

Please note this email string with the CIU Director on the definition of “new evidence”. We were badly misled and finding out that they changed the rules and not telling us until after Temujin’s case review is unacceptable and worse. The CIU is now using a “court standard” for review. We have the courts for that and having the CIU do the same thing is more than useless and a waste of taxpayer dollars.

Dave Sanders, Proving Innocence

Email showing Frankel clearly defined “new evidence”.

A question when you can get to it.

Inbox

David Sanders <boyddsanders@gmail.com>

Aug 6, 2020,
11:10 AM

to Robyn

Dear Robyn,

Thank you for writing and responding to my questions. I realize that you and your staff have a huge workload and addressing matters raised by so many of us in the innocence movement can easily distract from the heart of your work. So, though I have one more question, I understand you may have to put it aside for now but hope you can respond when some time becomes available.

In your letter to me you only mentioned “new evidence”. At the conference where you and I attended last summer, you confirmed that “evidence not heard by the jury” would be considered “new” for the purposes of the CIU’s work (paraphrased but similar).

Would you help us at PI understand what criteria the CIU will use to exonerate and free the clearly innocent? Many cases are rife with such abuses as corruption, denial of evidence, witness intimidation, prosecutorial misconduct, etc., (which were never presented to or heard by a jury). Would these be considered “sufficient” new evidence in cases where there is absolutely no strong or direct evidence (or any) for guilt?

That was my understanding from past events you attended and spoke at and hope you can simply confirm that.

Please pardon my additional question.

Thank you very much.

Dave Sanders
Proving Innocence

Frankel, Robyn (AG) <FrankelR@michigan.gov>

Aug 11,
2020, 12:51
PM

to me

David –

Just back in town but trying to get back to you. You are correct in your recollection. Evidence which was not presented to the jury (though it might have been known at the time of trial) may be considered “new evidence” for CIU purposes. Also, any evidence which illustrates that a person is innocent of the offense will be considered by the Unit. This would include police or prosecutor misconduct where that misconduct implicates a person’s factual innocence.

-Robyn

From: David Sanders <boyddsanders@gmail.com>
Sent: Thursday, August 6, 2020 11:11 AM
To: Frankel, Robyn (AG) <FrankelR@michigan.gov>
Subject: A question when you can get to it.

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

David Sanders <boyddsanders@gmail.com>

Aug 12,
2020, 5:53
AM

to Robyn

Dear Robyn:

Thank you for the wonderful news and confirmation. That was the exact standard we were hoping to see implemented and the one that is most likely to ensure justice for all!

Bless you all.....

Dave