STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0397

In the Matter of: Michael Dale Benson.

Filed October 20, 2025
Affirmed
Wheelock, Judge

Douglas County District Court
File No. 21-P4-93-117

Michael Dale Benson, Moose Lake, Minnesota (pro se appellant)

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

Chad Larson, Douglas County Attorney, Alexandria, Minnesota (for respondent Douglas County)

Considered and decided by Wheelock, Presiding Judge; Larson, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges the district court's denial of his motion pursuant to Minn. R. Civ. P. 60.02(e) for relief from his indeterminate civil commitment, arguing that the issuance of a recent supreme court opinion was a changed circumstance that entitles him to a new initial commitment hearing. We affirm.

FACTS

Appellant Michael Dale Benson was committed as a sexual psychopathic personality[1] pursuant to a petition by respondent Douglas County in 1993. *In re Benson*, No. C0-93-1357, 1993 WL 459840, at *1 (Minn. App. 1993).[2] In April 2020, Benson petitioned for a reduction in custody, transfer, provisional discharge, or full discharge, and the Special Review Board[3] recommended that his petition be denied because it determined that he had an ongoing need for treatment and supervision. *In re Civ. Commitment of Benson*, 12 N.W.3d 711, 714 (Minn. 2024) (2024 supreme court opinion). Benson appealed that recommendation to the commitment appeal panel (CAP),[4] which appointed counsel to represent Benson. *Benson*, 12 N.W.3d at 714. After Benson asked to represent himself before the CAP on his petition, the CAP denied his request and ultimately denied

[1] When Benson was committed, the term was "psychopathic personality," but his condition is now known as "sexual psychopathic personality." *Compare* Minn. Stat. § 526.09 (1992) (defining "psychopathic personality"), *with* Minn. Stat. § 253D.02, subd. 15 (2024) (defining "[s]exual psychopathic personality").

[2] Benson has unsuccessfully challenged his commitment many times prior to this appeal. *See Benson v. Johnston*, No. A21-1111, 2022 WL 1004845, at *1 (Minn. App. 2022) ("This case represents at least his eighth litigated challenge to his commitment . . . ."), *rev. denied* (Minn. June 21, 2022).

[3] A Special Review Board hears and considers "all petitions for a reduction in custody or to appeal a revocation of provisional discharge." Minn. Stat. § 253B.18, subd. 4c(a) (2024).

[4] We refer to the entity formerly known as the supreme court appeal panel, or statutorily as the judicial appeal panel, as the CAP. *See* Minn. Stat. § 253D.28, subd. 1(a) (2024) (providing for review by "the judicial appeal panel established under section 253B.19, subdivision 1"). The CAP is "an appeal panel composed of three judges." Minn. Stat. § 253B.19, subd. 1 (2024); *see also* Minn. Stat. § 253D.27, subd. 4 (2024).

his petition. *Id.* Benson appealed that decision, and this court rejected his argument that the CAP violated his statutory right to self-representation in the proceedings before the CAP,[5] *Benson*, 2023 WL 3807476, at *1-3, but the supreme court reversed this court's ruling on the statutory issue and remanded to the CAP in an October 2024 opinion, *Benson*, 12 N.W.3d at 713. Relevant to the facts and procedure of Benson's current appeal, the supreme court held that "[Minnesota Statutes] section 253D.20 establishes a waivable right to counsel in civil commitment cases." *Id.* at 720 (emphasis omitted).

In December 2024, following the supreme court's decision interpreting section 253D.20, Benson filed a motion for relief from the initial commitment order under Minnesota Rule of Civil Procedure 60.02(e) in the district court and represented himself during the proceedings on the motion. Rule 60.02(e) provides:

> On motion and upon such terms as are just, the court may relieve a party or the party's legal representatives from a final judgment . . . , order, or proceeding and may order a new trial or grant such other relief as may be just for the following reasons: . . .
>
> (e) The judgment has been satisfied, released, or discharged or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application . . . .
>
> The motion shall be made within a reasonable time . . . .

Minn. R. Civ. P. 60.02. Benson's rule 60.02(e) motion is premised on his assertion that the 2024 supreme court opinion in his previous appeal is a changed circumstance within

[5] This court concluded that Benson forfeited his constitutional arguments regarding his right to self-representation by failing to raise them to the CAP. *See In re Civ. Commitment of Benson*, No. A22-1840, 2023 WL 3807476, at *2 n.3 (Minn. App. June 5, 2023), *rev'd*, 12 N.W.3d 711.

the scope of the rule that makes it inequitable that the order committing him should have prospective application.

The parties appeared via teleconference for a hearing on the motion in February 2025, and the district court denied the motion later that same month. The district court's order explained that Benson's motion "asks the court to start the initial commitment process over, allow him to waive his right to an attorney, and order a new trial." The district court found that the record did not demonstrate that Benson had ever raised the issue of self-representation during the initial commitment process.[6] And it concluded that the 2024 supreme court opinion "did not change the operative facts, relevant law, or applicable statutory law of the initial commitment process," nor did it "suggest the initial commitment determination was inequitable due to the lack of opportunity to waive counsel."

Benson appeals.

DECISION

Benson is self-represented in this appeal. While a self-represented appellant "is usually accorded some leeway in attempting to comply with court rules, he is still not relieved of the burden of, at least, 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). "Although some accommodations may be made for [self-represented]

[6] Indeed, after it determined that Benson "failed to produce any evidence that he sought to represent himself, question witnesses, or participate in the initial commitment process," the district court observed that it was "only after the 2024 Supreme Court decision that [Benson] argues he wanted to represent himself in 1993."

litigants, this court has repeatedly emphasized that [self-represented] litigants are generally held to the same standards as attorneys and must comply with court rules." *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001).

Benson argues that the district court abused its discretion by denying his rule 60.02(e) motion because, he contends, the 2024 supreme court opinion stated that he had a constitutional right to appear self-represented in his initial commitment proceedings. He also maintains that the district court abused its discretion by failing to remedy the structural error that occurred at the time of his initial commitment proceedings because counsel was appointed for him in those initial proceedings. We disagree.

"This court reviews 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). In a rule 60.02 proceeding, the burden of proof is on the party seeking relief. *City of Barnum v. Sabri*, 657 N.W.2d 201, 205 (Minn. App. 2003). To prevail on a rule 60.02(e) motion, the moving party must show changes in operative facts, changes in relevant decisional law, or changes in applicable statutory law. *In re Civ. Commitment of Moen*, 837 N.W.2d 40, 49 (Minn. App. 2013) (quoting *Jacobson v. County of Goodhue*, 539 N.W.2d 623, 626 n.3 (Minn. App. 1995), *rev. denied* (Minn. Jan. 12, 1996)). When deciding a rule 60.02(e) motion, the district court must "determine whether changed circumstances exist and, if so, whether they render it inequitable for the judgment to have prospective application," which "must be determined on a case-by-case basis." *Sabri*, 657 N.W.2d at 207.

Even if changed circumstances were present based on the 2024 supreme court opinion, we conclude that the district court did not abuse its discretion in determining that Benson failed to meet his burden to prevail on his rule 60.02(e) motion. Other than his own affidavit in support of his rule 60.02(e) motion, Benson provided no evidence that he had manifested a desire to represent himself before the district court in his initial commitment proceedings. The transcript of Benson's initial commitment hearing does not demonstrate or include mention of Benson attempting to interject in the proceedings, as he asserts in his affidavit. Benson also does not identify any documents in the record to support his assertion that he wished to represent himself at the initial commitment hearing. Contrary to Benson's assertions on appeal, the transcript shows that Benson was allowed to provide a closing statement after his attorney gave a closing statement, and the record includes a handwritten note from Benson to the district court requesting that the district court appoint different counsel for him prior to the initial commitment hearing. Therefore, even if the law were as Benson interprets it, he has not demonstrated that the district court abused its discretion by denying his rule 60.02(e) motion because he does not identify any facts in the record that would support his assertion that he attempted to waive his counsel and appear self-represented at his initial commitment hearing. On this record, Benson appears to assert that his initial commitment is defective—and thus that the district court should have granted his rule 60.02(e) motion for relief from that commitment—because the district court in the initial commitment proceedings did not grant relief he did not request.

For these reasons, the district court's denial of Benson's rule 60.02(e) motion was not an abuse of discretion.

Affirmed.