STATE OF MINNESOTA

IN COURT OF APPEALS

A25-1592

In the Matter of the Civil Commitment of:

Shannon Dwayne Hollie.

ORDER OPINION
Hennepin County District Court
File No. 27-MH-PR-06-683

Considered and decided by Cochran, Presiding Judge; Larkin, Judge; and Smith, John, Judge.[*]

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In July 2007, the district court initially committed appellant Shannon Dwayne Hollie to the Minnesota Sex Offender Program as a sexual psychopathic personality and sexually dangerous person (SPP/SDP). Hollie was represented by court-appointed counsel at the initial commitment hearing. In February 2009, following a review hearing, the district court indeterminately committed Hollie as an SPP/SDP. This court affirmed the district court's initial and indeterminate commitment decisions. *In re Civ. Commitment of Hollie*, No. A09-0579, 2009 WL 2596071, at *1 (Minn. App. Aug. 25, 2009), *rev. denied* (Minn. Oct. 28, 2009), *cert. denied*, 560 U.S. 916 (2010).

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[*] Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

2. In July 2025, Hollie moved the district court for relief under Minnesota Rule of Civil Procedure 60.02 based on "changed circumstances," asserting structural error occurred because he was "denied the opportunity to waive counsel upon the commencement of civil[-]commitment proceedings in 2006." In support of his petition, Hollie cited a relatively recent decision of the Minnesota Supreme Court. *See In re Civ. Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024) (*Benson I*). Hollie requested a hearing on the motion. He also requested that the district court waive the filing fee for his rule 60.02 motion and stay the motion proceedings pending this court's decision in *Matter of Benson*, No. A25-0397, 2025 WL 2964773, at *1 (Minn. App. Oct. 20, 2025), *rev. denied* (Minn. Dec. 31, 2025) (*Benson II*).

3. The district court denied Hollie's request for relief under 60.02 and his fee waiver request. The district court concluded that Hollie's rule 60.02 motion was frivolous because Hollie had not shown "changed circumstances" that made the appointment of counsel in 2006 at the initial commitment hearing "no longer equitable." The district court noted that *Benson I* did not support his claim. The district court also emphasized that Hollie did not attempt to waive counsel in 2006. In the same order, the district court denied Hollie's request to stay the rule 60.02 motion proceedings until this court decided *Benson II*.

4. In this appeal, Hollie argues that the district court abused its discretion by (1) denying his motion under rule 60.02, (2) issuing the order without holding an evidentiary hearing, and (3) declining to grant a stay. We address each argument in turn.

5. Rule 60.02 provides, in relevant part, that a district court may relieve a party from final judgment if "[t]he judgment is void" or for "[a]ny other reason justifying relief from the operation of the judgment." Minn. R. Civ. P. 60.02(d), (f). In a proceeding under rule 60.02, the burden of proof is on the party seeking relief. *City of Barnum v. Sabri*, 657 N.W.2d 201, 205 (Minn. App. 2003). We review the district court's denial of a rule 60.02 motion for an abuse of discretion. *In re Civ. Commitment of Johnson*, 931 N.W.2d 649, 655 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019).

6. Hollie appears to argue that his judgment is void because he was not afforded the opportunity to waive counsel at the initial commitment proceeding in 2006. In support of his argument, he relies on *Benson I*. We are not persuaded by Hollie's reliance on this case. In *Benson I*, the Minnesota Supreme Court addressed whether a civilly committed petitioner may waive the statutory right to counsel granted under Minnesota Statutes section 253D.20 (2022) and appear as a self-represented litigant at a hearing *before a commitment appeal panel* (CAP). *Benson I*, 12 N.W.3d at 714-21. The supreme court did not address whether a petitioner has a constitutional or statutory right to waive counsel *at the initial commitment proceeding*—the argument raised by Hollie in this appeal. *Id.* Importantly, the right to counsel at an initial commitment proceeding arises under a different statutory framework than the right to counsel at a hearing before a CAP—the issue addressed by the supreme court in *Benson I*. *Compare* Minn. Stat. § 253B.07, subd. 2c (2006) (providing for the right to counsel for "proposed patient[s]" at the time a petition for initial judicial commitment is filed) *with* Minn. Stat. § 253D.20 (addressed in *Benson I*).

7. *Benson I* is also factually distinguishable. Benson filed a motion with the CAP asking for permission "to [i]nquire and [a]sk [q]uestions" at the CAP hearing. *Benson I*, 12 N.W.3d at 714. Benson also stated that he "prefer[red] to proceed pro se if at all possible." *Id.* Unlike the petitioner in *Benson I*, Hollie has presented no evidence showing that he objected to counsel at the initial commitment hearing or requested to represent himself. Given these legal and factual differences, we determine that Hollie has not demonstrated a change in circumstances based on *Benson I* that would give rise to relief under rule 60.02.

8. Hollie's argument regarding structural error is also unavailing. "Structural error is a very limited class of error" that is made up of "defects in the constitution of the trial mechanism such that the entire course of the trial is affected." *State v. Bey*, 975 N.W.2d 511, 520 (Minn. 2022) (quotation omitted). Structural error results in automatic reversal because "the effects of the error are simply too hard to measure, harm is irrelevant to the basis underlying the right, or the error always results in fundamental unfairness." *Id.* (quotations omitted). Hollie argues that structural error occurred because he was not given the opportunity to waive counsel at the commencement of his civil commitment proceedings in 2006.[1] We conclude that Hollie forfeited this argument by failing to adequately brief the issue on appeal. Appellate courts do not consider issues "in

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[1] Respondent State of Minnesota did not file a brief in this matter. However, it submitted a citation of supplemental authority. Hollie moved to strike the state's citation of supplemental authority. Because our decision to affirm does not rely on the cases cited in the state's citation of supplemental authority, we deny Hollie's motion to strike as moot. *See Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2007) (denying a motion to strike as moot when the reviewing court did not rely on the challenged materials).

the absence of adequate briefing." *State Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997). And while courts traditionally accord "some latitude and consideration" to self-represented litigants, *Liptak v. State ex rel. City of New Hope*, 340 N.W.2d 366, 367 (Minn. App. 1983), such litigants are held to the same standards as attorneys, *State v. Meldrum*, 724 N.W.2d 15, 22 (Minn. App. 2006), *rev. denied* (Minn. Jan. 24, 2007) (noting that when a brief does not contain citations to the record or to legal authority in support of the issues raised, such issues are deemed forfeited). Hollie does not provide any legal support for his claim that a person has a constitutional right to waive counsel in an initial civil commitment proceeding under section 253B.07, subdivision 2c, or that a court's failure to observe that claimed right results in structural error. Hollie relies on *Benson I* to argue that the lack of an opportunity to represent himself at the initial hearing amounted to structural error. But as stated, *Benson I* did not address this constitutional question. Nor does *Benson I* even mention "structural error." *See Benson I*, 12 N.W.3d at 715-21. Furthermore, the other cases that Hollie cites in his brief are criminal cases, and Hollie does not explain how those criminal cases support his assertion that the concept of structural error applies in this civil-commitment case. For these reasons, we deem Hollie's structural-error argument forfeited.

9. Because Hollie did not object to the appointment of counsel at the initial hearing and *Benson I* is inapposite, the district court did not abuse its discretion when it concluded that Hollie is not entitled to relief from final judgment under rule 60.02.

10. Turning to Hollie's second argument, Hollie claims that the district court abused its discretion by "sua sponte dismissing [his] motions." We construe this argument

as an objection to the district court denying relief without first holding an evidentiary hearing on Hollie's rule 60.02 motion, his fee-waiver request, and his motion to stay the proceedings. We discern no abuse of discretion by the district court in this regard. Rule 60.02 does not require a district court to hold an evidentiary hearing, even when requested by the petitioner. *See* Minn. R. Civ. P. 60.02; *see also Thompson v. Thompson*, 739 N.W.2d 424, 430 (Minn. App. 2007) (explaining that it is within the district court's discretion to grant evidentiary hearings). To the extent that Hollie is also referring to his request for a fee waiver, there is no requirement that a district court hold a hearing on a fee waiver request. *See* Minn. Stat. § 563.01 (2024) (authorizing a court to waive payment of fees without any requirement of notice or evidentiary hearing). Nor does Hollie cite any rule or statute requiring that the district court hold a hearing on a motion to stay proceedings. *See* Minn. R. Civ. P. 62.01 (permitting a court to stay proceedings, without requiring a hearing). We discern no abuse of discretion in the district court's decision to summarily deny relief.

11. Finally, Hollie argues the district court abused its discretion by denying his motion for a stay of proceedings pending this court's decision in *Benson II*. In October 2025, this court filed its decision in *Benson II*. 2025 WL 2964773, at *1. Because *Benson II* has been decided, this argument is moot. *See Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023) (noting that appellate courts may "dismiss an issue or claim on appeal as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible" (quotation omitted)). We therefore decline to address this argument.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed; the motion to strike is denied.

2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 29, 2026

BY THE COURT

Jeanne M. Cochran

Judge Jeanne M. Cochran