

Mr. Matthew David Guertin

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

January 30th, 2024

Hennepin Government Center

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

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

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

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

MOTION FOR CONTINUANCE

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

1. I have only recently become aware of the scheduled court date, giving me less than a week to prepare, which is insufficient given the complexity of the case.
2. I have not received crucial medical records, including the psychological evaluation report by Dr. Adam Milz, despite repeated requests to my legal representatives.

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

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

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

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

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

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

REASONS FOR REQUEST:

1. Lack of Essential Medical Records: Non-receipt of crucial medical records directly hinders my understanding of the case and defense preparation.

2. Need for Effective Communication with Legal Counsel: The apparent miscommunication with my appointed attorney affects my right to effective legal representation.

3. Exploring Options for Private Legal Counsel: The serious nature of the case compels me to consider additional legal opinions to ensure the best possible defense. In regards to the 'seriousness' that I mention I am specifically referring to the contents of the court order that was filed in criminal court as a result of Dr. Adam Milz's psychological evaluation report which makes mention of me potentially losing my freedom by being detained and committed to a facility.

The mentioned court order filed in criminal court is included with this motion for reference.

4. Requirement for Clarity and Fairness in Proceedings: The confusion and potential errors in the handling of my case by the involved agencies necessitate additional time for clarification and appropriate preparation.

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

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

Thank you for your attention to this matter.

Respectfully,

/s/ Matthew David Guertin

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Court File No. 27-CR-23-1886

Plaintiff,

vs.

Matthew David Guertin,

Defendant.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER REGARDING
COMPETENCY

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

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

FINDINGS OF FACT

1. Defendant (date of birth 07/17/1981), was charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons (Felony) and three counts of Firearm-Serial Number-Receive/Possess With No Serial Number (Felony) arising from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, Referee Lyonel Norris found probable cause to believe that the offenses were committed and that Defendant committed them.
2. On November 15, 2023, Judge Julia Dayton Klein ordered that Defendant undergo an evaluation to assess Defendant's competency to proceed in this matter pursuant to Minn.R.Crim.P. 20.01.
3. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, reviewed Defendant's records, interviewed Defendant, and filed a written report with this Court.
4. Dr. Adam A. Milz, PhD, LP, ABPP, Psychological Services of Hennepin County District Court, opined that Defendant, due to mental illness or cognitive impairment, lacks the ability

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

CONCLUSIONS OF LAW

Defendant is presently incompetent to stand trial.

ORDER

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

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

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

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

12. The criminal conditions of release remain in effect until placement at an appropriate facility can occur.

13. Defendant's next appearance in Hennepin County District Court – Criminal Division on this matter and status review of Defendant's competence to proceed is July 16, 2024. One week prior to that date, reports regarding Defendant's competency and mental status shall be e-filed and e-served to:

- a. Fourth Judicial District Court – 4thCriminalRule20 email list;
- b. Bruce Rivers, Attorney for Defendant (riverslawyers@aol.com);
- c. Jacqueline Perez, Assistant Hennepin County Attorney (jacqueline.perez@hennepin.us);
- d. Hennepin County Attorney's Office – Adult Services Division (if a commitment is ordered);
- e. The Commitment Defense Panel attorney appointed to represent Defendant by the Fourth Judicial District Court – Probate/Mental Health Division.

14. A copy of this Order, the Rule 20.01 Competency Evaluation, the criminal complaint(s), and the underlying police report(s) shall be delivered via email to the Prepetition Screening Program of Hennepin County's Human Services and Public Health Department.

Order Recommended By:



Mercurio, Danielle
Jan 16 2024 8:27 AM

Referee of District Court

BY THE COURT:



Dayton Klein, Julia
Jan 16 2024 9:22 AM

Judge of District Court

Matthew Guertin - Hello

From (senders in message print header) mattguertin

To Joel Fisher

Date Friday, January 26th, 2024 at 1:38 PM

Joel,

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

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

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

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

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

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

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

Thanks for your time,

Matthew David Guertin
Inventor/ Founder/ CEO
InfiniSet, Inc.
Minneapolis, MN
www.MattGuertin.com
[US 11577177B2](#)

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

Re: Matt Guertin / LinkedIn Search Graph

From (senders in message print header) mattguertin

To Bruce Rivers

Date Friday, January 26th, 2024 at 4:38 PM

Bruce,

Can you please email me my psychological evaluation report?

Thank you.

~Matt

Sent with [Proton Mail](#) secure email.



MINNESOTA
JUDICIAL
BRANCH

Re: Matthew Guertin - Hello

From (senders in message print header) Joel Fisher

To mattguertin

Date Saturday, January 27th, 2024 at 2:13 PM

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

Joel Fisher
Attorney at Law
2642 University Avenue
Suite 214A
St. Paul, Minnesota 55114
612-360-9632



MINNESOTA
JUDICIAL
BRANCH

Re: Matthew Guertin - Hello

From (senders in message print header) mattguertin

To Joel Fisher

Date Sunday, January 28th, 2024 at 9:51 PM

Joel,

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

Thanks,

~Matt

Sent with [Proton Mail](#) secure email.



MINNESOTA
JUDICIAL
BRANCH

Re: Matthew Guertin - Hello

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

I'll try to call you this AM.

Joel Fisher
Attorney at Law
2642 University Avenue
Suite 214A
St. Paul, Minnesota 55114
612-360-9632



MINNESOTA
JUDICIAL
BRANCH

Phone

From (senders in message print header) Joel Fisher

To mattguertin

Date Monday, January 29th, 2024 at 11:14 AM

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

Joel Fisher

Attorney at Law

2642 University Avenue

Suite 214A

St. Paul, Minnesota 55114

612-360-9632



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BRANCH