

STATE OF MINNESOTA
IN COURT OF APPEALS

A25-1703

In the Matter of the Civil Commitment of:
Shawn Lee Metzger.

ORDER OPINION

St. Louis County District Court
File No. 69DU-PR-10-125

Considered and decided by Cochran, Presiding Judge; Larkin, Judge; and Rasmusson, Judge.

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

1. In May 2010, appellant Shawn Lee Metzger stipulated to interim commitment to the Minnesota Sex Offender Program as a sexually dangerous person (SDP). Following a hearing, the district court indeterminately committed Metzger as SDP in December 2011. Metzger was represented by appointed counsel throughout the underlying commitment proceedings.

2. In 2013, after finding that respondent St. Louis County Public Health and Human Services failed to provide Metzger with sex-offender treatment, the district court filed an order for provisional discharge from commitment, stayed for 60 days to allow for creation of a discharge plan. We vacated the order after concluding that the district court lacked authority to order a provisional discharge. *In re Civ. Commitment of Metzger*, No.

A13-1169 (Minn. App. Dec. 19, 2013) (order). Metzger was again represented by appointed counsel during these proceedings.

3. In 2015, 2017, 2019, and 2023, a special review board denied Metzger's petitions for a reduction in custody. *See generally* Minn. Stat. §§ 253B.18, subd. 4c (discussing special review board), 253D.27 (discussing petitions for reduction in custody) (2024). Metzger was represented by appointed counsel during the proceedings on each petition.

4. In October 2024, the supreme court held that, in civil-commitment appeal proceedings, “[a] civilly committed person may waive the right to counsel granted in Minnesota Statutes section 253D.20 (2022), provided that the person is deemed competent to enter a knowing and intelligent waiver.” *In re Civ. Commitment of Benson*, 12 N.W.3d 711, 713 (Minn. 2024).

5. In May 2025, Metzger, representing himself and relying on *Benson*, moved the district court for relief under Minnesota Rule of Civil Procedure 60.02(d), (e). He argued that, because he lacked the opportunity to waive appointed counsel during the initial civil-commitment proceedings, his commitment is void, his commitment should not prospectively apply, and a structural error occurred.

6. Rule 60.02 provides that, “[o]n motion and upon such terms as are just, the court may relieve a party . . . from a final judgment . . . , order, or proceeding and may order a new trial or grant such other relief as may be just” and lists six grounds for relief in clauses (a) through (f). Rule 60.02(d) allows a party to obtain relief from a judgment if the “judgment is void.” Rule 60.02(e) allows a party to obtain relief from a judgment if a

district court determines that “it is no longer equitable that the judgment should have prospective application.”

7. The district court denied Metzger’s motion to vacate his commitment, reasoning that the judgment was not void within the meaning of rule 60.02(d) and that Metzger failed to show that it would be inequitable for the commitment to continue to have prospective effect within the meaning of rule 60.02(e).

8. On appeal, Metzger, again representing himself and relying on *Benson*, argues that (1) the deprivation of his right to self-representation constitutes structural error, (2) the district court erroneously denied relief under rule 60.02(d), (3) the district court erroneously denied relief under rule 60.02(e), and (4) the district court erroneously applied a harmless-error standard.

9. As the party seeking relief, Metzger has the burden of proof in demonstrating that he is entitled to relief under rule 60.02. *City of Barnum v. Sabri*, 657 N.W.2d 201, 205 (Minn. App. 2003). We review “a 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).

10. We begin by addressing the scope of *Benson*. In considering whether an individual has a statutory right to waive appointed counsel and represent themselves, *Benson* limited its analysis to Minn. Stat. § 253D.20, which concerns the right to counsel for an *already-committed* person in proceedings before the Commitment Appeal Panel. 12 N.W.3d at 715-20; *see also* Minn. Stat. §§ 253D.27, subd. 2, .28 (2024) (addressing proceedings before the Commitment Appeal Panel). Critically, *Benson* did not address

whether a person has a statutory right to self-representation *prior to* the commitment-appeal process. *See Benson*, 12 N.W.3d at 715-20. *Benson* additionally declined to address whether an individual enjoys a constitutional right to self-representation in commitment proceedings. *Id.* at 717-18.

11. As a threshold issue, we note that our review of the record does not show that Metzger sought to represent himself during his initial commitment proceedings, and he implicitly concedes this fact in his brief. Metzger therefore appears to contend that the district court abused its discretion by not granting a request that he failed to make during the initial commitment proceedings. In contrast, *Benson* sought to represent himself in proceedings before the Commitment Appeal Panel. *See id.* at 714. Although Metzger, as a self-represented party, “is usually accorded some leeway in attempting to comply with court rules,” he still has the burden of “adequately communicating to the court what it is he wants accomplished and by whom.” *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987). Because there is no indication that Metzger communicated a request to represent himself in the initial commitment proceedings, Metzger’s argument does not present a basis for relief, even assuming that *Benson* applies beyond proceedings before the Commitment Appeal Panel. The district court therefore acted within its discretion by denying Metzger’s motion under rule 60.02.

IT IS HEREBY ORDERED:

1. The district court’s order is affirmed.

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: May 8, 2026

BY THE COURT

Judge Anne M. Rasmusson