

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

3
4 State of Minnesota,

5 Plaintiff, Transcript of Proceedings

6 vs. Court File No. 27-CR-23-1886

7 Matthew David Guertin,

8 Defendant.

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11 The above-entitled matter came before the
12 Honorable Sarah Hudleston, one of the Judges of the above-named
13 court, in Courtroom 1055, Hennepin County Government Center, 300
14 South Sixth Street, Minneapolis, Minnesota, on the 17th day of
15 April, 2025, at 9:15 a.m.
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A P P E A R A N C E S

Mawerdi Hamid, Assistant Hennepin County Attorney,
appeared as counsel for and on behalf of the Plaintiff.

Raissa Carpenter and Emmett Donnelly, Assistant
Hennepin County Public Defenders, appeared as counsel for and
with the Defendant.

MINNESOTA
JUDICIAL
BRANCH

Maya Funk
Official Court Reporter
Minneapolis, Minnesota

1 P R O C E E D I N G S

2 THE CLERK: Your Honor, this is the State of
3 Minnesota vs. Matthew Guertin, Court File 27-CR-23-1886,
4 and we are on the record.

5 THE COURT: Good morning, Mr. Guertin.

6 MR. GUERTIN: Good morning.

7 THE COURT: Good morning, counsel. Note
8 appearances, please.

9 MS. HAMID: Good morning. Mawerdi Hamid for
10 the state.

11 MR. DONNELLY: Your Honor, Emmett Donnelly and
12 Raissa Carpenter on behalf of Matthew Guertin. Matthew
13 Guertin is present and seated between us.

14 THE COURT: Okay. So, this omnibus hearing had
15 been postponed several times based on the Rule 20.01
16 referral and evaluation report, and then that report was
17 contested, and I understand that Judge Koch ultimately
18 entered a finding recently of competence.

19 And so, counsel, from your perspective what is
20 the status of the case and what are you asking for today?
21 Ms. Carpenter or Mr. Donnelly?

22 MR. DONNELLY: Sure, Your Honor. Yes. The
23 contested competency hearing was held in front of Judge
24 Koch. He made a ruling. That was a request, a demand
25 for a competency hearing that was made by Mr. Guertin.

1 And of course we as his counsel provided representation
2 during that hearing. That doesn't mean that we concur
3 with the ruling. But in any event, here we are.

4 In our conversations with Mr. Guertin, he has
5 filed various pro se motions including a motion to
6 dismiss. And I believe that that motion to dismiss also
7 includes a demand for an evidentiary hearing. And if it
8 wasn't specifically stated in there, I believe Mr.
9 Guertin's intent is at least to amend his motion to
10 include a demand for an evidentiary hearing.

11 Ms. Carpenter and I are his attorneys of
12 record. We have not filed that motion. We have not
13 adopted that motion. But it is not -- we do not intend
14 to bring it up for a hearing, but it is not our role to
15 dispose of that motion either.

16 THE COURT: Okay. Well, Mr. Guertin, you have
17 counsel. So, they handle the filings. They handle the
18 motions. We don't generally accept additional pro se
19 motions when someone is represented. So, I think --
20 well, Ms. Hamid, what is your position on these motions?

21 MS. HAMID: Your Honor, I'm agreeing with
22 defense counsel. Defendant is represented. He filed the
23 pro se motion. It appears that the counsels are not
24 adopting or filing this motion on his behalf, and it's
25 not properly before the Court and should not be

1 addressed.

2 THE COURT: Okay. And I'm seeing here that
3 this was filed yesterday. It looks like it says,
4 "Motions to Dismiss all Charges with Prejudice" is the
5 caption, and then there are a number of sub-pieces to the
6 motion.

7 So, I'm not, Mr. Guertin, intending to address
8 those because you have counsel who are very well trained
9 in the law and very experienced, and they are going to
10 bring any meritorious motions they see, and they have
11 defended you and put forth your interests in this recent
12 competency proceeding. So, I know that they're very good
13 attorneys, and I'm going with what they're doing right
14 now.

15 MR. GUERTIN: It sounds like I'm still being
16 held incompetent and having people control my decisions
17 that I make even though my path forward that I would like
18 to take is in fact to have -- that's my legal strategy
19 that I would like to employ. So, technically I'm the one
20 that ultimately makes the decisions since if we want to
21 be technical based on a role, these are public defenders
22 who normally I have now for the fact that I was --
23 satisfied the criteria of not making enough money. But
24 normally they would be paid, and they would be hired by
25 me. And so technically, if you want to be technical,

1 they work for me, right? There would be the same as
2 hiring an employee. They are representing me and
3 representing my legal strategy that I would like to
4 employ.

5 The legal strategy that I would like to employ
6 at this time is to have a motion for a continuance right
7 now to give you a chance to look over that since I know
8 it was just filed yesterday at 3:15 p.m.

9 THE COURT: Okay.

10 MR. GUERTIN: That's the legal strategy that I
11 would like to employ and how I would like to move forward
12 with my legal case.

13 THE COURT: Okay. I understand that that is
14 the legal strategy you are seeking to employ. Your
15 attorneys in addition to being your attorneys who work
16 with you, they are officers of the court. They're sworn
17 to not make frivolous motions. They are not allowed to
18 bring things to the Court that don't have a sound legal
19 basis. And they are also sworn to be zealous advocates
20 for you on your behalf within the bounds of the law. So,
21 I trust that they will do that, and I'm not going to
22 override the rules and look at something that you filed
23 even though I hear you saying that that's what you want
24 and that is your strategy.

25 So, with that, counsel, what do you see as the

1 next step here?

2 MR. DONNELLY: Well, I think that Mr. Guertin's
3 going to make some decisions about how he intends to move
4 forward given the Court's ruling. And he has some
5 choices to make. One choice, of course, is who's
6 representing him. And then beyond that, the scheduling
7 of the case whether that's to ask the Court for a
8 continuance, set a trial, or reach a negotiation with the
9 state.

10 THE COURT: Okay. Do you want -- I know you've
11 spoken with him. At this point I'm expecting that we
12 would set a trial given the age of the case and then
13 certainly in the meantime, parties can negotiate, and if
14 they reach an agreement, we can strike the trial and I
15 can -- I'll get you in -- find a way anytime. Does
16 anybody have a problem with that course?

17 MR. DONNELLY: May we have a moment, Your
18 Honor?

19 THE COURT: Certainly. We'll give you some
20 white noise.

21 (Conversations were held off the record.)

22 MR. DONNELLY: So, Mr. Guertin has advised
23 counsel that he would like to discharge the public
24 defender's office and proceed with self-representation.
25 Typically, there's a form petition that needs to be

1 filled out. It doesn't always have to be, but it's more
2 a matter of how the Court wants to move forward with that
3 request.

4 THE COURT: Yes. Usually, Mr. Guertin, when
5 this happens, usually someone from the public defender's
6 office who is not your current attorney -- so Geoff
7 Isaacman or someone -- maybe Jessi Colbert would go over
8 the petition with you to make sure that you really
9 understand because it's a really big deal to not have an
10 attorney.

11 As I was describing, attorneys are trained with
12 three years of law school, so they know the rules. If
13 you're by yourself representing yourself, you'd be held
14 to those same rules. You'll have to know and follow
15 court procedure and criminal procedure and evidence rules
16 and things like that. And so, having a lawyer is
17 exceedingly helpful in court.

18 Now, of course you do have the right to self-
19 represent, but because it is such a big, important choice
20 and it comes with so many consequences, normally what we
21 do is have you meet, as I said, with a senior person in
22 the public defender's office to go over that petition.
23 So, I would intend if that is your desire to essentially
24 continue this hearing and we would come back at a time
25 that worked for one of those people with you with that

1 petition filled out.

2 Ms. Carpenter or Mr. Donnelly, is that still
3 your understanding as well as how this works?

4 MR. DONNELLY: I think that's fine, Your Honor.
5 It doesn't -- yes. That's fine. I don't think it has to
6 work that way, but we can do that. It would make sense I
7 think to continue it for a brief period of time for him
8 to consult with another person in the office.

9 THE COURT: Okay.

10 MR. DONNELLY: That's fine. I mean, I --

11 THE COURT: Ms. Hamid, any issues with that?

12 MS. HAMID: No, Your Honor.

13 THE COURT: Okay.

14 MR. GUERTIN: I would like to still -- like, I
15 understand either I have counsel or I don't.

16 THE COURT: Yes.

17 MR. GUERTIN: I understand that aspect of it,
18 but I would just -- to have an advisory role or like
19 standby counsel?

20 THE COURT: That's something that is gone over
21 in the petition.

22 MR. GUERTIN: Okay.

23 THE COURT: Yeah. You won't be able to have
24 standby counsel from the public defender's office, but
25 sometimes they are able to be advisory counsel, but it is

1 a very, very limited role. It's -- they don't initiate
2 anything. It's basically just to answer questions of
3 yours, legal questions. And so, having an attorney to
4 advocate for you is hugely more advantageous. It's just
5 a lot more ability to do things on your behalf and to do
6 the actual, you know, digging in work, the research, the
7 arguing.

8 So, again, all of that is just for background
9 for you. I understand that you are going to consider
10 this, and you'll go over the advisory counsel and the
11 different options there when you do the petition. But
12 that -- I'm not sure that standby counsel will be
13 available for you. I can certainly see and inquire if
14 there's another way for me to do that other than the
15 public defender's office, but I just want to make sure
16 you know that that doesn't for sure mean you'll have that
17 option.

18 MR. GUERTIN: Yeah. All I would request in
19 that situation then is to be provided with the time to do
20 the necessary research that I would need to do to be able
21 to make sure that I'm fulfilling all of the procedural
22 requirements of that role. And then my other question
23 would be how -- if I get a continuance and then -- my
24 question's just about how much time I have basically or
25 what sort of time is allotted. And then B would be if I

1 made that decision, when does that decision become
2 official? And then when would my motion that I entered
3 into the record get ruled on?

4 THE COURT: So, I can't give you specific
5 dates, but what would happen in broad big picture strokes
6 is that you would meet with the person I described from
7 the public defender's office, fill out that petition if
8 indeed you still want to go that route. Then we would
9 come back for essentially a continuation of this hearing.
10 We would essentially pause this hearing, come back and
11 finish it. At that point if I'm satisfied that you fully
12 understand what it means to represent yourself, I would
13 essentially discharge your public defenders, and you
14 would be at that point self-represented, and at that
15 point I could consider things that you file.

16 MR. GUERTIN: Okay. So, if we move forward
17 with that, what -- how -- when would we come back and
18 meet here again basically?

19 THE COURT: Right. So, that we would have to
20 coordinate with the state and with the public defender's
21 office. Let's see. Maybe if we can coordinate with
22 current counsel, at least someone then could come back
23 with him with that petition. I mean, if counsel are
24 available, we could make a time next week. We'll be in
25 trial, but we could make a time. Or the week of the 28th

1 we should have more time available because that's a block
2 week.

3 MS. HAMID: The 28th is better for me, Your
4 Honor. I have about seven trials next week.

5 THE COURT: Okay. So, let's look at the week
6 of the 28th then, please.

7 MR. GUERTIN: And that's when we're going to
8 come back here?

9 THE COURT: Correct. Yeah.

10 MR. GUERTIN: And then in between that time,
11 I'm going to do what? I'm going to fill out the
12 petition?

13 (Conversations were held off the record.)

14 MR. GUERTIN: How does the declaration come in
15 for -- it sounds like there's still another competency
16 determination being made as far as your mention of
17 whether or not you think I understand what it means to
18 represent myself. So, there's still some sort of
19 determination being made about whether or not I am
20 allowed to proceed with representing myself, it sounds
21 like?

22 THE COURT: Well, you will see on the petition
23 what that's referring to. I'm not referring to -- I'm
24 bound by the competency finding. But the petition talks
25 about making an informed, knowing, voluntary, intelligent

1 waiver of your right to have counsel. And so, I need to
2 make sure that that's met. That you fully understand all
3 of the things that are described in that petition such as
4 the things I described that -- what your responsibilities
5 will be. That you will be held to essentially the same
6 rules and standards as a lawyer. And essentially just
7 that you're making an informed decision for yourself.
8 I'll need to be able to make that finding for you to
9 self-represent. But that's largely what that petition is
10 designed to do. And then we would go over it in open
11 court.

12 MR. GUERTIN: Okay. So then, let's
13 hypothetically say we come back here on the 28th and I
14 fulfill that, then -- obviously I can do research into
15 this, but then is there a -- how much time would be from
16 that point forward? Would that be the same hearing as
17 today and then I would need to make a decision again, or
18 would there be time allotted to allow for pro se
19 representation?

20 THE COURT: Well, at that point I would
21 probably give the state the time it needs to respond to
22 your motions, and then I would have a time in which I can
23 rule on them which is -- depending on the type of motion,
24 but if it's an evidentiary motion, it's usually 30 days.
25 And if there's a reason for a hearing, we would have a

1 hearing. But that would happen after the 28th.

2 So, say we come back -- so, for example we have
3 9:30 on the 28th available if that works for you all.
4 Then we would have the hearing then. If indeed you
5 choose to go self-represented or we also call it pro se,
6 then at that point I would be able to consider your
7 filing. I would give the state the time it needs to
8 respond, and then I would rule on it. We could also set
9 a trial date too to have -- make sure we have a trial
10 date in the future.

11 MR. GUERTIN: Yeah. I just -- I'm open to --
12 I'm not -- I'm set on self-representation if that's what
13 I need to do to have my motion ruled on. But I'm not set
14 on any necessary path from that point. I'm just --
15 that's how I would like to proceed.

16 THE COURT: Okay. Does 9:30 Monday the 28th
17 work for everyone?

18 (Dates were discussed.)

19 THE COURT: Okay. So, we'll get you a notice,
20 Mr. Guertin. And then we'll have a hearing on -- we went
21 with the 29th, correct?

22 MR. DONNELLY: Eleven o'clock, I think.

23 THE COURT: Okay.

24 (The proceedings were adjourned at 9:34 a.m.)
25

1 STATE OF MINNESOTA)

ss:

2 COUNTY OF HENNEPIN)

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5 COURT REPORTER'S CERTIFICATE

6 I, MAYA FUNK, an Official Court Reporter in and
7 for the Fourth Judicial District of the State of
8 Minnesota, do hereby certify that I have transcribed
9 the foregoing transcript from the CourtSmart audio
10 recording, and that the foregoing pages constitute a
11 true and correct transcript of the proceedings taken in
12 connection with the above-entitled matter to the best
13 of my ability.

14 Dated: April 23, 2025

15
16
17 /s/ *Maya Funk*

18 Maya Funk
19 Official Court Reporter
20 C859 Government Center
21 300 South Sixth Street
22 Minneapolis, MN 55487
23 (612) 322-6951
24
25