



## Why He is Actually Innocent

Temujin Kensu (aka., Fred Freeman) was wrongfully convicted of the murder of Scott Macklem, who was shot in Port Huron on November 5, 1986. Mr. Kensu was convicted following a jury trial and sentenced by Judge James T. Corden on August 3, 1987 to the mandatory term of life in prison without parole.

Every assessment of his case (outside of his prosecutors) has concluded that Mr. Kensu is wholly innocent of the crime. The following shows why that conclusion is reached:

- ***It is physically impossible for Mr. Kensu to have committed the crime.*** Around the time of the murder he was actually in the Escanaba area of the Upper Peninsula of Michigan about 450 miles from the crime scene in Port Huron, Michigan. This is confirmed by at least nine disinterested and unimpeached alibi witnesses. At the specific time of the crime, an alibi witness places him even farther away in Rock/Perkins, Michigan 20 miles north of Escanaba. In addition, Mr. Kensu has signed receipts showing that he was in Escanaba on the day of the murder.
- With such overwhelming and solid alibi testimony the prosecution faced a seemingly insurmountable question: ***How could Mr. Kensu have managed to commit the murder at 9:00 a.m. in Port Huron yet be in Escanaba at noon*** as his alibi witnesses prove? Driving is not plausible, since it would require him to drive at approximately 150 miles per hour, largely on two-lane roads. To counter the highly credible alibi witnesses' testimony, the prosecutor was inexplicably allowed to present to the jury (using his own personal pilot and friend as an expert and not revealing that to the jury) a fanciful theory speculating that Mr. Kensu chartered a plane from Escanaba to Port Huron, committed the crime, and flew back. This totally unsubstantiated and wild assertion was made despite the fact there was not a trace of evidence that such a flight took place. No pilot, plane, flight plan, flight payment receipt, or landing location were ever identified. No automobile or means of travel to the crime scene and back was produced. Moreover, Mr. Kensu was indigent and so poor he could not pay his rent, let alone charter a private aircraft.
- There was ***absolutely no evidence at the crime scene*** – documentary, forensic, or physical – that connected Mr. Kensu to the crime. No murder weapon was produced. No gunshot residue was found on his clothing. An ammunition box found at the scene contained a fingerprint not belonging to Mr. Kensu. Additionally, police conducted a several-hour, warrantless and illegal

search of Mr. Kensu's house, trailer, and property and found nothing incriminating.

- Temujin Kensu was administered a polygraph examination by a well-respected former Michigan State Police polygraph expert that clearly demonstrated his innocence. Likewise, Michelle Woodworth, his former girlfriend and primary alibi witness, passed a polygraph exam and swore under oath that Mr. Kensu was with her in the Upper Peninsula at the time of the shooting. Ms. Woodworth also said police investigators threatened her that, if she testified on Mr. Kensu's behalf, they would have social services take away her soon-to-be-born child, so she hid during the trial rather than testify.
- Without any evidence linking Mr. Kensu to the crime, police and prosecutors focused exclusively on him as their only suspect within hours of the murder. This "tunnel vision" and rush to judgment occurred despite the fact that Scott Macklem, the murder victim, had been followed and threatened by two men who were visibly upset with him. Common sense suggests that it's much more likely that these two men had something to do with the crime than a man about 450 miles away living his own life. But no one cared to do a real investigation. They had their man – and the real killer remains free.
- None of the students in the immediate area saw the shooting. The prosecution's key scene witness, Rene Gobeyn, said that, as he was walking from his car with a friend, he heard the shot and, a short time later, saw a twentyish white male driving a gold-colored car away from the area of the shooting as it passed them and exited the lot. He estimated that he saw the face of the driver, wearing a cap and coat, for only about 5 seconds at most. Sometime later that morning he wrote down the license plate number of the vehicle and pointed out to police another person and vehicle as a possible suspect (which when investigated turned out to be a false lead). Later that day, Gobeyn was hypnotized by a college professor who was a friend of one of the investigating officers. A few days later, police presented to Gobeyn a photo-lineup which – contrary to professional and scientific procedure – suggestively highlighted Mr. Kensu among several other photos. Only at this point did Gobeyn pick out Mr. Kensu as the driver. Not only did the prosecution use a highly-suggestive photo array, but ***it misrepresented the actual lineup to the jury so as to mislead the jury***, and then for years afterward denied Mr. Kensu's counsel access to the original lineup photos.

The other eyewitness to identify Mr. Kensu at trial as being at the scene picked someone else at a live lineup. A third witness failed to pick Mr. Kensu out of the live lineup or at trial. She was the only witness who was not subjected to the highly-suggestive photo lineup.

- A key prosecution witness, Philip Joplin, was a jail house informant and career criminal. He testified that Mr. Kensu spontaneously confessed to him, a complete stranger, in a holding cell before trial. Joplin, a six-time convicted felon in Jackson Prison, denied in front of the jury that he had received any promise or a benefit as a result of his testimony. He later ***admitted in a videotaped interview and to others that he had fabricated this story***. For his testimony

he was promised he would not be returned to prison but, despite his record and escape conviction, was placed in a community program. (*He was also given money, a VCR, clothes, and cigarettes*). Corrections documents confirm that the prosecution and the trial judge did in fact intervene to provide Joplin this placement – ***a clear case of both judicial and prosecutorial misconduct***.

- It is ***undisputed that Mr. Kensu was represented by an incompetent, court appointed lawyer*** named David Dean, who was an active drug addict during the trial. Dean bungled the entire trial and prevented Mr. Kensu from testifying on his own behalf. Mr. Dean was a former county prosecutor with both an alcohol and cocaine habit who had been just released from probation by the State of Ohio for using cocaine in 1985. Mr. Dean was later disgraced and disbarred from the practice of law in Michigan, in part for his substance abuse.
- The Port Huron Police Department's lead detective in the case, John Bowns, was a disgraced officer who had never conducted a murder investigation. Prior to the Kensu case, Mr. Bowns was charged by the Michigan State Police and Michigan Attorney General's Office with illegal gambling and numbers running. In 1982 Bowns was terminated by the Port Huron Police Department for conduct unbecoming 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.
- Just a few months before the time of the trial, Mr. Kensu's court appointed lawyer, Mr. Dean, was employed by lead police department investigator, Mr. Bowns. Mr. Bowns was suing the City of Port Huron to return to him unemployment compensation monies that he lost after being arrested in the Michigan State Police gambling sting operation. Mr. Dean representing the lead investigator in the case around the time he was also representing Mr. Kensu (and not revealing that relationship to Mr. Kensu) is an astounding conflict of interest.

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