



**PROVING INNOCENCE**  
Freeing Those Wrongfully Convicted

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## **For Immediate Release**

### **AG Suppresses CIU Report on Wrongful Conviction**

Despite her publicly stated commitment to transparency, Attorney General Dana Nessel is suppressing results of her Conviction Integrity Unit's (CIU's) investigation into Temujin Kensu's wrongful conviction and denial of his application. She has refused to present the rationale explaining why his compelling evidence of innocence is insufficient to be acted on, other than a short letter explaining the denial was based on legal technicalities only.

*Proving Innocence* believes the CIU investigative report would confirm the abundance of evidence that Kensu could not have committed the murder. But Kensu has been denied access to the CIU report/documentation through FOIA despite the AG's avowed commitment to transparency as declared in a February 1, 2019 press release, which read in part, "Our residents should be able to count on their state government to be open, accessible, accountable and transparent. The people's business should never be conducted behind closed doors and we should do everything in our power to respond quickly, efficiently and thoroughly to every Freedom of Information request we get." (See <https://www.michigan.gov/ag/news/press-releases/2019/02/01/attorney-general-dana-nessel-embraces-gov-whitmers-transparency-agenda>).

"Well, apparently the AG believes she is above being open and transparent", said Barbara Kennedy, a Grand Rapids attorney who has been supporting Kensu for years. "Looks like she is perfectly comfortable doing the people's business behind closed doors. Why not release the report? Is she afraid the report will confirm that he is actually innocent?"

That fear may be driven by the fact that the AG misrepresented what the CIU would be and do. Her April 10, 2019 press release stated that, "The unit will investigate credible claims of innocence to ensure no one is convicted of a crime they didn't actually commit." The release goes on to quote AG Nessel, "We have a duty to ensure those convicted of state crimes by county prosecutors and our office are in fact guilty of those crimes." The release also states, "Once a determination is made that a claimant convicted of a state crime in Michigan is actually innocent, Nessel, in her role as the top law enforcement officer in Michigan, will take the appropriate remedial action, which may include vacating the claimant's conviction(s) and dismissing the charge(s) against them." (See: <https://www.michigan.gov/ag/news/press-releases/2019/04/10/mi-ag-nessel-launches-conviction-integrity-unit>).

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Kensu's 1986 conviction for murder was under investigation by the state CIU for more than two years. His supporters, including members of law enforcement and civic leaders, were shocked and perplexed when the CIU closed his case using a different standard for "new evidence". The standard now excludes evidence heard in court appeals, and his case did not meet that standard, (*except for one new witness that the CIU dismissed as "cumulative"*). That change in definition was made only after Kensu's application was already submitted and under investigation, not informing him or his counsel of that very significant modification until after his denial. In a May 18, 2022 letter to AG Nessel, *Proving Innocence* expressed its dismay with the CIU changing the standard for "new evidence".

Commenting from prison, Kensu said, "I was plainly deceived by the CIU. They told us, and their website stated as well, that a claim of innocence must be supported by new evidence not previously litigated before the *trial* jury. Everyone knows I have a ton of that, yet they changed the 'new evidence' standard to add that it now must include evidence not heard in my appeals. Plus, they outrageously ignored a key alibi witness not revealed to my defense who could have confirmed my state of mind – that I was not anxious or worried about undertaking, very shortly after our date, a complicated flight from Escanaba to Port Huron and back on a cold winter night."

This AG denial reveals a larger question. When it was created all believed that the CIU would be an important avenue for freedom for the wrongfully convicted who were denied justice at trial as well as by court appeals decisions (*that focus primarily, if not exclusively, on procedural and technical issues having nothing to do with a defendant's actual innocence*). As a Conviction *Integrity* Unit, the promise was that the "*integrity*" of the conviction would be determined. Was the conviction just? Does it have validity? Does the evidence support the conviction?

"If the AG believes she cannot act on Kensu's case due to legalities, it still leaves the question about whether or not Kensu is actually innocent," said Bill Branham, President of *Proving Innocence*. "It is hard to believe that anyone who has investigated this can think that conviction had *integrity*. If she cannot act on it legally, then morally the AG should at least urge the Governor to pardon Kensu so that justice can be found outside of the legal system."

Kensu won his federal habeas in 2010 with federal Chief Judge Denise Page Hood stating he should be released or given a new trial, a ruling overturned on appeal on a technicality unrelated to innocence. Now the CIU has taken the same route by ignoring innocence and dismissing Kensu's case on a technicality.

"Where is the *Integrity* in that? Where does Kensu now go for justice?", stated David Sanders, a *Proving Innocence* board member. "The trial court failed him. The appeals courts failed him. And now the state Conviction Integrity Unit failed him. It makes your stomach turn."

(*Proving Innocence's* mission is to free innocent men and women wrongfully convicted and imprisoned for crimes they did not commit. For more information on this case see: <https://www.provinginnocence.org/temujin-kensu>. Picture of Kensu is attached).