



Proving *Innocence*

What Others Say About the Kensu Case

The conclusion that Temujin Kensu (aka., Fredrick Freeman) is wholly innocent is not just that of Proving Innocence. In fact, we know of no one who has taken the time to review the case – except for those involved in the prosecution – who have come to any other conclusion. Below is a sampling of comments from distinguished, accomplished, and knowledgeable people in the law enforcement, judicial, and civic community who have reviewed the case.

“Reading the trial transcript as an outsider, you just had this smell of the whole thing. I don’t see how they could convict the guy. Had I been the trial judge, I hope I would have had the guts to throw the case out.” – Thomas Brennan, former Michigan Supreme Court Chief Justice.

“There is no doubt in my mind that, if Mr. Freeman was adequately represented by an attorney and an experienced investigator, this case would not have resulted in a conviction. I do not mean to infer that Mr. Freeman is technically not guilty beyond a reasonable doubt. I firmly believe that he is innocent of the charges brought.” – John Boggs, private investigator and detective/sergeant for the Michigan State Police for over 16 years, court expert in death investigations.

“After administrating the polygraph exam to Fredrick Freeman, studying the case as to testimony, evidence, etc., in my opinion this is the worst case of a wrongful conviction ever seen in my 42 years in law enforcement.” – Chester S. Romatowski, Michigan State Police polygrapher for 25 years and 17 years with the Oakland County Sheriff’s Department.

“My FBI career involved placing men in jail, not getting them released. Mr. Freeman is the first for whom I have actively supported the release of. If the investigation and evaluation of the evidence in this case had occurred properly in 1986, no law enforcement agency should have identified Mr. Freeman as a suspect. Mr. Freeman deserves his freedom after having lost a good portion of his adulthood in prison for a crime he did not commit.” – Harold C. Copus, private investigator and retired Special Agent of the FBI.

“I have personally reviewed the documents from the various court cases. As a lawyer, I believe the evidence of innocence is compelling.” – U.S. Senator Carl Levin (retired) commenting on Freeman’s case.

“I’ve written about this case before, and it’s among the most egregious miscarriages of justice I’ve seen.” – Nolan Finley, Editor, The Detroit News

“I won’t list all of the wrongful acts that convicted innocent Fred Freeman, and has caused him to spend almost his entire adult life in prison. I will just reiterate this is THE worst case of wrongful imprisonment I have been witness to.” – Jerry Hardesty, owner of Hardesty Investigations and President of the Michigan Council of Professional Investigators.

“Fredrick Freeman has served 30 years in prison for a crime he did not commit. ... Mr. Freeman’s case is a perfect example that begs for clemency. Judges in both state and federal court have recognized significant flaws in his trial and the lack of evidence against him.” Ryan M. Shannon, Dickinson Wright, PLLC

“There is no doubt in my mind that Fredrick Freeman did not commit this murder and in order to gain a conviction against him several inappropriate things occurred. Mr. Freeman’s conviction and continued incarceration is a terrible miscarriage of justice. My heart goes out to the Macklem family for the loss of their son, but the wrong person is paying for this crime with his life in prison.” – Herbert C. Welser, retired detective lieutenant with 31 years in the Port Huron Police Department (Note: The very same department that originally helped to convict Mr. Freeman).

“There wasn’t the evidence to convict him. It just wasn’t there. There’s a lot more information behind what appeared at trial. It’s some scary shit.” – Hank Gaspie, a private investigator and former FBI special agent.

“I spent my entire career putting bad guys behind bars where they belong. But this case is a true tragedy. Our criminal justice system failed this time because of faulty police work, overly zealous prosecution, admitted perjury by a jailhouse snitch, a flawed witness identification process, and a drug-addicted and incompetent defense attorney. It was Freeman’s ‘perfect storm’.” – Ross Parker, retired career federal prosecutor.

“I reached the firm conclusion that Fredrick Freeman did not commit or have any involvement in the murder for which he was convicted. I view Mr. Freeman’s conviction and continued incarceration as an egregious miscarriage of justice, one that is a blot on the system of justice that I tried to serve during my 35 years of practice.” – Jonathan E. Maire, attorney and former Ingham County assistant prosecutor and City of Lansing Municipal Judge.

“The inadequacy of his defense attorney, problematic police and prosecution practices, and outlandish assertion that he chartered a plane from the Upper Peninsula to commit murder were quite shocking. It is atrocious that this kind of miscarriage of justice could take place in our state, leaving an innocent individual in prison for multiple decades. I truly hope that Fred is able to receive the freedom he deserves one day very soon.” - Stephanie Chang, former Michigan State Representative and current State Senator.

“We firmly believe that Mr. Freeman could not have murdered Scott Macklem.” – Bridget McCormack and David Moran, Co-Directors of the Michigan Innocence Clinic of the University of Michigan Law School. (Note: McCormack is now Chief Justice of the Michigan Supreme Court)

“It’s time for action to release this wholly innocent man so he can return to his family and friends.” – Donna McKneelen, retired Co-Director of the Cooley Innocence Project at the Thomas M. Cooley Law School of Western Michigan University.

“I believe, as any reasonable individual who has looked at the record of his case must believe, that Mr. Freeman is fully innocent of the crime for which he has spent of over 30 years in prison.” – former State Senator Steven Bieda

“In this case, I am convinced that Fredrick Freeman did not commit this murder and had no role in it. He is truly innocent and I encourage the Governor to grant clemency.” – Ronald Bretz, a professor of law with the Thomas M. Cooley Law School.

“There’s no doubt that, the more you look at this case, it is essentially the ultimate template for wrongful convictions and the failures that lead to them.” William Proctor, founder of Proving Innocence and retired TV investigative reporter and journalist.

“It’s mind-boggling. You would like to think that somewhere in the system somebody is going to come forward and say, ‘Come on. You’re putting away an innocent man here.’ It’s incomprehensible to me.” – Sam Gunn, a 30+year veteran attorney.

“It was circumstantial, all circumstantial. We have no evidence” – a direct quote from Richard Pelligren, a juror of the trial, commenting on the prosecutor’s speculative, unsubstantiated theory that Mr. Freeman chartered a plane from Escanaba to Port Huron and back to commit the murder.

“Much about this case it troubling, starting with the Port Huron legal community’s abject failure to police itself. It is now clear Dean’s addictions were well-known to fellow lawyers in 1986, yet they did nothing to protect the integrity of our courts. The system failed Scott Macklem. It failed Fredrick Freeman. It failed all of us.” – a quote from a Port Huron Times Herald editorial, “Our View – Legal System Didn’t Uphold Its Integrity”, October 20, 2010

Finally, Justice Douglas B. Shapiro of the Michigan Court of Appeals wrote compellingly about the flaws of Fredrick Freeman’s case in his opinion of July 15, 2015:

*“I write separately because, after reviewing the record, I conclude that defendant’s trial was flawed in several respects and that the United States District Court for the Eastern District of Michigan did not err in granting him habeas relief. *Freeman v Trombley*, 744 F Supp 2d 697 (ED Mich, 2010).”* . . . “these flaws warrant discussion. The federal district court granted defendant habeas relief on the following bases: (1) that trial counsel obstructed defendant’s right to testify; (2) that trial counsel was ineffective for failing to call a particular alibi witness; (3) that the prosecution failed to disclose promises made to a jailhouse-informant witness, and; (4) that defendant’s original appellate counsel was ineffective for failing to raise a claim regarding the active substance abuse of defendant’s trial attorney. *Freeman*, 744 F Supp 2d 697.”

“Defendant’s habeas petition also raised credible arguments regarding the utter lack of evidence to support the prosecution’s theory that he traveled by private plane from Escanaba to Port Huron and back on the day of the murder, and, to a lesser degree, his claim that the jailhouse informant recanted his testimony. *Id.*”

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