

*This opinion is nonprecedential except as provided by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
A25-1943**

In the Matter of the Civil Commitment of:
Gustry Lashawn Sailee AKA Gustry Leshan Sailee.

**Filed May 26, 2026
Affirmed
Beane, Judge**

Hennepin County District Court
File No. 27-MH-PR-24-596

Gustry Lashawn Sailee, Anoka, Minnesota (pro se appellant)

Mary F. Moriarty, Hennepin County Attorney, Brittany D. Lawonn, Senior Assistant County Attorney, Minneapolis, Minnesota (for respondent Hennepin County Attorney's Office)

Considered and decided by Bentley, Presiding Judge; Ede, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

BEANE, Judge

Appellant Gustry Lashawn Sailee challenges the district court's order committing him for an indeterminate period as mentally ill and dangerous. Sailee, who is self-represented in this appeal, appears to argue that (1) he does not have a mental illness, (2) the county presented false information at trial, (3) he was not asked about his medical history during the commitment hearing, and (4) he was not provided effective assistance of counsel. We affirm.

FACTS

Sailee's extensive criminal, medical, and commitment history spans nearly 30 years. But, as relevant here, he was charged with two counts of fourth-degree assault arising from an incident that occurred in April 2024. The district court ordered Sailee to undergo a competency evaluation under Minnesota Rule of Criminal Procedure 20, after which Sailee was determined to be incompetent to proceed. Hennepin County (the county) screened Sailee for mental-health commitment and determined that he met the statutory criteria for a civil-commitment petition. The county then petitioned to have Sailee civilly committed.

The district court appointed an attorney for Sailee and appointed two examiners, each of whom examined Sailee and submitted a report. Each examiner independently concluded that Sailee is mentally ill, presents a danger to the safety of others due to his mental illness, and poses an elevated risk of violence. The examiners opined that, on those grounds, Sailee satisfies the statutory requirements for commitment as a person who is mentally ill and dangerous.

At the commitment hearing, the two court-appointed examiners, the medical director at a secure treatment facility, Sailee, and Sailee's mother testified. The district court also considered more than 40 exhibits, including police reports and criminal complaints from criminal matters involving Sailee, Sailee's rule 20 evaluation, the county screening report, and the reports from both court-appointed examiners. The district court found that Sailee has "a substantial psychiatric disorder of his thought, mood, perception, orientation, and memory, that grossly impairs his judgment, behavior, capacity to recognize reality, and ability to reason or understand" and that his "mental illness is manifested by instances of

grossly disturbed behavior or faulty perceptions.” The district court also found that because of his mental illness, Sailee “presents a clear danger to the safety of others,” “has engaged in overt acts capable of causing serious physical harm to another,” and that there “is a substantial likelihood that [he] will engage in acts capable of inflicting serious physical harm on another.” Based on those findings, the district court concluded that clear and convincing evidence establishes that Sailee “is a person mentally ill and dangerous to the public,” as defined by statute, and that he should be committed to the Minnesota Security Hospital.

At a July 2025 hearing to determine whether Sailee should be indeterminately committed, the district court considered Sailee’s 60-day report, his treatment plan, progress notes, and other records. A court-appointed examiner testified that Sailee met the statutory criteria for continued commitment as mentally ill and dangerous. The district court concluded that Sailee “continues to be a person mentally ill and dangerous to the public” and that he “should be committed for an indeterminate period.”

Sailee appeals.

DECISION

We review de novo “whether there is clear and convincing evidence in the record to support the district court’s conclusion that appellant meets the standards for commitment.” *In re Thulin*, 660 N.W.2d 140, 144 (Minn. App. 2003). A district court’s civil-commitment determination “must be justified by findings based upon evidence at the hearing.” *In re Knops*, 536 N.W.2d 616, 620 (Minn. 1995). We review the district court’s findings of fact

for clear error, viewing the record in the light most favorable to the district court’s findings and deferring to the district court’s credibility determinations. *Id.*

To order Sailee’s judicial commitment, the district court had to find by clear and convincing evidence that Sailee “poses a risk of harm due to mental illness” and that there is “no suitable alternative” to commitment. Minn. Stat. § 253B.09, subd. 1(a) (2024). A “person who poses a risk of harm due to a mental illness” includes

any person who has an organic disorder of the brain or a substantial psychiatric disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or to reason or understand, that is manifested by instances of grossly disturbed behavior or faulty perceptions and who, due to this impairment, poses a substantial likelihood of physical harm to self or others as demonstrated by:

....

(3) a recent attempt or threat to physically harm self or others.

Minn. Stat. § 253B.02, subd. 17a (2024).

On appeal, Sailee seems to argue that this statutory standard was not met because he does not have a mental illness. But the record includes clear and convincing evidence that Sailee is a person with a mental illness as defined by statute. The evidence includes evaluations from two court-appointed examiners. Each of those examiners independently concluded that Sailee is a person with a mental illness—mainly schizophrenia—who poses a substantial likelihood of physical harm to himself or others, and they each testified consistent with their evaluation reports. The evidence also includes Sailee’s past criminal, medical, and commitment history as detailed in rule 20 evaluations, various orders,

treatment notes, and court files spanning nearly 30 years. At the commitment hearing, Sailee acknowledged that he “suffer[s] from schizophrenia” to “a certain degree,” but stated that he does not experience all the symptoms of schizophrenia. This record contains clear and convincing evidence supporting the district court’s findings that Sailee has a substantial psychiatric disorder of thought, mood, perception, or orientation and that he poses a substantial likelihood of physical harm to himself or others. Thus, because Sailee does not challenge the district court’s determination that there is no suitable alternative to commitment, he has not shown that the district court erred in ordering him committed for an indeterminate period as mentally ill and dangerous.

Sailee also raises three other issues related to the commitment hearing. He argues that the county presented false information, that he was not asked about his medical history, and that he received ineffective assistance of counsel. We address each of these arguments in turn.

Sailee asserts generally that the county presented false information at the commitment hearing. Sailee claims that the examiners and the county provided false testimony, that the county falsified all 42 of its exhibits, and that a witness was manipulated into testifying falsely against him. This argument is unavailing. First, Sailee did not raise this issue in the district court. Sailee’s attorney did not object to any of the county’s exhibits. And when Sailee was asked directly during his testimony whether there was anything else he wanted the district court to know, he did not mention any errors in the testimony presented by the county. We may not consider arguments not raised in the district court. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Second, even if this issue

were properly before us, Sailee has not identified any specific exhibits or testimony presented by the county that he believes was false, and he has not offered any support for his allegations that the county presented false information or manipulated witnesses. Accordingly, we see no basis to conclude that the county presented false information to the district court. *See Louden v. Loudon*, 22 N.W.2d 164, 166 (Minn. 1946) (“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief . . . will not be considered on appeal unless prejudicial error is obvious on mere inspection.”).

Sailee next contends that he was never asked about his medical history. The commitment hearing transcript shows that Sailee was not asked about his medical history. But Sailee has not shown how the absence of his testimony about his medical history was erroneous or prejudicial. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (stating that an appellant bears the burden on appeal to show error and resulting prejudice). Again, Sailee’s attorney gave him an open-ended opportunity to address anything else he wanted the court to know. Sailee could have provided any additional information about his medical history that he believed was important for the district court to consider, but he did not. And Sailee does not point to anything specific about the extensive information the county provided to the district court regarding his medical or commitment history that he believes is incomplete or inaccurate. We therefore cannot conclude that Sailee was prejudiced by the fact that the record did not include his own testimony about his medical history.

Finally, Sailee argues that he received ineffective assistance of counsel because his attorney did not file certain exhibits, and that he never waived the right to admit evidence

or to confront witnesses. In commitment matters, we review claims of ineffective assistance of counsel de novo, using the same standard that applies in criminal cases. *In re Civ. Commitment of Johnson*, 931 N.W.2d 649, 657 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019). That is, to establish ineffective assistance of counsel, an appellant bears the burden to show that counsel’s representation “fell below an objective standard of reasonableness,” and that “but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984); *see also Johnson*, 931 N.W.2d at 657. We may address the “prongs in either order and may dispose of a claim on one without analyzing the other.” *Martin v. State*, 825 N.W.2d 734, 744 (Minn. 2013). “Appellate courts apply a strong presumption that an attorney’s performance falls within the wide range of reasonable professional assistance. General assertions of error without evidentiary support are inadequate to establish ineffective assistance of counsel. Moreover, a reviewing court generally will not review attacks on counsel’s trial strategy.” *Johnson*, 931 N.W.2d at 657 (quotations and citations omitted).

As to Sailee’s assertion that his counsel failed to file certain exhibits, Sailee does not specify what those exhibits were, aside from body-worn camera footage from his April 2024 arrest, nor does he explain how their omission prejudiced him at the commitment hearing. Sailee contends that the body-worn camera footage from his April 2024 arrest would prove that he was innocent of the criminal charges. But the district court did not rely solely on the April 2024 arrest in ordering Sailee’s commitment as mentally ill and dangerous. Instead, the district court relied on an extensive record documenting Sailee’s

criminal, mental-health, and commitment history over many years. Given these circumstances, Sailee has not established that his attorney's failure to present the body-worn camera footage from his April 2024 arrest or any other unidentified exhibit was prejudicial. *See id.* ("General assertions of error without evidentiary support are inadequate to establish ineffective assistance of counsel.").

As to Sailee's contention that he never waived the right to admit evidence or to confront witnesses,¹ Sailee also has not established that his counsel's performance was objectively unreasonable or prejudiced the outcome of the commitment proceeding. Sailee had a full opportunity to rebut the county's evidence and to present his own evidence. Sailee's counsel at the commitment hearing stipulated to the county's exhibits, cross-examined the county's witnesses, and presented witnesses on Sailee's behalf. And nothing in the record reflects that Sailee sought to introduce exhibits beyond those presented by the county or to examine other witnesses.

In sum, Sailee does not identify—and our independent review of the record has not revealed—any aspect of counsel's performance that fell below an objective standard of reasonableness. Sailee also has not demonstrated that any purported error by his counsel prejudiced the outcome of the commitment hearing. Thus, we cannot conclude that Sailee received ineffective assistance of counsel.

Affirmed.

¹ The right to confront witnesses that exists in criminal cases does not apply in a civil proceeding. *See In re Irwin*, 529 N.W.2d 366, 373 (Minn. App. 1995) (explaining that commitment proceedings are civil in nature and that the Confrontation Clause applies only in criminal cases), *rev. denied* (Minn. May 16, 1995).

