

EXHIBIT IDX

Order for Continuance (with no motion for continuance)

2023-06-14 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

File Name: [MCRO 27-CR-23-1886 Order for Continuance 2023-06-14 20240430072357.pdf](#)
File Size: 239 KiB
Author: [Nehring, Alisha; Nehring, Alisha](#)
Company: MN Judicial Branch
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Modify Date: 2024:04:30 07:23:57-05:00
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XMP Toolkit: Adobe XMP Core 5.1.0-jc003
Metadata Date: 2023:06:15 08:48:11-05:00
Creator Tool: Acrobat PDFMaker 23 for Word
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Producer: Adobe PDF Library 23.1.175; modified using iText® 7.1.16 ©2000-2021 iText Group NV (Minnesota Judicial Branch; licensed version)
Title: [Contested Competency for Adrian Wesley \(incompetent\) \(doctors disagree\)](#)
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Page Count: 1

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: Order for Continuance

Filing Date: 2023-06-14

MCRO_27-CR-23-1886_Order for Continuance_2023-06-14_20240430072357.pdf

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State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,
Plaintiff,

v.

Matthew David Guertin,
Defendant.

ORDER CONTINUING
HEARING

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

The above-entitled matter was scheduled before Julia Dayton Klein, Judge of District Court, on June 14, 2023, for an evidentiary hearing upon the Defense’s objection to the competency opinion rendered by Dr. Rogstad, dated March 10, 2023. Jacqueline Perez, Assistant Hennepin County Attorney, represents the State. Bruce Rivers represents Defendant. On June 13, 2023, Mr. Rivers requested a continuance in the matter due to scheduling conflicts. The State did not object. The parties agreed on the new date of July 7, 2023 at 10:30 am. For good cause, the Court finds:

ORDER

1. The contested competency hearing shall be continued to **July 7, 2023 at 10:30 AM.**

By the Court:

Julia Dayton Klein
Judge of District Court

Finding of Incompetency and Order

2023-07-13 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

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Company:	Hewlett-Packard Company
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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: Finding of Incompetency and Order

Filing Date: 2023-07-13

MCRO_27-CR-23-1886_Finding of Incompetency and Order_2023-07-13_20240430072356.pdf

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
PROBATE/MENTAL HEALTH DIVISION

Court File No. 27-CR-23-1886

State of Minnesota,
Plaintiff,

v.

Matthew David Guertin,
Defendant.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER REGARDING
COMPETENCY TO PROCEED**

The above-entitled matter came before the district court, on July 7, 2023, for an evidentiary hearing regarding the Defendant’s competency. The hearing took place in person in Courtroom 456 at the Hennepin County Government Center. Jacqueline Perez, Assistant Hennepin County Attorney, appeared for the State. The Defendant appeared along with his attorney, Bruce Rivers, Esq. Jill E. Rogstad, Ph.D., LP, ABPP (Forensic), Senior Clinical Forensic Psychologist at the Fourth Judicial District Court, testified at the hearing and the court received into evidence her *Curriculum Vitae* (Exhibit 2), and her Forensic Evaluation Report dated March 10, 2023 (Exhibit 3). The court also received into evidence a copy of United States Patent No. 11,577,177 B2 dated February 14, 2023 (Exhibit 1), as well as testimony from the Defendant.

The matter was referred for hearing to the undersigned district court referee, who after considering the evidence, the arguments presented, and all the files and records herein, reports to the court making the following recommended Findings of Fact, Conclusions of Law and Order:

- 1. Defendant is currently **INCOMPETENT** to proceed.

FINDINGS OF FACT

The Defendant, Matthew David Guertin, is charged in MNCIS file 27-CR-23-1886 with Dangerous Weapons-Reckless Discharge of Firearm Within a Municipality (Felony), Firearm-

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State of MN vs MATTHEW DAVID GUERTIN

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Serial Number-Receive/Possess With No Serial Number (Felony), Firearm-Serial Number-Receive/Possess With No Serial Number (Felony), and Firearm-Serial Number-Receive/Possess With No Serial Number (Felony), from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, the Honorable Lyonel Norris, Referee of District Court, found probable cause to believe that the offenses were committed and that Defendant committed them. He then ordered that a Rule 20.01 evaluation be completed. Jill E. Rogstad, Ph.D., LP, ABPP (Forensic), was assigned to complete the evaluation of the Defendant. She filed her report on March 10, 2023, opining that Mr. Guertin is incompetent and provided the following diagnoses:

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary).

Mr. Guertin challenges Dr. Rogstad’s conclusion, taking the position that he is competent to proceed in his criminal matters. Mr. Guertin testified that he is currently employed as the Chief Executive Officer (CEO) of a start-up company. His company is listed as the assignee on United States Patent No. 11,577,177 B2, and he, as an individual, is listed as the inventor and the applicant. *Ex. 1.* Mr. Guertin testified that he understands his charges, noting that reckless discharge of a firearm in a municipality is a felony with a maximum of a two-year sentence. He notes that he and his attorney have discussed possible defenses; that he understands the information relayed to him by his attorney; and that there is nothing impeding their relationship. In fact, Mr. Guertin and his attorney, Mr. Rivers, have had a professional relationship for many years. Mr. Guertin also admitted to having been through criminal proceedings in the past. While he acknowledged that he may not understand all the technicalities of criminal proceedings, he indicates that he would ask his attorney if he had questions about the proceedings. Mr. Guertin appeared well-dressed, noting that he wore a tie to court “to be presentable.” He presents as intelligent and passionate about his work with technology, including his patent. However, much of his testimony was focused on his

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State of MN vs MATTHEW DAVID GUERTIN

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technological work and patent, and he required frequent redirection to stay on point. In fact, there were times during his testimony that Mr. Guertin became lost in his answer to a question because of rambling statements about his patent or other unrelated topics. For instance, when discussing the events that led to what he describes as the “most cordial standoff ever” [with the police], Mr. Guertin began discussing his actions in firing his gun in order to attract the police. He did so instead of calling 911 because he could not trust his electronic devices due to his suspicions involving Netflix and Microsoft and protection of his patent. The court appreciates Mr. Guertin’s testimony and his participation in the hearing; however, the court has serious concerns regard Mr. Guertin’s ability to meaningfully participate in criminal proceedings and understand the process, given his perseveration regarding his patent, and his delusional beliefs about others.

Dr. Rogstad opines that Mr. Guertin is not competent to proceed in his criminal matters, concluding in her report “...that Mr. Guertin’s symptoms presently compromise his capacity to understand rationally the proceedings, participate in the defense, and consult rationally with counsel.” Ex. 3, p. 9. Dr. Rogstad offers a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary). While Dr. Rogstad testified that this is a legitimate diagnosis, she indicated that additional information would be needed to provide more specificity. Dr. Rogstad notes that Mr. Guertin “...displays prominent delusional beliefs that include persecutory and referential themes,” the content and intensity of which “...are highly consistent with phenomenology of the persecutory delusions that can accompany psychotic disorders.” *Id.* at 7. She further indicates that Mr. Guertin may also suffer from a mood-related disorder, namely mania or hypomania, given “...his frequent digressions and tendency to become distracted by his own thoughts,” which “...were consistent with flight of ideas.” *Id.* at 8. She also notes that Mr. Guertin was “highly distractible” during the examination, making it “...difficult to extract meaningful,

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coherent information from him.” *Id.* The court observed identical behavior during his testimony on July 7, 2023, to that exhibited during his examination. Dr. Rogstad testified that misuse¹ of Adderall could account for some of Mr. Guertin’s symptoms, but acknowledged that she was not a toxicologist or medical doctor and that she did not know how much Adderall Mr. Guertin actually took. Despite reporting this possibility, Dr. Rogstad opines Mr. Guertin is not competent.

As a result of his symptoms, Dr. Rogstad believes that Mr. Guertin is unable to participate in the legal process regarding his criminal matters. She credibly testified that while Mr. Guertin has good factual knowledge, he is unable to apply this knowledge due to delusional beliefs. For example, when Mr. Guertin spoke about his delusional beliefs, he indicated he would present evidence supporting these beliefs. In her report, Dr. Rogstad states, “...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.” *Id.* at 9. Specifically, Dr. Rogstad reports that his delusions impacted his perception of relevant evidence, that he supported the choices he made “...with impaired perceptions of objective reality,” and that ultimately, he was unable to participate in “consistently coherent” and “reality-based” discussions regarding the proceedings. *Id.* Her testimony supports these conclusions when she states that Mr. Guertin did not understand evidence or the ramifications of making decisions because of the delusions that emerged as they were discussing legal proceedings. Dr. Rogstad also testified that Mr. Guertin lacks insight into his mental health, as evidenced by his belief that he is under duress as opposed to having any impaired perceptions. Finally, Dr. Rogstad testified that neither her report nor her opinion changed after observing Mr. Guertin’s testimony during the July 7, 2023 hearing.

¹ Mr. Guertin testified that he takes additional dosages of his Adderall medication on long days because the medication is “fast-acting.” He gave one example as working overnight at Coachella to finish an art piece for the next day.

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State of MN vs MATTHEW DAVID GUERTIN

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The court finds that the greater weight of the evidence establishes that Mr. Guertin is not competent to proceed at this time. He suffers from a mental illness with a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder, as offered by Dr. Rogstad. This may also include a mood component, namely mania or hypomania. This mental illness prevents Mr. Guertin from rationally understanding the legal process and obstructs his ability to prepare a defense or rationally consult with his counsel. Dr. Rogstad persuasively reports that Mr. Guertin’s delusions impact his strategical decisions. For instance, he indicated that providing testimony at his trial would serve “...as a way to ‘have the opportunity to make all this stuff [about his perceived persecution] public in the courtroom,’” with similar thoughts regarding evidence he collected. Ex. 3, p. 9. Additionally, the court observed Mr. Guertin testify, during which his answers often wandered towards the themes of technology, patents, and competitors. While it is evident that Mr. Guertin is an intelligent, talented individual with a passion for technology, this does not necessarily make him competent to proceed in his criminal matters. He may understand the factual components of criminal proceedings, but it is evident to the court that he is unable to apply this factual knowledge in his defense. Based upon the totality of evidence before the court including Mr. Guertin’s testimony, Dr. Rogstad’s testimony, and the exhibits received into evidence, the court concludes that the greater weight of the evidence establishes that Mr. Guertin is not currently competent to proceed and thus, the defense has not met their burden of proof.

In summary, the court finds the testimony and report of Dr. Rogstad to be the most credible and persuasive evidence regarding Mr. Guertin’s competency to proceed. Dr. Rogstad has extensive experience conducting forensic evaluations, including having completed approximately 400 forensic evaluations. *See also* Ex. 2. Her report was thorough and considered several possible factors contributing to Mr. Guertin’s symptoms, as well as the significance of those symptoms.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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The court also notes the similarity in Mr. Guertin’s presentation during both his evaluation and at the July 7, 2023 hearing: Mr. Guertin presented as verbose, with responses to questions that included excessive detail. He often brought his responses back to the themes of technology, patents, and competitors; and on occasion, had to ask that questions be repeated due to his extensive responses. Mr. Guertin appears to the court to be unable to separate matters involving his criminal charges from his delusional thoughts regarding his technology. It was evident that he continues to suffer from mental health concerns that impact his ability to fully understand and engage in the proceedings regarding his criminal matters.

CONCLUSIONS OF LAW

“A defendant has a due process right not to be tried or convicted of a criminal charge if he or she is legally incompetent.” *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011). Rule 20.01 of the Minnesota Rules of Criminal Procedure requires that if the court finds by the greater weight of the evidence that the defendant is competent, it must enter an order finding the defendant competent to proceed. Minn. R. Crim. P. Rule 20.01, subd. 5(c). A defendant is incompetent and must not plead, be tried, or be sentenced if the defendant due to mental illness or cognitive impairment lacks ability to: (a) rationally consult with counsel; or (b) understand the proceedings or participate in the defense. *Id.*, subd. 2. The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case. Moreover, fact-finders, including district courts, are not required to accept an expert’s testimony or recommendations. *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016). Foremost, throughout the criminal proceedings the trial court must be mindful of its protective duty to ensure that a defendant is competent to proceed. See *State v.*

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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Bauer, 245 N.W.2d 848, 852 (Minn. 1976) (ruling that the court should have conducted further inquiry into the important matter of defendant’s competency).

The greater weight of the evidence establishes that Mr. Guertin is incompetent to proceed.

ORDER

Defendant, Matthew David Guertin, is currently **INCOMPETENT** to proceed.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

Order-Other (duplicate of “Finding of Incompetency and Order”)

2023-07-13 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

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Company: Hewlett-Packard Company
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Creator: **Danielle C. Mercurio**

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STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
PROBATE/MENTAL HEALTH DIVISION

Court File No. 27-CR-23-1886

State of Minnesota,
Plaintiff,

v.

Matthew David Guertin,
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**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER REGARDING
COMPETENCY TO PROCEED**

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- 1. Defendant is currently **INCOMPETENT** to proceed.

FINDINGS OF FACT

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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Serial Number-Receive/Possess With No Serial Number (Felony), Firearm-Serial Number-Receive/Possess With No Serial Number (Felony), and Firearm-Serial Number-Receive/Possess With No Serial Number (Felony), from an incident alleged to have occurred on January 21, 2023. On January 25, 2023, the Honorable Lyonel Norris, Referee of District Court, found probable cause to believe that the offenses were committed and that Defendant committed them. He then ordered that a Rule 20.01 evaluation be completed. Jill E. Rogstad, Ph.D., LP, ABPP (Forensic), was assigned to complete the evaluation of the Defendant. She filed her report on March 10, 2023, opining that Mr. Guertin is incompetent and provided the following diagnoses:

Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary).

Mr. Guertin challenges Dr. Rogstad’s conclusion, taking the position that he is competent to proceed in his criminal matters. Mr. Guertin testified that he is currently employed as the Chief Executive Officer (CEO) of a start-up company. His company is listed as the assignee on United States Patent No. 11,577,177 B2, and he, as an individual, is listed as the inventor and the applicant. *Ex. 1.* Mr. Guertin testified that he understands his charges, noting that reckless discharge of a firearm in a municipality is a felony with a maximum of a two-year sentence. He notes that he and his attorney have discussed possible defenses; that he understands the information relayed to him by his attorney; and that there is nothing impeding their relationship. In fact, Mr. Guertin and his attorney, Mr. Rivers, have had a professional relationship for many years. Mr. Guertin also admitted to having been through criminal proceedings in the past. While he acknowledged that he may not understand all the technicalities of criminal proceedings, he indicates that he would ask his attorney if he had questions about the proceedings. Mr. Guertin appeared well-dressed, noting that he wore a tie to court “to be presentable.” He presents as intelligent and passionate about his work with technology, including his patent. However, much of his testimony was focused on his

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2023-07-13

MCRO_27-CR-23-1886_Order-Other_2023-07-13_20240430072355.pdf

File Hash: 7f55a35d9f19876d7b081395bf8911471b7aa385da1c5dc294892ba945f9e419

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technological work and patent, and he required frequent redirection to stay on point. In fact, there were times during his testimony that Mr. Guertin became lost in his answer to a question because of rambling statements about his patent or other unrelated topics. For instance, when discussing the events that led to what he describes as the “most cordial standoff ever” [with the police], Mr. Guertin began discussing his actions in firing his gun in order to attract the police. He did so instead of calling 911 because he could not trust his electronic devices due to his suspicions involving Netflix and Microsoft and protection of his patent. The court appreciates Mr. Guertin’s testimony and his participation in the hearing; however, the court has serious concerns regard Mr. Guertin’s ability to meaningfully participate in criminal proceedings and understand the process, given his perseveration regarding his patent, and his delusional beliefs about others.

Dr. Rogstad opines that Mr. Guertin is not competent to proceed in his criminal matters, concluding in her report “...that Mr. Guertin’s symptoms presently compromise his capacity to understand rationally the proceedings, participate in the defense, and consult rationally with counsel.” Ex. 3, p. 9. Dr. Rogstad offers a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder (primary). While Dr. Rogstad testified that this is a legitimate diagnosis, she indicated that additional information would be needed to provide more specificity. Dr. Rogstad notes that Mr. Guertin “...displays prominent delusional beliefs that include persecutory and referential themes,” the content and intensity of which “...are highly consistent with phenomenology of the persecutory delusions that can accompany psychotic disorders.” *Id.* at 7. She further indicates that Mr. Guertin may also suffer from a mood-related disorder, namely mania or hypomania, given “...his frequent digressions and tendency to become distracted by his own thoughts,” which “...were consistent with flight of ideas.” *Id.* at 8. She also notes that Mr. Guertin was “highly distractible” during the examination, making it “...difficult to extract meaningful,

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2023-07-13

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Page: 4 of 7 [[source file](#)] [[.ots timestamp of source file](#)] [[pdf signatures](#)] [[metadata](#)]

coherent information from him.” *Id.* The court observed identical behavior during his testimony on July 7, 2023, to that exhibited during his examination. Dr. Rogstad testified that misuse¹ of Adderall could account for some of Mr. Guertin’s symptoms, but acknowledged that she was not a toxicologist or medical doctor and that she did not know how much Adderall Mr. Guertin actually took. Despite reporting this possibility, Dr. Rogstad opines Mr. Guertin is not competent.

As a result of his symptoms, Dr. Rogstad believes that Mr. Guertin is unable to participate in the legal process regarding his criminal matters. She credibly testified that while Mr. Guertin has good factual knowledge, he is unable to apply this knowledge due to delusional beliefs. For example, when Mr. Guertin spoke about his delusional beliefs, he indicated he would present evidence supporting these beliefs. In her report, Dr. Rogstad states, “...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.” *Id.* at 9. Specifically, Dr. Rogstad reports that his delusions impacted his perception of relevant evidence, that he supported the choices he made “...with impaired perceptions of objective reality,” and that ultimately, he was unable to participate in “consistently coherent” and “reality-based” discussions regarding the proceedings. *Id.* Her testimony supports these conclusions when she states that Mr. Guertin did not understand evidence or the ramifications of making decisions because of the delusions that emerged as they were discussing legal proceedings. Dr. Rogstad also testified that Mr. Guertin lacks insight into his mental health, as evidenced by his belief that he is under duress as opposed to having any impaired perceptions. Finally, Dr. Rogstad testified that neither her report nor her opinion changed after observing Mr. Guertin’s testimony during the July 7, 2023 hearing.

¹ Mr. Guertin testified that he takes additional dosages of his Adderall medication on long days because the medication is “fast-acting.” He gave one example as working overnight at Coachella to finish an art piece for the next day.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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The court finds that the greater weight of the evidence establishes that Mr. Guertin is not competent to proceed at this time. He suffers from a mental illness with a diagnosis of Unspecified Schizophrenia Spectrum and Other Psychotic Disorder, as offered by Dr. Rogstad. This may also include a mood component, namely mania or hypomania. This mental illness prevents Mr. Guertin from rationally understanding the legal process and obstructs his ability to prepare a defense or rationally consult with his counsel. Dr. Rogstad persuasively reports that Mr. Guertin’s delusions impact his strategical decisions. For instance, he indicated that providing testimony at his trial would serve “...as a way to ‘have the opportunity to make all this stuff [about his perceived persecution] public in the courtroom,’” with similar thoughts regarding evidence he collected. Ex. 3, p. 9. Additionally, the court observed Mr. Guertin testify, during which his answers often wandered towards the themes of technology, patents, and competitors. While it is evident that Mr. Guertin is an intelligent, talented individual with a passion for technology, this does not necessarily make him competent to proceed in his criminal matters. He may understand the factual components of criminal proceedings, but it is evident to the court that he is unable to apply this factual knowledge in his defense. Based upon the totality of evidence before the court including Mr. Guertin’s testimony, Dr. Rogstad’s testimony, and the exhibits received into evidence, the court concludes that the greater weight of the evidence establishes that Mr. Guertin is not currently competent to proceed and thus, the defense has not met their burden of proof.

In summary, the court finds the testimony and report of Dr. Rogstad to be the most credible and persuasive evidence regarding Mr. Guertin’s competency to proceed. Dr. Rogstad has extensive experience conducting forensic evaluations, including having completed approximately 400 forensic evaluations. *See also* Ex. 2. Her report was thorough and considered several possible factors contributing to Mr. Guertin’s symptoms, as well as the significance of those symptoms.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: Order-Other

Filing Date: 2023-07-13

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The court also notes the similarity in Mr. Guertin’s presentation during both his evaluation and at the July 7, 2023 hearing: Mr. Guertin presented as verbose, with responses to questions that included excessive detail. He often brought his responses back to the themes of technology, patents, and competitors; and on occasion, had to ask that questions be repeated due to his extensive responses. Mr. Guertin appears to the court to be unable to separate matters involving his criminal charges from his delusional thoughts regarding his technology. It was evident that he continues to suffer from mental health concerns that impact his ability to fully understand and engage in the proceedings regarding his criminal matters.

CONCLUSIONS OF LAW

“A defendant has a due process right not to be tried or convicted of a criminal charge if he or she is legally incompetent.” *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011). Rule 20.01 of the Minnesota Rules of Criminal Procedure requires that if the court finds by the greater weight of the evidence that the defendant is competent, it must enter an order finding the defendant competent to proceed. Minn. R. Crim. P. Rule 20.01, subd. 5(c). A defendant is incompetent and must not plead, be tried, or be sentenced if the defendant due to mental illness or cognitive impairment lacks ability to: (a) rationally consult with counsel; or (b) understand the proceedings or participate in the defense. *Id.*, subd. 2. The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case. Moreover, fact-finders, including district courts, are not required to accept an expert’s testimony or recommendations. *State v. Roberts*, 876 N.W.2d 863, 868 (Minn. 2016). Foremost, throughout the criminal proceedings the trial court must be mindful of its protective duty to ensure that a defendant is competent to proceed. See *State v.*

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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Bauer, 245 N.W.2d 848, 852 (Minn. 1976) (ruling that the court should have conducted further inquiry into the important matter of defendant’s competency).

The greater weight of the evidence establishes that Mr. Guertin is incompetent to proceed.

ORDER

Defendant, Matthew David Guertin, is currently **INCOMPETENT** to proceed.

Order Recommended By:

BY THE COURT:

Referee of District Court

Judge of District Court

Judge Julia Dayton Klein | Order Denying IFP Fee Waiver

2024-05-23 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

File Name:	81_Order-Denying-IFP-Fee-Waiver_2024-05-23.pdf
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Company:	Minnesota Judicial Branch
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Title:	Order Regarding Fee Waiver Request (In Forma Pauperis)
Creator:	Kuberski, Virginia, Kuberski, Virginia

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order Denying Fee Waiver·

Filing Date: 2024-05-23

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A24-0780

STATE OF MINNESOTA

IN COURT OF APPEALS

Fourth Judicial District Court Case Number:27-CR-23-1886

Type: Criminal

State of Minnesota,
Respondent,
vs.
David Matthew Guertin,
Defendant/Petitioner

Order Denying Fee Waiver Request (In Forma Pauperis)

Based on the affidavit of the applicant, Matthew David Guertin, and the authority of Minn. Stat. § 563.01, the Court FINDS:

- ☒ The applicant has not given the Court enough information to determine if the applicant is eligible for a full or partial fee waiver. The applicant needs to give the Court more information about the applicant's:
- ☒ public assistance ☐ attorney ☒ income ☒ expenses

IT IS ORDERED THAT: The applicant's request to waive court fees and costs is DENIED.

BY THE COURT:

Julia Dayton Klein
Judge of District Court

Judge Julia Dayton Klein | Order Denying IFP Fee Waiver

2024-05-30 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

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Company:	Minnesota Judicial Branch
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Creator:	Kuberski, Virginia, Kuberski, Virginia

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order Denying Fee Waiver·

Filing Date: 2024-05-30

89__Order-Denying-Rule-103-01-Fee-Waiver__2024-05-30.pdf

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A24-0780

STATE OF MINNESOTA

IN COURT OF APPEALS

Fourth Judicial District Court Case Number:27-CR-23-1886

Type: Criminal

State of Minnesota,
Respondent,

vs.

David Matthew Guertin,
Defendant/Petitioner

Order Denying Fee Waiver Request (In Forma Pauperis)

This matter came before the Court on May 30, 2024 on Petitioner’s Motion for Waiver of Fees Pursuant to Rule 103.01, subd. 3(c).

The Court notes that the order from which Defendant/Petitioner seeks relief is an Order Denying Defendant’s Motion to Represent Self Pro Se in Fourth Judicial District Criminal Court File No. 27-CR-23-1886. The Order is not from a proceeding under Minnesota Statutes Chapter 253B or 253D. Therefore, Minnesota Rule of Appellate Procedure 103.01, subd. 3(c) does not apply.

Defendant/Petitioner has not provided information regarding any public assistance he might be receiving, his income, or his expenses.

Based on the affidavit of the applicant, Matthew David Guertin, and the authority of Minn. Stat. § 563.01, the Court FINDS:

☒ The applicant has not given the Court enough information to determine if the applicant is eligible for a full or partial fee waiver. The applicant needs to give the Court more information about the applicant’s:

☒ public assistance ☐ attorney ☒ income ☒ expenses

IT IS ORDERED THAT: The applicant’s request to waive court fees and costs is DENIED.

BY THE COURT:

Julia Dayton Klein
Judge of District Court

Judge Julia Dayton Klein | Order to Recuse

2024-07-15 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

File Name: [95_Judge-Julia-Dayton-Kleins-Order-to-Recuse_2024-07-15.pdf](#)
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Company: MN Judicial Branch
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(Minnesota Judicial Branch; licensed version)
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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: Order to Recuse

Filing Date: 2024-07-15

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Page: 1 of 1 [source file] [.ots timestamp of source file] [pdf signatures] [metadata]

State of Minnesota

District Court

County of Hennepin

Fourth Judicial District

State of Minnesota,
Plaintiff,

RECUSAL ORDER

v.

Matthew David Guertin,
Defendant.

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

The undersigned Judge of District Court hereby recuses herself from future proceedings in the above-entitled matter.

ORDER

1. The undersigned Judge of District Court hereby recuses herself from future proceedings in the above-entitled matter.
2. The Court administrator shall serve copies of this Order via eService on counsel for the State and for Defendant.

By the Court:

Julia Dayton Klein
Judge of District Court

ORDER REGARDING DEFENDANT’S COMPETENCY

2025-04-03 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

DOCUMENT METADATA

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2025-04-03

127__Order-Finding-Guertin-Competent__2025-04-03.pdf

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT
PROBATE/MENTAL HEALTH DIVISION

State of Minnesota, Plaintiff.	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER REGARDING DEFENDANT’S COMPETENCY TO PROCEED
v.	
Matthew Guertin, Defendant.	27-CR-23-1886

This matter came on before the undersigned judge on March 5, 2025, for an evidentiary hearing regarding Mr. Guertin’s competency. The hearing was held in-person at the Hennepin County Government Center in room C457.

- Assistant Hennepin County Attorney Mawerdi Hamid appeared for the State.
- Assistant Hennepin County Public Defenders Raissa Carpenter and Emmett Donnelly represented Mr. Guertin, who appeared out of custody.

At the hearing, the Court took judicial notice of Dr. Katheryn Cranbrook’s December 20, 2024, Examiner’s Report without objection from the parties and heard testimony from Mr. Guertin.¹

The Court, having considered the matter, now makes the following:

BACKGROUND

1. Mr. Guertin is charged with the following:
 - One count of Reckless Discharge of a Firearm within a Municipality (Felony) arising from an incident alleged to have occurred on January 21, 2023.
 - Three counts of Receiving/Possessing a Firearm with no Serial Number (Felony) arising from an incident alleged to have occurred on January 21, 2023.

¹ Mr. Guertin uploaded several exhibits into MNCIS before the hearing. During his testimony, Mr. Guertin referenced several of these exhibits. During closing, the Defense informed the Court they would not be offering these exhibits outside of the testimony received at the hearing.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2025-04-03

127__Order-Finding-Guertin-Competent__2025-04-03.pdf

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2. On October 15, 2024, Judge Shereen Askalani ordered Mr. Guertin to undergo an Evaluation for Competency to Proceed pursuant to Rule 20.01 of the Minnesota Rules of Criminal Procedure to determine if he is competent to proceed to trial.

3. Mr. Guertin has previously been found incompetent to proceed on July 13, 2023, and January 16, 2024.

4. Dr. Katheryn Cranbrook was assigned to evaluate Mr. Guertin. In her December 20, 2024, Report, Dr. Cranbrook opined Mr. Guertin “declined to participate in [the] evaluation due to ongoing symptoms of mental illness” and “defendant’s prognosis for attaining the capacity for competent participation in the legal process appears poor.”²

FINDINGS OF FACT

1. The Court’s findings are based on the information and opinions provided by Dr. Cranbrook in her Rule 20.01 Evaluation Report (“Report”) dated December 20, 2024, and on the testimony of Mr. Guertin at the hearing.

2. Dr. Katheryn Cranbrook filed her report with this Court on December 20, 2024. In her report, Dr. Cranbrook diagnosed Mr. Guertin with Unspecified Schizophrenia Spectrum and Other Psychotic Disorder based on available records.³ Dr. Cranbrook reported Mr. Guertin failed to cooperate with an examination despite several attempts.⁴ Dr. Cranbrook opined Mr. Guertin “has a history of psychosis characterized by prominent delusional thinking, as well as impaired thought processes.”⁵ Furthermore, Dr. Cranbrook reported Mr. Guertin has recently demonstrated symptoms of psychosis during previous competence evaluations which “has persisted in his recent communications and allegations.”⁶ Dr. Cranbrook has opined these symptoms “have been noted to compromise his capacity to rationally engage in the evaluation and effectively communicate.”⁷ Dr. Cranbrook further notes Mr. Guertin’s paranoid beliefs and persistent allegations of violations of his constitutional rights are consistent with the “impaired thought processes that have previously rendered him incompetent to proceed.”⁸ Dr. Cranbrook ultimately opined Mr. Guertin “declined to participate in [the] evaluation due to ongoing symptoms of mental illness” and “defendant’s prognosis for attaining the capacity for competent participation in the legal process appears poor.”⁹ The Court finds Dr. Cranbrook’s report to be generally reliable based upon his presentation, or lack thereof.

² Report, p.4.

³ *Id.* at 3.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 4.

⁹ *Id.*

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2025-04-03

127__Order-Finding-Guertin-Competent__2025-04-03.pdf

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3. Mr. Guertin testified at the hearing in opposition to Dr. Cranbrook’s report and a finding of incompetency. Mr. Guertin testified he has had three Rule 20 exams which have determined he is incompetent. Mr. Guertin also testified about what he believes to have been manipulated discovery materials in his previous civil commitment case and a motion he filed in that case seeking “authentic” discovery materials. Mr. Guertin provided extensive testimony at the hearing challenging Dr. Cranbrook’s opinion he is suffering from mental illness. Mr. Guertin testified Netflix and Microsoft were involved in the theft of his patent, and these beliefs were not based in delusions. He testified about his extensive professional background to support his assertion of the corporate wrongdoing toward him. While the Court has no basis upon which it can discount Mr. Guertin’s apparently credible testimony about his past professional career, he did attempt to inflate his past work by ascribing an “engineering” label to his work, although he acknowledged he was not educated or certified/licensed as an engineer. Still, he appears to have extensive experience in his chosen work. The pride he has in his past work was discussed at great length in an apparent attempt to show his past evaluators improperly did not believe the reported work history was valid. The Court believes his criticism of the past diagnoses misses the mark. While his work history may be beyond reproach, his claims that Netflix and Microsoft have engaged in theft of intellectual property does not appear to have support. His beliefs in that regard appear to be fantastical and paranoid.

4. Regarding the current charges against him, however, he is more realistic. He said he is charged with reckless discharge of a firearm in a municipality and three counts of possession of a gun without a serial number. He understands how a case is presented in criminal court, a criminal case might not go to trial, he may have a chance to argue a case in front of a jury, and he has a right to call witnesses. Mr. Guertin testified the prosecution is against him. He said he would like a resolution to his case. Mr. Guertin testified he has conducted research on competency-related case law and Minnesota Court rules and has created custom Chat GPT bots which can help him analyze various aspects of his case. Mr. Guertin also testified if he were to be found competent, he would not necessarily proceed to trial without an attorney since he has felony charges. He understands the nature of the charges against him. He understands the roles of the many parties. He understands the severity of the allegations against him. He understands the benefits of having counsel. He understands the nature of a trial, and the plea bargain process.

5. While this Court finds Mr. Guertin to be unsupported in his claims of corporate fraud against him and the foundation for the earlier incompetency findings against him, Mr. Guertin has demonstrated an understanding of Court processes and the charges he is facing, as well as the ability to consult with his counsel about his defense. He may have his own thoughts about how best to defend his case—whether he can rationally consult with counsel is the crux of any incompetency determination involving Mr. Guertin—but he has said he recognizes the value of having legal representation. He will work with his legal team, and he understands there are some decisions he gets to make, while there are other decisions reserved for his counsel. Ultimately, the Court finds Mr. Guertin is competent.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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CONCLUSIONS OF LAW

1. “A defendant has a due process right not to be tried or convicted of a criminal charge if he or she is legally incompetent.”¹⁰ Rule 20.01 of the Minnesota Rules of Criminal Procedure requires the court to find a defendant not competent unless the greater weight of the evidence shows the defendant is competent to proceed.¹¹ A defendant is not competent if, due to mental illness or cognitive impairment, he is unable to “(a) rationally consult with counsel or (b) understand the proceedings or participate in the defense.”¹² The determination of whether a defendant is able to rationally consult with the defense attorney or understand and participate in the proceedings turns on the facts of each particular case.

2. Foremost, throughout the criminal proceedings, the trial court must be mindful of its protective duty to ensure a defendant is competent to proceed.¹³

3. Mr. Guertin is contesting the report prepared by Dr. Cranbrook which opines his declination to participate in an evaluation was due to his symptoms of mental illness and his prognosis for obtaining legal competency appears poor. While Dr. Cranbrook does not provide a conclusive opinion regarding Mr. Guertin’s competency, Mr. Guertin bears the burden to prove, by a preponderance of evidence, he is competent.¹⁴

6. Here, Mr. Guertin has met that burden. He demonstrated in testimony he understands the charges, role of counsel and the Court, and the proceedings. Based on the record before the Court, the Court ultimately finds Dr. Cranbrook’s conclusion that Mr. Guertin is suffering from a mental illness credible. However, Mr. Guertin has demonstrated an understanding of Court processes and the charges he is facing, as well as the ability to consult with his counsel about his defense.

ORDER

Matthew Guertin is **COMPETENT** to proceed to trial.

BY THE COURT:

April 3, 2025

Date

William H. Koch, Judge of District Court

¹⁰ *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011)

¹¹ Minnesota Rules of Criminal Procedure Rule 20.01, subdivision 5(c).

¹² *Id.*, subdivision 2.

¹³ *See State v. Bauer*, 245 N.W.2d 848, 852 (Minn. 1976) (ruling the court should have conducted further inquiry into the important matter of defendant’s competency).

¹⁴ *See State v. Curtis*, 921 N.W.2d 342, 348 (Minn. 2018); see also *State v. Thompson*, 988 N.W.2d 149, 154 (“when a defendant assert their own competence in a contested competency proceeding under Rule 20.02, the defendant bears the burden to prove competence”) (Minn. App. 2023).

Order

Page 4 of 4

ORDER REGARDING *PRO SE* MOTIONS

2025-05-30 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order-Other·

Filing Date: 2025-05-30

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27-CR-23-1886

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State of Minnesota
5/30/2025 5:26 PM

STATE OF MINNESOTA

DISTRICT COURT

HENNEPIN COUNTY

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

Matthew David Guertin,

Defendant.

ORDER REGARDING *PRO SE*
MOTIONS

MNCIS No. 27-CR-23-1886

Judge Sarah Hudleston

This matter came before the undersigned Judge of District Court on May 7, 2025, on Mr. Guertin’s Emergency Motion to Stay and Vacate April 29, 2025, Rule 20.01 Competency Order (Index No. 90) and Motion to Confirm *Pro Se* Status and Discharge Court Appointed Counsel (Index No. 91). Assistant Hennepin County Attorney Mawerdi Hamid represents the State. Assistant Hennepin County Public Defenders Raissa Carpenter and Emmett Donnelly represent defendant Matthew Guertin.

On April 29, 2025, prior to Mr. Guertin filing the instant motions, the Court ordered a competency evaluation under Minnesota Rule of Criminal Procedure 20.01 and Minnesota Statute Section 611.42. Based on review of Mr. Guertin’s *pro se* Motion to Dismiss (Index No. 131) and associated filings (*see* Index Nos. 131, 134-184), as well as the broader record in the case, the Court found that Mr. Guertin, though extremely intelligent, lacked the ability to rationally consult with counsel. *See* Minn. Stat. § 611.42, subd. 1(1). The Court further determined that it could not accept Mr. Guertin’s Petition to Proceed as *Pro Se* Counsel (Index No. 133). *See* Minn. Stat. § 611.42, subd. 2. Because Mr. Guertin remains represented and

Case No. 27-CR-23-1886
State of MN vs MATTHEW DAVID GUERTIN

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defense counsel has not adopted either motion, the Court will not consider these motions
(Index Nos. 90 and 91).

IT IS SO ORDERED.

BY THE COURT:

Dated: May 30, 2025

SARAH HUDLESTON
Judge of District Court

Judge Julia Dayton Klein | Order Regarding Request for Rule 20 Extension
2025-07-03 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order Regarding Request for Rule 20 Extension·

Filing Date: 2025-07-03

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State of Minnesota	District Court
County of: Hennepin	Court File Number: 27-CR-23-1886
Judicial District: Fourth Judicial District	Case Type: Crim/Traf Mandatory

State of Minnesota vs MATTHEW DAVID GUERTIN
Defendant’s Date of Birth: 07/17/1981

Order Regarding Request for Extension of Rule 20 Evaluation Report
Due Date

In its April 29, 2025, Order, the court appointed 4th Psychological Services to complete a Rule 20 examination of the defendant. The court-appointed examiner has requested an extension of the due date for delivering the written examination report to the Court.

Based upon the files and records, the Court makes the following:

FINDINGS OF FACT

The Court finds good cause does exist for extending the due date for the written examination report based on the following:

The examiner has an interview scheduled with the defendant; however, our office requires additional time to complete the evaluation.

Based upon the foregoing Findings of Fact, the Court makes the following:

ORDER

1. The court-appointed examiner’s request for an extension of the Rule 20 written examination report due date is GRANTED.
2. The court appointed Examiner shall promptly provide copies of the report to the prosecuting attorney and defense counsel.

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order Regarding Request for Rule 20 Extension·

Filing Date: 2025-07-03

215__Order Regarding Request for Rule 20 Extension__2025-07-03.pdf

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3. The current review hearing:

☒ Is rescheduled to August 05, 2025, at 1:30 PM before Danielle Mercurio.

Judge of District Court Date

Judge William H. Koch | Order Regarding Request for Rule 20 Extension
2025-08-04 Minnesota Fourth Judicial District Court, Case No. 27-CR-23-1886

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Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

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Filing Date: 2025-08-04

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Page: 1 of 2 [source file] [.ots timestamp of source file] [pdf signatures] [metadata]

State of Minnesota	District Court
County of: Hennepin	Court File Number: 27-CR-23-1886
Judicial District: Fourth Judicial District	Case Type: Crim/Traf Mandatory

State of Minnesota vs MATTHEW DAVID GUERTIN
Defendant’s Date of Birth: 07/17/1981

Order Regarding Request for Extension of Rule 20 Evaluation Report
Due Date

In its April 02, 2025, Order, the court appointed 4th Psychological Services to complete a Rule 20 examination of the defendant. The court-appointed examiner has requested an extension of the due date for delivering the written examination report to the Court.

Based upon the files and records, the Court makes the following:

FINDINGS OF FACT

The Court finds good cause does exist for extending the due date for the written examination report based on the following:

The examiner, Dr. Cranbrook, Katheryn, must review additional data to complete their evaluation. Consequently, we will need more time to submit our report.

Based upon the foregoing Findings of Fact, the Court makes the following:

ORDER

1. The court-appointed examiner’s request for an extension of the Rule 20 written examination report due date is GRANTED.
2. The court appointed Examiner shall promptly provide copies of the report to the prosecuting attorney and defense counsel.

Order Regarding Request for Extension of Rule 20 Evaluation Report Due Date

Case No. 27-CR-23-1886

State of MN vs MATTHEW DAVID GUERTIN

Filing Type: ·Order Regarding Request for Rule 20 Extension·

Filing Date: 2025-08-04

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Page: 2 of 2 [source file] [.ots timestamp of source file] [pdf signatures] [metadata]

3. The current review hearing:

☒ Is rescheduled to October 07, 2025, at 1:30 PM before Lori Skibbie.

Referee of District Court Date

Judge of District Court Date