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Group wants Snyder to reopen 1987 Port Huron murder case

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A group that investigates wrongful convictions in Michigan has appealed to Gov. Rick Snyder to open an investigation into a 30-year-old murder case.

Temujin Kensu, formerly known as Fred Freeman, was convicted in 1987 of shooting 20-year-old Scott Macklem in a parking lot at St. Clair County Community College. Kensu has maintained his innocence and appealed twice for a new trial. The group Proving Innocence is alleging several issues with Kensu's initial trial, including unprofessional police work, perjured testimony, prosecutor misconduct and defense attorney incompetence.

St. Clair County Prosecutor Mike Wendling said the only issue is that Kensu knows how to manipulate a system that lacks finality, and allows Kensu to appeal again and again.

"After 30 years and four prosecutors I'm tired of calling the mother of this victim and saying he's appealing again, because each time they have to live this over and over," Wendling said.

In a letter to the governor, David Sanders, a Proving Innocence advocate, called Kensu's case "one of the most egregious false convictions in our experience." The letter was sent on Sept. 24 along with a list of court officials, former law enforcement officers, attorneys and others who have reviewed Kensu's case and agree he is innocent.

"Mr. Kensu's conviction is an unbelievable miscarriage of justice that is a glaring stain on Michigan's judicial system and an embarrassment to the state," Sanders wrote. "It is simply impossible to find a case more deserving of justice than this one."

Kensu has maintained that he was in Escanaba, 450 miles away from Port Huron, at the time of the murder. In 2015, Kensu appeared in St. Clair County Circuit Court as Robert Cleland, the former St. Clair County Prosecutor and now federal judge, and David Dean, Kensu's original defense attorney, took the stand in a hearing to determine if new evidence cleared Kensu.

Circuit Judge Michael West issued a 24-page order stating there was not sufficient new evidence in the case to warrant a new trial. The Michigan Court of Appeals confirmed that ruling in 2015, the second time it affirmed and denied Kensu's request for a new trial.

On Thursday, the Michigan Supreme Court upheld the latest Court of Appeals ruling.

Police in 1987 said Kensu killed Macklem because he was jealous that Macklem was engaged to his ex-girlfriend. Kensu gained national recognition as the "Ninja Killer" because his former girlfriend claimed he was able to read her mind and made statements in court about his ninja abilities. Kensu, sentenced to life without parole, is lodged at the Macomb Correctional Facility.

Proving Innocence is requesting Snyder order an independent investigation into the case. They say nine witnesses established that Kensu was in the Upper Peninsula at the time of the shooting and there was no evidence linking him to the murder.

"The flaws and shortcomings of our judicial system are on clear display in this case because there is a complete lack of persuasive evidence linking Mr. Kensu to the murder," Sanders wrote. "There is also an abundance of new evidence discrediting what the jury relied on at trial."

In his letter, Sanders said Dean, Kensu's attorney, was incompetent and had been charged with the use and possession of cocaine the year before the trial. According to the Michigan's Attorney Discipline Board, Dean was suspended several times, most recently in 1999. His petition for reinstatement was denied in 2001.

Sanders also said John Bowns, Port Huron Police Department's detective on the case, was "a disgraced officer who had never conducted a murder investigation." Bowns was terminated from the department in 1982 for misconduct and neglect of duty, Sanders wrote. He appealed that decision and was rehired the year before Kensu's case.

Dean had represented Bowns in his appeal to be reinstated to the police department. Representing Kensu would have been a conflict, Sanders wrote.

The biggest issue and basis of several of Kensu's appeals are "highly suggestive" suspect photos that were shown to witnesses by police and the prosecution. Sanders states the original photo lineup was not discovered until 2008 by a former Port Huron police officer.

"The original photo lineup was one that highlighted (Kensu) among the other photos," Sanders told the Times Herald. "It was cropped differently, and it showed him having a prisoner number. It was clearly different from all the other photos. In the trial they cleaned it all up; they made the pictures look very much the same."

Sanders and Proving Innocence also said Philip Joplin, a jail informant who testified against Kensu admitted to lying about his testimony.

Wendling said none of the arguments are anything new.

"None of his allegations have been found to be based in the evidence or in common sense," he said. "Unfortunately, as he goes through this process over and over, because the procedural rules allow him to continue to file for appellate review, the victim's family gets forgotten, and the considerations of a family who lost a son, a child that lost their father, a woman that lost her fiance, are disregarded."

Contact Sydney Smith at (810) 989-6259 or ssmith10@gannett.com. Follow her on Twitter @SydneyS_mith.