

## Minnesota Supreme Court affirms Great North Innocence Project client entitled to post-conviction relief

*Three courts have now held that Robert Kaiser's 2016 murder conviction cannot stand*

**(Saint Paul, MN)** – Today the Great North Innocence Project (GNIP) announced that the Minnesota Supreme Court affirmed that lower courts' decisions setting aside the second-degree murder conviction of GNIP client Robert Kaiser.

The Supreme Court heard oral arguments in Mr. Kaiser's case on September 7, 2023. GNIP pro bono attorney Mark Bradford of Bradford Andresen Norrie & Camarotto and GNIP managing attorney Jim Mayer represented Mr. Kaiser before the Supreme Court. The Court held that Mr. Kaiser's conviction was tainted by false medical testimony, and that without that false testimony the jury may well have reached a different conclusion.

In response to the Court's decision, GNIP attorney Jim Mayer said, "Robert Kaiser was already behind bars in 2014 when he learned that his son had died in the hospital, and he would remain behind bars for the next eight years of his life – based on a conviction that three courts have now held to have been deeply flawed. We fervently hope that today's unanimous decision will allow the family, all of whom have suffered immensely, to put this tragedy behind them."

This is the third Court to hold that Mr. Kaiser's conviction should be vacated. Mr. Kaiser was released on bail from Stearns County Jail on Monday, May 16, 2022, after the Stearns County District Court vacated his original conviction.

### **A tragic, medically complex case**

In 2014, Mr. Kaiser's infant son William was taken to the hospital because of seizures. Imaging revealed bleeding around his brain and retinas. Some doctors concluded that William's neurological decline was the result of abusive head trauma (AHT). While hospitalized, William developed necrotizing enterocolitis (NEC), an often-fatal condition involving the disintegration of intestinal tissue, ultimately resulting in his death.

Mr. Kaiser was arrested within days of his son's death. Given the lack of any bruising, laceration, or other sign of impact to the infant's head, the State theorized that Mr. Kaiser must have violently shaken William or slammed him into a soft surface. At trial, the State's medical witnesses relied heavily on medical imaging, insisting to the jury that there was no other explanation for the infant's neurological presentation other than AHT. They also claimed that the abuse must have occurred immediately before the seizures began, while William was in his father's care. Mr. Kaiser's defense team argued that NEC was the actual cause of death, but they did not consult with or retain any expert qualified to review and interpret the CT and MRI scans. On that evidence, Mr. Kaiser was convicted and sentenced to 20 years in prison.

For more on Mr. Kaiser's story, [watch this profile](#).

### **GNIP's investigation illuminates errors in original medical diagnosis, finds alternative cause of death**

In 2020, GNIP began investigating Mr. Kaiser's case, collecting the medical records and consulting with a team of experts, including a pathologist, radiologist, neuroradiologist, neurologist, pediatrician, and ophthalmologist. The experts not only concluded that the medical evidence did not support the State's AHT diagnosis, but they identified a non-traumatic medical cause for William's condition: blood clots in his brain veins, known as cerebral venous thrombosis (CVT). CVT is a serious medical condition that causes many of the same symptoms often attributed to AHT, including those afflicting William. The jury that convicted Robert Kaiser never heard about CVT.

The team of volunteer lawyers from Carlson Caspers and Bradford Andresen Norris & Camaratto, along with GNIP staff attorney Jim Mayer, presented this evidence and more over the course of a two-week hearing in October 2021.

### **Court finds that Mr. Kaiser is entitled to a new trial**

Following extensive post-trial briefing, Stearns County District Court Judge Laura Moehrle issued a 90-page ruling on April 28, 2022. The Court held that Mr. Kaiser's conviction rested on false evidence, namely the testimony that certain medical symptoms could only be explained by abuse. The Court further held that Mr. Kaiser did not receive effective assistance of counsel due to counsel's failure to reasonably investigate the facts that the State alleged resulted in William's death. *Significantly, the Court held that without the false evidence, and with effective counsel, there is a reasonable probability that the outcome of Mr. Kaiser's trial would have been different, and that he therefore met his burden entitling him to a new trial.*

The decision was later affirmed by the Minnesota Court of Appeals on February 13, 2023.

### **Numerous convictions involving AHT or “shaken baby syndrome” are drawing a second look**

Mr. Kaiser's case is one of the many convictions related to AHT drawing scrutiny by attorneys and medical experts as possible wrongful convictions. Shaken baby syndrome (SBS), now often referred to as abusive head trauma (AHT) is a hypothesis asserting that after an infant is violently shaken, a triad of symptoms will result very soon after the abuse—subdural hemorrhage, retinal bleeding, and hypoxic encephalopathy—and that these symptoms can only be the result of AHT. However, the hypothesis ignores the many other causal, non-abusive explanations that can lead to such symptoms. When medical experts testify that AHT is the only cause of these symptoms and juries are not presented with alternative, non-abusive causes, they often conclude the most recent caregiver of the deceased infant must have caused the death by violently shaking the child. A search on the [National Registry of Exonerations](#) for “shaken baby” lists 26 cases in which a person was exonerated after being found guilty of murdering a child by violently shaking them and the Innocence Network has filed [numerous amicus briefs](#) citing issues with AHT diagnosis leading to convictions.

The medical examiner, Dr. Michael McGee who testified as to William's cause of death in Mr. Kaiser's trial was [found to have given false medical evidence](#) in the 2006 conviction of [Michael Hansen](#) for the murder of his infant daughter. In part because of Dr. McGee's false testimony, Mr. Hansen, a GNIP client, was eventually exonerated and compensated by the state after spending six years in prison for a crime he did not commit. Dr. McGee was also found by the Minnesota Conviction Review Unit to have provided unsupported and improper testimony at the murder trial of GNIP client Thomas Rhodes, who was released from prison in January 2023.

### **About the Great North Innocence Project**

The mission of the Great North Innocence Project (GNIP) is to free the wrongfully convicted and prevent future wrongful convictions from occurring in Minnesota, North Dakota, and South Dakota. Formerly known as the Innocence Project of Minnesota, GNIP has screened and investigated individuals' credible claims of actual innocence and represented people who were wrongfully convicted or incarcerated for crimes they did not commit for over 22 years. GNIP also educates attorneys and other criminal justice professionals on best practices and works to reform the criminal justice system to prevent innocent people from going to prison. GNIP is a founding member of the Innocence Network and works closely with other innocence organizations including the Innocence Project based in New York. For more information visit [greatnorthinnocenceproject.org](https://greatnorthinnocenceproject.org).

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