

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1446**

In the Matter of the Civil Commitment of:
David Wayne Hamilton.

**Filed May 11, 2026
Affirmed
Jesson, Judge***

Washington County District Court
File No. 82-PR-09-3473

David Hamilton, Moose Lake, Minnesota (pro se appellant)

Kevin Magnuson, Washington County Attorney, James Zuleger, Assistant County Attorney, Stillwater, Minnesota (for respondent county)

Considered and decided by Ross, Presiding Judge; Ede, Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

Appellant challenges the district court's denial of his motion under Minnesota Rule of Civil Procedure 60.02 for relief from his indeterminate civil commitment, arguing that the court's 2012 commitment order is void and inequitable because he was not allowed to waive his right to counsel and represent himself during the initial commitment proceeding. Because we discern no abuse of discretion, we affirm.

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

FACTS

In May 2009, respondent Washington County filed a petition to civilly commit appellant David Wayne Hamilton as a sexually dangerous person (SDP) and a sexually psychopathic personality (SPP). The district court appointed an attorney to represent Hamilton, as required by what is now Minnesota Statutes section 253B.07, subd. 2c (2024).

Without filing a formal motion, at a pretrial hearing, Hamilton asked the district court to discharge his attorney and allow him to represent himself in the commitment proceedings. The district court denied Hamilton's request. Before trial, Hamilton discharged his court-appointed counsel and procured a new attorney, who represented him at his September 2010 trial.

Following trial, the district court initially committed Hamilton as an SDP and SPP. And in April 2012, the district court issued a final order finding that Hamilton continued to meet the criteria for commitment as an SDP and SPP and ordered his indeterminate commitment. Hamilton did not move for a new trial under Minnesota Rule of Civil Procedure 59.01. Hamilton appealed his commitment, and this court affirmed. *See In re Civ. Commitment of Hamilton*, No. A12-1030, 2013 WL 599362 (Minn. App. Feb. 19, 2013).

In February 2025, Hamilton filed a pro se motion to vacate the commitment order under Minnesota Rule of Civil Procedure 60.02(d) and (e). Hamilton argued that the district court's denial of his request to discharge his appointed counsel and to represent himself in the initial commitment proceedings was a "structural error" that mandates reversal. Hamilton requested that the district court (1) rule that his commitment order was void and

no longer equitable; (2) order a hearing to determine whether Hamilton is competent to waive the right to counsel; and (3) if he is found competent, allow Hamilton to waive the right to counsel and represent himself at a new trial. Hamilton based his motion on the supreme court's recent decision in *In re Civ. Commitment of Benson*, which held that 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." 12 N.W.3d 711, 713 (Minn. 2024) (syllabus).

The district court conducted a hearing on Hamilton's motion. Hamilton represented himself at the hearing, with the assistance of court-appointed standby counsel. In July 2025, the district court denied Hamilton's rule 60.02 motion. It determined that: (1) the motion failed on the merits; (2) Hamilton did not show he was prejudiced by the alleged error; (3) the motion was untimely; and (4) Hamilton forfeited any challenge to the denial of his request to represent himself because he did not move for a new trial or raise the issue in his direct appeal. The district court also determined that Hamilton's motion was "essentially an improper request for discharge" from the commitment order and conflicted with the commitment statute.

Hamilton appeals.

DECISION

Hamilton challenges the denial of his motion for relief from the commitment order under rule 60.02(d) and (e). The rule states that a district court may relieve a party from a final judgment or order if the "judgment is void" or if "it is no longer equitable that the judgment should have prospective application." Minn. R. Civ. P. 60.02(d), (e). The movant

bears the burden of proof in a rule 60.02 proceeding. *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). In doing so, we turn first to Hamilton’s arguments under rule 60.02(d), then address his arguments under rule 60.02(e).

Whether the Commitment Order is Void

Under rule 60.02(d), an order or judgment is void “if the issuing court lacked jurisdiction over the subject matter, lacked personal jurisdiction over the parties through a failure of service that has not been waived, or acted in a manner inconsistent with due process.” *Bode v. Minn. Dep’t of Nat. Res.*, 594 N.W.2d 257, 261 (Minn. App. 1999), *aff’d*, 612 N.W.2d 862 (Minn. 2000). Here, the district court determined that Hamilton’s rule 60.02(d) motion failed on the merits because he did not show that the issuing court lacked jurisdiction or that his procedural due-process rights were violated in the commitment proceeding.

Hamilton argues that the commitment order is void because the district court “acted in a manner inconsistent with due process.” *Id.* Citing *Benson*, Hamilton contends that, when the district court rejected his request to waive his right to counsel and represent himself, he was “deprived of an adequate opportunity to be heard” in the sense that he was “deprived of his right to present his own defense” and to make his “own defense *personally*.” (Quotation omitted.).¹

¹ Hamilton does not argue that the issuing court lacked jurisdiction over the 2009-2012 commitment proceeding. Hamilton maintains, however, that relief under rule 60.02(d) is

We disagree. The supreme court in *Benson* expressly did not reach the question of whether there is a constitutional right to self-representation in commitment proceedings. 12 N.W.3d at 715-21 (discussing a person’s ability to waive the *statutory* right to counsel in proceedings before the Commitment Appeal Panel (CAP)). And this court has held that the Due-Process Clause does not guarantee the right to counsel in an initial commitment proceeding. *Beaulieu v. Dep’t. of Hum. Servs.*, 798 N.W.2d 542, 549-51 (Minn. App. 2011), *aff’d*, 825 N.W.2d 716 (Minn. 2013).² Accordingly, Hamilton’s constitutional due-process rights were not implicated by the denial of his request to represent himself.

In sum, we conclude that the district court did not abuse its discretion by denying Hamilton’s motion under rule 60.02(d).

Whether the Commitment Order is No Longer Equitable

Under rule 60.02(e), a district court may grant relief from a final judgment or order if “it is no longer equitable that the judgment should have prospective application.” The district court must “determine whether changed circumstances exist and, if so, whether they render it inequitable for the judgment to have prospective application.”

not limited to jurisdictional or due-process issues. He points to the plain language of paragraph (d), which does not include these limitations. But Hamilton does not explain how the commitment order is otherwise “void.” Thus, we decline to reach this argument as inadequately briefed. *See Fannie Mae v. Heather Apartments Ltd. P’ship*, 811 N.W.2d 596, 600 n.2 (Minn. 2012) (“Summary arguments made without citation to legal support are waived.”).

² In their briefing, the parties cite to *In re Civ. Commitment of Urbanek*, 30 N.W.3d 797 (Minn. App. 2025), *vacated mem.*, No. A25-0808, 2026 WL 858492 (Minn. Mar. 25, 2026). Because the supreme court recently vacated *Urbanek*, we do not consider it in reaching our decision.

Sabri, 657 N.W.2d at 207. This “must be determined on a case-by-case basis.” *Id.* Changed circumstances may exist if there has been a change in “the relevant decisional law.” *Id.* at 205 n.3 (quotation omitted).

During Hamilton’s 2009-2012 commitment proceeding, this court’s precedential caselaw held that a proposed patient’s right to counsel could not be waived in an initial commitment proceeding. *See In re Irwin*, 529 N.W.2d 366, 371 (Minn. App. 1995), *rev. denied* (Minn. May 16, 1995).³ Hamilton argues that the *Benson* decision “was a significant change in circumstances in the form of new controlling caselaw.”

To address this issue, we turn to the *Benson* decision. Benson was civilly committed in 1993 and petitioned for a reduction in custody in 2020. *Benson*, 12 N.W.3d at 713. After the Special Review Board recommended denial of his petition, Benson petitioned the CAP for rehearing and reconsideration. *Id.* Benson moved to cross-examine witnesses and participate in his defense at the CAP hearing. *Id.* He also asked to “proceed pro se if at all possible.” *Id.* at 714. The CAP ordered that Benson could assist with cross-examination if his appointed counsel was present. *Id.* at 713. At the hearing, the CAP restricted its ruling, stating that it would allow Benson to ask some questions, “but only after his counsel

³ This court relied on rule 3.01 and the comment to rule 3 of the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment Act of 1982. *Irwin*, 529 N.W.2d at 371. Despite “changes to the applicable rules and removal of the comment” in 1999, this court “reconfirmed its conclusion in *Irwin*” in 2012. *Benson*, 12 N.W.3d at 718 n.10; *see also In re Emberland*, No. A11-1561, 2012 WL 612320, at *5-6 (Minn. App. Feb. 27, 2012) (“Notwithstanding the repeal of the statute and the rule on which *Irwin* was based, the conclusion in *Irwin* is not infirm.”); Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating that nonprecedential opinions are not binding authority but “may be cited as persuasive authority”).

engaged in cross-examination” and that “it would not allow Benson to offer exhibits on his own.” *Id.* Benson refused to participate in the CAP hearing under those restrictions. *Id.* The CAP dismissed Benson’s petition for a reduction in custody. *Id.* This court affirmed the CAP’s decision, concluding in part that Benson had no statutory right to proceed without counsel. *Id.* at 714-15.

The supreme court reversed, holding that section 253D.20 provides a “committed person” with a statutory right to counsel *and* allows a committed person to move the CAP to waive that right to counsel. *Id.* at 720; *see also* Minn. Stat. § 253D.02, subd. 4 (2024) (defining “committed person” as, among other things, “an individual committed under [chapter 253D]” or “any person committed as a [SDP], a person with a psychopathic personality, or a person with a SPP”). The supreme court noted that the right to self-representation was “neither absolute nor unfettered” and held that “a civilly committed person must be deemed competent to enter a knowing and intelligent waiver before being allowed to waive counsel.” *Benson*, 12 N.W.3d at 720.

The facts here are distinguishable from *Benson*. Hamilton asks for a hearing to determine whether he should have been allowed to represent himself at his initial commitment proceeding over 15 years ago—not a proceeding before the CAP regarding a petition for a reduction in custody. But *Benson* only addresses the statutory right of a person who is *already committed* to waive counsel during CAP proceedings. *See* Minn. Stat. § 253D.20 (2024) (addressing the right to counsel for a “committed person”). And it appears undisputed that Hamilton was *not* committed at the time of his

commitment proceedings and his request to waive counsel.⁴ Thus, *Benson*'s analysis of a committed person's rights under section 253D.20 does not apply to Hamilton.

Because *Benson*'s holding that a civilly-committed person may waive the right to counsel did not extend to individuals who are not already committed, there was not a change in "the relevant decisional law" to justify relief from the commitment order. *See Sabri*, 657 N.W.2d at 205 n.3 (quotation omitted); *SVAP III Riverdale Commons LLC v. Coon Rapids Gyms, LLC*, 967 N.W.2d 81, 86 (Minn. App. 2021) ("We have stated many times that the task of extending existing law falls to the supreme court or the legislature, but it does not fall to this court." (quotation omitted)). Thus, the district court did not abuse its discretion by denying Hamilton's motion under rule 60.02(e).⁵

Affirmed.

⁴ In addition to the foregoing, *Benson* is distinguishable because, unlike *Benson*, Hamilton ultimately discharged his court-appointed counsel and procured a new attorney, who represented him at his initial commitment trial in 2010.

⁵ Hamilton also argues the district court abused its discretion by determining that (1) he did not show he was prejudiced by the denial of his request to represent himself; (2) his rule 60.02 motion was untimely; (3) the self-representation issue was forfeited; and (4) his motion was an improper request for discharge from the commitment order. Because we conclude that the district court did not abuse its discretion by denying Hamilton's rule 60.02 motion on the merits, we need not address the parties' prejudice, timeliness, forfeiture, and request-for-discharge arguments.