

*This opinion is nonprecedential except as provided by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
A26-0050**

In the Matter of the Civil Commitment of: Thomas Hurl Bolter.

**Filed July 20, 2026
Affirmed
Frisch, Chief Judge**

Pennington County District Court
File No. 57-PR-09-1313

Thomas Bolter, Moose Lake, Minnesota (pro se appellant)

Keith Ellison, Attorney General, Angela Helseth Kiese, Assistant Attorney General,
St. Paul, Minnesota; and

Nathan Haase, Pennington County Attorney, Thief River Falls, Minnesota (for respondent
Pennington County Department of Human Services)

Considered and decided by Harris, Presiding Judge; Frisch, Chief Judge; and
Larson, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant challenges the district court's denial of his motion under Minn. R. Civ. P. 60.02 for relief from his indeterminate civil commitment. Relying on the supreme court's decision *In re Civil Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024), appellant argues that (1) he is entitled to relief under Rule 60.02(d) because *Benson* recognizes a preexisting right to self-representation in civil-commitment proceedings, and the district

court violated this right by appointing counsel for appellant's initial commitment proceedings, thereby violating appellant's due-process rights; and (2) he is entitled to relief under Rule 60.02(e) because *Benson* constitutes a change in relevant decisional law. Because appellant did not object to the appointment of counsel, request to waive counsel, or otherwise seek to represent himself during his initial commitment proceedings, he has not established that he is entitled to relief under Rule 60.02(d) or (e), and we affirm.

FACTS

In December 2009, respondent Pennington County Department of Human Services (the county) filed a petition to commit appellant Thomas Hurl Bolter as a sexually dangerous person (SDP) and as a sexual psychopathic personality (SPP). On the same day, the district court appointed an attorney to represent Bolter.

At a July 2010 hearing, the parties submitted a written stipulation to the district court that provided that Bolter would agree to indeterminate commitment under the SDP designation and, in turn, the county would dismiss the portion of the petition seeking Bolter's commitment under the SPP designation. Bolter testified regarding the written stipulation and his agreement to be indeterminately committed. On the same day, with the agreement of the parties, the district court filed an interim order indeterminately committing Bolter as an SDP.

Several weeks later, with the assistance of his court-appointed attorney, Bolter moved to withdraw his agreement to the stipulation for indeterminate commitment. In October 2010, following a hearing, the district court filed an order for Bolter's indeterminate commitment as an SDP that reiterated its conclusions of law in the interim

order and included factual findings to support the conclusions. In December 2010, the district court denied Bolter's motion to withdraw his stipulation. In May 2011, we affirmed the October 2010 commitment order. *In re Civ. Commitment of Bolter*, No. A10-1947 (Minn. App. May 3, 2011).

Almost 15 years later, in February 2025, Bolter filed a pro se motion pursuant to Minn. R. Civ. P. 60.02 seeking to vacate the indeterminate commitment order. Relying on the supreme court's decision *In re Civil Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024), Bolter argued that (1) he is entitled to relief under Rule 60.02(d) because he was denied his right to self-representation during his initial civil-commitment proceedings, thereby violating his due-process rights and rendering the 2010 commitment order "void"; and (2) he is entitled to relief under Rule 60.02(e) because *Benson* represents a change in decisional law that renders it inequitable for the 2010 commitment order to have prospective effect.

After a hearing, the district court denied Bolter's Rule 60.02 motion. The district court reasoned that Bolter had not "cited to any facts or other evidence in the record which establishes he requested or otherwise sought to represent himself nor has he shown he was improperly denied the ability to represent himself" at his initial commitment proceedings. Accordingly, the district court reasoned that Bolter had not established that his due-process rights were violated and that *Benson* "did not change the operative facts, relevant decisional law, or applicable statutory law" related to Bolter's commitment proceedings. Therefore, it concluded Bolter did not establish he was entitled to relief under Rule 60.02.

Bolter appeals.

DECISION

Bolter argues that the district court erred as a matter of law by denying his Rule 60.02 motion for relief from the district court's order and judgment of his indeterminate civil commitment.

Rule 60.02 provides that a district court may relieve a party from a 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). Pursuant to 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). Under Rule 60.02(e), a district court must "determine whether changed circumstances exist and, if so, whether they render it inequitable for the judgment to have prospective application." *City of Barnum v. Sabri*, 657 N.W.2d 201, 207 (Minn. App. 2003). 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). The movant bears the burden of proof in a Rule 60.02 proceeding. *Id.* at 205.

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). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn.

2022) (quotation omitted). We review questions of law, including the interpretation of caselaw and whether a person’s due-process rights have been violated, de novo. *See In re Civ. Commitment of Poole*, 921 N.W.2d 62, 66 (Minn. App. 2018), *rev. denied* (Minn. Jan. 15, 2019) (stating that the construction of rules and statutes, and associated caselaw, is addressed de novo); *Bendorf v. Comm’r of Pub. Safety*, 727 N.W.2d 410, 413 (Minn. 2007) (stating that whether appellant was deprived of his right to procedural due process is a constitutional question that we review de novo).

Bolter argues that *Benson* entitles him to relief under Rule 60.02(d) and (e). First, he argues that he is entitled to relief under Rule 60.02(d) from a “void” judgment because he “suffered a violation of due process when he was deprived of his statutory and common law right to represent himself” during his initial commitment proceedings.¹ He asserts that “the *Benson* court recognized a pre-existing right to self-representation in civil commitment proceedings,” and that he was “deprived of an adequate opportunity to be heard” when the district court appointed counsel for his initial commitment proceedings, in the sense that he “was deprived of his right to present his own defense” and make his “own defense *personally*.”² Second, Bolter argues that he is entitled to relief under Rule

¹ Bolter maintains that relief under rule 60.02(d) is not limited to jurisdictional or due-process issues. But the analysis in Bolter’s appellate brief relates entirely to his claimed due-process violation, and he does not explain how the commitment order is otherwise “void.” We therefore decline to consider this argument. *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 Bolter summarily asserts that “[t]he minimum process due one facing an indeterminate (and more-often-than-not lifetime) civil commitment is certainly more than merely providing ‘notice of the civil commitment petition’ and ‘an opportunity to be heard in the

60.02(e) because *Benson* constitutes a significant change of circumstances that renders the prospective application of his 2010 commitment order inequitable.³ We disagree.

In *Benson*, the supreme court held that Minn. Stat. § 253D.20 (2022) “establishes a waivable right to counsel and therefore does not preclude civilly committed people from representing themselves in commitment proceedings.” 12 N.W.3d at 721. The appellant in *Benson* asserted his right to self-representation at the hearing that gave rise to the appeal—a petition for rehearing before the Commitment Appeal Panel (CAP) held after the Special Review Board recommended that his petition for reduction in custody be denied. *Id.* at 714. Before the hearing, the appellant filed a motion seeking an order allowing him to participate in his defense and stating that he would “prefer[] to proceed pro se if at all possible.” *Id.*

The district court in this matter correctly reasoned that *Benson* does not entitle Bolter to relief under Rule 60.02(d) or (e) because Bolter never asserted his right to self-representation in the commitment proceedings—a fact that Bolter does not dispute. Unlike *Benson*, in which the appellant asserted his right to self-representation by filing a motion

underlying commitment proceeding.” Bolter does not explain what additional process is required or how the commitment order is accordingly “void.” We therefore decline to consider this argument. *See Fannie Mae*, 811 N.W.2d at 600 n.2 (“Summary arguments made without citation to legal support are waived.”).

³ Bolter suggests that Minnesota courts have rejected similar arguments from civilly committed persons following *Benson* because courts “struggle with the fact that relief from an order could ever be warranted years, or even decades, after said order was entered.” But the district court did not consider the length of time since the 2010 commitment order was filed in denying Bolter relief under Rule 60.02(e), and neither do we.

seeking to cross-examine witnesses and participate in his defense, the record does not indicate that Bolter expressed his desire to represent himself at any point during the commitment proceedings. *See id.* Bolter is therefore not entitled to relief under *Benson* because he never asserted his right to self-representation in his initial commitment proceedings.

Because Bolter has not submitted evidence that he asserted a right to self-representation during his initial commitment proceedings, he cannot establish that the district court violated his right to due process—even if his due-process rights were understood to include a right to self-representation—and thus he has not established that he is entitled to relief under Rule 60.02(d). And because Bolter relies exclusively on *Benson* to argue that the prospective effect of the 2010 commitment order is no longer equitable, he has thus not established that he is entitled to relief under Rule 60.02(e). Accordingly, we conclude the district court did not abuse its discretion by denying Bolter’s Rule 60.02 motion for relief.

To persuade us otherwise, we understand Bolter to argue that the district court erred as a matter of law by denying relief under Rule 60.02 based on his failure to assert a right to self-representation in his initial commitment proceedings, because doing so is “clearly contrary to precedential caselaw relating to the issue of forfeiture.” The authorities Bolter relies upon in support of this argument are inapposite, as they relate to a party’s forfeiture of claims or arguments on appeal that were not raised in previous proceedings.⁴ Bolter is

⁴ We note that while Bolter suggests “precedential caselaw” precludes the denial of Rule 60.02 relief based on Bolter’s failure to assert a right to self-representation at his initial

not precluded from seeking relief under Rule 60.02 because he forfeited his arguments relating to his right to self-representation at his initial commitment proceedings. Rather, the absence of any request from Bolter to represent himself is dispositive in this matter because Bolter bears the burden of proving that he is entitled to relief under Rule 60.02. And because there is no basis for the requested relief under *Benson*, we discern no abuse of discretion by the district court.⁵

In sum, the district court correctly applied *Benson* based on the undisputed finding that Bolter did not request to waive counsel or otherwise seek to represent himself during his initial commitment proceedings, and it did not abuse its discretion by concluding that Bolter has not established he is entitled to relief under Rule 60.02(d) or (e).

Affirmed.

commitment proceedings, he cites to numerous nonbinding decisions from this court and various other courts. See Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating that nonprecedential opinions may only be cited as persuasive authority); *Laliberte v. Dollar Tree, Inc.*, 987 N.W.2d 590, 594 n.4 (Minn. App. 2023) (noting that federal court opinions “do not bind us” but may be considered for their persuasive value).

⁵ Bolter also argues that this court wrongly decided *In re Civil 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.