

MINNESOTA COURT OF APPEALS

In the Matter of the Civil Commitment of Edward Everett Urbanek

A25-0808 (Minn. Ct. App. Dec. 15, 2025) · No. A25-0808 · Decided December 15, 2025

SUMMARY

The Minnesota Court of Appeals affirmed the denial of Edward Everett Urbanek’s motions for relief under Minnesota Rule of Civil Procedure 60.02 from his indeterminate civil commitment. The court held that Minnesota Statute Chapter 253D does not provide a constitutional right to self-representation in initial civil-commitment proceedings and that the structural-error doctrine does not apply to an alleged violation of a statutory right to self-representation. The court also held that *In re Civil Commitment of Benson* did not establish a constitutional right to self-representation or warrant relief in Urbanek’s case.

CASE DETAILS

COURT	Minnesota Court of Appeals
WRITING FOR THE COURT	Harris; Harris, Presiding Judge; Connolly, Judge; Schmidt, Judge
JURISDICTION	Minnesota Court of Appeals
DECIDED	December 15, 2025
DOCKET	A25-0808
DISPOSITION	affirmed
PROCEDURAL POSTURE	Urbanek appealed the district court's denial of his motions under Minnesota Rule of Civil Procedure 60.02(e) and (f), seeking relief from his 2005 indeterminate civil commitment.
STANDARD OF REVIEW	The denial of a Rule 60.02 motion is reviewed for an abuse of discretion. The burden of proof rests on the party seeking relief.
PRECEDENTIAL VALUE	Published Minnesota Court of Appeals opinion
PARTIES	Edward Everett Urbanek v. Otter Tail County Department of Human Services

TOPICS

- civil procedure
- appellate procedure
- standard of review
- constitutional law
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether In re Civil Commitment of Benson recognized a constitutional right to self-representation in initial civil-commitment proceedings.
2. Whether the Sixth or Fourteenth Amendment provides a constitutional right to self-representation in civil-commitment proceedings.
3. Whether an alleged denial of a statutory right to waive counsel and represent oneself in a civil-commitment proceeding is structural error requiring automatic reversal.
4. Whether the district court abused its discretion by denying Urbanek's Rule 60.02(e) and (f) motions.

HOLDINGS

1. Benson did not establish or address a constitutional right to self-representation in initial civil-commitment proceedings. Benson was a statutory decision concerning whether an already committed person could seek to waive counsel in commitment-appeal-panel proceedings under Minnesota Statutes section 253D.20.
2. Neither the Fourteenth Amendment nor the Sixth Amendment provides a constitutional right to self-representation in the initial civil-commitment proceedings at issue.
3. Even assuming a statutory right to self-representation existed and was violated, the structural-error doctrine does not apply to a district court's failure to honor a party's attempted waiver of the statutory right to counsel in a civil-commitment proceeding.
4. The district court did not abuse its discretion in denying Urbanek's Rule 60.02(e) and (f) motions because he failed to demonstrate a qualifying change in decisional law or any entitlement to relief.

KEY QUOTATIONS

“The supreme court ultimately held that section 253D.20 allowed a committed person to move the CAP to proceed without counsel.” (at 7)

“Benson addressed neither whether a civilly committed person (i.e., a person who is already committed) has a constitutional right to self-representation in CAP proceedings, nor the counsel-related rights of persons who are not (yet) committed” (at 8)

“Structural error is a “limited class of error” that is made up of “defects in the constitution of the trial mechanism such that the entire course of the trial is affected.”” (at 10-11)

“He essentially argues that the district court abused its discretion by not granting a request that he never made.” (at 15)

FACTUAL BACKGROUND

Otter Tail County petitioned to commit Urbanek to the Minnesota Sex Offender Program in June 2004. The district court appointed an attorney, but Urbanek did not request discharge of counsel or indicate that he wished

to represent himself. After commitment and review hearings, the district court indeterminately committed him in 2005 as a sexually dangerous person and sexual psychopathic personality. Urbanek did not raise self-representation in the original appeal or in his prior Rule 60.02 motions and later sought relief based on the Minnesota Supreme Court's decision in Benson.

PROCEDURAL HISTORY

Otter Tail County petitioned for Urbanek's civil commitment in 2004, and the district court appointed counsel, conducted commitment and review hearings, and indeterminately committed him in 2005 as a sexually dangerous person and sexual psychopathic personality. This court affirmed the commitment in 2006. In January 2025, Urbanek sought relief under Rule 60.02, arguing that *In re Civil Commitment of Benson* recognized a constitutional right to self-representation and that appointing counsel without allowing him to waive counsel constituted structural error. The district court denied relief, and the Minnesota Court of Appeals affirmed and denied Urbanek's motion to strike supplemental-authority citations as moot.

DISPOSITION

affirmed

CASES CITED

- *In re Urbanek*, A05-1633, 2006 WL 44358 (Minn. App. Jan. 10, 2006), rev. denied (Minn. Mar. 28, 2006)
- *In re Civ. Commitment of Benson*, 12 N.W.3d 711 (Minn. 2024)
- *In re Civ. Commitment of Johnson*, 931 N.W.2d 649 (Minn. App. 2019)
- *City of Barnum v. Sabri*, 657 N.W.2d 201 (Minn. App. 2003)
- *In re Civ. Commitment of Moen*, 837 N.W.2d 40 (Minn. App. 2013)
- *Drewitz v. Motorwerks, Inc.*, 728 N.W.2d 231, 233 n.2 (Minn. 2006)
- *In re Irwin*, 529 N.W.2d 366, 371 (Minn. App. 1995), rev. denied (Minn. May 16, 1995)
- *In re Civ. Commitment of Emberland*, No. A11-1561, 2012 WL 612320, at *6-7 (Minn. App. Feb. 27, 2012)
- *Beaulieu v. Department of Human Services*, 798 N.W.2d 542, 543 (Minn. App. 2011)
- *Martinez v. Court of Appeal of California, Fourth Appellate District*, 528 U.S. 152, 159-60 (2000)
- *In re Civ. Commitment of Rannow*, 749 N.W.2d 393, 399 (Minn. App. 2008)
- *State v. Bey*, 975 N.W.2d 511, 520-21 (Minn. 2020)
- *In re F.F.N.M.*, 999 N.W.2d 525, 536, 544 (Minn. App. 2023)
- *In re S.A.K.*, Nos. A10-2247, A10-2248, 2011 WL 3654450, at *11 (Minn. App. Aug. 22, 2011)
- *State v. Dorsey*, 701 N.W.2d 238, 253 (Minn. 2005)
- *Brown v. State*, 682 N.W.2d 162, 166-68 (Minn. 2004)
- *State v. Reinert*, 664 N.W.2d 826, 835 (Minn. 2003)
- *State v. McRae*, 494 N.W.2d 252, 260 (Minn. 1992)
- *State v. Richards*, 456 N.W.2d 260, 261 (Minn. 1990)
- *State v. Rosillo*, 281 N.W.2d 877, 879 (Minn. 1979)

- State v. Shoen, 598 N.W.2d 370, 375 (Minn. 1999)
- Arizona v. Fulminante, 499 U.S. 279, 306 (1991)
- Weaver v. Massachusetts, 582 U.S. 286, 295 (2017)
- Carpenter v. Woodvale, Inc., 400 N.W.2d 727, 729 (Minn. 1987)

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