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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-2113**

In the Matter of the Civil Commitment of: Anthony James Moore.

**Filed July 27, 2026
Affirmed
Johnson, Judge**

Ramsey County District Court
File No. 62-MH-PR-25-269

Anthony James Moore, St. Peter, Minnesota (*pro se* appellant)

John J. Choi, Ramsey County Attorney, Anne Zimmerman, Assistant County Attorney,
St. Paul, Minnesota (for respondent State of Minnesota)

Considered and decided by Johnson, Presiding Judge; Frisch, Chief Judge; and
Rasmusson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Ramsey County petitioned for the civil commitment of Anthony James Moore as a sexually dangerous person and a sexual psychopathic personality. The district court granted the petition. We conclude that the district court did not err and, therefore, affirm.

FACTS

On April 16, 2025, Ramsey County petitioned the district court for the indeterminate civil commitment of Moore as a sexually dangerous person (SDP) and a sexual psychopathic personality (SPP). The petition alleged that, in 2001, Moore was convicted

in North Dakota of the felony offense of gross sexual imposition, in violation of N.D. Cent. Code § 12.1-20-03 (2001), and was sentenced to 20 years of imprisonment. The petition also alleged that, in 2023, Moore was convicted in Hennepin County of fourth-degree sexual contact using coercion, in violation of Minn. Stat. § 609.345, subd. 1(a) (2022), and fifth-degree nonconsensual sexual contact, in violation of Minn. Stat. § 609.3451, subd. 1a(1) (2022), and was sentenced to 30 months of imprisonment. Ramsey County filed its civil-commitment petition shortly before Moore's release from prison.

One day after the petition was filed, the district court appointed an attorney to represent Moore. After a scheduling conference on April 29, 2025, the district court appointed two examiners and scheduled their examinations of Moore for dates in May and June of 2025. The district court also scheduled the evidentiary hearing for July 25, 2025. In doing so, the district court found that there was good cause to extend the statutory deadline that generally requires an evidentiary hearing within 60 days of the filing of a commitment petition. *See* Minn. Stat. § 253B.08, subd. 1(a) (2024). Moore refused to appear for the scheduled examinations by the court-appointed examiners.

In early May 2025, Moore filed five motions on a self-represented basis. He requested, among other things, that he be allowed to dismiss his court-appointed attorney and represent himself, the suppression of evidence, and the dismissal of the petition. After a hearing on Moore's self-represented motions, the district court filed an order in early July 2025 in which it denied the motions.

On July 25, 2025, the parties appeared before the district court. Moore has not provided this court with a transcript of that proceeding. An order filed by the district court

three days later states that Moore's court-appointed attorney moved to withdraw and that the motion was granted. In the same order, the district court appointed a new attorney to represent Moore. The district court rescheduled the evidentiary hearing to August 8, 2025.

On August 8, 2025, the parties appeared before the district court. Again, Moore has not provided this court with a transcript of that proceeding. An order filed by the district court one week later states that good cause existed to further extend the statutory deadline for an evidentiary hearing. In the same order, the district court expressly found that Moore had constructively waived the statutory deadline "due to his conduct that caused prior counsel's withdrawal." The district court rescheduled the evidentiary hearing to October 3, 2025.

The case was tried on October 3, 2025. The district court began the evidentiary hearing by reiterating its prior ruling that Moore could not dismiss his second court-appointed attorney but informing Moore that he would be allowed to fully participate in the proceeding so long as he remained respectful and was not disruptive. Moore personally presented an opening statement.

The county began its presentation of evidence by calling Moore as its first witness. Moore objected, citing a constitutional right against self-incrimination and stating, "I'm not going to testify." Moore refused to take the witness stand, but the district court allowed him to testify from the counsel table. Moore refused to be sworn, explaining that his refusal was "part of my defense." The county asked Moore 64 questions, but he objected to every one, without providing any substantive answers.

For its second witness, the county called Amber Lindeman, Psy.D., L.P., one of the court-appointed examiners. Moore objected to Dr. Lindeman's testimony for several reasons, and the district court overruled the objections. Dr. Lindeman testified that she had experience in and was familiar with SDP and SPP diagnoses, that she had reviewed approximately 9,000 pages of Moore's records, that she was prepared to interview Moore but he refused to cooperate, and that the available records provided sufficient information to reach a conclusion but with a more conservative diagnosis because of the absence of an interview. Dr. Lindeman opined that Moore meets the statutory criteria for commitment as an SDP and an SPP.

During the direct examination of Dr. Lindeman, Moore objected to nearly every question asked. The district court eventually paused the examination to state that it would recognize a standing objection. When Moore continued to object, the district court instructed him to state objections only on grounds not previously expressed. When Moore continued to repeat objections previously made, the district court told him that he could object only through his attorney and that he would be removed from the courtroom if he continued to disrupt the proceedings. Moore did not comply, and the district court removed him. After the county's direct examination, Moore's attorney conducted a cross-examination. At the conclusion of Dr. Lindeman's testimony, the district court gave Moore an opportunity to re-enter the courtroom on the condition that he comply with the court's directives. Moore agreed and re-entered the courtroom.

For its third witness, the county called Andrea Lovett, Ph.D., L.P. the other court-appointed examiner. The district court recognized Moore's standing objection to every

question asked of Dr. Lovett. Dr. Lovett testified that she had experience in and was familiar with SDP and SPP diagnoses, that she had reviewed Moore's records, that she was prepared to interview him but he refused to cooperate, and that the records provided her with sufficient information to reach a conclusion. Dr. Lovett opined that Moore meets the criteria for commitment as an SDP and as an SPP. Moore's attorney cross-examined Dr. Lovett.

After the county rested, Moore declined to testify and did not call any witnesses or introduce any exhibits. Moore personally made a brief closing argument. The district court took the matter under advisement.

In November 2025, the district court filed a 63-page order in which it concluded that the county had presented clear and convincing evidence that Moore should be committed as an SDP and an SPP. Moore appeals.

DECISION

Moore is representing himself on appeal. He has filed a brief that asserts eight arguments, each of which we consider below after reorganizing them into a logical order and combining related arguments.

I. Right of Self-Representation

Moore argues that the district court erred by denying his motion to dismiss his court-appointed attorney and represent himself.

In its July 2025 order denying Moore's motion, the district court cited a statute that provides, "The court shall appoint a qualified attorney to represent the proposed patient if neither the proposed patient nor others provide counsel." Minn. Stat. § 253B.07, subd. 2c

(2024). The district court also cited caselaw providing that a civil-commitment respondent does not have a right of self-representation arising from either state statutes or rules of court. See *In re Irwin*, 529 N.W.2d 366, 371 (Minn. App. 1995), *rev. denied* (Minn. May 16, 1995); *In re Civil Commitment of Emberland*, No. A11-1561, 2012 WL 612320, at *5-6 (Minn. App. Feb. 27, 2012). Moore does not challenge the district court’s reliance on that caselaw. In other recent cases, this court has relied on *Irwin* and *Emberland* for the conclusion that a civil-commitment respondent does not have a statutory right of self-representation. See *In re Civil Commitment of Hamilton*, No. A25-1446, 2026 WL 1284221, at *3 (Minn. App. May 11, 2026), *petition for rev. filed* (Minn. Jun 11, 2026); *In re Civil Commitment of Allan*, No. A25-0652, 2025 WL 2827726, at *1-2 (Minn. App. Dec. 17, 2025), *rev. denied* (Minn. Dec. 17, 2025); *see also* Minn. R. Civ. App. P. 136.01, subd. 1(c) (providing that nonprecedential opinions are “not binding authority” but “may be cited as persuasive authority”).

Moore cites *In re Civil Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024), in which the supreme court held that a civilly committed person seeking a reduction in custody has a right to waive the statutory right to counsel in Minnesota Statutes section 253D.20 (2022). *Id.* at 713. The *Benson* opinion does not apply in this case, an appeal from a civil-commitment order, because the right to counsel in a civil-commitment proceeding is governed by a different statute. See Minn. Stat. § 253D.07, subd. 2 (referencing Minn. Stat. §§ 253B.07, .08); Minn. Stat. § 253B.07, subd. 2c; *see also Hamilton*, 2026 WL 1284221, at *3-4; *In re Civil Commitment of Ivey*, No. A25-1213, 2026 WL 570456, at *3 (Minn. App. Mar. 2, 2026), *rev. denied* (Minn. May 27, 2026).

Moore also cites *Faretta v. California*, 422 U.S. 806 (1975), in which the United States Supreme Court recognized a right of self-representation in criminal cases under the Sixth Amendment to the United States Constitution. *Id.* at 807. But the Sixth Amendment applies only in a criminal case, not in a civil case such as a civil-commitment proceeding. *See Beaulieu v. Minnesota Dep't of Human Servs.*, 798 N.W.2d 542, 548 (Minn. App. 2011) (noting appellant's concession that Sixth Amendment does not apply in civil-commitment proceeding), *aff'd*, 825 N.W.2d 716 (Minn. 2013); *Favors v. Jesson*, No. A13-1579, 2014 WL 997055, at *4 (Minn. App. Mar. 17, 2014) (reasoning that *Faretta* does not apply in civil-commitment proceeding).

Thus, the district court did not err by denying Moore's motion to dismiss his court-appointed attorney and represent himself.

II. Waiver of Hearing Deadline

Moore also argues that the district court erred by not commencing the evidentiary hearing within 120 days of the county's filing of the petition, as generally required by statute. In response, the county acknowledges that the evidentiary hearing did not occur within 120 days but argues that the district court properly found that Moore waived the statutory deadline.

If a county files a civil-commitment petition, a hearing "shall be held within 90 days from the date of the filing of the petition," but "the court may extend the time of hearing up to an additional 30 days" for good cause. Minn. Stat. §§ 253D.07, subd. 2, 253B.08, subd. 1(a) (2024). If a hearing on the petition is not held within the time allowed, the petition must be dismissed. Minn. Stat. § 253B.08, subd. 1(a). However, the statutory

right to a hearing within 90 or 120 days is waivable. *In re Civil Commitment of Giem*, 742 N.W.2d 422, 431 (Minn. 2007). Furthermore, a civil-commitment respondent’s “waiver of the statutory deadlines . . . can be inferred from [his] conduct.” *Id.* at 432. A district court’s finding that a civil-commitment respondent waived the statutory deadline is subject to a clear-error standard of review. *Id.*

The district court twice scheduled the evidentiary hearing for a date beyond a statutory deadline. In late April 2025, the district court found good cause to extend the 90-day deadline and scheduled the evidentiary hearing for July 25, 2025, which is 100 days after the filing of the petition. When the parties appeared on that date, Moore’s attorney moved to withdraw because of Moore’s conduct toward her. The district court granted the motion on the ground that the attorney’s withdrawal was caused by Moore’s conduct, appointed a new attorney, and scheduled the evidentiary hearing for August 8, 2025, which is 114 days after the filing of the petition. But when the parties appeared on that date, Moore’s second court-appointed attorney moved to continue the evidentiary hearing because he needed more time to prepare. The district court granted the motion, found that there was good cause to extend the statutory deadline, expressly found that Moore’s conduct toward his first court-appointed attorney constituted a constructive waiver of the statutory deadline, and rescheduled the evidentiary hearing to October 3, 2025, which is more than 120 days after the filing of the petition. As stated above, Moore has not submitted transcripts of the July 25, 2025 and August 8, 2025 hearings.

In the order filed after the evidentiary hearing, the district court reviewed the proceedings described above and made additional findings. The district court recited the

statements of Moore's first court-appointed attorney, who informed the district court at the July 25, 2025 hearing that representing Moore had become "too stressful, causing an emotional impact" on her. According to the district court, the attorney stated, "I have done this for 47 years and this is the only case I've asked to withdraw from." The district court also recited Moore's statements in response, in which he essentially admitted that he had refused to cooperate with the attorney and also stated that there was too much animosity between them.

On appeal, Moore does not directly challenge the district court's finding of a waiver; he simply states that the evidentiary hearing occurred more than 120 days after the filing of the petition. Our review of the limited record does not provide any basis for a determination that the district court's finding of waiver is clearly erroneous. Moore does not dispute that he and his first court-appointed attorney did not have a good working relationship. The district court's finding that Moore caused the attorney to seek to withdraw appears reasonable in light of the record as a whole, which includes his obstreperous conduct during the evidentiary hearing. Moore's conduct is somewhat different from the conduct of the respondent in *Giem*, who waived the statutory deadlines by expressly agreeing to postpone the evidentiary hearing. *See* 742 N.W.2d at 432. But Moore's conduct fits well within the supreme court's definition of "waiver by conduct," which has been applied in a different context to criminal defendants who seek to frustrate or delay court proceedings by "voluntarily engag[ing] in misconduct knowing what they stand to lose." *See State v. Jones*, 772 N.W.2d 496, 505 (Minn. 2009) (quotation omitted)

(alteration added); *see also State v. Worthy*, 583 N.W.2d 270, 275-77 (Minn. 1998) (concluding that defendants waived right to counsel by firing attorney).

Thus, the district court did not clearly err by finding that Moore waived the statutory deadlines.

III. Admissibility of Evidence

Moore also argues that the district court erred by admitting and relying on inadmissible evidence. He argues broadly and generally that all of the county's evidence is inadmissible based on the fact that he did not submit to examinations. He asserts, for example, that "the two psychologists admitted I never spoke to them, yet they diagnosed me with a mental disorder." He further asserts that he cannot be committed unless he "sit[s] down with a licensed psychologist and undergo[es] psychological evaluation and testing to arrive at a mental diagnosis, and in my case it has not been done." For those and similar reasons, he contends that all of the county's exhibits are inadmissible hearsay and that the examiners' expert testimony lacks foundational reliability and trustworthiness. *See* Minn. R. Evid. 702, 703, 802.

Moore's argument aligns with his pre-trial motion to suppress, in which he argued that the opinions of the court-appointed examiners are unreliable because their opinions are based on purportedly inadmissible records related to Moore's prior convictions and incarceration. In denying that motion, the district court cited a statute providing that, in a civil-commitment trial, a district court "shall admit all relevant evidence at the hearing." Minn. Stat. § 253B.08, subd. 7. The district court also cited a procedural rule providing that a district court "may admit all relevant, reliable evidence, including but not limited to

the respondent's medical records, without requiring foundation witnesses.” Minn. Spec. R. Commit. & Treat. Act 15. This court has interpreted these authorities to mean that the rules of evidence do not strictly apply in civil-commitment proceedings and that a district court need not apply rules of evidence other than the rules governing relevance. *In re Civil Commitment of Williams*, 735 N.W.2d 727, 730-31 (Minn. App. 2007), *rev. denied* (Minn. Sept. 26, 2007). Accordingly, a district court may admit hearsay evidence so long as it is relevant and reliable. *Id.*

Moore does not challenge the district court's reasoning. He acknowledges the *Williams* opinion but contends generally that he objected to the reliability of the county's exhibits. But the district court overruled his objections, and Moore does not challenge the district court's rulings by explaining why the county's evidence is not relevant or not reliable.

Thus, the district court did not abuse its discretion by admitting and relying on the county's evidence.

IV. Dangerousness

Moore also argues that the district court erred by concluding that he is an SDP and an SPP on the ground that the conduct underlying his prior convictions was non-violent.

Moore relies on the supreme court's opinion in *In re Rickmyer*, 519 N.W.2d 188 (Minn. 1994), in which the supreme court reviewed a civil-commitment order under the former psychopathic-personality statute, which was construed to require, among other things, a likelihood that “the person will ‘attack or otherwise inflict injury, loss, pain or other evil on the objects of their uncontrolled and uncontrollable desire.’” *Id.* at 190

(quoting *State ex rel. Pearson v. Probate Ct. of Ramsey Cnty.*, 287 N.W. 297, 302 (Minn. 1939), *aff'd*, 309 U.S. 270 (1940)). The supreme court reversed the commitment order in *Rickmyer* on the ground that the evidence was insufficient to prove that the appellant, a self-described “non-violent pedophile,” was not “likely to inflict serious physical or mental harm to others” because his prior criminal conduct had consisted of “unauthorized sexual ‘touchings’ and ‘spankings’” of “young boys.” *Id.* at 189-90. The supreme court reasoned that the appellant’s prior conduct, “while repellent, does not constitute the kind of injury, pain, ‘or other evil’ that is contemplated by the psychopathic personality statute.” *Id.* at 190. One year later, the supreme court distinguished *Rickmyer* in a case in which the appellant was civilly committed as mentally ill and dangerous based on evidence that he penetrated the vagina of a young girl with his fingers, thereby causing “the removal of her hymenal tissue,” which “constitutes a serious physical injury,” thereby satisfying the statutory requirement of “serious physical harm.” *In re Knops*, 536 N.W.2d 616, 620-21 (Minn. 1995) (citing Minn. Stat. § 253B.02, subd. 17 (1994)).

The conclusion that a person is an SDP requires proof that the person “has engaged in a course of harmful sexual conduct.” Minn. Stat. § 253D.02, subd. 16 (2024). The term “harmful sexual conduct” is defined by statute to mean “sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.” *Id.*, subd. 8(a). Similarly, the conclusion that a person is an SPP requires proof that “the person has evidenced, by a habitual course of misconduct in sexual matters, an utter lack of power to control the person’s sexual impulses and, as a result, is dangerous to other persons.” *Id.*, subd. 15.

In this case, the evidence shows that Moore engaged in conduct that is more serious, more harmful, and more dangerous than the conduct in *Rickmyer*. In 2001, Moore was charged with a crime for forcibly removing the clothing of a 40-year-old woman in his apartment despite her vigorous protests and penetrating her vagina with his penis. In the same year, Moore was charged with and later convicted of a crime for inviting a 20-year-old woman to his apartment, forcibly removing her clothing despite her vigorous protests, choking her with both hands, threatening to kill her, and penetrating her vagina with his penis. In 2022, Moore was charged with and later convicted of a crime for grabbing a co-worker in an enclosed space, touching her genitals over her clothing, getting on top of her, and attempting to engage in sexual conduct. Dr. Lindeman opined that Moore had engaged in a course of harmful sexual conduct that created a substantial likelihood of serious physical or emotional harm to others. This evidence satisfies the statutory standard and is not insufficient for the reasons identified in *Rickmyer*. See *In re Kindschy*, 634 N.W.2d 723, 732 (Minn. App. 2001) (concluding that, for purpose of SPP statute, appellant’s prior conduct, “repeated oral and anal sex . . . accompanied by threats of violence,” was sufficiently dangerous), *rev. denied* (Minn. Dec. 19, 2001); *In re Preston*, 629 N.W.2d 104, 107-08, 113 (Minn. App. 2001) (concluding that, for purpose of SPP statute, appellant’s prior conduct, “over 100 incidences of impermissible sexual contact with eight different victims,” including digital penetration and cunnilingus, was sufficiently dangerous).

Thus, the district court did not err by concluding that Moore’s prior conduct satisfies the requirements of the SDP and SPP statutes.

V. Ineffective Assistance of Counsel

Moore also argues that his second court-appointed attorney provided him with ineffective assistance of counsel. He alleges that the attorney was ineffective in four ways: (1) by not objecting to the county's evidence, (2) by stipulating to the admissibility of the county's exhibits, (3) by agreeing with the county to an adverse inference against him based on his refusal to testify, and (4) by doing "nothing to defend the case."

A person may challenge a civil-commitment order on the ground of ineffective assistance of counsel. *In re Civil Commitment of Lonergan*, 811 N.W.2d 635, 643 (Minn. 2012); *In re Commitment of Johnson*, 931 N.W.2d 649, 657 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019). Such a claim is analyzed under the standard that applies in criminal cases, as set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). To prevail under *Strickland*, a person "must show that counsel's representation fell below an objective standard of reasonableness" and that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 687-88, 694. Appellate courts apply "a strong presumption that a counsel's performance falls within the wide range of reasonable professional assistance." *State v. Jones*, 392 N.W.2d 224, 236 (Minn. 1986) (quotation omitted). In addition, appellate courts generally "will not review attacks on counsel's trial strategy," *Opsahl v. State*, 677 N.W.2d 414, 421 (Minn. 2004), and "decisions about objections at trial are matters of trial strategy," *State v. Mosley*, 895 N.W.2d 585, 592 (Minn. 2017) (quotation omitted).

Each of Moore's four claims fails on either one or both of the *Strickland* requirements. Moore's first and second claims fail for several reasons. His attorney's lack

of objections to the county's evidence and stipulation to the admissibility of the county's exhibits are matters of trial strategy. *See id.* at 592; *Opsahl*, 677 N.W.2d at 421. Even if we were to review the attorney's actions and inactions, we would conclude that they are not objectively unreasonable because, as explained above, Moore's challenges to the admissibility of the county's evidence are without merit. *See supra* part III. In addition, Moore's attorney's stipulation to the admissibility of the county's exhibits would not have changed the result of the proceeding because Moore himself objected and the district court considered the objection. Moore's third claim, that his attorney agreed with the opposing party to an adverse inference against him based on his refusal to testify, lacks support in the record. When the county's attorney requested an adverse inference, Moore's attorney did *not* agree. In any event, Moore personally objected, and the district court overruled his objection. The lack of an objection by the attorney was not objectively unreasonable and would not have changed the result of the proceeding because the district court, sitting as factfinder, was free to draw permissible inferences from the record. Moore's fourth claim fails because it is too vague and because the record generally reflects that Moore's court-appointed attorneys represented him appropriately in light of the circumstances.

Thus, Moore did not receive ineffective assistance of counsel.

In sum, the district court did not err by granting the county's petition for Moore's civil commitment as an SDP and an SPP.

Affirmed.