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To Conviction Review Unit Advisory Committee,

My name is Daniel Guida. I am the Sheriff of Aitkin County Minnesota. In my role as an Elected Sheriff, I have taken an oath to support and defend the constitution of both Minnesota and the United States of America. I do my absolute best to provide and protect public safety, and I have a responsibility to seek the truth in all I do. When I first met with the attorneys from the innocence project and the Conviction Review Unit (CRU), they portrayed this scenario as simple. The attorneys pointed out some "flaws" in the Pippitt case, asked the Aitkin County Attorneys' office to recall the case then request for the Attorney General to prosecute, and then the AG's office would dismiss the case for lack of evidence. They stated that this would cause no political impact to our local community, and the Attorney General would be the "bad guy" and would incur all the expense for the process. I was provided with a temporary "draft" document that made a compelling argument about why the case should be overturned and I was given a deadline and asked to provide my input. The document had obviously taken significant time to complete and included numerous statements of facts. One such statement from a "evidentiary expert" was that it was "impossible" for a person to crawl through the basement window at Malin's store. When I questioned the team about that statement, I was advised again that their expert said it was impossible. After a career of dealings with the suspect that went through that window, I suggested that they go to the store to see if it was indeed impossible. I immediately learned that the team of experts had never been to the store and was not even aware the store still existed. I wondered how a team of evidentiary experts that were on a search for "truth" would not have traveled to the scene of the crime, which is still in a similar condition as just after the murder. How could anyone make a concrete decision without even attempting to visit the scene? The deadline was a very short time later, so I briefly reviewed the case file and provided a letter for input. Since that initial response I have had time and have been able to completely review the CRU case. This deep dive has generated this letter, and I sincerely hope you are able read it and understand the need for accountability and ensuring the integrity of everyone involved with any part of the criminal justice system. This letter is coming from me, but I have sought the assistance of some brilliant minds who care deeply about our criminal justice system, to help me process and put to words the document you see before you.

I am writing to the CRU Advisory Committee to inform you of CRU's actions and methods that I believe need to be examined and addressed. I believe the CRU actions not only have created fatal flaws in its and the Attorney General's recommendations in one particular case but, importantly, I believe that if the CRU's actions go uninvestigated, unchecked and uncorrected, the result will have an extremely negative effect on the public's perception of law enforcement, prosecutors and the CRU. All three play a vital role in ensuring justice. The CRU's actions to date in the Brian Pippitt conviction review process undermine the credibility of all three. Minnesotan's confidence in our criminal justice system is on the line. The credibility and effectiveness of law enforcement, prosecutors and defense attorneys are at stake.

Importantly, the same is true for the credibility and effectiveness of the CRU in its current role in our criminal justice system. The CRU, the Great North Innocence Project (James Mayer) and Centurion Ministries (James Cousins) have partnered to assist Brian Pippitt in his conviction review process. Their coordinated actions in this case undermine confidence in, and the credibility of, all involved. As a result, the effectiveness of all could be severely hampered in the future, resulting in justice not prevailing. Despite safeguards in place, history has shown that innocent people have been convicted. We must have a transparent, fair review process moving forward so that criminals are held accountable and those wrongly convicted are set free. The Pippitt case is an opportunity to establish such a process.

In this document, I will offer examples and describe a few specific areas of concern. I request that you also review the attached documents to gain a more complete and detailed understanding of the improper actions by the CRU and those with whom they have partnered. In particular, please see the detailed information regarding other areas of serious concern that undermine the CRU and its partners in this case. For example, facts set forth and the misrepresentations made relating to these issues:

- Deadbolt
- Silver dollar certificate
- Stolen items
- Point of entry
- Alibi
- Missing evidence, including the nightgown

ATTACHMENT A: Contractors' Summary March 18, 2025

ATTACHMENT B: Contractors' Response to CRC Presentation

(for ease in review, specific areas in the attachments have been highlighted)

Background

In 2001, Brian Pippitt was convicted of the 1998 murder of Evelyn Malin, 84 years old and physically disabled. Evelyn had operated and lived in the Dollar Lake Store in McGregor, MN, for over 40 years. On the night of February 24, 1998, she was murdered in her bedroom. She died of a severe beating and strangulation. Pippitt was convicted in a jury trial of first-degree murder. His conviction has been upheld twice by the Minnesota Supreme Court.

In January 2022, Centurion Ministries' attorney James Cousins, submitted the attached MEMORANDUM IN SUPPORT OF BRIAN PIPPITT'S APPLICATION TO THE MINNESOTA CONVICTION REVIEW UNIT.

ATTACHMENT C: Centurion Ministries Memorandum

The Memorandum identified several themes, including:

- Brian Pippitt is innocent of the 1998 murder of Evelyn Malin and was convicted solely on unreliable, recanted testimony.
- Evidence tampering: law enforcement "lost" the door lock which could have disproved the prosecutor's claim of forced entry and thus his theory of the case.
- Lead prosecutor, Bradley Rhodes, suppressed exculpatory evidence.
- Law enforcement investigators used improper interrogation tactics.

- Recantations of witnesses and new experts' opinions of evidence qualifies as new evidence that warrants review of the trial and the Supreme Court's findings.

On May 17, 2023, the CRU notified the Aitkin County Sheriff's Office that they would be reviewing the Pippitt conviction. Aitkin County Sheriff's Office personnel and I have cooperated fully with the CRU investigation. I have personally ensured that the CRU had access to all reports and evidence in Aitkin County's possession. The CRU was provided with office space to conduct their investigation on at least 10 days in 2023. Even after the CRU's May 28, 2024, report concluded that Mr. Pippitt was innocent of the murder and called for his release from prison, I facilitated the CRU's continued investigation by ensuring that one of the CRU's outside experts, Linda Netzel, had access to all of the evidence as well as access to the crime scene at the Dollar Lake Store.

While I have offered complete cooperation from early on, I have also been concerned with the CRU's methods and resulting findings. I have always believed and still am hopeful that since the CRU is a part of the Attorney General's Office (AG), they would be governed by the same professional standards as every law enforcement agency and County Attorneys' Office in the State.

Timeline

On January 14, 2022, Mr. Cousins submitted his Memorandum.

On March 21, 2024, the CRU submitted the attached Draft CRU Report and Recommendation, State of Minnesota v. Brian Keith Pippitt (CRU Draft Report) to the Aitkin County Attorney's Office, Aitkin County Sheriff's Office and the BCA for their input.

After reviewing the Draft Report, I realized that the CRU's fact finding was lacking information and the March 21, 2024, document read more like an advocacy brief rather than an accurate statement of complete facts leading to well-reasoned and independent recommendations. In a letter to the CRU, on or around May 1, 2024, I cautioned that their report appears to have a "limited understanding of the entire case and investigation" and that the CRU "seems more focused on the process of the case than substantive evidence." (Cites from CRU Final report, May 28, 2024) I also wrote, "...I question the ethical implications of your activities in this particular matter." I protested that the CRU had two years to investigate the Pippitt conviction but had provided me with an "arbitrary and artificial timeline," to review the CRU Draft Report. In an effort to assess the accuracy of the Draft Report, I requested the following:

- All records including the efforts to contact the allegedly uncooperative witness
- Complete reports of any witness interviews that you did not record and recordings of those that you did
- Internal discussion notes
- Credentials to your "expert" witnesses
- All reports and reference sources used by those experts

ATTACHMENT D: CRU Draft Report

In spite of my above cited cautions and without contacting me for continued assistance, responding to my concerns, or providing me with a response to my request for information, the CRU, on May 28, 2024, submitted its Report of the Minnesota Conviction Review Unit Regarding the 2001 Conviction of Brian K. Pippitt (Final Report) to Attorney General Keith Ellison.

ATTACHMENT E: CRU Final Report

On June 6, 2024, the CRU publicly announced its conclusion that the first-degree murder conviction of Brian Pippitt should be vacated and that Attorney General Keith Ellison agreed. It was also announced that the CRU recommended full exoneration of Mr. Pippitt. This CRU recommendation has been touted as the first time that the CRU recommended a full exoneration of an incarcerated person. I believe that the CRU's ineptitude in making such a recommendation without the proper evidentiary safeguards and oversight will be evident with my detailed examples.

I am aware that independent consultants (Consultants), hired by the BCA to review the CRU's report found serious errors and a lack of disclosure/transparency in the CRU's rendition of the facts, methodology, analyses, findings and conclusions. I am also aware that the Consultants contacted the AG's management in July 2024 and advised them of the potential flaws in the CRU investigation and conclusions, only to be told that once the report had been issued it was no longer in the AG's control. Despite the AG's stance that the CRU report was the end of the AG's involvement, Assistant AG Carrie Sperling provided information that she knew to be false during her testimony at a public Conviction Review Commission (CRC) hearing on April 4, 2025.

ATTACHMENT B: Contractors' Response to CRC Presentation

In over thirty years in law enforcement, I have never been associated with, nor have I heard of a prosecutor's office that did not consider new information, no matter when during the process it was received. Every prosecutor I have worked with has always accepted new information and disclosed it appropriately and ethically. Sometimes the new information resulted in changes in or dismissal of charges, or a public acknowledgment of the need for additional investigation. The idea that the CRU's Final Report was the AG's final public statement regarding the Brian Pippitt investigation and recommendation is unheard of for prosecutors in the State. I believe the AG must alter the review and oversight of the CRU and abide by the Minnesota Rules of Professional Conduct and the American Bar Association, Criminal Justice Standards for the Prosecution Function that is referenced in the Minnesota Conviction Review Unit Charter. Should the Oversight committee not recommend changes to the CRU process, all law enforcement and prosecutors' offices in the state need to be notified of the CRU's delusive and ungoverned role in reviewing convictions.

My concern regarding the AG's role and seemingly blind endorsement of the CRU's stand-alone findings and recommendations has garnered a great deal of public/media attention, most of which seems to have been initiated by the CRU, Great North Innocence Project and Centurian Ministries. The CRU's, AG's and CRC's conclusions and recommendations regarding Mr. Pippitt's conviction have damaged law enforcement, prosecutors and defense attorneys' reputations and unfairly undermined their credibility. False and defamatory public statements have been bantered about freely with disregard for the consequences. In public statements, facts have been misrepresented, and individuals have been accused of unfounded misconduct. Substantial damage to the reputation of highly regarded professionals has already occurred and failure to publicly correct the positions of the AG's office and others will forever tarnish the previously untarnished legacies of these-public servants.

ATTACHMENT F: MEDIA Sample Coverage of CRU Report and Pippitt Case

CRU actions requiring review:

1. Mari Blegen:

Ms. Blegen is not found in any law enforcement or Aitkin County Attorney reports. She is listed on Pippitt's defense trial witness list but was never called to testify.

Centurion Ministries:

-Raymond Misquadace had given statements and testified that after the burglary and murder at the Dollar Lake Store that he and Brian Pippitt, Keith Misquadace, Neil King and Donald Hill had gone to Raymond's dad, Walter Misquadace's old house and provided details.

-Ms. Blegen submitted an affidavit on July 15, 2021, to James Cousins.

-Blegen's affidavit and statement are referenced in Cousins's, January 14, 2022, Memorandum as an example of Raymond Misquadace's lack of truthfulness.

-The affidavit states that Blegen, at the time of the murder, lived in what was once Walter Misquadace's house.

-Blegen stated that she lived there with Pippitt's brother Bryan Misquadace.

-Blegen's affidavit stated that Raymond's description of who was at the house and the description of the house, "...could not be true at the time."

-Blegen's affidavit stated, "[I]f we were home, I would have remembered them coming to the premises, and I would not have permitted them in our house."

CRU:

-December 14, 2023, Carman Leone, CRU, interviewed Blegen for 31 minutes, by phone.

-Blegen confirmed all the information from the July 15, 2021, affidavit.

-Blegen added that she lived next door to Pippitt.

-Blegen indicated that due to Pippitt's chronic alcoholism and disability, she was his Social Security payee to manage his money.

-Blegen volunteered the following information regarding Pippitt during the interview with Leone:

- I think he was with them (the suspects), but he came back that night. He didn't appear to be upset...he showed no signs of anything happening. And I don't think he was even in there. He was probably passed out in the car.
- He acted like he didn't, well, he didn't know what happened. He was shocked, actually. I remember when he found out he was shocked. He was like, I don't know if I was in the car or if I was at home. He goes, I don't know.

Regarding the murder and being with the suspects, Ms. Blegen stated:

- But I do know that they (the suspects) gave him (Pippitt) a ride and I don't know when he came back, but I do know he was rather shocked. Did they do that (the murder) while I was sleeping in the car? Did they do that after they dropped me off? I remember him saying that he was in real shock. Like God, I hope I wasn't there or was I there. I remember him telling me that he knows he was in the car and he don't know if he passed out and he don't know if they did that after they dropped him off or if he was in the car.

Leone asked:

- ...with respect to your, if you were to put a percentage of your confidence level on your memory of Don (Hill) coming the night before the

murder in a loud car, picking up Brian and then dropping him off later that night, and then having a conversation with Brian the next day and him admitting he was in the car and that they went to the store and he doesn't know what happened when he was at the store, what would you say as far as that portion of what you told me, if you were to put a percentage on your confidence level of that, what would it be? From zero to a hundred percent?

- I just know Brian was really concerned about what happened because he thought he might've been in that car.

-

-Blegen also stated that she believed that Don Hill tried to hide at Agnes Chief's house after the murder.

After Leone's interview with Blegen on December 14, 2023, and prior to December 18, 2023, James Cousins had a conversation with Blegen. On December 18, 2023, Blegen came into an office for an 82-minute in-person interview with Leone. CRU investigator Nicholas Foster participated via Zoom.

Excerpts from December 18 Interview:

Leone: _____ Okay. So, Mary, what I really would like to do is to, I'd like to just talk a little bit about the prior conversation that we had. I know that you maybe had some concerns about your memory, about the veracity of the things that we talked about last time, and I want to make sure that I get it right. You're not stuck to anything, you're not being locked in anywhere. So if you want to go back and correct anything that we talked about before, we can start there. Is there anything that you're concerned about that you said last time that maybe you want me to just know about?

Blegen: Well, what I said last time is I thought that I was sure that maybe he got in Don Hill's car for a ride to the liquor store and that was always a concern because when people come up there the drinkers look for a ride to the liquor store, they don't have a car. And I was always kind of a protective person for him because he was always getting ripped off. That's probably the only reason I became his payee, so they couldn't rip 'em off anymore. They outsmarted him, tricked him, everything. So I guess my thoughts were, I was thinking he probably got in the car, but I'm thinking because it's been so long, I think that I was thinking that is because I was fearing that because I remember my fears, him being that just like when he could go to the casino that day or that morning, whatever that day, I know he was at the casino they were saying and I feared then, well no, then I didn't fear because I dispersed his money, so I didn't have a problem. I didn't have to worry about that, but that's what I want to correct. My memories are all just discombobulated with my thoughts. What I remember hearing, what I remember fearing, trying to guess when we heard what happened. I talked to him that morning, but before, I guess before I talked to him, I was wondering, hoping that he wasn't with them, but can I say what car he got in? No, I just know that he did come for money.

...

Leone: Did you say that he came to you for money that day or for around this time or did I mishear you say that?

Blegen: I think before the casino he might have come for money.

...

Leone: You had mentioned in your email and then earlier today that you remember the casino. How did that come about? How did that come about? What was that revelation to you? Between Thursday when we talked and this morning?

Blegen: ... but I don't know how that came about, but I remember that and I'm like, well, how could I say he went there if he was there and that's what really concerned me. How could I say he maybe got his car for a ride to the store if he went there (casino).

While Blegen's affidavit and accompanying photographs seem to support Centurion's and the CRU's finding that Raymond Misquadace provided a false statements are featured in the CRU's Draft and Final Reports, there is no reference to Blegen's December 14th interview/statement about the conversations she had with Pippitt the day after the murder, during which he was wondering if he was in the car during the murder. Neither the CRU's Draft Report nor the Final Report reference the portions of Ms. Blegen's second statement on December 18th, during which she remembered giving Pippitt money and that he was at the casino the day of the murder. The fact that the CRU chose not to memorialize these never before heard Blegen statements in their reports, in spite of the fact that Blegen's December 18th recollection was consistent with Pippitt's alibi that he was at the casino the day of the murder, suggests that even the CRU believed that Blegen's statements were detrimental to their finding that Pippitt is innocent. With no reference to Blegen's interactions with Pippitt in the CRU reports, with no transcript of the interviews provided, with no copy of the email that Blegen sent to the Carman Leone, referenced but not provided, my team listened to over 110 minutes of interview recordings to discover that Mr. Cousins contacted Ms. Blegen between the two interviews.

The omissions in the Draft and Final Reports are extremely concerning. If one of my investigators failed to memorialize Ms. Blegen's statements and/or hide or failed to disclose the statements' existence to a prosecutor's office and/or the defense, that would be the grounds for discipline and a potential Brady violation that could affect the officer's credibility for the rest of their careers. This confusing role of the CRU in the AG's office and their expectations and responsibility to meet all ethical obligations expected of the AG's office truly challenges their credibility and claim of being neutral, independent fact-gathers.

Questions I request the Advisory Committee to investigate:

- How did James Cousins happen to speak with Ms. Blegen after the December 14th CRU interview?
- Between July 2021 and December 2023, how many times did James Cousins and Ms. Blegen communicate?
- Did Carman Leone contact Mr. Cousins after Leone's December 14th interview with Ms. Blegen?
- If yes, why? If not, does Mr. Leone know how Mr. Cousins happened to contact Ms. Blegen after the December 14th interview and prior to the subsequent interview a few days later?

- Why did the CRU not disclose the two statements by Ms. Blegen in their reports?
- Did the CRU have reasons to doubt the veracity of Ms. Blegen's accounts of her interactions with Pippitt before and after the murder?
- Why did the CRU choose not to disclose Ms. Blegen's email after the December 14th interview in which she may have recalled that Pippitt was at the casino the day of murder?
- Ms. Blegen stated during her December 14th interview that she wished she could review her statement from the time of the murder. The fact that Ms. Blegen is not found in any of the police documents, but she is listed on the Pippitt defense's witness list suggests that she gave a statement to Pippitt's defense team. CRU reports state that they had access to Pippitt's defense file. Does Pippitt's defense file have a report regarding information provided by Blegen or by Bryan Misquadace that referenced Ms. Blegen?
- If Leone contacted Cousins and Cousins' interactions with Ms. Blegen influenced Ms. Blegen to change her statement (including that she expressed fear that her previous statement might get Pippitt in trouble), might that be tantamount to 3rd Degree Witness Tampering?
- Are James Cousins's and Brian Pippitt's public statements true that Mr. Pippitt has waived all Attorney/Client privileges regarding his conviction and post-conviction process?
- If he did waive the privilege, on what grounds is the CRU denying access to all documents related to their review of the Pippitt conviction?

2. MINNESOTA CONVICTION REVIEW UNIT CHARTER

- INVESTIGATIONS IN CLAIMS OF WRONGFUL CONVICTION

...the paramount goal of a CRU investigation shall be to determine the reliability and truthfulness of the recantation.

- **ACCOUNTABILITY AND TRANSPARENCY**

The CRU shall establish a protocol for reporting colorable claims of misconduct by prosecutorial or law enforcement authorities and personnel.

CRU Interviews:

Interview of Raymond Misquadace by CRU Investigator Foster:

Nicholas Foster: Okay. And I'm here to talk to you today about the Evelyn Malin murder. Right. And this was brought to the CRU's attention through an application from Brian Pippitt and his attorneys in a potential wrongful conviction. Right. So Raymond, I understand that you have been in contact with Jim Cousins who represents Brian Pippitt. Is that correct?

Raymond : Yes.

Nicholas Foster: Okay. Can you tell me a little bit about what the two of you have talked about when he approached you first? What did he ask you?

Raymond : When he first got ahold of me, it was, he just introduced himself as he was Cousins. He was representing Brian and that he just told me, he just told me that he believes that everybody was wrongfully convicted and that they, I don't know how he said the word, he said it somewhere almost like we were, he knows that we were coached on statements and, I don't know, that's pretty much it. And just kind of asked me what I knew, what happened in that thing. And I just told him I didn't know what happened.

...

Raymond: "...my lawyer would've done his job. I wouldn't even had to sit, I don't think. Because he sat there many times while the two, same two BCA guys would literally be talking to me and then cut off the tape and then start telling me about whether what happened or not, I don't know. But they'd start telling me. Are you sure this ain't how it happened? Or, are you sure, say, where they went or different shit like that. (CRU interview with Raymond Misquadace, August 18, 2023)

Interview of Donald Hill:

Donald: "They introduced themselves, told me what they wanted for me to make my statements. Then they offered me some cocoa or coffee to drink. So I said I'll take some coffee after I drink that coffee. The last thing I remember was those guys letting me be able to go back home and if I sat there and I confessed to you about a murder, why would you let me go home that same day? Right. And like I said, everything was cloudy and foggy to me after that."

...

"I remember them asking for me for the coffee and stuff and then they started asking me these questions and like I said, I don't remember too much after that besides going home and then falling asleep and I don't know, something still wasn't right about that day."

...

"I think those guys drugged me with something that got me to open up and talk to 'em and say what they want to say. When I finally got my senses about me, like I said, it's like I woke up, I was out of a sleep or something and I still had, there was only this much gone out of that coffee cup when they filled it all the way up. That's all I drank out there." (CRU interview with Donald Hill, November 21, 2023)

Interview of Keith Misquadace:

Keith Misquadace stated in a November 21, 2023, interview with Assistant Attorney General Carman Leone and CRU Investigator Nick Foster, that he "signed some affidavits for him [Cousins] or for Brian's lawyer. I don't know which lawyers they were, but I know I signed whatever I needed to sign for him." In the Declaration of Keith Misquadace, July 16, 2021, Keith states that on February 24, 1998, he was home

with his grandmother, Agnes Chief. His Declaration states, "My brothers, Michael and Brandon Misquadace, and my uncle Brian Keith Pippitt, came home in my grandmother's gray Dodge Caravan at approximately 10:30-11 p.m. They had been at the Mille Lacs Grand Casino and then in Onamia that day and evening. When they arrived home, Agnes saw that they had been drinking and started yelling at them. My uncle Brian then turned around and left to go to my Aunt Wanda's house next door."

Mr. Leone and Mr. Foster continued to question Keith regarding the details of February 24, 1998:
Carman Leone: So I want to talk about Brian Pippitt.

Keith: Okay

Carman Leone: Do you remember him coming home that night, Brian?

Keith: No.

Carman Leone: Okay.

Keith: I don't recall it.

Carman Leone: The documents that you signed, did you read those before you signed them?

Keith: No. No....No. Well, whatever's in there is the truth.

(November 21, 2023, CRU interview with Keith Misquadace)

Centurion Ministries Interview:

Interview of Peter Arnoldi:

"After several months of having been shown evidence by Cousins, the investigator on this case, I believe that what I believed at the time to be true is not true."

The main tenet of both the CRU's Draft and Final report as well as the Centurion Ministries Application to the CRU and Application for Commutation is that co-conspirators and witnesses have recanted their previous statements and testimony. These recantations were also cited by Commissioner Moriarty as she recommended commuting Pippitt's sentence.

In spite of the CRU's Charter which mandates that their "paramount goal" is to determine the reliability and truthfulness of recantations as well as their duty to report misconduct by attorneys and law enforcement, the CRU publicly reported the above recantations and affidavits with no reference to the accusations by Raymond and Donald of nefarious and potentially criminal misconduct on the part of both law enforcement and attorneys. Keith said he did not read the affidavit he signed and had no recollection or knowledge of the information in it. An affidavit that was obviously drafted by someone else. This information regarding Keith's signed statement was not mentioned in the CRU's Reports. Mr. Arnoldi was never questioned as to what evidence Mr. Cousins showed him over the course of months that caused him to now believe that his testimony from 20 years earlier was wrong. Mr. Arnoldi was

never questioned about the fact that he somehow, at the time of the Cousins' interview, believed that Pippitt raped Evelyn Malin when he never said that Pippitt claimed to have raped Malin in his initial interview with investigators nor had he ever mentioned a sexual assault during his testimony.

The CRU went so far to distance Raymond's and Donald's cited recantations from their actual CRU interview that the CRU's Final Report reads, "It is important to note that there is no evidence that the CRU has reviewed that suggests Bjerga, Beck or any law enforcement officer involved in Evelyn's investigation set out to coerce anyone into confessing or intended to elicit a false confession in this case. The investigation team appears to have applied techniques that were widely acceptable at the time, techniques these investigators were likely trained to use in the course of their careers, which have likely been used successfully in previous cases. (final CRU Report, page 72)

While I suspect that the Advisory Committee will find the influence and lack of disclosure related to the Mari Blegen's interviews troubling, the CRU's hiding of the witnesses' accusations against attorneys and law enforcement are even more concerning and reflective of the integrity of the CRU's actions (and non-actions). Again, like the other interviews not being cited in the report, there were no transcripts provided and if my team had not listened to hours of the interviews these accusations would never have come to anyone's attention. Similar to the CRU's actions with Mari Blegen, if one of my officers acted as the CRU did and hid accusatory statements against public officials or worse misrepresented the statements as "techniques these investigators were likely trained to use in the course of their careers," the officers would face discipline and possibly termination since their credibility would forever be questioned. To accuse law enforcement of turning off recorders, coaching statements, and drugging a suspect to get a confession, as printed in the CRU's Final Report, but then fail to report the misconduct, as required by the CRU Charter, seems to show that they did not believe the veracity of the recanted statements, yet they included them without any clarification and to the detriment of the officers they named.

Considering the CRU's Charter mandate "to determine the reliability and truthfulness of the recantation, questions regarding witness recantations I request that the Advisory Commission investigate and address:

- Why did the CRU not question Raymond about previous statements to the police and his testimony that he had told his grandmother, Emma Hatfield, about his knowledge of and his involvement in the murder of Evelyn Malin?
- Why didn't the CRU question Raymond about Emma Hatfield's statement to investigators (and later in her sworn deposition with both the prosecutor and Pippitt's defense attorney present) in which she stated that months before he provided his statement to the police, Raymond confessed his involvement in and his knowledge of the Malin murder to her?
- Why didn't the CRU question Raymond about the letter he sent to Emma Hatfield while he was in jail awaiting trial in which he acknowledged telling her about his involvement in and knowledge of the murder of Malin?
- Why didn't the CRU question Raymond further about the changes in his earlier volunteered statement to investigators that he had broken into the Dollar Lake Store on a previous occasion as compared to his new statement to the CRU that he had only shoplifted in the store once?
- Why didn't the CRU question Raymond about his affirmative answer, under oath while being cross-examined by Pippitt's defense attorney, that he had previously admitted to police that he had broken into the Dollar Lake Store but told the CRU he had only shoplifted in the store once?

- Why didn't the CRU play the recording of Raymond's interviews with investigators to have Raymond identify the occasions when the recorder was shut off and he was coached on his statements?
- Why didn't the CRU play the recording of Donald's interviews with investigators to have Donald identify what portions of the recording reflected his drugged state of mind?
- When Keith clearly had no knowledge of the information in the affidavit he signed, why didn't the CRU ask open ended, free narrative questions instead of reading portions of the affidavit to Keith?
- Why didn't the CRU ask Mr. Cousins what evidence he presented to Mr. Arnoldi over "months" that would cause Arnoldi to recant his statement and testimony from 20 years earlier?
- Why didn't the CRU provide copies of recordings of interviews between Mr. Cousins and recanting witnesses?
- Without copies of all of Mr. Cousins's interactions with witnesses, how can the CRU vouch for the veracity of all the recantations?
- Considering that Mr. Cousins informed Raymond that he thought all the suspects were innocent and coached on their statements, how did the CRU investigate Mr. Cousins's actions to insure the veracity of Raymond's and all other recantations? Were the recantations improperly influenced by Cousins' action?
- The CRU is aware that Mr. Cousins advised Raymond not to talk to anyone from the BCA or Aitkin County regarding Pippitt's post-conviction investigation. The request to speak with Raymond included having Mr. Cousins present. Why hasn't the CRU facilitated Mr. Cousins and Raymond's cooperation with this request?
- Does the CRU have transcripts of all the interviews with their listed witnesses that they have refused to provide upon request?
- Does the CRU reasonably believe that Raymond's and Donald's accusations of potential criminal activity by law enforcement and attorneys have any merit?
- If yes, why haven't they observed their Charter mandate to report misconduct by prosecutors and law enforcement?
- If no, why are the accusations included in the CRU Final Report without clarifying context?
- If no, what influence did the accusations have on the CRU assessment of the veracity of the recantations?

3. CRU's Pippitt Alibi:

"An early statement specifically implicating any of the "Misquadace boys" was on March 3, 1998, from Ben Altergott, a person with whom Brandon spent time while in a juvenile detention center.⁹⁶ Ben stated that Brandon had the idea to rob Evelyn.⁹⁷ When investigators confronted Brandon two days later about the accusation that he committed the burglary/murder, he provided them an alibi.⁹⁸ Specifically, Brandon said that he was in Onamia with his brother Michael, Michael's girlfriend, Keith, and his uncle Brian Pippitt.⁹⁹ Michael's statement to investigators mostly matched Brandon's.¹⁰⁰ Michael said that he went to Mille Lacs on February 24, 1998, for a job at the casino in Onamia and had interviewed twice that day.¹⁰¹ After, Michael, Brandon, and Pippitt stopped at the Blue Goose liquor store to purchase 40-

oz beers.102 No further investigative leads focused on the Misquadace family for some time after these initial interviews of Brandon and Michael.103”
(CRU Final Report, pages 20 & 21)

“Chief provided testimony that supported Pippitt’s alibi at the casino as well as undermined Raymond’s trial testimony. Specifically, she testified that Michael, Brandon and Pippitt borrowed Chief’s van to get to the casino the day of the murder. 298

She said she gave Pippitt a check, so he had money to gamble. 299 Chief also testified that she was with Keith that night in her home; she confirmed Keith was with her until 10:00p.m. or 11:00p.m. because she remembered yelling for him to shut off the television and go to sleep since he had school the next day. 300 Since Chief had no other vehicles, Keith had no alternative means to leave the house. 301 She also remembered hearing the van return later that evening.302”

(CRU Final Report, page 38)

“Another affidavit offered was signed by Keith Misquadace which stated that Keith was not at the Dollar Lake Store on February 24, 1998. 319 He stated that evening, he was home with Agnes Chief, on the phone speaking with his girlfriend of the time, Theresa Coulton. 320” (CRU Final Report, page 40)

“Brandon Misquadace’s statement to investigators aligns with the statements of his brothers, placing Pippitt with himself and Michael at the casino, and getting back late that night, he remembers his grandmother Agnes Chief, was awake and dinner was done. 614

Agnes Chief also corroborated Pippitt’s alibi, placing him with Michael and Brandon that evening. (CRU Final Report, pages 84 & 85)

These above interviews with Michael and Brandon Misquadace, 10 days after the murder, are the foundation of several arguments by the CRU of investigative failures because the police did not take the early statements as a Pippitt alibi. These interviews are also cited by the CRU as an example of prosecutorial misconduct by pursuing the case against Pippitt despite this possible alibi. These interviews are also offered as support for the CRU’s criticism of Pippitt’s defense attorney for not objecting when the prosecutor said that Pippitt had no alibi until just before trial.

The differing accounts of the night of February 24, 1998, that the CRU cites in their Final Report provide a less conclusive alibi than the CRU suggests as a central piece of exculpatory evidence.

March 3, 1998, interviews with Bruce Beck:

Brandon Misquadace:

Beck: UM, SO MY QUESTION TO YOU, BRANDON, DO YOU REMEMBER WHERE YOU WERE ON THE, THE DAY BEFORE THAT HIT THE NEWS?

Brandon: PROBABLY HERE.

Beck: OK. DO YOU REMEMBER GOIN' ANYWHERE OR DOIN' ANYTHING?

Brandon: I DON'T KNOW. ABOUT WHEN NOW? TUESDAY?

Beck: TUESDAY.

Brandon: IT'S TUESDAY OR WEDNESDAY I WENT TO ONAMIA.

...

Beck: OK. SO, YOU AND MIKE. UH, WHO ELSE WENT TO ONAMIA?

Brandon: MY UNCLE.

Beck: AND WHICH ONE?

Brandon: BRIAN KEITH.

Beck: OK. AND THAT'D BE BRIAN KEITH PIPPETT?

Brandon: YEAH.

Beck: OK.

Brandon: THEY HAD, UH, THAT'S NOT WHAT WE WENT UP THERE FOR BUT, UH, WE WENT UP THERE, NOT, OR, YEAH, WE WENT UP THERE. MIKE HAD A ORIENTATION. AND THEN HE WAS SUPPOSED TO BE DONE AT THREE BUT, THEN THEY TOLD HIM THEY HAVE, THEY HAVE, HE HAS TO BE THERE AT 5:00 O'CLOCK.

...

Beck: WHAT TIME DO YOU RECALL GETTIN' HOME, ABOUT?

Brandon: I DON'T KNOW...MY GRANDMA WAS STILL AWAKE.

Michael Misquadace:

Beck: AND IT HIT THE NEWS ON WEDNESDAY, THE 25TH. SO THAT'S A FEW DAYS LATER WERE YOU AROUND UH, 25, 26, 27.

Michael: 25, 26, 27. LET'S SEE. UH, I KNOW I WENT UP TO MILLE LACS SOME TIME. I THINK TI WAS TUESDAY, ON THE 24TH. BUT WAIT A MINUTE, THAT LAST WEEK.

Beck: WELL, THAT WOULD BE LAST WEEK 'CAUSE WE'RE ONLY ON, UH, WE'RE ONLY ON THE 5TH. SO LAST WEEK WOULD HAVE BEEN THIS WEEK.

Michael: ON THE 24TH A INTERVIEW WITH THE MILLE LACS AND ON THE WAY BACK KILLED A FEW FORTY'S SO I WAS DRUNK HERE WHEN I CAME HOME 'BOUT 7:30, 8:00 O'CLOCK AND LAID OUT IN MY ROOM.

Beck: OK. AND THAT WAS ON THE 24TH?

Michael: YEAH, I BELIEVE SO....

...

Beck: ...WHO DID YOU GO WITH WHEN YOU WENT DOWN?

Michael: UM, I THINK IT WAS ME AND MY LITTLE BROTHER BRANDON AND, JUST ME AND MY LITTLE, OH, YEAH, I HAD MY UNCLE BRIAN KEITH WITH.

Beck: BRIAN KEITH?

Michael: YEAH. BRIAN KEITH PIPPITT.

...

Beck: WHO WAS HOME WHEN YOU GOT HOME?

Michael: MMM. MY GRANDMA AND THEM, THEY JUST WITH, THEY PULLED UP RIGHT WHEN WE PULLED UP. 'CAUSE THEY HAD A MEETING IN THE FIRESIDE.

Beck: AND SO AGNES WAS HERE AND, WHO ELSE?

Michael: UM, MY BROTHER KEITH, BRANDON AND MY MA AND GRANDPA.

Beck: OK. AND YOU MOM IS ANITA, CORRECT?

Michael: YEAH.

...

Beck: OK. UM, YOU WATCHED TV, ABOUT WHAT TIME'D YOU GO TO BED?

Michael: MMM, WELL IT HAD TO BE BEFORE TEN O'CLOCK BECAUSE SHE WATCHED KNOTS LANDING.

Beck: OK.

Michael: I MEAN NOT KNOTS LANDING, WHAT'S THAT SHOW? DALLAS?

...

Beck: OK. UM, AFTER YOU LAID AROUND DID YOU EVER GET UP AND GO OUT AT ALL THAT EVENING?

Michael: NO, BECAUSE SHE GOT MAD AT ME BECAUSE I WAS DRINKIN' IN THE VAN AGAIN.

Beck: AND THAT WOULD BE?

Michael: AGNES.

Keith Misquadace:

Beck: OK. UM, WHERE WERE YOU, LIKE THE NIGHT BEFORE YOU HEARD? ON THE 24TH?

Keith: HERE.

Beck: AND WERE YOU HOME ALL NIGHT?

Keith: YEAP.

Beck: AND WHO ELSE WAS HOME?

Keith: MY BROTHER, MY UNCLE BRAD PRETTY MUCH EVERYBODY.

Beck: ALL RIGHT. WHICH BROTHER?

Keith: MIKE. BRANDON. THEY GOT HOME, SEE THAT NIGHT THEY GOT, THEY WAS HOME BEFORE NIGHT. AND UH, WE WAS WATCHIN' TV, THEN I WENT UP TO MY AUNT'S UP THE ROAD. THE BLUE HOUSE AT THE CORNER.

...

Beck: WHAT'S YOUR AUNT'S NAME?

Keith: WANDA MISQUADACE. I WENT UP TO HER HOUSE, SAT UP THERE WATCHED TV WITH HER, CAME BACK, WENT TO BED.

AFFIDAVIT OF KEITH MISQUADACE, June 25, 2005:

...

3. That on February 24, 1998, I was at school between 8:15 a.m. and 3:25 p.m. I arrived home on the bus at about 4:45 or 5:00 p.m. My home was on Sandy Lake Reservation with my grandmother, Agnes Chief.

4. At the time, there was nobody at the house. I recall my grandmother coming home between 9:00 and 10:00 p.m....

5. That I recall my brothers, Mike and Brandon Misquadace, and my uncle Brian Keith Pippitt, coming home in my grandmother's gray Dodge Caravan. This was approximately 10:30 to 11 p.m. When they got home, Agnes saw their condition and started yelling at them. My uncle Brian Keith did not get over the threshold before he turned around and left.

Brain Pippitt POST CONVICTION REVIEW, File No. KX-99-325, May 15, 2006:

Agnes Chief testimony:

Robert O'Malley: Did you ever have any conversations with Brian Keith's attorney Mr. Murtha about your testifying?

Agnes: Yeah, but I thought they were going to call me in and he didn't mention that at all.

...

O'Malley: Now, do you remember the date that Mike, your grandson, Mike Misquadace, had an interview at Grand Casino Mille Lacs?

Agnes: I remember it, but I don't remember the exact date.

...

O'Malley: Well, back to the day of Mike's interview, do you know how he got to Grand Casino?

Agnes: Yes. They used my van.

...

O'Malley: And do you know if anyone was going with?

Agnes: Yeah, my grandson Brandon Misquadace and my son Brian Keith.

...

O'Malley: Did you give them anything to bring with them on this trip?

Agnes: I gave Brian Keith a check for gambling purposes.

...

O'Malley: And what was your thinking as far as what he would do with that?

Agnes: Well, I thought maybe he would gamble while he was waiting for Mike and then Mike called and said that his orientation was cancelled until 5:00 o'clock that evening. He did go at 1:00 o'clock and then at 5:00 o'clock again we (sic) went again.

...

O'Malley: Now, as to this check that you gave Brian, did anyone ever talk to you afterwards about that check?

Agnes: Yes, Michael Kirt (Defense Investigator) came to the house and I found a carbon copy and I gave it to him and I haven't seen it since.

...

O'Malley: Did either Mr. Kirt or Mr. Murtha talk to you about that check at sometime close to the trial?

Agnes: I had given it to Michael Kirt and I haven't seen it since.

O'Malley: Okay. Now, did you see Mike and Brandon and Brian Keith when they came back?

Agnes: No. I went to bed because I have to get up early in the morning.

O'Malley: Were you home that night however?

Agnes: I just – my grandson Keith and I were home alone, yes.

...

O'Malley: Do you recall what time you did go to bed on the night that mike --?

Agnes: I usually go to bed about 9:00 o'clock when I watch television and Keith had to go to school so it must have been about 10:00, 10:30. I don't know exactly what time it was that I went to the second level and yelled at him to shut the TV off, TV and stereo off.

...

O'Malley: And you said that you heard the van when it arrived back. About what time was that?

Agnes: I don't know.

O'Malley: Was it after you talked to Keith?

Agnes: Oh, yeah.

Brandon and Michael are not sure of the day they went to the casino with Pippitt. They are sure they came home to a house full of people which was confirmed by Keith on March 5, 1998, only to have him alone with Agnes Chief in a later version. There are conflicting times in the version as well as conflicting stories of a scolding by Agnes Chief and Agnes Chief not talking to anyone but instead being in bed. Also, if Agnes Chief gave a check to Murtha's investigator dated the day of the murder, one might believe that Agnes would have testified, and the check brought into evidence.

The CRU is presenting cherry picked edits of these statements as proof of the police dropping the ball on an alibi provided by Michael, Brandon and Keith on March 5, 1998. The CRU is aware there are conflicting versions, and my expectations are that any exculpatory information must be included in the CRU's analyses that lead to its conclusions regarding the actions of law enforcement and attorneys.

Issues regarding Pippitt's alibi that I request that the Advisory Commission investigate:

- Is the CRU in possession of the carbon copy of the check that Murtha's investigator recovered from Agnes Chief that should have been in the defense's file? Will the CRU

provide that along with other evidence and information in their possession to me so that we can all work together to confirm accurate findings?

- Which version of Keith's story does the CRU believe to be true?
- Does the CRU believe that Agnes ever scolded Pippitt or Michael for drinking and if that was not on February 24th does the CRU still believe that Michael recollection is accurate?
- Did the CRU ever determine whether Michael could have gone to an interview at the casino on one day and an orientation on another?
- Based on all of the versions of Pippitt's possible alibi, what is the earliest time he could have gotten home?

4. CRU Independence, Neutrality and Transparency:

The credibility of the CRU is supposed to be enhanced through its association with the Attorney General's Office. The CRU boasts that they are independent. Ms. Sperling testified publicly to the Clemency Review Board on April XXX that the CRU "just follow leads," has "ask[ed] for critique," "we want to show neutrality," "we want to show not tell," are "neutral fact finders," and "we are showing integrity in the justice system, that we often do get it right. But when we don't, you know, we should all be able to look at the facts and lay the facts out and have them make sense."

In a quote listed in the media attachments, James Cousin stated, "The CRU is a part of the Attorney General's office, that's a prosecutorial agency. The CRU's purview is to find the truth, not to advocate for the complainant." This demonstrates the significant influence and trustworthiness that the CRU garners from its position as an arm of the Attorney General's Office.

The CRU Final Report states "To be fully collaborative and transparent with all stakeholders in the outcome of this case, the CRU provided an early draft of its analysis and recommendations to its partners in justice: the Aitkin County Attorney's Office, the Aitkin County Sheriff's Office, and the Bureau of Criminal Apprehension (BCA).

I can assure the CRU Advisory Committee that neither I nor my office has been treated like a partner in justice with the CRU. The CRU never responded to my early concerns regarding their methods and findings. My requests for additional documents, in spite of their claim of transparency and neutrality, went unanswered and it is my understanding that the CRU continues to stonewall any requests for documents or explanations regarding the conclusions in their Final Report.

ATTACHMENT G: Communications regarding document requests.

The CRU Final Report is not a product of collaboration and transparency. It is one-sided, biased, and stand-alone document. Input is from like-minded advocates. Input from truth-seekers in our criminal justice system has been thwarted and ignored. Their findings have been endorsed by decision-makers and recommenders who seemingly have been misled or are uninformed. Prior judicial processes have been discounted. The proclaimed innocence of Mr. Pippitt is contrary to the facts and flies in the face of common sense, reasonable analysis and the safeguards that exist in the criminal justice system. Their Final Report does not include complete (and exculpatory) information. Compare this approach to my responsibility to include all known information in a stand-alone search warrant application. If I ever brought a document like the CRU Final Report (with selective, incomplete, cherry-picked information) to a judge and swore that I had probable cause, the search warrant would be tossed because I had withheld information from the judge. I would, and should, be held accountable. It seems that the AG's

early, public, strong, and possibly uninformed endorsement of the CRU's Final Report has resulted in limiting scrutiny by, and input from, myself and other informed criminal justice professionals who seek a fair, thorough review process and, in the end, justice for all.

I understand the roles of Centurion Ministries and the Great North Innocence Project are, likewise, to seek justice. In this case, they are advocates for Mr. Pippitt. Mr. Cousins, in particular, represents Mr. Pippitt and his role is basically the same as a defense attorney, who by design has great leeway in presenting an argument. It could be argued that any conviction review process should be collaborative and adversarial as we all seek justice. I am not so naïve. I am experienced enough to recognize the roles assumed in this case. However, the CRU is an arm of the Attorney General's Office, not a part of the defense team. Their role must be governed by the same rules and ethical standards that apply to law enforcement agencies and prosecutors' offices.

I challenge the CRU's claims of independence, transparency and neutrality based on the following examples:

Dr. Lawrence White:

- When the CRU contracted with Dr. Lawrence White, the expert in false confessions, they provided him copies of Raymond Misquadaces' and Donald Hill's interviews with investigators and Raymond's interview with the CRU.
- The CRU also shared with Dr. White the Centurion Ministries Memorandum in Support of Brian Pippitt's Application to the Minnesota Conviction Review Unit.
- The Application to the CRU opined that Raymond's confession was fabricated because of improper influence by the police, who allegedly fed him information and destroyed evidence that contradicted his story.
- Dr. White cites the Application several times in his conclusion that Raymond provided a false confession facilitated by police interrogation techniques.
- The CRU did not share either of the two interviews with Emma Hatfield, Raymond's grandmother with whom he lived at the time of the murder. One interview with investigators and a sworn deposition with the attorneys.
- During both interviews Emma stated Raymond had told her about his knowledge of and involvement in the murder months before he talked to the police.

- The CRU did not provide Dr. White with the letter Raymond wrote to his "Gram", Emma, from jail in which he acknowledged that he told her about the murder and his involvement before he was interviewed by the police.
- I am aware the Contractors have asked Dr. White to clarify his finding with consideration that the CRU had withheld information from him.
- Dr. White has refused to offer any further comments on his report.
- I believe that the CRU has refused to facilitate having Dr. White respond to clarifying questions regarding his findings in light of the fact that pertinent information was withheld from him.

ATTACHMENT H: Questions sent to Dr. White

Mari Blegen:

- As described in detail above James Cousins' involvement with the CRU's interviews of Mari Blegen suggests questionable independence and neutrality on the part of the CRU.
- The fact that the CRU did not disclose the potentially exculpatory statements made by Blegen, and the fact that they did not disclose the Pippitt alibi statements made by Blegen, are inconsistent with the CRU's claim of transparency.

CRU Final Report:

V.

The CRU's Findings

A. It was implausible for Pippitt to commit the crime in accordance with the prosecutor's theory.

"Although the State concluded that the murderers entered the Dollar Lake Store through the basement window, this would have been highly implausible. To enter the basement through the window, one of these large men would have had to crouch into a narrow cement-lined well, where he would encounter a window boarded up from inside the basement. While crouched in the well, he would have to carefully remove two glass panes and break the third without showering the basement floor with glass. Once the glass was removed, he would then have to reach his arm inside the narrow opening of the window frame and pry off the laths nailed from within."

CRU Expert Witness Linda Netzel Report, March 17, 2025:

My 2023 report did not deny that a person *could* climb through the window, but the evidence did not support that someone *had* entered through the window.

Analysis

Window Evidence

The examination of the window frame and its related evidence allowed for sequencing the dismantling of the window elements. The gap between the glass panes and lath boards was too narrow to remove the lath boards first without breaking the glass with the handle of the screwdriver. The deteriorated muntin joints and some missing caulking made the glass edge seals precarious allowing two panes to be removed easily enough that they did not break. With the lath boards in place, the removal of the two unbroken glass panes would have been done from the outside the basement.

...

Impressions on the undersides of both lath boards were consistent with the screwdriver blade entering from below each board. This too could be accomplished from inside the basement but could also have been done while the perpetrator was outside.

CRU Final Report:

The primary concern with Rhodes's conduct in this case is that he presented a case theory that conflicted with objective evidence.³⁸³ He did so in at least four ways. First, he presented evidence to the jury that suggested the front door was not deadbolted, which was contradicted by photographic evidence of the crime scene.

...

Stanley Paluski, a forensic locksmith, provided an expert opinion based on BCA's

pictures of the door—the same ones for which Kirt laid the foundation at trial.⁴⁰² Paluski opined that the photos “all clearly show the deadbolt is locked.”⁴⁰³

In response to Rhodes’s questions about the strike plate, Paluski stated:

*One would not be able to see the strike plate that is recessed onto the door jamb in the area of the deadbolt. The strike plate (a metal component that the deadbolt slides into) is recessed into the door jamb and not visible.*⁴⁰⁴

Early on, Mr. Paluski did provide his expert opinion that “the deadbolt is locked,” the CRU is in error stating that he provided this testimony in the Pippitt trial. However, on February 18, 2025, Mr. Paluski, much like Ms. Netzel, corrected his expert opinion, “I believe I said it appears to be locked because of the bolt, looks like it’s thrown through. Now, whether it’s thrown or not, I couldn’t tell you in a million years without being there to see it.” (see additional detail in attachments)

Centurion Ministries:

As stated previously, Mr. Cousins approached a key witness, Raymond Misquadace, and told him that he thought all the suspects who were interviewed by the police had been coached by the police in their statements. During a March 17, 2025, phone call with one of the Contractors, Raymond said that Mr. Cousins told Raymond not to talk to anyone from the BCA or Aitkin County. Raymond also denied that he ever told his grandmother, Emma Hatfield, about the murder.

In spite of Carrie Sperling’s proclamation that the CRU only follows the facts, she and the CRU have not followed the facts as determined by their own experts. They also are not following the facts in examining whether witnesses may have been influenced improperly by Mr. Cousins.

While the above are concrete examples of the CRU’s lack of neutrality, I suggest the CRU Advisory Committee read the CRU Final Report and judge for themselves.

During Ms. Sperling’s April 4, 2025, testimony before the CRC she stated, “I can say it's not the 1st time we've been accused of being biased. It kind of depends on what side of the decision you're on.”

Speaking on behalf of law enforcement in the State of Minnesota, I find this statement troubling and insulting. If Ms. Sperling means by saying “sides” that there are winners and losers in the process she could not be further from the truth. All law enforcement I have ever had the proud opportunity to be associated with has always demonstrated that their only goal is finding the truth, so justice prevails. I work just as hard to establish innocence as I do to establish guilt. I am not on a “side.” If the CRU’s processes, methods and narratives lead to truthful justice, then all parties are on the right side and have my total support. The trouble with Ms. Sperling’s statement is that the CRU has not set up a system of transparency, neutrality and partnership that garners trust. Without that trust the CRU will continue to be accused of bias and the AG’s Office, and many others, will be ineffective as a result.

Centurion Ministries’ James Cousins stated at the April 4, 2025, CRC meeting that he has been working on the Pippitt case since 2015. The CRU began considering this case as early as January 2022. After years of examination and investigation, the CRU provided a Draft Report to my Sheriff’s Office and the BCA on March 21, 2024. Both I and BCA expressed the need for more time to respond but did offer some initial comments and concerns. The CRU’s Final Report is dated May 28, 2024. Court records regarding the Pippitt case indicate several official actions on behalf of James Cousins and the Great North Innocence

Project were initiated on May 31, 2024. During Carrie Sperling's testimony at the CRC meetings she stated, "We asked for critique in this case from the prosecutor, from the BCA. From the defense counsel before we ever finalized the report." The CRU's Final Report describes the Aitkin County Sheriff's Office and the BCA as "partners in justice." The BCA, Aitkin County Attorney's Office and my Office first heard of the CRU Final Report in the above public announcement made by the AG's office on June 6, 2024.

My agency and to my knowledge the BCA have never been provided with a copy of the CRU Final Report by the AG's Office. For months, the Final Report could be accessed only by searching Pippitt's court documents where the Report is listed as part of the June 6, 2024 "Petition for Post-Conviction Relief, Exhibit A" filing by Centurion Ministries and the Great North Innocence Project. To my knowledge, the first time the AG's office posted the CRU Final Report on their website was on or around August 29, 2024. That posting references Advocates' "Exhibit A." The PDF Final Report on the AG's website also shows that it was generated by the Innocence Project.

Questions regarding Independence, Neutrality and Transparency:

- Mr. Cousins has stated publicly that Mr. Pippitt has waived all of his attorney-client privileges. Why hasn't the CRU, in their role as a neutral fact gathering entity, asked Mr. Cousin about his conversations with Raymond, Arnoldi, Keith and Mari Blegen?
- How is Mr. Cousins' approach of telling Raymond at the outset that he believes that all the suspects are innocent and that they had been coached by the police on their statements different than the CRU's accusation that the police coached Raymond and Donald in their statements?
- Mr. Cousins accused the Contractors of being less than professional by not recording their interview with Mr. Horsman, so I assume that means all of Mr. Cousins' interviews with witnesses were recorded. Is the CRU in possession of all of the recordings and/or transcripts of Mr. Cousins' interviews?
- If yes, considering Pippitt waived his attorney/client privileges, why haven't the interviews been shared?
- If no, considering the statements that Raymond, Donald, Blegen and Keith gave the CRU, doesn't the CRU have reason to doubt the basis for their recantations and new found statements?
- As shown above and in my attachments, I have utilized numerous documents from all timelines in this case. There are still many data requests that are currently pending (some longer than five months with no response). On another recent request I have (for the first time) been directed to the AG's public data portal. Unless the portal was just created this shows clear disregard for public accountability and transparency. Has the AG's Office/CRU ignored requests from Centurian Ministries and/or the Great North Innocence Project? Did they refer them to the public portal to obtain documents, data, or other information? This disparity would show the CRU's disregard for their claims of neutrality and transparency, and would show further proof of disregard for the truth and the system
- Centurian Ministries worked on this case for almost a decade. The CRU investigated it for years and the Final Report "took core CRU staff more than

1,100 hours to complete.” Why did the CRU afford my Office and the BCA inadequate time to review the draft Report even after we raised initial concerns were offered? Likewise, why did the CRU not share its Final Report with us, their “partners in justice,” prior to finalizing it and publicly announcing its recommendation that a first-degree murder conviction be vacated?

- What coordination took place between the CRU and the Advocate agencies for the public announcement regarding the Final Report, prior to any review or coordination with my agency, the County Attorney or the BCA?
- Why did the AG’s office wait from May 28, 2024, until June 6, 2024, to announce the Final Report and why did the AG’s office announcement include the statement Pippitt, based on the Final Report, is filing for post-conviction relief?
- Why is the AG’s Office posting documents generated by the Innocence Project?
- Does not sharing documents with “partners in justice,” while apparently coordinating efforts with the Advocate agencies, demonstrate independence and neutrality?
- AG management told the BCA contractors that once the CRU report was final it was out of their control. If so, did the AG’s Office coordinate with the Advocates to finalize the Final Report, make the June 6th announcement, and facilitate the Advocates filing for post-conviction relief without communicating with their other “partners in justice”?
- Does the timing of the AG’s announcement of the CRU Final Report indicate that that they still had control of the report after it was finalized?

5. Need For Accountability

Hopefully this letter provides the Advisory Board with a timely opportunity to address critical issues in the functioning of the CRU. Their process is flawed. The AG’s office has submitted a report that contradicts grand jury decisions, jury verdicts, judges’ decisions and two Supreme Court rulings. They cite unlawful techniques and nefarious actions by both law enforcement and prosecuting attorneys. Their report seems to have been blindly accepted by the AG and AG management. I do not use the word “blindly” lightly. I am giving the AG’s Office the benefit of the doubt. If it is found that the AG or members of his management team were aware of the ethical issues raised in the CRU’s report, then this matter needs more thorough investigation and attention. This situation reminds me of the issue the Commissioner of Public Safety dealt with years ago with the State Gang Task Force. When the ethical violations of the Task Force were disclosed, the Commissioner publicly disbanded the Unit and called for an investigation. The Final Report of the CRU is flawed and needs courageous public correction for the sake of law enforcement officers, prosecutors and defense attorneys. Importantly and as noted above, corrective actions must also be taken to ensure fairness and justice in future conviction review processes.

6. Personal observations regarding the commutation process:

I feel obligated to share my observation regarding the possible Commutation of Mr. Pippitt's sentence. Unfortunately, because of the way the CRU's Final Report was paraded in the press, any change to Pippitt's sentence will be linked to corrupt law enforcement and attorneys. Evelyn Malin was an 84-year-old, disabled woman who had gone to bed in her little store every day for over 40 years. Evelyn's brutal beating and strangulation was senseless and unnecessary. I must believe that the State's Sentencing Guidelines were adopted, at least in part, to address violent and emotional cases in a way that is fair and does not result in undue influence on sentencing.

This crime involved 5 co-conspirators. Justice for Evelyn Malin and our community relied on witness testimony of those co-conspirators. State law would have likely had at least 4 of the 5 suspects sharing Mr. Pippitt's punishment. Unfortunately, there may have been no justice for Evelyn Malin if these co-conspirators had not provided witness accounts of the murder. These "deals with the devil" are unsavory and are being pointed to as somehow a fairness assessment of Mr. Pippitt's sentence. The bottom line is Mr. Pippitt at the time of the murder was 34 years old and senior to the other co-conspirators by at least 12 years. Accounts of Mr. Pippitt interactions with the co-defendants as well as other underaged nephews is that he supplied them with alcohol and Mr. Pippitt would invoke the rath of his mother when he would provide his nephews with alcohol. Mr. Pippitt had a criminal history of previous violent home invasions and other violent actions.

During the April 4, 2025, CRC hearing, I heard other individuals acknowledge their guilt and the harm they had caused to victims and the community. Mr. Pippitt has made no such contrition. While Mr. Cousins and the CRU boast that Mr. Pippitt's innocence stance is a firm indication of his sincerity and true innocence, considering the facts of this case and the jury and Supreme Court determinations to the contrary, I suggest that Mr. Pippitt's defiance is the only way to survive in prison where a person convicted of the cruel, senseless murder of a crimped, elderly woman may face harsh consequences. I personally cannot support any commutation of Mr. Pippitt's sentence based on his purported innocence and bolstered by the flawed finding of the CRU. With the greatest harm of all being a convicted killer goes free at the expense of law enforcement integrity and lawyers' reputations. Considering Mr. Pippitt's troubled past, should Mr. Pippitt decide to acknowledge the crimes he is convicted of and the harm he caused the community, I certainly would consider supporting, with the victim's family's consent, a review of Mr. Pippitt's sentence.

V/R

Sheriff Daniel Guida
Aitkin County Sheriff
Daniel.guida@aitkincountymn.gov
