



Proving *Innocence*

Freeing the Wrongfully Convicted

October 21, 2016

Mr. Michael D. Wendling
St. Clair County Prosecuting Attorney
201 McMorran Blvd., Suite 3300
Port Huron, MI 48060

RE: Wrongful Conviction of Temujin Kensu

Dear Mr. Wendling:

The principal role of a prosecutor in our criminal justice system is to convict the guilty and protect the innocent. True justice cannot be achieved in our system if prosecutors fail to follow that mission. The prosecutors in Mr. Kensu's case totally and dreadfully failed. They neither prosecuted the guilty nor protected the innocent.

Let us begin with recent statements you made about Temujin Kensu's case: "None of his (Kensu's) allegations have been found to be based in the evidence or in common sense. 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 fiancé, are disregarded" (*Detroit Free Press*, October 2016).

Proving Innocence (PI) understands the real tragedy and continuing pain of a family that lost a young son. However, "the evidence" and "common sense" were actually "disregarded" while the real killer remained free, potentially to kill again, and the family (and obviously, the jury) were misled by an incompetent police investigation and a malicious prosecution.

So, Prosecutor Wendling, here are just a few of the many questions that demand answers:

1. To counter Mr. Kensu's air-tight alibi provided by nine unimpeachable witnesses the prosecutor, Mr. Wendling, indicated that Mr. Kensu used an airplane to commit the crime. Where is a trace of evidence that Mr. Kensu, who was indigent, chartered a plane to fly 450 miles from Escanaba to Port Huron and back to commit the murder? Where is the pilot, plane, flight plan, flight payment receipt, or landing location? What were the arrangements and means of travel to the crime scene and back to the landing location that Mr. Kensu used? Who were the people who agreed to be co-conspirators in this murder, the people who flew the plane and provided the ground transportation? This phantom plane flight, Mr. Wendling, is based on "common sense" and "evidence"?

2. Where, Mr. Wendling, is there any evidence or testimony that Mr. Kensu made any plans or preparations for the murder? Where is any evidence or testimony that he told anyone that he was out to get Scott Macklem or that he was making preparations for a long and complicated trip? How could Mr. Kensu have been on a date and at a restaurant late into the evening the night before the murder – committed at 9:00 am – when he needed to undertake a very complex plan to kill a man 450 miles away in a few short hours? Where is your “evidence”? What about this unlikely, if not impossible, scenario makes “common sense”?
3. How, Mr. Wendling, could Mr. Kensu have known that Scott Macklem would be in the Port Huron Community College parking lot at 9:00 am? Campus security testified that Mr. Macklem was not issued a parking permit required to park in the lot and, if he routinely parked there, he would have accumulated tickets. He had none. Moreover, one of Mr. Macklem’s instructors stated that Mr. Macklem had eighteen absences since the beginning of the semester on August 25, 1986. “Common sense” dictates, Mr. Wendling, that no one would undertake a highly complicated plane and ground transportation trip covering about 900 miles on the remote possibility that Scott Macklem would be available in the parking lot in the brief window of time that Mr. Kensu would have to commit the murder. That is assuming Mr. Kensu used a plane and had conspirators – a ridiculous proposition with absolutely no factual foundation.
4. Where, Mr. Wendling, is there any evidence that Mr. Kensu borrowed or purchased a shotgun or ammunition to commit the murder? Why did the ammunition box found at the crime scene contain a fingerprint that was not Mr. Kensu’s? Why was there no gunshot residue found on Mr. Kensu’s clothing?
5. Why, Mr. Wendling, was Temujin Kensu never interviewed by the police? Had you already identified him as the killer without conducting a real investigation of more likely suspects? Of course, the answer is yes. A highly respected homicide investigator for Investigation Discovery was utterly amazed that the police did not even attempt to interview Mr. Kensu. This is professional incompetence at its worst. Or perhaps it is simply corruption?
6. Why, Mr. Wendling, was Mr. Kensu’s case assigned to lead detective John Bowns, a disgraced officer in the Port Huron Police Department who had never conducted a homicide investigation? Prior to the Kensu case, Mr. Bowns was terminated (1982) by the Port Huron Police Department for conduct unbecoming of a police officer and neglect of duty. Despite his misconduct and unprofessionalism, he was rehired by the department about a year before the Kensu case. Was the prosecution looking for someone who could be manipulated? Was the prosecution looking for someone who could not and would not conduct a professional investigation for real “evidence”? If so, Mr. Bowns was your man.

7. Mr. Wendling, if you are truly interested in justice and protecting the innocent why didn't you listen to a highly respected homicide investigator, Herb Welsler, who served the Port Huron Police Department for decades? Mr. Welsler solved countless cases to the prosecutor's satisfaction during his distinguished career. A man of great faith and deep convictions, he stood up for justice and declared that Mr. Kensu is actually innocent. It did not benefit him to take a stand against his very own police department. In fact, he knew he would be vilified, mocked and belittled by the prosecutor's office for doing so – and he was. Was the prosecutor's office using "common sense" in ignoring and defaming this man?
8. Why, Mr. Wendling, did the Chief Justice of the Federal Court – Eastern District declare that the prosecutor's office engaged in official misconduct to convict Mr. Kensu? The Chief Justice clearly saw that Mr. Joplin, the prosecution's key witness and a six-time convicted felon, lied when he said that Mr. Kensu spontaneously confessed to him that he committed the murder. Mr. Joplin later admitted that he was coerced by the prosecution into lying. He also admitted that he received numerous favors from the prosecution – including a reduced sentence and money, a VCR, clothes, and cigarettes for fabricating the confession story. An official document signed by the assistant prosecutor and judge confirms this illegal solicitation of perjury and the granting of community placement rather than a return to Jackson prison. So, your "evidence" is perjured and illegally solicited. The criminal in this case, Mr. Wendling, is not Mr. Kensu but Robert Cleland, the St. Clair County Prosecutor.
9. Why, Mr. Wendling, does virtually everyone who has reviewed the case say Mr. Kensu is wrongfully convicted and should be released or given a new trial? The list is long and distinguished. It includes, for example, a former Chief Justice of the Michigan Supreme Court, a current member of the Michigan Supreme Court, the current Chief Justice of the U.S. District Court – Eastern District, a sitting judge of the Michigan Court of Appeals, three former members of the Michigan State Police, a twenty-five-year Michigan State Police polygraph examiner, two former FBI Special Agents, a retired detective lieutenant with thirty-one years in the Port Huron Police Department, a retired career Federal Prosecutor, an attorney and former Ingham County assistant prosecutor and City of Lansing Municipal Judge, the Michigan Innocence Clinic of the University of Michigan Law School, the Cooley Law School Innocence Project, and a respected TV investigative reporter and journalist. Let us compare our list of experts and professionals with yours. Who is defending your case – devoid of evidence and common sense – that you are making against Mr. Kensu? Where are they?

Mr. Wendling, please know that experienced law enforcement professionals working for Investigation Discovery recently conducted yet another months-long investigation of Mr. Kensu's case. Unsurprisingly, they concluded, like all other real investigators to date, that Temujin Kensu is "100% innocent". In that regard, Mr. Wendling, why didn't you agree to do an interview with Investigation Discovery? Why didn't you jump at the opportunity to present your case for convicting Mr. Kensu. The answer is simple. You

have no real “evidence” of guilt. Nothing about the case you present is based on “common sense”. Instead, your so-called case for conviction is based on spin, deception, empty rhetoric, the myth of a “ninja assassin”, and a phantom plane flight. You are deceiving the Macklem family and the public at large to cover up outrageous misdeeds and documented misconduct of the St. Clair County prosecutor. The prosecutor’s office has displayed a stubborn disdain for the truth, the law, integrity, fundamental fair play, justice, and the very principles of freedom upon which this nation was founded.

Once again, a prosecutor serves justice by convicting the guilty and protecting the innocent. You, Mr. Wendling, have supported the conviction of an innocent man, Temujin Kensu, while protecting the man guilty of actual misconduct, Robert Cleland – all the while letting the real killer run free.

One final point that should terrify every citizen: Temujin Kensu’s actual innocence is supported both by an air-tight alibi and a total lack of evidence that he was in any way associated with the crime. If prosecutors are permitted to charge and prosecute people with no evidence then we all face the dire possibility of wrongful conviction by any politically aspiring prosecutor more interested in “winning” than justice. And families that have been victimized, like the Macklems, face the possibility of never knowing the truth or ever receiving the justice they deserve.

We look forward Mr. Wendling to your response. Please present your “evidence” and “common sense” that supports your conviction of Temujin Kensu. We, as well as the public, have yet to see it.

Sincerely,

B. David Sanders
Proving Innocence

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