

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

**DISTRICT COURT
FOURTH JUDICIAL DISTRICT**

State of Minnesota,

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

Plaintiff,

vs.

**DEFENDANT’S MOTION TO
CONFIRM PRO SE STATUS
AND DISCHARGE COURT
APPOINTED COUNSEL**

Matthew David Guertin,

Defendant.

Judicial Officer: Sarah Hudleston

TO: THE HONORABLE SARAH HUDLESTON, JUDGE OF DISTRICT COURT;
MARY F. MORIARTY, HENNEPIN COUNTY ATTORNEY; AND
MAWERDI HAMID, ASSISTANT HENNEPIN COUNTY ATTORNEY

I. INTRODUCTION

Defendant Matthew David Guertin, by and for himself, hereby moves this Court for an order confirming his status as a pro se litigant and discharging his court-appointed counsel, Raissa Carpenter and Emmett Donnelly. This motion is brought alongside Mr. Guertin’s concurrently filed Emergency Motion to Stay and Vacate the April 29, 2025 Rule 20.01 Competency Order, and both motions seek to vindicate Mr. Guertin’s fundamental rights and prevent further irreparable harm to his defense.

Mr. Guertin asserts his constitutional and state-law right to self-representation – a right guaranteed by the Sixth and Fourteenth Amendments (as recognized in *Faretta v. California*, 422 U.S. 806 (1975)) and by Minnesota law (Minn. R. Crim. P. 5.04, subd. 1(4); Minn. Stat. § 611.19) – and respectfully asks this Court to honor that right immediately. Mr. Guertin does not take this step lightly; he fully understands the seriousness and risks of waiving counsel. However, as detailed below, extraordinary circumstances have forced his hand. His court-appointed attorneys have obstructed his defense and openly conflicted with his interests, and the

Court has thus far refused to hear his pro se motions while he remains represented. In short, continuing with the current counsel arrangement would deprive Mr. Guertin of any meaningful opportunity to defend himself. The only remedy is to formally acknowledge his pro se status and remove counsel from the case.

Mr. Guertin has already demonstrated his competence, legal knowledge, and commitment to representing himself. Within the past month, he has personally drafted and filed dozens of pages of detailed motions, legal memoranda, and forensic exhibits in this case (*see Index 122, 123, 124, 125*), including a comprehensive 50-page Motion to Dismiss All Charges with Prejudice (*see Index 131*) and a meticulous Petition to Proceed as Pro Se Counsel (*see Index 133*) with supporting exhibits. These filings – all prepared by Mr. Guertin – are cogent, well-researched, and show his fluency with legal procedure and precedent. Indeed, this Court itself found Mr. Guertin competent to stand trial after a contested hearing, issuing an Order on April 3, 2025 declaring him competent (*see Index 127, attached as Exhibit B to Mr. Guertin's Petition*). In light of that finding and Mr. Guertin's demonstrated ability to advocate for himself, there is no legitimate question as to his competence to make a knowing and intelligent waiver of counsel.

Accordingly, Mr. Guertin asks this Court to immediately confirm that he may represent himself and to discharge Ms. Carpenter and Mr. Donnelly as counsel of record. To the extent the Court deems any further inquiry necessary under *Faretta* and Minn. R. Crim. P. 5.04, Mr. Guertin requests that the Court promptly conduct a *Faretta* hearing (waiver-of-counsel colloquy) *within the next few days* to formally verify the knowing and voluntary nature of his waiver on the record. This request is made on an urgent basis. As set forth in the accompanying motion to stay/vacate, the April 29, 2025 hearing in this matter failed to address Mr. Guertin's pending self-representation petition at all, and was instead diverted to a new Rule 20.01 competency evaluation – an evaluation that appears to have been ordered *solely in reaction to the content of Mr. Guertin's Motion to Dismiss*. Such a diversion not only trampled Mr. Guertin's *Faretta* rights, but also threatens to delay and derail the proceedings unjustifiably. Mr. Guertin is entitled to steer the course of his own defense, and he should not be subjected to further competency proceedings or any other obstruction aimed at preventing him from exercising his rights.

In summary, Mr. Guertin respectfully moves this Court to: (1) confirm that he has validly waived counsel and is proceeding pro se; (2) order the immediate discharge of Attorneys Carpenter and Donnelly; and (3) if the Court deems it necessary, conduct a prompt *Faretta* colloquy to place the

waiver on the record. He further requests that the Court act on this Motion on the same expedited schedule set in his companion Emergency Motion—that is, hold the hearing or issue a written ruling within five (5) business days of filing. Should the Court fail to do so, Mr. Guertin will deem the Motion denied and will seek immediate appellate relief, including a petition for an extraordinary writ under Minn. R. Civ. App. P. 120 and an emergency stay under Minn. R. Civ. App. P. 108.02.

II. BACKGROUND AND BREAKDOWN OF ATTORNEY-CLIENT RELATIONSHIP

A | Mr. Guertin’s Competency and Pro Se Filings

This case (No. 27-CR-23-1886) has been pending for over two years, during which time questions of Mr. Guertin’s competency have repeatedly been raised and answered. Most recently, on April 3, 2025, after a full Rule 20.01 evaluation process and contested hearing, the Court issued an order finding Mr. Guertin competent to stand trial (*see Index 127*). This April 3 competency ruling should have cleared the way for Mr. Guertin to participate actively in his defense going forward. Indeed, once a defendant is found competent, he is entitled as a matter of law to make decisions about his case and to have his motions heard in the ordinary course. Following that ruling, Mr. Guertin immediately began exercising his right to direct his defense: between early April and mid-April 2025, he personally prepared and submitted numerous pro se filings, including the substantive motions and exhibits noted above. These filings cover complex legal issues (e.g., allegations of evidence tampering, prosecutorial misconduct, fraudulent evaluations, etc.) and cite numerous authorities. They evidence Mr. Guertin’s ability to research the law, understand court procedures, and articulate coherent legal arguments. Notably, on April 21, 2025, Mr. Guertin filed his formal Petition to Proceed as Pro Se Counsel (*see Index 133*), a detailed document laying out the legal and factual basis for his self-representation request (the very request this motion now presses). In that petition, Mr. Guertin affirmed *in writing* his desire to waive counsel and proceed pro se, thereby satisfying the requirement of Minn. Stat. § 611.19 that any waiver of counsel be made in writing and signed by the defendant. He also affirmed that his waiver is made knowingly, intelligently, and voluntarily – with “eyes open” to the risks of self-representation – and he invoked his rights under *Faretta* and related authorities. In short, by

April 21, Mr. Guertin had done everything the law requires to invoke and perfect his right to represent himself.

B | Breakdown in Communication and Trust with Court-Appointed Counsel

Unfortunately, the relationship between Mr. Guertin and his court-appointed public defenders (Ms. Carpenter and Mr. Donnelly) has completely broken down. From the time of their appointment, these attorneys have failed to provide meaningful advocacy or to adhere to Mr. Guertin's wishes for his defense. Mr. Guertin has repeatedly directed counsel to pursue specific strategies, file certain motions, and challenge the State's evidence – only to be met with silence, refusals, or outright opposition from his attorneys. The Court is respectfully referred to Exhibit A to Mr. Guertin's Petition (*see Index [133](#)*), which is a series of detailed email communications in January 2025 between Mr. Guertin and Ms. Carpenter. In those emails, Mr. Guertin outlines a proposed legal strategy and asks his attorneys to file a motion to dismiss all charges with prejudice based on substantial grounds he identified (including egregious government misconduct and violations of his rights).

Mr. Guertin even cited relevant legal authorities in support of his request – for example, he pointed out favorable precedents such as *State v. Camacho*, 561 N.W.2d 160, 173 (Minn. 1997), *State v. Sabahot*, No. A10-2174 (Minn. App. Jan. 3, 2012), and *State v. Thompson*, 988 N.W.2d 149 (Minn. App. 2023), among others, to substantiate his arguments. These citations and the reasoning behind them were the product of Mr. Guertin's own research and clearly showed a legitimate basis for the requested motion. Yet, defense counsel ignored and stonewalled Mr. Guertin's requests. They neither filed the proposed motion nor gave any meaningful response or explanation. Instead, as the email thread reflects, counsel responded with dismissiveness and inaction. Ms. Carpenter essentially refused to engage with the legal merits raised by Mr. Guertin, and the matter was dropped against Mr. Guertin's wishes. Such conduct not only contravenes basic attorney-client communication standards, but it also violates counsel's ethical duties under the Minnesota Rules of Professional Conduct (see Minn. R. Prof. Conduct 1.2(a) requiring a lawyer to abide by the client's decisions concerning the objectives of representation, and Rule 1.4 requiring prompt communication with the client). If counsel honestly believed Mr. Guertin's proposed motion was frivolous or improper (and there is no indication of that here), the proper course would have been to discuss those concerns with Mr. Guertin, or to seek withdrawal.

Simply ignoring a client's central request in a serious felony case is unacceptable. This January 2025 episode was an early red flag indicating that Mr. Guertin's appointed lawyers were not willing to advocate zealously on his behalf.

C | April 17, 2025 Hearing – Open Conflict on the Record

The simmering conflict between Mr. Guertin and his attorneys came to a head at a court hearing on April 17, 2025 before the Honorable Sarah Hudelston. At that hearing, Mr. Guertin was present and prepared to address his recently filed Motion to Dismiss with Prejudice (*see Index 131*). However, the Court indicated it would not hear Mr. Guertin's pro se motion so long as he was represented by counsel. This put Mr. Guertin in an impossible position – his critically important motion (which detailed pervasive misconduct in the case) was going to be “buried” unless he somehow supplanted his attorneys. In response, Mr. Guertin clearly and unequivocally asserted on the record that his attorneys work for him and are obligated to follow his chosen defense strategy. He made it known that he wanted his motion heard, and that if counsel refused to advance his arguments, he would have no choice but to represent himself.

Rather than supporting their client's position, Mr. Guertin's court-appointed counsel openly opposed him in front of the judge. In an extraordinary breach of loyalty, Mr. Donnelly actually argued *against* Mr. Guertin's interests during the April 17 hearing: he stated to the Court that he disagreed with the Court's April 3 competency finding (i.e. he expressed his belief that Mr. Guertin was not competent) and further indicated he disagreed with Mr. Guertin's motions and strategy. In doing so, counsel essentially joined the prosecution in portraying Mr. Guertin as delusional or misguided. This shocking stance by defense counsel poisoned the well for Mr. Guertin's efforts to proceed pro se – it signaled to the Court that even his own attorneys considered his motions baseless and his perspective unsound.

It is difficult to imagine a more glaring conflict: the client (Mr. Guertin) desperately wanted his motion to be heard and his rights to be respected, while his attorneys wanted the motion quashed and even questioned the client's sanity for bringing it. At that moment, for all practical purposes, Mr. Guertin had no counsel willing to advocate for him – his attorneys of record had positioned themselves in opposition to their client on a core issue (his competency and right to direct his defense). Under the Sixth Amendment, if an attorney openly undermines and contradicts the client's position in this manner, the client is effectively left without the assistance of counsel. The

Rules of Professional Conduct recognize that in such a scenario of fundamental disagreement, the attorney *must* withdraw if the client so requests (Minn. R. Prof. Conduct 1.16(a)(3)), and even permissively may withdraw if the representation has become unreasonably difficult or if the client insists on a course with which the lawyer has a fundamental disagreement (id. 1.16(b)(4), (6)). Here, however, Ms. Carpenter and Mr. Donnelly did not withdraw on April 17 – despite the obvious breakdown – presumably because their continued presence on the case would prevent Mr. Guertin from being heard. By staying on the case only to thwart Mr. Guertin’s aims, counsel created an untenable situation. The April 17 hearing ended with the Court handing Mr. Guertin a blank “Form 11 – Petition to Proceed Pro Se” (a standard questionnaire for self-representation requests) and scheduling a follow-up hearing on April 29, 2025 specifically to address Mr. Guertin’s desire to proceed pro se. The Court made clear that Mr. Guertin’s motions would not be entertained until his representation status was resolved. Mr. Guertin left the April 17 hearing having effectively discharged his attorneys in substance (he stated on record that he no longer wished for their representation if they would not follow his directives), and he immediately proceeded to formalize that in writing by filing his Petition to Proceed Pro Se on April 21.

D | April 29, 2025 Hearing – Petition Ignored, New Competency Order Issued

Despite the expectations set on April 17, the subsequent hearing on April 29, 2025 did not vindicate Mr. Guertin’s rights – instead, it resulted in further obstruction. At the April 29 hearing, Mr. Guertin’s Petition to Proceed Pro Se (and the discharge of counsel) was supposed to be addressed. Instead, the proceeding was abruptly steered in a different direction: the Court, at the prosecution’s urging, ordered a new Rule 20.01 competency evaluation of Mr. Guertin *without* ever hearing or ruling on the pending self-representation request. From Mr. Guertin’s perspective, this development was wholly improper and punitive. The trigger for the renewed competency evaluation appears to have been the content of Mr. Guertin’s Motion to Dismiss (*see Index 131*) – a motion which details serious allegations of fraud and misconduct by the State and others. It seems that because Mr. Guertin dared to assert a “grand conspiracy” (backed by evidence) in his dismissal motion, the reaction by the Court and counsel was to question his sanity rather than to address the substance of his claims. Mr. Guertin maintains that everything in his motion to dismiss is grounded in fact and law (indeed much of it is documented by exhibits and prior court records). But even if the Court found the allegations unusual or difficult to believe, that is *not* a valid basis to summarily subject Mr. Guertin to another competency

examination – especially mere weeks after he was adjudicated competent. A defendant's vigorous accusations against the State, or his exposure of irregularities in the process, do not equate to incompetence; if anything, they indicate he is actively engaged in his defense. The April 29 decision to initiate a new Rule 20 evaluation (essentially delaying the case and sidelining Mr. Guertin's motions) violated Mr. Guertin's rights in multiple ways. It ignored his *Faretta* request entirely (the Court did not even inquire into his desire to represent himself), and it appeared to leverage the competency process as a means to delay or avoid grappling with Mr. Guertin's serious allegations. Mr. Guertin objected to this turn of events and has now filed the Emergency Motion to Stay and Vacate that very order, arguing that the order is unlawful and must be immediately halted. For purposes of this Motion to Confirm Pro Se Status, the April 29 hearing underscores why urgent action is needed: Mr. Guertin's ability to control his defense is being thwarted by procedural maneuvers (like unwarranted competency re-exams) and by counsel who do not support his goals. This Court should correct course by granting Mr. Guertin the autonomy the Constitution guarantees him.

In sum, the factual record establishes that Mr. Guertin's relationship with his court-appointed lawyers has irretrievably broken down and that he has the competence and capability to represent himself. Far from enhancing his defense, the continued involvement of Ms. Carpenter and Mr. Donnelly is now a direct obstacle to justice: they have opposed Mr. Guertin's motions, questioned his competence without basis, and aligned themselves with the prosecution's interests to the detriment of their client. Under these circumstances, Mr. Guertin's invocation of his right to self-representation is not only justified, but imperative to ensure a fair process. The Court should therefore promptly formalize Mr. Guertin's pro se status and relieve current counsel of their duties.

III. DEFENDANT'S RIGHT TO SELF-REPRESENTATION UNDER CONSTITUTIONAL AND MINNESOTA LAW

Both the United States and Minnesota Constitutions guarantee a criminal defendant's right to represent himself when he knowingly and voluntarily waives the right to counsel. The U.S. Supreme Court in *Faretta v. California*, 422 U.S. 806 (1975), recognized that the Sixth Amendment implies a personal right of the accused to defend himself. The Court held that a State may not force a lawyer upon a defendant who validly waives counsel, stating: "The right to

defend is personal. The defendant, and not his lawyer or the State, will bear the personal consequences of a conviction. It is the defendant who must be free personally to decide whether in his particular case counsel is to his advantage.” *Id.* at 834-35. The choice of self-representation may sometimes be foolish, but it must be honored out of “that respect for the individual which is the lifeblood of the law.” *Id.* at 834 (internal quotation omitted). In short, once a defendant clearly asserts the right to proceed without counsel and the court ensures the waiver is knowing and intelligent, the defendant “*must be allowed to represent himself*” (*Faretta, supra* at 821). The denial of this right is structural error not subject to harmless-error analysis because it affects the framework of the trial itself. Minnesota courts fully embrace these principles. Minnesota Rule of Criminal Procedure 5.04, subd. 1(4) provides the procedure and mandates specific on-the-record advisories before a waiver of counsel can be accepted in a felony case. In particular, the court should ensure the defendant understands the nature of the charges, the possible punishments, potential defenses, mitigating circumstances, and “all other facts essential to a broad understanding of the consequences” of proceeding without counsel¹. Minnesota has also codified in statute the requirement that a felony defendant’s waiver of counsel be executed or acknowledged formally: Minn. Stat. § 611.19 provides that whenever a defendant waives the assistance of counsel, the waiver “*shall in all instances be made in writing, signed by the defendant,*” or if the defendant refuses to sign, the court must make a record of the refusal. The purpose of these rules is not to obstruct the defendant’s choice, but to ensure it is made with eyes open. Indeed, even if a waiver does not strictly comply with the preferred procedure, it is deemed valid so long as the record as a whole shows a knowing, intelligent, voluntary relinquishment of counsel. Once that threshold is met, the defendant’s decision to represent himself must be respected. The Minnesota Supreme Court has repeatedly instructed that a valid self-representation waiver must be honored by the trial court, even if the court subjectively believes the defendant is making a poor decision. Minnesota courts “should grant self-representation, even if the decision is foolish, where the waiver is clear, knowing and voluntary.” *State v. Camacho*, 561 N.W.2d 160, 173 (Minn. 1997). See, e.g., *State v. Richards*, 456 N.W.2d 260, 263 (Minn. 1990) (emphasizing that the right of self-representation embodies “bedrock concepts of individualism and personal autonomy” such that its wrongful deprivation is not subject to harmless error). In Mr. Guertin’s case, there is no doubt that his request is clear and that he is

1 A24-1149 at 6 | <https://cases.justia.com/minnesota/court-of-appeals/2025-a24-1149.pdf>

aware of the dangers and disadvantages of self-representation – he has explicitly so affirmed in his filings, and his conduct shows he is proceeding with eyes open.

Applying the law to the facts here leads to one conclusion: Mr. Guertin has an unconditional right to represent himself, which the Court is obliged to uphold at this juncture. Mr. Guertin has satisfied the written waiver requirement by filing his signed petition (*see Index 133*) declaring his wish to proceed pro se. He is willing to also state his waiver on the record (and indeed attempted to do so on April 29 before being cut off by the competency issue). The Court can readily observe that Mr. Guertin understands the charges against him (he has been living with this case for over two years), is intimately familiar with the facts, and has shown understanding of the legal process through his filings. There is simply no valid legal basis to deny Mr. Guertin's Faretta right. Concern that a defendant is making a mistake or that proceedings may be slower or more awkward with a pro se defendant are *not* grounds to deny self-representation. Nor can speculative concerns about competency override a recent actual adjudication of competence – unless new evidence of incapacity emerges, which it has not. To the contrary, Mr. Guertin's proactive legal work demonstrates his lucidity. The law presumes a competent defendant may waive counsel if proper procedure is followed. Mr. Guertin asks only that the Court follow the law: acknowledge his waiver and allow him to proceed without the hindrance of unwanted counsel.

IV. IMMEDIATE NEED FOR RELIEF AND REQUEST FOR FARETTA HEARING

Given the history above, Mr. Guertin's situation is urgent. Each day that his request to go pro se remains ungranted is a day in which his case is effectively in limbo and his rights are curtailed. As of now, despite his clear assertion of the right, Mr. Guertin is *de facto* still represented by counsel with whom he has no communication or trust, and a new round of competency proceedings looms – proceedings that Mr. Guertin contends are baseless and retaliatory. It is crucial that the Court act swiftly to restore proper order: Mr. Guertin must be given control of his defense, and only then can the case proceed on the merits (including addressing the Motion to Dismiss and any other pending matters). Time is of the essence for several reasons:

A | Continuing Prejudice

Mr. Guertin is currently caught in a procedural trap. Because he is still officially represented by counsel, the Court and clerk's office have refused to accept or hear further pro se motions from him, yet his counsel have made clear they will not advocate his positions. This effectively muzzles Mr. Guertin and leaves him without any advocate at all. Every day that passes with this arrangement is a denial of Mr. Guertin's right to be heard and to defend himself. The Court's April 29 decision to order a competency re-evaluation (now stayed pending further review) only exacerbates the delay. Mr. Guertin has important substantive arguments (such as those in his dismissal motion) that he is trying to bring before the Court. He cannot litigate those issues until his pro se status is confirmed. Swift action on this motion will prevent further prejudice and ensure that Mr. Guertin's case can move forward under his direction.

B | Faretta Hearing

If the Court has any remaining concerns about Mr. Guertin's understanding of the consequences of self-representation, those can be addressed in a Faretta colloquy, which Mr. Guertin welcomes. Mr. Guertin is prepared to answer the Court's questions to confirm on the record that his waiver of counsel is knowing and voluntary. He has already articulated his understanding in writing (in the Petition) and has past courtroom experience in this case (through multiple hearings) that has given him insight into the challenges ahead. A brief hearing for this purpose can easily be held within the next few days. Mr. Guertin requests that the Court schedule such a hearing *immediately* (and no later than 5 business days from now) to formally inquire into his waiver and then grant the motion, or to submit an official order into the record granting the request without a hearing if Guertin's petition to proceed as pro se counsel already satisfies the terms. Notably, at the April 17 hearing, Judge Hudelston appeared inclined to do exactly this (hence providing the Form 11 and setting the matter for April 29). The opportunity was simply lost when the April 29 hearing was derailed. There is no reason to delay a Faretta inquiry any further – the issue is ripe and critical to resolve before any other steps (such as competency evaluations or trial preparations) occur.

C | Avoiding Unnecessary Competency Litigation

Granting this motion now will also clarify the path forward regarding the disputed Rule 20.01 competency order. If Mr. Guertin is allowed to proceed pro se, he can directly address the

Court regarding any claimed competency concerns, and the Court can judge his lucidity firsthand in colloquy. Often, a defendant's ability to articulate his position in a Faretta hearing itself demonstrates competence. Here, Mr. Guertin believes the renewed Rule 20 order was unfounded and resulted from misunderstanding his filings. By hearing from Mr. Guertin directly in a Faretta context, the Court may find that further competency proceedings are truly unnecessary. In any event, formally confirming Mr. Guertin's pro se status will ensure that any future proceedings (be it motions, hearings, or even a competency re-examination if it persists) will be handled with Mr. Guertin having the primary voice, rather than through counsel who do not represent his views.

D | Preservation of Appellate Rights

If the Court does not promptly address Mr. Guertin's self-representation request, Mr. Guertin will have no choice but to seek relief from the appellate courts. The Minnesota Rules of Civil Appellate Procedure provide mechanisms for extraordinary relief when a fundamental right is being denied or an action unreasonably delayed. Mr. Guertin is prepared to file a petition for a writ of mandamus and/or other extraordinary writ under Rule 120, as well as to seek emergency intervention under Rule 108 (such as a writ of prohibition to halt the competency proceedings and compel a Faretta ruling), should this Court fail to act by the timeline requested. It is in the interest of judicial economy and justice for this Court to resolve the issue now, rather than burdening the appellate courts with a dispute that squarely belongs in the trial court at this stage. Mr. Guertin sincerely hopes such appellate action will not be necessary and that this Court will uphold his rights without further prodding.

E | Conclusion

For all these reasons, immediate relief is warranted. Mr. Guertin emphasizes that he is not seeking delay – in fact, he is seeking the opposite: to eliminate the delays and distractions that have plagued this case (many of which, in his view, have been artificially created by the State's tactics and counsel's inaction). By confirming his pro se status and removing conflicted counsel, the Court will empower Mr. Guertin to bring his case to a resolution on the merits. The Court will also send a clear message that Mr. Guertin's constitutional rights are being respected, which may alleviate some of the tension that has arisen from his feeling unheard in the process to date.

V. RELIEF REQUESTED

WHEREFORE,

Mr. Matthew David Guertin respectfully requests that this Court enter an Order granting the following relief:

1. Confirming Pro Se Status

A declaration that Mr. Guertin has knowingly and voluntarily waived his right to counsel and confirming that he may proceed pro se in Case No. 27-CR-23-1886 henceforth. The Order should acknowledge that Mr. Guertin himself is now acting as his own counsel of record.

2. Discharge of Court-Appointed Counsel

An order discharging Attorneys Raissa Carpenter and Emmett Donnelly as defense counsel in this case, effective immediately. Given the complete breakdown in the attorney-client relationship and the ethical conflicts described above, their continued involvement (even as standby counsel) would be counterproductive. Mr. Guertin specifically requests that these attorneys not be appointed as standby or advisory counsel (see Minn. Stat. § 611.26, subd. 6 (stating that a public defender may be appointed as standby counsel *with the defendant's consent*)). Mr. Guertin does not consent to Ms. Carpenter or Mr. Donnelly serving in any standby capacity. If the Court deems it necessary to appoint standby/advisory counsel going forward, Mr. Guertin requests that such counsel be an independent attorney with no prior involvement in this case and no stake in the matters that have been in dispute (i.e., someone who will truly act in an advisory role, not as an opponent of Mr. Guertin's strategy). Mr. Guertin also reserves the right to waive standby counsel as well, preferring to maintain full control over his defense if the Court will allow.

3. Faretta Waiver Hearing (If Needed)

Defendant requests that, if the Court believes additional oral record is necessary to confirm his knowing and voluntary waiver of counsel, it set (or convert an already-scheduled proceeding into) a Faretta colloquy to be held within five (5) business days of this filing. Mr. Guertin is prepared to answer questions about the charges, possible penalties, and the challenges of self-representation. If the Court finds the existing written

record sufficient, he asks that an order granting pro se status be entered immediately, without a hearing.

4. Scheduling and Deadlines

Consistent with the companion Emergency Motion to Stay and Vacate, Mr. Guertin respectfully requests that the Court (a) conduct the Faretta hearing, or (b) issue a written ruling on this Motion, ****no later than five (5) business days after filing****. If, by the close of the fifth business day, the Court has neither held the hearing nor entered an order granting the requested relief, Mr. Guertin will deem the Motion denied and will seek immediate appellate intervention—specifically, a petition for an extraordinary writ under Minn. R. Civ. App. P. 120 and a motion for stay under Minn. R. Civ. App. P. 108—together with a renewed request for certification under Minn. R. Crim. P. 28.03. Addressing both this Motion and the Emergency Motion on the same accelerated schedule will conserve judicial resources and avert unnecessary appellate litigation.

5. Further Relief

Any other relief that the Court deems just and appropriate to effectuate Mr. Guertin's rights. This may include an order that Mr. Guertin's previously filed pro se motions (*e.g.*, see [Index 131](#), *Motion to Dismiss with Prejudice*) be placed on the calendar for hearing or at least taken under advisement once his pro se status is confirmed. Mr. Guertin stands ready to litigate those motions on their merits as soon as he is allowed to do so in his own capacity.

VI. CONCLUSION

For all the foregoing reasons, Mr. Guertin prays that this Court grant his motion and promptly enter an order confirming that he may represent himself and discharging his court-appointed counsel. This relief is necessary to preserve Mr. Guertin's constitutional rights and to ensure the integrity of these proceedings. Mr. Guertin has shown that he is competent, determined, and capable of presenting his case. He acknowledges that proceeding pro se is a weighty responsibility, but it is one he knowingly chooses because, in his judgment, no counsel is better than conflicted counsel. As the U.S. Supreme Court observed in *Faretta*, “[i]t is the defendant, after all, who suffers the consequences if the defense fails.” Here, Mr. Guertin is

prepared to accept that responsibility. He simply asks to be given the agency and dignity to steer his own defense, as the Constitution guarantees. He respectfully asks this Court to honor that fundamental right without further delay.

Dated: May 7, 2025

Respectfully submitted,

/s/ Matthew D. Guertin

Matthew David Guertin

Defendant Pro Se

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VII. CERTIFICATE OF SERVICE

(Minn. R. Crim. P. 33.02; Minn. R. Civ. App. P. 125.04)

I, Matthew David Guertin, certify under penalty of perjury pursuant to Minn. Stat. § 358.116 that on May 7, 2025, I served the following document(s):

- DEFENDANT’S MOTION TO CONFIRM PRO SE STATUS AND DISCHARGE COURT APPOINTED COUNSEL

by filing and electronically serving them through the Minnesota Odyssey E-File and E-Serve System (EFS). E-service via EFS constitutes service under Minn. R. Crim. P. 33.04, and EFS automatically generates proof of service to all registered recipients.

Recipients served:

- Mawerdi Hamid, Assistant Hennepin County Attorney
- Raissa Carpenter, Assistant Public Defender
- Emmett Donnelly, Assistant Public Defender

No paper copies were mailed because all counsel of record are registered EFS users.

Dated: May 7, 2025

Respectfully submitted,

/s/ Matthew D. Guertin

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