02, which defines an "Appellant" broadly as any party seeking review, including petitioners.
3. The Honorable Susan L. Segal's order, while addressing the Motion for IFP, provides a pathway for satisfying Minn. R. Civ. App. P. 103.01, subd. 3(a), further supporting that the Petitioner meets the criteria under subd. 3(c).
4. The intertwined nature of the criminal and civil commitment cases, and the explicit references to Minn. R. Crim. P. 20.01 and Chapter 253B in the court order, establish that the Petitioner is involved in a proceeding under Chapter 253B, thereby qualifying for the fee waiver.

DEFINITIONS

Appellant

Definition: The party seeking review, including relators and petitioners.

Application: I, Matthew David Guertin, am the appellant in this case, seeking review of the court's decision.

Party

Definition: An individual or entity involved in a legal proceeding.

Application: As an individual involved in both a criminal case and a civil commitment case, I am a party to these proceedings. Specifically, I am involved in proceedings under Minnesota Statutes, Chapter 253B, which deals with civil commitments.

Proceeding

Definition: The process of adjudicating a legal matter in a court of law. This includes trials, hearings, and appeals.

Application: The proceedings in which I am involved include my ongoing civil commitment case under Chapter 253B. The rule does not restrict the fee waiver to appeals directly involving the underlying proceeding itself, but rather any proceeding under the specified statutes.

Pursuant (to)

Definition: In accordance with; following the rules or laws of.

Application: My involvement is in accordance with Minnesota Statutes, Chapter 253B. The proceedings are conducted following the rules and regulations set forth in this chapter.

Minnesota Statutes

Definition: The written laws enacted by the Minnesota Legislature.

Application: Chapter 253B of the Minnesota Statutes specifically deals with civil commitments, including mental health commitments. This statute governs the proceedings in which I am involved.

Chapter 253B

Definition: The section of the Minnesota Statutes that addresses civil commitments.

Application: My current civil commitment proceedings are governed by Chapter 253B. This establishes the legal framework for the proceedings to which I am a party.

APPLICATION

Appellant: As the appellant, I am seeking review of a decision, specifically my Petition for Discretionary Review.

Party: I am a party to a legal proceeding. This means I am directly involved and have a stake in the outcome of the legal process.

Proceeding: The legal process I am involved in includes my ongoing civil commitment case which falls under Chapter 253B.

Pursuant (to): The proceedings are conducted in accordance with the laws set forth in Chapter 253B..

Minnesota Statutes: These are the laws enacted by the state legislature, specifically Chapter 253B which governs civil commitments.

Chapter 253B: This chapter specifically deals with the legal framework for civil commitments, under which my current proceedings fall.

EXPLANATION

- I am the **appellant** in this case, seeking a review
- I am a **party** to the proceedings because I am directly involved in my civil commitment case.
- The **proceedings** I am involved in are governed by Chapter 253B.
- These proceedings are **pursuant** to the laws set forth in the Minnesota Statutes.
- Chapter 253B specifically addresses civil commitments, which is the nature of my involvement.

This detailed focus on the individual meanings of words and language is in alignment with "we interpret statutes 'so as to give effect to each word and phrase,' and we may consult dictionary definitions to determine a word's plain meaning." *G&I IX OIC LLC v. County of Hennepin*, 979 N.W.2d 52, 58 (Minn. 2022). Given this clear and direct involvement, the language of Minn. R. Civ. App. P. 103.01 Subd. 3(c) applies to me. The rule states that the filing fees are not required when the appellant (me) is a party to a proceeding (my civil commitment case) pursuant to Minnesota Statutes, Chapter 253B.

CONCLUSION

Based on these definitions and the explicit language of the rule, Petitioner meets the criteria for the filing fee waiver. Petitioner's involvement in proceedings under Chapter 253B qualifies him for the exemption provided by Minn. R. Civ. App. P. 103.01 Subd.

3(c). Therefore, Petitioner respectfully requests that the Court grant this motion for waiver of the \$550 filing fee and remove the remaining case deficiency.

If this motion cannot be addressed by the May 31, 2024, payment deadline set by the Honorable Susan L. Segal's court order on May 17, 2024, Petitioner is prepared to pay the \$550 fee. However, Petitioner notes that despite filing a Motion for IFP incorrectly, he properly addressed the core issue concerning Minn. R. Civ. App. P. 103.01 Subd. 3(c) in that motion, satisfying the criteria since first submitting his case to this Court.

Dated: May 28, 2024

By: /s/ Matthew D Guertin

Matthew David Guertin

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