

State of Minnesota

VS.

Robin Caldwell

Original Case Materials by The Honorable Peter Cahill and Ms. Trina Alvero Iijima
Extensive Edits by Mx. Chris Erickson

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Summary of Case

On June 27, 1977, somebody murdered Elisabeth Congdon by suffocating her in her own bed. Congdon lived in Glensheen – a mansion located at 3300 London Road, Duluth. Duluth Police claim that the murderer broke into the mansion in the early morning hours, hit Nurse Sam Martinez in the head with a candlestick, and murdered Elisabeth Congdon by smothering her with a pillow.

When officers arrived, they found Nurse Sam Martinez lying unconscious on the stairs leading to the second floor of the residence. Police found Elisabeth Congdon in her bed on the second floor. The medical examiner declared Congdon dead - suffocated by a satin pillow found in Congdon's bed. Martinez was transported to St Luke's hospital in Duluth where they awoke from a coma a couple of days later. Martinez states that they may have fallen asleep in the nurse's room located across the hall from Ms. Congdon's room on the second floor.

Detective Quinn Justice Waller led the murder investigation. After interviewing various staff and family members of Ms. Congdon, Duluth Police concluded that Robin Caldwell and their spouse had severe financial trouble. No one else in the extended family had a motive to murder Elisabeth Congdon.

While searching the defendant's hotel room, police found a letter written to Mar Caldwell, the defendant's spouse. Caldwell was to inherit \$2.5 million upon the victim's death. The letter was dated June 24, 1977, three days before the victim's murder. Caldwell does not have an alibi for the time of the murder.

The state has charged Caldwell with

- (1) First Degree Murder (Pre-Meditated),
- (2) Second Degree Murder (Intentional Killing During a Felony (Burglary)), and
- (3) First Degree Burglary.

The prosecution witnesses are:

- (1) Quinn Waller, Duluth Detective, Lead Investigation;
- (2) Chris Sorum, Special Agent and Forensic Scientist at the Minnesota Bureau of Criminal Apprehension;
- (3) Nurse Sam Martinez, Long-time former employee of Elisabeth Congdon.

Defense witnesses are:

- (1) Robin Caldwell, defendant;
- (2) Casey Jackson, Duluth Native and eyewitness;
- (3) Bobbie Baxter, Founder and CEO of Consultants in Scene Investigation (CSI).

Indictment

IN THE SUPERIOR COURT OF THE STATE OF MINNESOTA IN AND FOR THE COUNTY
OF ST. LOIS
THE HONORABLE JOHN LITMAN PRESIDING JUDGE

STATE OF MINNESOTA

v.

Robin Caldwell

Case No. 10-533-1977

Date Filed: July 8, 1977

Violations:

- (1) First Degree Murder (Pre-Meditated),
- (2) Second Degree Murder (intentional killing during a felony (burglary)) and
- (3) First Degree Burglary

Count One

MURDER, FIRST DEGREE PRE-MEDITATED

THE GRAND JURY CHARGES THAT

1. Defendant Robin Caldwell was a citizen of the United States who resided in Colorado.
2. On or about June 27, 1977, Defendant traveled to Duluth, Minnesota.
3. On or about June 27, 1977 Defendant committed pre-meditated First Degree Murder and caused the death of Elisabeth Congdon by suffocating the victim with a satin pillow.

Count Two

**MURDER, SECOND DEGREE (INTENTIONAL KILLING DURING FELONY
(BURGLARY))**

1. Defendant Robin Caldwell was a citizen of the United States who resided in Colorado.
2. On or about June 27, 1977, Defendant traveled to Duluth, Minnesota.
3. On or about June 27, 1977 Defendant committed Second Degree Murder in the course of a felony burglary and caused the death of Elisabeth Congdon by suffocating the victim with a satin pillow.

Count Two

**MURDER, SECOND DEGREE (INTENTIONAL KILLING DURING FELONY
(BURGLARY))**

1. Defendant Robin Caldwell was a citizen of the United States who resided in Colorado.
2. On or about June 27, 1977, Defendant traveled to Duluth, Minnesota.

3. On or about June 27, 1977 Defendant committed First Degree Burglary by forced entry into Glensheen without permission AND assaulted a person inside

Signed,

Thomas Erickson, Grand Jury Foreperson
John DeSanto, St Louis County Attorney

Stipulations (Agreements)

All Parties Stipulate (Agree) That:

1. All exhibits are authentic (they are what they say they are).
2. All witness statements were signed before trial.
3. The defendant has decided to testify at trial and has waived all rights against self-incrimination.
4. The Defendant voluntarily gave their statement after being properly advised of their Miranda rights.
5. The defendant is on trial only for the three counts listed. No arguments about Sam Martinez's injuries may come in during trial.

Simplified Minnesota State Statutes (Laws) and Jury Instructions

Members of the Jury,

For the defendant to be found guilty, the prosecution needs to prove the following elements
BEYOND A REASONABLE DOUBT:

Count 1- First Degree Murder

1. The defendant caused the death of Elisabeth Congdon
2. The defendant acted with premeditation (planning) and intent to do so

Count 2 – Second Degree Murder

1. The defendant caused the death of Elisabeth Congdon
2. The defendant intended to kill her
3. The defendant killed her during a burglary

Count 3 – Burglary in the First Degree

1. The defendant broke into the Glensheen Mansion
2. The defendant brought or used a deadly weapon in the building
3. The defendant assaulted (attacked) somebody in the building

Affidavit of Quinn Waller

I am Duluth Police Sergeant Quinn Waller and I am the lead detective in the Congdon murder. Just about my whole family has been on the force – my father, my brother, my aunt, even a second cousin. We take justice seriously. My middle name is literally Justice.

I attended the University of Duluth and graduated with a degree in sociology, with a focus on criminology. While I was there, I signed up for the National Guard. I expected to serve in the Vietnam War, but I was never called.

The Duluth Police Department hired me right out of college in 1966. I worked as a street cop for three years, then a crime scene technician. Now, I am a detective sergeant specializing in criminal investigation. Policing is my life. It is how I give back to my community.

I love Duluth. It is the capital of the Iron Range and it might not be as big as the Twin Cities, but it has a bigger heart. I feel a debt to my community and its people, so throwing my life into protecting its citizens is the least I could do. I have a reputation for being overzealous in carrying out my duties, but my community is worth it. Without community, we have nothing.

That is why Elisabeth Congdon's murder is personal to me. The Congdons have done so much for Duluth. I have known about them my entire life. They donate generously to the city, and they keep up the heart we all love so much. Families like the Congdons are the very fabric of the citizenry I am sworn to defend.

This is my first murder case. I have led investigations on dozens of violent deaths, but the only potential murder ended up being an accidental shooting by an inexperienced hunter. Despite my relative inexperience, my training should be enough. I also have excellent attention to detail.

When I first got a call to the scene of this crime at 7:30 am on the morning of June 27, I thought the operator was joking. A murder and critical injury at the Glensheen Mansion? It seemed unbelievable.

I arrived at Glensheen at 8:00 am, and reporters already surrounded the property. All that attention made me a bit nervous. Those nerves were nothing compared to the horror I felt when I stepped inside. Sam Martinez, Elizabeth Congdon's nurse, was being carried out on a stretcher by two paramedics, and her face was brutally beaten. I almost did not recognize her. Once the paramedics left I secured the scene of the crime – nobody other than police and crime scene investigators were allowed in.

I supervised the officers at the on-site investigation as they sketched the crime scene (Exhibit 5) and cataloged the evidence. We did not have a suspected attack weapon, a bloody candlestick (Exhibit 10), until it could be fingerprinted by our lab techs. There was blood spattered on the walls of the staircase and on the ceiling, likely from the swing of the candlestick.

We found Ms. Congdon on her bed, smothered with her own pillow (Exhibit 9). There was blood everywhere – on the pillow, the bedspread, even her nightgown. The blood was obviously from

Martinez. She must have come in and tried to help Ms. Congdon before the killer beat them up. I saw hand-shaped indentations in the pillow where the killer held it against Elizabeth Congdon's face. There were also bruises on her arm, which indicates the killer also held her down. I could not believe somebody would do that to a poor old woman, let alone one so important to our community. I sword to bring the killer to justice.

Ms. Congdon's room was burglarized, but strangely neat. It seemed as if whoever the burglar and/or killer knew where to find things. Drawers were slightly opened, and jewelry boxes were empty. Sure, some chairs got toppled but I am sure that was staged. It was clear based on the evidence I found that the murder was pre-meditated, and the theft was planned.

With the help of our canine unit, we found an entry point into the mansion. Specifically, we found a broken window into the basement. No evidence was found on or around that window.

The coroner, Dr. Azreal, arrived by 8:45 am to examine the body. I left her to it and started interviewing the staff in the mansion. I talked to Ms. Clarice Dunkirk, the secretary. She oversaw daily schedules, oversaw the staff, and screened all of Ms. Congdon's calls. She was distraught – she even fainted a few times and had to be revived by Dr. Azreal.

I then called members of the Congdon family to notify them of Ms. Congdon's passing, and they all told me that Robin was to blame. Robin was the only person in the family to have financial problems. Did I check everybody's bank records? No, but I did not need to. This was a famously wealthy family, and the family said Robin Caldwell and their spouse were the only ones to lose much money.

By 10:00 am, I received a call that Martinez's car had been found at the Minneapolis-St. Paul Airport. I immediately began checking flight records from that morning for Robin Caldwell. Caldwell claims their flight came into MSP that morning, but I found evidence to the contrary when I searched Martinez's abandoned car – a baggage claim ticket for a flight that morning (Exhibit 7).

We found Caldwell at the airport hotel at 3:45 pm that same day. I immediately noticed an injury on their hand and their head. I thought they might be from breaking the window or a struggle during the murder, so I asked about them. Caldwell said they must have gotten those injuries while drunk a couple nights before, but they were not too sure. I noticed nothing else about Caldwell's appearance that might help with an identification – no limp, no tattoos, nothing.

I asked them for an alibi, but they were vague. They said they'd been out for a drink but did not clarify if they were in Colorado (where they live), Minneapolis near their hotel, or Duluth where the crime took place right away. I assumed they meant Duluth. When I pressed for names of folks who could verify Caldwell's location, they just said they were in Denver the night of the murder and arrived that morning in Minnesota. I was sure Caldwell had actually been in Minnesota the whole time, and that they had no good reason to be in our great state other than to kill Elisabeth Congdon and inherit a ton of money.

While searching Caldwell's hotel room, we also found a letter written by Caldwell's spouse Mal (Exhibit 8) clarifying their inheritance. It was a clear motive to kill. In the trash can on Caldwell's floor, we also found an envelope containing a Byzantine coin addressed to a rare coin collector with no return address. I handed these over to our lead science tech, Chris Sorum. Agent Sorum got back to me with the results within two days.

Based on the evidence my team and I found, I arrested Robin Caldwell for the murder of Elisabeth Congdon and the burglary of her home. It only took us 72 hours to catch a killer. I count that a personal victory.

Of the exhibits in this case, I am only familiar with 4, 5, 7, 8, 9, and 10.

Signed,

Quinn Waller

Affidavit of Chris Sorum

My name is Chris Sorum and I am a special agent and forensic scientist at the Minnesota Bureau of Criminal Apprehension (BCA). Forensic science is the gathering and scientific analysis of evidence to present it in court. Sometimes we are called “criminalists” when we investigate crime scenes, and because that is my job I prefer that title.

I first became interested in forensic science at a young age when I watched shows like Perry Mason and The Defenders on television. I was always amazed that on TV, Perry Mason, a defense lawyer, always got somebody other than his client to jump up and confess! Even as a kid I knew that wasn't real. I come from a family of police officers, and I believe that police officers are usually right when they have a hunch about who committed a crime.

My job now is to help law enforcement convict criminals with the help of science. I went to high school and college in Duluth, earning my degree in Biology. I continued my education and experience in forensic science. My specialties are in blood analysis and handwriting analysis. I have also done some blood spatter analysis, but I have no formal certifications in that area. I spend most of my time in my lab, but I also process major crime scenes when police require assistance, such as in this case.

On June 27, 1977, I was called to the Glensheen Mansion to investigate the murder of Elisabeth Congdon. I have known of the Congdon's since childhood – everybody who lives in Duluth has. They were so generous with their time and money, and they made Duluth a better place.

This was my first homicide scene as a lead investigator. I was a little nervous, but I was confident in my years of experience and my investigations at the scenes of about fifty other crimes.

When I arrived at Glensheen, I immediately noticed a large number of reporters outside. I went past the crime scene tape that had been strung up around the house and grounds. Inside, I found a large number of police officers hanging out, some with no job to do. I guess everybody wanted to be there for the big case. My bigger concern was contamination of the crime scene. All of those police officers could have left small bits of what we call “trace evidence” – hairs or fibers accidentally. None of them were taking proper precautions such as rubber gloves or protective clothing.

After I arrived, I talked to Detective Waller, the lead investigator. They immediately told me that the victim's cousin's spouse, Robin Caldwell, was the primary suspect. I learned that Ms. Congdon had been suffocated with her pillow and that her nurse, Sam Martinez, had been bludgeoned with a brass candlestick and was still in a coma at the hospital at that time.

Now that I knew what was going on, I could get to work. I put on latex gloves and sterile surgical slippers and a sterile head covering. I then examined the landing on the stairs between the first and second floors. From the pool of blood and the candlestick nearby, it was clear that the attack on nurse Martinez happened mainly on this landing. There was also a blood spatter

pattern on the wall that suggested the attack began on the stairs and also that there was a struggle. There was more evidence to back that up – there was a bent and broken flashlight, flashlight batteries, hairpins, and earrings, all of which were either on the stairs above the landing or on the landing itself. Drops of blood were found on the wall between the second floor and the landing, but the majority of blood spatter was around the wall on the landing. I saw no need to test the blood pool or the wall. Sometimes blood from the perpetrator can be found in spots like that, but I thought the probability was insignificant because of the amount of blood Martinez lost. I did, however, bag and seal the candlestick in an evidence container for later analysis (Exhibit 13). I also noticed a blood shoeprint on the landing, but it was too blurred and incomplete to be of any value.

I moved to the bedroom where Ms. Congdon had been killed. I examined the pillow (Exhibit 12) and found a small amount of blood consistent with the wound found on Miss Congdon's nose in the autopsy (Exhibit 4). That means the pillowcase rubbed up against her nose until it drew blood. I bagged and sealed the pillow for later analysis. I also found several hairs near the head of the bed. I bagged and sealed the hairs for later analysis.

The bedroom was in rough shape – drawers pulled out and things thrown around. I dusted the entire room for fingerprints but found no prints of evidentiary value. That means none of the fingerprints were clear enough to link with a suspect. This is typical of some crime scenes – if a criminal is wearing gloves, they will leave no fingerprints. I did find a palm print at the scene – on the sink of the bathroom next to the bedroom where Ms. Congdon was found. I was excited at first – I thought the killer slipped up and washed their hands before leaving. Unfortunately, the palm print belonged to Detective Waller who apparently leaned on the sink while examining evidence. I also found a number of cigarette butts in the toilet bowl. I was about to collect them, but the uniformed cops told me they had been using the bowl as an ashtray while guarding the scene.

I returned to my lab in St. Paul and inventoried the evidence I had collected. I also inventoried some evidence collected from Nurse Martinez's car at the airport – namely her keys and a parking ramp ticket marked "June 27th, 1977 7:45 a.m." No forensic evidence was found on the keys or ticket. I also catalogued a letter addressed to Robin Caldwell at a hotel in Colorado that was sent from Duluth on the afternoon of June 27th after the murder. Finally, I collected blood and fingerprint samples from Robin Caldwell to compare them to my evidence.

I started by examining the candlestick for fingerprints. I found a smudged print with enough detail for a limited comparison. That means I was able to find enough of what we call "Points of Identification" – unique patterns of whorls, ridge endings, ridge forks, ridge islands, etc. but I did not have enough for a solid match. I did, however, have enough information to conclude that the fingerprint did not belong to Robin Caldwell. This does not mean Caldwell never touched the candlestick – just that somebody else did at some point in time.

Next, I tested the blood on the candlestick. To analyze blood, forensic scientists look at blood type (A, B, AB or O) and blood enzymes (PGM-1, PGM-2, or PGM 2-1) This helps us narrow down whose blood it could be. The blood on the candlestick showed blood type “O” and “PGM-1” enzyme, the exact same combination as Robin Caldwell’s blood. Given the “Double Match,” it is my professional opinion that Robin Caldwell’s blood is on the candlestick. Nurse Martinez and Ms. Congdon have the same blood type “O,” but their PGM type is unknown.

I tested the hairs found on Ms. Congdon’s bed. It is difficult to match a hair to an individual, but it is quite easy to tell when a hair could not belong to somebody based on its size and color. In this case, the hairs came from neither Robin Caldwell nor Elisabeth Congdon. It is impossible to tell when that hair got on the bed.

I tested a spot of fresh blood on the floor mat of the car. The blood again matched Robin Caldwell’s blood – type “O,” enzyme “PGM-1.” The only fingerprints found in the car belonged to Nurse Martinez and their spouse.

The final piece of evidence I analyzed was the envelope found in Robin Caldwell’s hotel room at the Radisson addressed to a rare coin collector. It was a Radisson Hotel envelope. It contained a very rare and unique Byzantine coin that I recognized as soon as I saw it – it had been in a display case at Glensheen when I toured there a month earlier! I also did not see it when I arrived at the scene. The staff of Glensheen labeled it “Missing” after the crimes in this case. It must have been stolen! And it was found in Caldwell’s hotel room! I had the coin appraised – meaning I checked the cost. It is worth around \$795.

I ran a handwriting analysis on the writing on the envelope to determine who had addressed it. I compared that sample to a known sample of Robin Caldwell’s handwriting. Robin Caldwell’s writing and the address on the envelope are remarkably similar – they have the same upward strokes and flourishes. There were hesitation marks, meaning the pen stopped for a moment, as well. This can be a sign of forgery (somebody copying Caldwell’s signature), but they can also be a sign of stress. I have no doubt that Robin Caldwell addressed the Radisson envelope.

I also found a fingerprint on the flap of the envelope. I found it using ninhydrin – a chemical I sprayed on the envelope that reveals prints when it dries. Ninhydrin is one of the most common solutions used in forensic testing. The print was a bit smudged, but I was able to find eleven points of identification – more than enough under BCA and FBI standards, to declare a match. The match was to Robin Caldwell’s right thumb.

Of the exhibits in this case, I am only familiar with 1, 3, 4, 5, 6, 7, 9, and 10.

Signed,

Chris Sorum

Affidavit of Sam Martinez

My name is Sam Martinez and I live in Duluth, Minnesota with my spouse. I worked as Elisabeth Congdon's nurse for seven good years before her untimely passing in the early morning hours of June 27, 1977. The killer also attacked me that night and put me into a coma.

I became a nurse in 1933 when I graduated from the College of St. Catherine in St. Paul, around where I grew up. My spouse was offered a job in management at Woolworth's Department Store, so we moved to Duluth in 1950. I worked at St. Luke's hospital in Duluth for twenty years before being hired as Ms. Congdon's personal nurse in 1970. I actually retired from the position in May of 1977, but the regular night nurse called in sick on June 26 and I was happy to fill in. Ms. Congdon and I became friends over my seven years as her employee, and I was so excited to see her again.

On June 26, 1977 I arrived at Glensheen just before 11 PM. I signed into the logbook and the afternoon nurse signed out. The staff at Glensheen keeps very detailed records of what happened day in and day out – staff comings and goings, medication, meals, everything. Ms. Congdon was diabetic, so we had to make sure her insulin was where it needed to be. Most of the staff cared for Ms. Elisabeth dearly and everyone felt like family. We all got along with each other as well. We also acted as a sort of security system for Glensheen. We had no guards on staff or cameras to observe the property, so the staff kept her safe. We tried to, at least. I cannot imagine one of us staff members doing this to the woman who mothered us all.

Shortly after I arrived, the lead nurse called me to go over the routine. I was supposed to lock all the windows and doors in the house. Due to my head injury, it is very hard for me to remember if I did the routine exactly as my boss described it. According to the log I did.

I do remember that after I checked in on Ms. Elisabeth at about 11:30 pm for her medication. She usually goes to bed at 9:30, so I had to wake her up as usual. It was so wonderful to see her. Afterwards, I settled into the nurse's room. I remember reading my book and having a peanut butter and jelly sandwich. I watched TV for a couple of hours (though the show escapes me). I must have dozed off for a few hours, because I woke up in the middle of the night to Wolf, Ms. Elisabeth's dog, barking up a storm! It was strange because Wolf rarely made a sound.

I got up and walked out into the hallway. The last thing I remember is a figure coming towards me from the shadows. I could not see their faces well, but they were the same gender as Robin Caldwell. What I could see was familiar – like I had seen them before. If I had to guess, I'd say it was Robin Caldwell. The figure raised up a candlestick into the air and then, everything went dark.

I woke up at St. Luke's, and my doctor told me I was lucky to be alive. She said I had lost a lot of blood, and that the nurses had to shave some of my hair to get all of the stitches I needed. She also said that I was hit so hard that I will likely have permanent damage to my memory.

A detective, Quinn Waller, walked into my hospital room and told me about what happened to Ms. Elisabeth. I could not believe it – my heart ached. I do not know who would want to hurt her.

Since that night, I have been recovering well. My hair has grown back, my memory has been improving (but still not 100%), and I was able to adopt and care for Wolf.

I only met Robin Caldwell once formally, but I saw them around a couple times and there were photos of Robin and their spouse all over the house. I once saw Robin climb the stairs to the attic, and they said it was to grab some memorabilia and take it with them. I also overheard Robin and their spouse talking to Ms. Elisabeth about wanting more money in the will. I cannot believe they were both so rude.

Of the exhibits in this case, I am only familiar with 5, 9, and 10.

Signed,

Sam Martinez

Affidavit of Robin Caldwell

I did not kill Elisabeth Congdon. I was not even in the state of Minnesota when that happened! I am testifying to clear my name.

I should back up. I first met Mar Caldwell (then Congdon) in the winter of 1975. I was successfully recovering alcoholic and they were recently divorced raising a teenage son. Like me, Mar had three kids, but two had already left their nest and all had left mine. We were both lonely, and we had to grow out of that pain. Unfortunately, we became co-dependent. I thought it was real love. We married three months after we met, on March 20, 1976. I married into the Congdon family for love. When I married Mar, I knew they were from Minnesota, but I had no idea the Congdons were one of the state's wealthiest families. I also had no idea that I married somebody with such massive amounts of debt.

At the time we got married I felt like I'd been given a new lease on life. Mar was inspiring – we loved life together. We also had big dreams together in Colorado, with its mountains and plains. I was so hopeful for our marriage.

Things got bad so fast. I lost my job and fell behind on child support. Mar wrote \$7,000 in bad checks and would not listen to me that we could not go on like this. I am pretty soft spoken, so I do not think they got the message. In 1976 we bought a \$290,000 ranch outside of Denver (Mar's idea), and we were burglarized almost as soon as we moved in. We lost \$80,000 worth of belongings. Insurance covered that loss, but not the extra 300 acres Mar bought next to the ranch. We bought expensive show horses, cars, and furniture. We planned our anniversary in a penthouse that cost \$400 a day.

We fell behind on payments, and our debt piled up. Our banks threatened to foreclose on us, and even threatened to sue us! I was scared out of my mind that we would lose everything. I even had a few drinks to weather the storm, but I stayed mostly sober.

Our income could not keep up with our spending. I was living off of \$97 a month in unemployment from the state, and Mar had about \$150 a month from her family. I knew there was a family trust fund she did not have access to, but that was about as much as I knew about the Congdon family finances. Mar did write to me about some potentially money in a will, but I always thought that would be far off.

It was my responsibility to get my family out of this financial mess. I spent a lot of time thinking about how I was going to do it – how I was going to take care of us, our horses, and our ranch. It meant the world to me. I meant to keep my life, no matter what it took.

I flew to Duluth in April 1977 to ask for money - \$750,000 to help us take care of our debts. It was supposed to be a loan, just borrowing the money out of Mar's inheritance. When I was in Duluth, I met Elisabeth Congdon, Mar's mother's cousin. We spoke briefly about the money before I was declined. I tried talking to the staff and they were no help either. Even after I had

given up on the money, I still just wanted to learn more about the house! They would not even tell me which room Elisabeth stayed in.

I do not know the layout of Glensheen well. I have been in the library for a family meeting, the pool room for a couple of games, the dining room for dinner, and the porch for tea. I only went upstairs once on the way to the attic with Mar. They wanted to grab some childhood keepsakes, so I helped them out. We didn't even stay at Glensheen that trip – we stayed at the Duluth Radisson.

After we failed to get the money, I flew back to Colorado to attend to our money problems there. I was doing everything I could to keep us ahead of the creditors. The family would not give us the money we asked for, but I expected that. I had already started my Plan B: selling things we did not need including some jewelry and some coins Mar said their son had collected. I do not remember what the coins looked like, but I pawned them. We gave up the cars to the bank. Things were looking dark, but we still believed in each other. We were willing to do what it took, even if it meant doing something drastic.

I had no idea Elisabeth was even hurt until the police told me at my hotel near the MSP airport on June 27. I flew in that morning around 6 to drive back up to Duluth and ask for money again. When the cops told me what happened, I was confused – I did not really understand what was going on. I had been drunk the night before. I told Mar I was going to have a Coke, but I had a few drinks instead. A lot of drinks, actually, and I cannot remember the night well. My fist was swollen because I punched a wall in anger, and I had to walk with a limp that week because something happened to my leg. Mar lied for me and told the police I had been kicked by a horse. I blame my darn temper. And the alcohol – it was my first time drinking in months.

I was still feeling the booze when the police questioned me the morning of the 27th. I had a few drinks on the flight that morning, and I was still trying to juggle all of our financial troubles across the two states. I may have said I was in Minnesota the night before at one point, but if I did that was a mistake. I was in Colorado. I may have been drinking in Colorado, but I was in Colorado.

I went to the police station for a more in-depth interview on June 28. They asked a lot of questions. I said hundreds of times that I did not murder Elisabeth Congdon. I did not. I know this is not the best alibi, but I am innocent, and the truth does not always sound so pretty. I do not recognize the handwriting on the envelope they keep talking about. I did not hit anybody with a candlestick or smother anyone with a pillow. I had not even heard of Elisabeth Congdon until a few months earlier, let alone planning to murder her.

Somebody is framing me. I do not know who, and I do not have the money to find out, but you need to believe me. I do not know anybody but Mar who can vouch for my alibi, but you need to believe us. Please – I need to get back to Colorado. I need to see my family. I miss them.

Of the exhibits in this case, I am only familiar with 8.

Signed,

Robin Caldwell

Affidavit of Casey Jackson

My name is Casey Jackson and I was born and raised in Duluth, Minnesota. I love this town – I call myself a townie. My parents and their parents and all of my siblings but one live here, so why would I want to go anywhere else? I work as a vacuum salesperson, so I get to travel around the Iron Range for work. I love everywhere I visit, but nowhere compares to Duluth. I rarely leave the state, aside from an occasional trip to Superior, but that is a five-minute drive.

You could say my family is pretty connected to the Congdon family. After all, we have all lived in Duluth for generations, and Elisabeth Congdon's father even knew my grandfather! According to Pop-Pop, the Congdons are honorable people.

In the early morning hours of June 27, I happened to be driving south along the shore back to Duluth. I had been in Two Harbors visiting an old friend of mine – Lindsay. We go all the way back to high school, and she is the only friend I have outside the city of Duluth. We had been playing darts and having beers. I lost track of time, and suddenly it was midnight! I had a sale to make the next morning and I had to get home. By the time I passed the Congdon Estate, it was about 12:30 AM. I know, I know, it is dangerous to drive that late when it is dark out, but I had a meeting with the owner of the Duluth Radisson. If I made that sale, it would mean dozens of vacuums in one go! Anyway, I saw someone running down the Glensheen driveway. It was very weird to see them running at that time.

The person I saw looked very athletic – very fit, you know? Like the folks who run marathons. They were probably in their mid-30s to 40s and wearing a red track suit and sneakers. I wondered what they were doing, but continued home.

The next morning, I slept through my alarm clock and missed my meeting! I felt awful, but that was nothing compared to how I felt when I heard about Elisabeth Congdon's murder on the radio. I thought of the runner I saw immediately and called the Duluth Police. I left a message, then went to talk with an officer that day. The officer asked me some pretty specific questions – what the person's gender might have been, if they were wearing glasses, had tattoos, whether they were carrying anything – that sort of thing. I said I could not tell because the driveway was not lit well.

Next, the officer showed me a picture of Robin Caldwell. He asked me if the person I saw was in the picture. I said no. The person I saw running away from the Glensheen mansion was not Robin Caldwell.

I first met Robin at a local watering hole a few months before that night. They were in town visiting Mar's family, and Robin was at the bar alone. I sat next to them, and we talked for a bit. We said we would split the bill, but then they paid for nothing! So rude. Well, I figured they could have forgotten. I gave them the benefit of the doubt. The next time I saw them, around town, they completely ignored me! Who do they think they are? That night I heard Robin yelling

about something, but not to anyone – like they were yelling at their drink. It was odd. They seemed pretty angry about something.

After I talked to the police about seeing somebody other than Robin Caldwell, I never heard back from any kind of law enforcement. I guess they were not interested in what I had to say. They rarely call me back when I call in a lead. I am a pretty observant person, and I think it is my duty to call in anything and everything I see that might be criminal after my DWI. Yes, I drove while intoxicated, but I am off probation now and my record is otherwise spotless. It needs to be for my job. A judge told me I could not drink while I was on probation, and that helped me clean up a bit. Now, everything is under control – just a couple drinks with friends every now and then.

I am familiar with none of the exhibits in this case.

Signed,

Casey Jackson

Affidavit of Bobbie Baxter

My name is Bobbie Baxter. I am the founder and CEO of Consultants in Scene Investigation (CSI), a private consulting firm in the area of forensic science. I was hired by Robin Caldwell's attorneys to review the collection and analysis of the forensic evidence related to the death of Elisabeth Congdon.

I started off in traditional law enforcement. I was an officer with the Fond du Lac Police Department in Wisconsin right out of high school. It was a small sleepy city, so I quickly grew bored with chasing down smoking kids and writing traffic tickets. I transferred to the Milwaukee Police Department and worked as a patrol officer. Patrol officers are what you think about when you think about cops – uniformed officers in a flashing lights police car responding to dispatches across the city. I worked eight years as a patrol cop before I was promoted to detective. I investigated mainly robbery and fraud before working my way up to the homicide unit. Only the best detectives were selected for homicide, and I am proud to say I worked homicide for ten years before I retired in 1972. In my time with the Milwaukee Police Department, I processed thousands of crime scenes for evidence, including over one hundred homicides. At some point you lose count.

My specialty as a detective was actually my work in forensic science. I took courses with the FBI on fingerprinting, blood analysis, ballistics, and handwriting analysis. Nobody was better at spotting a forged document than me at the MPD. I am board certified by the American Academy of Document Examiners (AADE) as a Forensic Document Examiner and Expert. I also teach the topic at the AADE.

Did I say I retired earlier? That is a bit of an overstatement. I was basically fired for falsifying a fingerprint report. It was a case where a convicted killer had just been released from prison. He got out, and almost immediately killed somebody else. We had a confession, but it got thrown out on a technicality. I knew he was guilty, so I said I found his fingerprint at the crime scene. Internal affairs, which investigates police misconduct, found out and said I could leave, or I could get fired. I chose to leave.

That very same day I started my consulting business, CSI. Defense lawyers across the Midwest hire me to review police investigations. My talents have been recognized - I have even worked a few cases on the coasts.

I started my work for this case when I was hired in July of 1977. I already knew about the case from the papers. I am being paid my usual fee (\$200 per hour for review and investigation, \$1500 per half-day of court time). I probably worked about forty hours to review the case, and if I testify that will bring the total to \$9,500. This amount is typical in the field, especially considering I traveled to Duluth to review the case. I have to admit, if the defense team wins this case, it will certainly help my reputation as a consultant.

The first thing I noticed in reviewing the Congdon police file, which included the affidavits of Detective Waller and Chris Sorum, was the absolute lack of crime scene security. As any detective knows, the three most important things about crime scene processing are preservation, preservation, preservation. The first thing you need to do is tape off the scene and keep all unnecessary people out. Police should also keep logs of who comes in and out of the scene. There was no log for this crime scene. Still, according to the lead detective and the criminalist, many members of the Duluth Police Department walked right through the crime scene with no protective clothing! Just think of all the hairs and fibers that could have contaminated the scene!

There was also evidence that the police used one of the toilets as an ashtray! Also, when the lead detective's palm print is on the bathroom sink, there is a serious problem with protocol. While none of these examples of contamination deal directly with the envelope or the murder weapons, this level of carelessness leads me to the professional opinion that none of the evidence from the scene can be trusted.

I should note that I did not visit the scene of the crime, but I reviewed the other affidavits in this case as well as police reports, lab reports, and photos from the scene. I did not test any of the items from the scene, even though the Duluth Police Department told me I could.

Even if we examine the different pieces of evidence found at the scene, they do not support the state's theory that Robin Caldwell committed this murder. First, I agree that testing the large pool of blood on the landing would have been a waste of time – it clearly belonged to the nurse. But given the amount of spatter on the wall, it is clear that there was a violent struggle and that the perpetrator could have left some blood.

Second, the blood on the candlestick does not narrow down the universe of potential suspects. Yes, Robin Caldwell has the same blood type and blood enzyme as the sample, but so do 4% of the population! That means there are 250,000 people living in this state alone (as of 1970) who would match the blood on the candlestick.

I should also note that the fingerprint Agent Sorum found on the candlestick is clear evidence that somebody other than Robin Caldwell committed the crime. There was somebody else's fingerprint on the weapon! The same is true of the hairs found near Ms. Congdon's body – they belonged to neither the victim nor Robin Caldwell.

Finally, I must address the envelope postmarked Duluth on the day Ms. Congdon was found – the one addressed to Robin Caldwell in Colorado. Agent Sorum might think the handwriting is that of Robin Caldwell, but I strongly disagree. It is a forgery; a good forgery, but a forgery nonetheless. Someone was clearly imitating Robin Caldwell's handwriting, but a few small details gave it away. I found a number of pressure points on the envelope with small pools of ink – that is left by hesitation. The writer also pressed down on the paper more intensely than I usually see. This is common in forgeries because the writer takes time to copy the signature. In

my expert opinion, the handwriting on the Radisson Hotel Duluth envelope was NOT written by Robin Caldwell.

The envelope does have a fingerprint, and that does look quite bad for Robin Caldwell. However, in my expert opinion it is too smudged to be of any value. Agent Sorum's use of ninhydrin is also a concern. Yes, it is commonly used in the field, but it still can leave false ridges in the fingerprint when they appear smudged. All of the well-defined ridges in the fingerprint are definitely from the finger, but once you get into the blurry part of it there is simply no way to tell.

In summary, neither the envelope nor the physical evidence from the scene implicates Robin Caldwell. If anything, it points to somebody trying to frame Robin Caldwell.

Of the exhibits in this case, I am only familiar with 2, 4, 5, 6, 9, and 10.

Signed,

Bobbie Baxter

Exhibit 1

Curriculum Vitae of Chris Sorum

Education

University of Minnesota – Duluth

Duluth, Minnesota 1963 – 1968

Bachelor of Science Degree in Biology

Northwestern University

Evanston, Illinois – 1968-1972

Master of Science Degree in Forensic Science

Professional Training and Certification

Federal Bureau of Investigation

Certifications in: Fingerprinting, Hair Analysis and Comparison, Fiber Composition and Differentiation, Basic Document Examination, Handwriting Styles, Blood Analysis

Training in: Firearm and Ballistics Analysis

Other Training: 130 hours continuing education

Work Experience

Minnesota Bureau of Criminal Apprehension

Forensic Scientist and Criminalist 1968-Present

Professional Associations

American Academy of Forensic Science (Board Certifications in Fingerprinting, Handwriting Analysis, Hair and Fiber Analysis, Blood Serology), American Academy of Document Examiners, National Criminalists Association, International Society of Fingerprint Experts.

Professional Articles

The Necessity of Performing Ninhydrin Testing Last: Destruction of Blood Enzyme Evidence in Saliva by Fingerprinting Techniques. *Journal of Forensic Science*, January 1977

Polymorphism in Es, PGM and ABO in Caucasian Populations. *Forensic Science Quarterly*, October 1976

Pressure points in Forged Documents. *AADE Journal*, February 1975

Necessity of Originals in Document Examination. *AADE Journal*, December 1974

Damaging Effects of Ultraviolet Light on Unrefrigerated Blood Samples. *Criminal Science*, June 1974

Eight is Enough: How Many Points of Identification Should Be Enough to Declare a Match. OpEd in Criminal Science, September 1973

Numerous presentations at local and national seminars.

Exhibit 2

Curriculum Vitae of B. Baxter, Consultant

Professional Training and Certifications

Wisconsin Police Academy

Basic police skills training. Licensed Wisconsin peace officer

Federal Bureau of Investigation

Certifications in: Fingerprinting, Hair and Fiber Analysis, Document Examination, Blood Analysis, Firearms and Ballistics, Blood Spatter Analysis, Crime Scene Preservation and Processing

Milwaukee Police Department

On-the-job training in all aspects of crime scene processing and evidence analysis

Other training at national conferences: 625 hours continuing education in crime scene investigation and forensic sciences.

Work Experience

Fond du Lac Police Department

Patrol Officer – 1938-1943

Milwaukee Police Department

Patrol Officer 1943-1951

Detective Sergeant 1951-1972

Investigated thousands of crimes including robberies, fraud, and homicide

Consultants in Scene Investigation

Consultant and Chief Executive Officer 1972-Present

Review of crime scene investigations performed by law enforcement agencies

Testimony as crime scene processing expert

Trainer for Wisconsin State Crime Lab, Indiana State Police, Chicago Police

Department, Missouri Highway Patrol, Kentucky State Bureau of Investigation

American Academy of Document Examiners

Teaching Fellow 1968-Present

Professional Associations

American Academy of Forensic Science, American Academy of Document Examiners (Board Certification as a Forensic Document Examiner and Expert), National Association of Police Investigators, International Academy of Homicide Investigators, Emerald Society

Exhibit 3

Imperial Coin from the Byzantine Empire		
Appraisal ID: 11796		
Appraised On: Sep 19, 1954		
Market Value: \$ 795.00		
Replacement Value: \$ 895.00		
Date on coin: Struck 946-947	Mint mark: <i>n/a (Constantinople mint)</i>	Size: medium
Description: Constantine VII/Romanus II Gold Solidus Byzantine coin. Facing bust of Christ Pantokrator / Crowned facing busts of Constantine VII and Romanus II, holding patriarchal cross between them; pellet at base of cross.		
Composition: Gold	Wear: Excellent condition	Eye appeal: <i>not specified</i>
Damage: <i>not specified</i>	Holder:	Toning: <i>not specified</i>
Numismatic type: Gold Solidus Coin	Errors: Upper border of coin looks to protrude a very small bit past where it was supposed to. The protrusion has the same thickness as the rest of the coin. Superb coin, highly collectible.	

Byzantine Gold Solidus Coin



APPRAISER COMMENTS:

Strike: Much better than average, slight weakness on reverse face. Almost mint state. Rarity: Rare (10 to 20 known) - 12 known, 4 impounded in museum collections (11/30). Weight in grams: Weight in Grams: 4.49g.

[Photograph Enlarged]

Exhibit 4: Autopsy Report

**Office of the St. Louis County Coroner
Thomas Azreal, M.D.
316 Mooby Lane
Duluth, MN 55801**

AUTOPSY REPORT

Coroner File No.: 77-1806

Name of Deceased: Elisabeth Mannering Congdon

Date of Death: Found June 27, 1977

Date of Postmortem examination: June 28, 1977

Body was removed from morgue of St. Luke Hospital to the autopsy room for postmortem examination by the undersigned. Also present at autopsy was Detective Quinn Waller of the Duluth Police Department.

EXTERNAL EXAMINATION

Body was in the supine position, covered in a surgical sheet, original clothing having been removed and kept for evidence by the Duluth Police Department. Sheet was removed and initial measurements taken. Body was 172 cm in length and 68.3 Kg in weight, normally nourished female, consistent with reported age of 83 years. Body exhibited fixed lividity in dependent portions of the body, consistent with the body's reported position at death, supine, lying in a bed.

External findings normal except for external injuries noted as follows.

Hands: small contusions on the left middle and left index fingers, right ring and right middle fingers. Small abrasions on dorsal aspect of both hands.

Eyes: Eyelids were pulled back revealing extensive bilateral petechial hemorrhaging in the sclera indicative of asphyxiation.

Neck and Head: Neck was examined for ligature marks or other ecchymosis for evidence of strangulation, but no injuries were found on the neck. Superficial abrasion approximately 1 cm in diameter consistent with friction injury was found on the tip of the nose. Small amount of dried blood found on the margin of the wound. Small amount of dried blood found in both nares.

INTERNAL EXAMINATION

Body was opened for internal examination with standard Y-incision. Internal organs were found to be of normal appearance, weight and location except as noted below.

Exhibit 5

GLENSHEEN • SECOND FLOOR

3300 LONDON ROAD • DULUTH, MINNESOTA

From *Will to Murder*, Copyright © 2003 - 2010 by X-communication

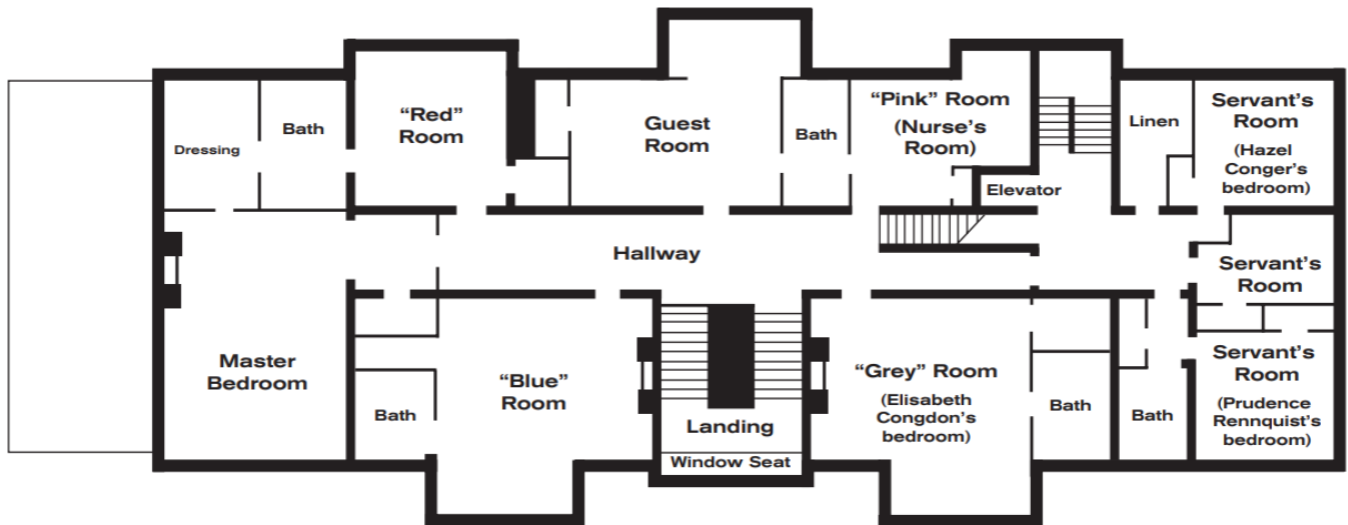


Exhibit 6



Exhibit 7

27-Jun-1977

BAGGAGE CHECK

Minn-Air Flight 467

FROM

**Minneapolis/St. Paul
Humphrey Terminal**

to

**Denver
Stapleton Terminal**



066-7-9832493-293864-HDSF

BAGGAGE CLAIM G

PNR: QA1 DL 6 000-4

NEW!

ALL JET SERVICE

Exhibit 8

Dear Robin,

As you know, our money is tighter than ever. We need cash faster than we are going to get it. Sure, we are set to inherit \$2.5 Million when Elisabeth finally dies, but who knows when that will be. I sure don't.

Get us that money. Our family needs it to survive.

Mar

Exhibit 9



Exhibit 10



Simplified Rules of Evidence

In trial, all testimony and exhibits need to follow these rules. If you think opposing counsel is breaking one of these rules, stand up and say “Objection, _____ under rule _____” with the name of the rule in the first blank.

Relevance (401 and 402)

All evidence needs to make an important fact of the case more or less likely

More Prejudicial than Probative (403)

All evidence must NOT be substantially more prejudicial (fiery, emotional) than probative

Character Evidence (404)

Evidence of past actions cannot be used to show the person would do it again

Lay (Regular) Opinions (701)

Non-expert witnesses may state opinions as long as they are rationally based on the witness’s perceptions

Expert Opinions (702)

Experts must have specialized knowledge, training, or experience. Their opinions need to be based on enough information, standard methods, and reliable application of those methods to that information.

Hearsay (801 and 802)

Statements said or written outside of trial are not allowed to prove the Truth of the Matter Asserted (the content of the statement). Statements of a party opponent (the defendant to the prosecution) are not hearsay.

Hearsay Exceptions (803)

803.1 Present sense impression – Hearsay about what the speaker is experiencing at the moment is allowed.

803.2. Excited utterance – Statements made under stress about the cause of stress are allowed.

803.3 Present condition – Statements made about the emotional/physical condition of the speaker are allowed.

803.4 Statements made for medical diagnosis or treatment

803.5 Recorded recollection – Reports or other statements that the authors make as a regular part of their job are allowed