

# **Exhibit AC**

## **EXHIBIT AC** <sup>1</sup>

A total of 3 pro se motions that Guertin filed in the Hennepin County 4th Judicial District Court on September 25, 2024.

Guertin submitted a ‘Motion for Judicial Notice’ into his civil commitment case (27-MH-PR-23-815) for the purpose of making sure that his court appointed attorney, Joel Fisher, as well as the Assistant Hennepin County Attorney, Lea DeSouza, are all aware of what is currently taking place, as well as the fact that Guertin has satisfied all of the terms of his ‘Plan for Care Agreement’ – meaning that his stayed order of civil commitment is set to expire on November 8, 2024.

Guertin also submitted a ‘Motion for Substitute Counsel’ and ‘Motion for Continuance’ into his criminal case (27-CR-23-1886) due to the currently scheduled October 1, 2024 ‘Review Hearing’ he is to appear at even though Bruce Rivers is not only refusing to take any of the suggested actions that Guertin has requested as part of his desired legal strategy, but also continues his refusal to withdrawal as Guertins defense counsel despite multiple direct requests.

In addition, Bruce Rivers is entirely aware of the fact that he is a defendant in this very case, and that an ‘Entry of Default’ has been submitted against him.

Furthermore, Bruce Rivers is directly involved in the procurement, and dissemination of fraudulent July 16th discovery materials, as detailed in Guertin's complaint he filed against him with the MN OLPR (*Exhibit AA*).

### **Bruce Rivers is involved in an ongoing criminal conspiracy against Guertin.**

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**Index 01** | Pro Se ‘Motion for Substitute Counsel’ | Sept 25th, 2024 | 27-CR-23-1886

**Index 02** | Pro Se ‘Motion for Continuance’ | Sept 25th, 2024 | 27-CR-23-1886

**Index 03** | Pro Se ‘Motion for Judicial Notice’ | Sept 25th, 2024 | 27-MH-PR-23-815

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<sup>1</sup> Make use of the bookmarks for easy navigation of this exhibit.

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**

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State of Minnesota,

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

Plaintiff,

vs.

**DEFENDANT’S MOTION  
FOR SUBSTITUTE  
COUNSEL**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

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TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; CLERK OF THE COURT; AND THE OFFICE OF THE HENNEPIN COUNTY ATTORNEY.

**I. INTRODUCTION**

Defendant Matthew David Guertin respectfully moves this Court for an order appointing substitute counsel in place of his current attorney, Mr. Bruce Rivers. This motion is based on serious allegations of fraudulent conduct, conflicts of interest, and ineffective assistance of counsel, as detailed in the attached Exhibit Index 01, Index 02, and Index 03 (MN OLPR Complaint).

**II. BACKGROUND**

**A. Current Representation and Conflict of Interest:**

Mr. Bruce Rivers has continuously failed to represent the Defendant’s best interests and has refused multiple requests for withdrawal as counsel, despite being named as a defendant in the Defendant’s federal civil rights case (Guertin v. Hennepin

County, 24-cv-02646-JRT-DLM). This creates a significant conflict of interest that directly compromises the Defendant's right to effective representation.

**B. Fraudulent Discovery Issues:**

The attached Exhibit Index 03 details Mr. Rivers' involvement in the provision of fraudulent discovery materials. This discovery fraud has not only tainted the integrity of the current proceedings but has also directly impacted the Defendant's competency determination, as these materials were provided to the psychological examiner during a critical Rule 20.01 evaluation.

**C. Refusal to Participate in Third Rule 20 Exam:**

The Defendant has respectfully refused to participate in a third Rule 20 exam due to unresolved issues related to the fraudulent discovery materials, which were directly used in prior competency evaluations. This refusal was communicated to Ms. Katheryn Cranbrook via email, as thoroughly documented in Section XIV of the attached complaint (Exhibit Index 03).

**D. Defendant's Compliance with Stayed Order of Commitment:**

The Defendant is currently under a stayed order of civil commitment, set to expire on November 8, 2024. He has been fully compliant with all terms of his Plan for Care Agreement, including regular meetings with his caseworker from Vail Place, weekly therapy sessions, and securing health insurance. His caseworker has indicated that no additional mental health supervision is necessary, and a letter to this effect will be submitted to the Court before the November 8 expiration.

**E. Upcoming October 1st Review Hearing:**

The October 1, 2024, review hearing is fast approaching. Given the critical nature of this hearing and the unresolved issues regarding the fraudulent discovery materials, the Defendant urgently requires effective legal representation to advocate for his interests. The refusal of Mr. Rivers to enact the Defendant's preferred legal strategy further underscores the necessity for substitute counsel.

**III. ARGUMENTS****A. Ineffective Assistance of Counsel:**

Mr. Rivers' actions violate the standards set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). His provision of fraudulent discovery materials, refusal to withdraw despite conflicts of interest, and failure to follow the Defendant's instructed defense strategy constitute ineffective assistance of counsel, depriving the Defendant of a fair trial.

**B. Conflict of Interest and Ethical Violations:**

Mr. Rivers' involvement in fraudulent discovery and his refusal to address these issues compromise his ability to provide impartial and effective representation. The attached Index 03 outlines these concerns in detail, demonstrating a severe breach of ethical obligations that warrants immediate substitution of counsel.

**C. Defendant's Right to a Fair Trial:**

The continued representation by Mr. Rivers, under these circumstances, violates the Defendant's Sixth Amendment right to a fair trial. The Defendant cannot be expected

to receive a fair hearing when his own attorney is implicated in actions that directly undermine his defense.

**D. Urgency Due to Imminent Hearing:**

With the October 1, 2024, review hearing imminent, the need for substitute counsel is urgent. Mr. Rivers' refusal to implement the Defendant's requested legal strategies, including contesting the fraudulent discovery materials and addressing competency issues through a contested hearing rather than a third Rule 20 exam, further demonstrates the necessity for immediate action.

**IV. DESCRIPTION OF ATTACHED EXHIBITS**

• **Index 01:**

Documentation of USPS delivery of the MN OLPR Complaint to the Minnesota Office of Lawyers Professional Responsibility. This confirms the submission and receipt of the complaint.

• **Index 02:**

Email correspondence between the Defendant and the MN OLPR, establishing a clear record of the Defendant's actions to address these issues through proper channels.

• **Index 03:**

The full MN OLPR Complaint against Mr. Rivers, detailing specific instances of fraudulent discovery, unethical behavior, and conflicts of interest, including the

Defendant's refusal to participate in a third Rule 20 exam due to these unresolved issues.

*(this motion and the attached exhibits have extensive PDF bookmarks included if they survive once submitted through the 'E-File and Serve' process)*

## **V. RELIEF REQUESTED**

For the reasons stated above, the Defendant respectfully requests that this Court:

- a. Grant this Motion for Substitute Counsel and appoint a new attorney to represent the Defendant. Given the severity of the allegations against Mr. Rivers, the Defendant requests the appointment of a public defender until new counsel can be secured.
- b. Issue an Immediate Stay of Proceedings, including the October 1, 2024, review hearing, to allow for the appointment of substitute counsel and to ensure the Defendant's right to effective representation is protected.
- c. Consider the Attached Exhibit Index 01, Index 02, and Index 03 as evidence substantiating the need for immediate substitution of counsel. These exhibits highlight the unethical behavior and conflicts of interest that have compromised the integrity of the Defendant's case.
- d. Schedule a Hearing to address this motion and any additional issues raised by the Defendant, at the Court's earliest convenience.

## VI. CONCLUSION

The Defendant respectfully requests this Court to act promptly in addressing the issues outlined above to ensure that his constitutional rights are upheld and that the integrity of the judicial process is preserved.

Dated: September 25, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

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MINNESOTA  
JUDICIAL  
BRANCH

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

**DISTRICT COURT  
FOURTH JUDICIAL DISTRICT**

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State of Minnesota,

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

Plaintiff,

vs.

**DEFENDANT’S MOTION  
FOR CONTINUANCE**

Matthew David Guertin,

Defendant.

Judicial Officer: Jay Quam

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TO: THE HONORABLE JAY QUAM, JUDGE OF THE DISTRICT COURT; CLERK OF THE COURT; AND THE OFFICE OF THE HENNEPIN COUNTY ATTORNEY.

**I. INTRODUCTION**

Defendant Matthew David Guertin respectfully moves this Court for an order granting a continuance of all proceedings, including the upcoming October 1, 2024, review hearing. This request is based on the need for effective representation and to address unresolved issues regarding fraudulent discovery materials and the Defendant’s refusal to participate in a third Rule 20 exam.

**II. BACKGROUND**

**A. Current Motion for Substitute Counsel:**

The Defendant has submitted a Motion for Substitute Counsel due to serious conflicts of interest and ineffective assistance of counsel by his current attorney, Mr. Bruce Rivers. The attached MN OLPR Complaint (referenced in Exhibit Index 03)

substantiates these concerns, detailing Mr. Rivers' involvement in fraudulent discovery and his refusal to withdraw as counsel despite clear conflicts of interest.

**B. Upcoming Review Hearing on October 1, 2024:**

The Defendant is currently scheduled for a review hearing on October 1, 2024. This hearing is critical as it pertains to the Defendant's competency and compliance with his stayed order of commitment. Without effective legal representation, the Defendant's rights and ability to present a proper defense are severely compromised.

**C. Refusal to Participate in Third Rule 20 Exam:**

The Defendant has respectfully refused to participate in a third Rule 20 exam due to the unresolved issues with fraudulent discovery materials that were directly involved in the previous competency determinations. This refusal was communicated to Ms. Katheryn Cranbrook and is thoroughly documented in Section XIV of the MN OLPR Complaint (Exhibit Index 03).

**D. Defendant's Compliance with Stayed Order of Commitment:**

The Defendant has been fully compliant with all terms of his Plan for Care Agreement, including regular meetings with his caseworker from Vail Place, securing health insurance, and attending weekly therapy sessions. His caseworker has indicated that no additional mental health supervision is necessary, and a letter to this effect will be submitted to the Court before the November 8, 2024, expiration of the stayed order.

**E. Pending Motion for Substitute Counsel:**

The Defendant's pending Motion for Substitute Counsel further justifies the need for a continuance. Proceeding with the October 1 hearing without resolving the issues of representation and fraudulent discovery would deny the Defendant his right to effective assistance of counsel and a fair hearing.

**III. ARGUMENTS IN SUPPORT OF CONTINUANCE****A. Need for Effective Representation:**

Proceeding with the October 1, 2024, review hearing without addressing the Defendant's Motion for Substitute Counsel would severely prejudice the Defendant's case. Effective legal representation is essential to ensure that the Defendant's rights are protected and that the issues surrounding the fraudulent discovery materials and competency determination are adequately addressed.

**B. Resolution of Pending Issues:**

A continuance is necessary to allow sufficient time for the Court to address the Motion for Substitute Counsel and for new counsel to be appointed and adequately prepare for the review hearing. This will ensure that all pending issues, including the fraudulent discovery materials and the Defendant's refusal to participate in the third Rule 20 exam, are properly resolved.

**C. Defendant's Compliance and Stability:**

The Defendant has demonstrated full compliance with the terms of his stayed order of commitment. He has not had any additional issues since the charges originated

19 months ago, and has actively engaged in all required mental health and care activities. This compliance supports the need for a fair and thorough review process, which cannot be achieved without effective legal representation.

**D. Prevention of Prejudice and Retaliation:**

Given the serious allegations in the Defendant's federal civil rights case and the significant external influences potentially involved, it is critical that the Court ensures a fair and transparent process. Granting a continuance would help prevent any appearance of retaliation or unjust actions against the Defendant, thereby maintaining the integrity of the judicial process.

**IV. RELIEF REQUESTED**

For the reasons stated above, the Defendant respectfully requests that this Court:

- a. Grant a Continuance of All Proceedings, including the October 1, 2024, review hearing, until such time that the Defendant's Motion for Substitute Counsel has been addressed and new legal representation has been appointed.
- b. Stay All Proceedings until effective legal representation has been secured for the Defendant, ensuring that his right to a fair hearing and due process are protected.
- c. Schedule a Hearing to address this Motion for Continuance and any additional issues raised by the Defendant, at the Court's earliest convenience.

- d. Schedule a Hearing to address this motion and any additional issues raised by the Defendant, at the Court's earliest convenience.

### V. CONCLUSION

The Defendant respectfully urges this Court to grant a continuance to allow for the resolution of critical issues regarding his legal representation and to ensure that his constitutional rights are upheld.

Dated: September 25, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

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**STATE OF MINNESOTA**

**FOURTH JUDICIAL DISTRICT**

**COUNTY OF HENNEPIN**

**DISTRICT COURT**

**PROBATE / MENTAL HEALTH**

In the Matter of the Civil Commitment of:  
**MATTHEW DAVID GUERTIN,**  
Respondent.

Court File No. : 27-MH-PR-23-815

Petitioner:  
HENNEPIN COUNTY ATTORNEY

**RESPONDENT’S MOTION  
FOR JUDICIAL NOTICE**

Lead Attorney for Petitioner:  
DE SOUZA, LEA MARIE

TO: THE HONORABLE JUDGE OF THE DISTRICT COURT; JOEL FISHER, COURT-APPOINTED ATTORNEY FOR THE RESPONDENT; LEA DE SOUZA, ASSISTANT COUNTY ATTORNEY FOR HENNEPIN COUNTY.

**I. INTRODUCTION**

Respondent Matthew David Guertin respectfully moves this Court to take judicial notice of the attached MN OLPR Complaint, which is submitted as Exhibit Index 01, Index 02, and Index 03. This motion is filed for the primary purpose of providing relevant parties, including the Respondent's court-appointed attorney and the county attorney, with comprehensive information regarding ongoing legal issues involving Respondent's current defense counsel in his related criminal case.

**II. BACKGROUND**

**A. Current Status of Respondent's Legal Representation:**

Respondent is represented by Mr. Bruce Rivers in his related criminal proceedings (Court File No. 27-CR-23-1886). The attached MN OLPR Complaint details serious

allegations of misconduct by Mr. Rivers, including involvement in fraudulent discovery materials, refusal to withdraw as counsel despite conflicts of interest, and unethical behavior.

**B. Purpose of Judicial Notice in This Matter:**

The submission of this Motion for Judicial Notice is not primarily to alert this Court, but to ensure that Respondent's court-appointed attorney, Mr. Joel Fisher, and Assistant County Attorney Lea De Souza are fully informed of the critical developments and issues in the Guertin's criminal case. These issues are directly relevant to the current civil commitment proceedings, especially regarding the initial exam that relied on the fraudulent discovery materials.

**C. Content and Purpose of Attached Exhibits:**

- ***Exhibit Index 01:***

Documentation of the MN OLPR Complaint's submission to the Minnesota Office of Lawyers Professional Responsibility, confirming delivery and receipt.

- ***Exhibit Index 02:***

Email correspondence between Respondent and the MN OLPR.

- ***Exhibit Index 03:***

The full MN OLPR Complaint against Mr. Bruce Rivers, detailing specific instances of fraudulent discovery and unethical behavior that have significantly

impacted Respondent's defense in his criminal case and his current civil commitment status.

### **III. RELEVANT ISSUES FOR CONSIDERATION**

#### **A. Fraudulent Discovery and Competency Determination:**

The attached complaint (*Exhibit Index 03*) outlines how fraudulent discovery materials were used in Respondent's criminal case and provided to Dr. Michael Robertson, the psychologist who conducted Respondent's civil commitment exam via Zoom on August 1, 2023.

This directly affects not only the validity of the civil commitment exam and previous competency determinations, but also *all* of Guertin's current proceedings in the Hennepin County Court. The fraudulent discovery is directly tied to the origination of Guertin's criminal charges, indicating that the same nefarious actors Guertin claimed were involved in the events leading up to his criminal charges are now manipulating his court proceedings. Knowledge of this unprecedented and extremely concerning situation is the reason for Respondent's refusal to participate in a third Rule 20 exam.

#### **B. Conflict of Interest and Unethical Representation:**

Mr. Rivers' refusal to withdraw from the criminal case, despite being named as a defendant in a related federal civil rights lawsuit, presents a significant conflict of interest. This has led to severe prejudice against the Respondent, as outlined in the attached exhibits.

**C. Request for Immediate Consideration and Response:**

Respondent requests that both his court-appointed attorney and the county attorney review the attached complaint and consider its implications for the ongoing civil commitment proceedings. Respondent is fully compliant with the current terms of his stayed order of commitment, which is set to expire on November 8, 2024.

Since the initiation of the stayed order, Respondent has taken proactive steps to meet all the outlined conditions and demonstrate stability and progress in his personal and professional life:

- **Health Insurance:**

Respondent has secured health insurance, fulfilling a key condition of his Plan for Services, ensuring he has access to necessary healthcare and resources to support his well-being.

- **Therapy Sessions:**

Respondent has been attending therapy sessions weekly, demonstrating his commitment to ongoing mental health care and personal growth. These sessions have been consistent and beneficial, contributing to his overall stability and well-being.

- **Case Worker Engagement:**

Respondent has been meeting with his case worker from Vail Place monthly, as required, and maintains regular communication. He has kept her informed about

all significant developments in his life, including his legal proceedings, employment, and personal progress. Respondent has been transparent and proactive in seeking support and guidance from his case worker, which has been crucial in his compliance with the Plan for Services.

- **Employment and Activity:**

Respondent has been helping his friend paint houses, providing him with regular work and a way to stay active and engaged in the community. This work involves helping with real estate projects and has contributed to his positive routine and stability.

- **Case Worker's Recommendation:**

The Respondent's case worker from Vail Place, along with her team, has expressed confidence in his progress. She has indicated her intention to submit a letter to the court before the November 8 expiration of the stayed order, recommending that no further action or oversight is necessary. This reflects a professional assessment that Respondent has met all the requirements and no longer needs additional supervision beyond the current expiration date.

- **Compliance and Stability:**

Respondent's compliance with the terms of his stayed order, coupled with his proactive engagement in therapy, consistent communication with his case worker, and active involvement in meaningful work, demonstrates his commitment to his personal development and stability. It has been approximately 19 months since the

criminal charges were filed, and Respondent has not had any additional issues or legal concerns during this time.

In light of these factors, Respondent respectfully requests that the court-appointed attorney and the county attorney take these positive developments into account when reviewing the attached complaint and considering the broader context of the ongoing civil commitment proceedings.

#### **IV. RELIEF REQUESTED**

For the reasons stated above, the Defendant respectfully requests that this Court:

- a. Take Judicial Notice of the Attached Exhibits, including Exhibit Index 01, Index 02, and Index 03, for the purpose of informing all relevant parties of the ongoing legal issues in Respondent's criminal case.
- b. Acknowledge the Relevance of the Information contained in these exhibits to the current civil commitment proceedings, especially as they pertain to the integrity of prior competency evaluations and the ongoing compliance of the Respondent with the terms of his stayed order of commitment.

## V. CONCLUSION

Respondent respectfully urges this Court to take judicial notice of the attached exhibits to ensure that all relevant parties are fully informed and to promote transparency and fairness in these proceedings.

*(this motion and the attached exhibits have extensive PDF bookmarks included for easy navigation due to the length – this assumes the bookmarks remain intact once document is submitted through the ‘E-File and Serve’ system)*

Dated: September 25, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

Matthew David Guertin

Defendant Pro Se

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