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June 3, 2022

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Press Release: People of the State of Michigan v. Frederick Freeman (AKA Temujin Kensu)

Michigan Attorney General Dana Nessel and her Conviction Integrity Unit have concluded their review of the 1987 First Degree Murder conviction of Frederick Freeman (AKA Temujin Kensu). The Conviction Integrity Unit's involvement in this case was a result of and initiated by a request for review by Mr. Freeman and his legal advocates. In a May 17, 2022 letter sent to Mr. Freeman's legal counsel and the Michigan Innocence Clinic, Special Assistant Attorney General Valerie Newman found no new evidence supporting factual innocence. Pursuant to Attorney General Guidelines for granting relief, Newman stated "there must be 'new evidence' meaning evidence not at all considered at trial or during post-conviction appeals."

Since that jury rendered its verdict more than 35 years ago, Mr. Freeman's conviction has undergone an extensive and intense appellate review. Mr. Freeman has challenged his conviction in the 31st Circuit Court, the Michigan Court of Appeals, the Michigan Supreme Court, Federal District Courts, and the Federal Court of Appeals. This encompasses nearly all levels of the state and federal appellate court system. This case has been the subject of commutation proceedings by the Michigan Governor's office and the Michigan Parole Board, under two separate Gubernatorial administrations. His conviction has been the subject of exhaustive litigation and research, significant financial and investigative resources, complete appellate review, and intense media scrutiny driven by Mr. Freeman and his team. Through the assistance of numerous legal teams and investigators, Mr. Freeman has been provided every opportunity provided by law to present and argue all perceived grievances. Mr. Freeman has challenged his conviction in the following forums:

- 31st Circuit Court in St. Clair County in front of three different state circuit judges.
- Six separate panels of the Michigan Court of Appeals.
- Five separate Appeals to the Michigan Supreme Court.

- Two separate Habeas Corpus petitions in the United States District Court for the Eastern District of Michigan, including reviews from two Judges from outside Michigan. These petitions have also been reviewed United States Court of Appeals for the Sixth Circuit three times, where three separate panels have rejected his claims.
- Mr. Freeman has also petitioned all 16 judges on the entire United States Court of Appeals for the Sixth Circuit to rehear the case en banc, and *not a single judge voted to rehear the case.*
- Mr. Freeman has sought commutation from two different Michigan Governors, resulting in review by two different Parole Boards.

Mr. Freeman's case has also been reviewed by at least 5 different elected St. Clair County Prosecuting Attorneys.

In 1987, Mr. Freeman was convicted by jury of First Degree Murder for the death of 20 year old Scott Macklem at the St Clair County Community College student parking lot in Port Huron, Michigan. A jury of his peers found Mr. Freeman murdered Scott, who was shot at close range as he exited his vehicle to attend morning classes.

During the three-week jury trial, extensive evidence was presented by both the prosecution and the defense. That evidence included the testimony of numerous witnesses, including eye witnesses who placed Mr. Freeman at the scene of the crime. Evidence was also presented concerning Mr. Freeman's motive and pattern of violence towards Scott's girlfriend. The jury considered Mr. Freeman's threats to kill Scott and his girlfriend. Further, and importantly, the jury heard evidence of Mr. Freeman's actions and conversations after the murder showing his detailed, specific knowledge of the facts of the murder itself. Several defense witnesses were produced by Mr. Freeman, including purported alibi witnesses. Evidence was presented at trial that Mr. Freeman attempted to manipulate these witnesses into supporting an alibi defense manufactured by him.

After careful consideration of all the evidence presented by the defense and prosecution, the jury unanimously found Mr. Freeman guilty as charged for the premeditated murder of Scott Macklem. Mr. Freeman was sentenced to life in prison, as required by Michigan law.

Now, the Attorney General's Conviction Integrity Unit, following all of the prior reviews, has conducted a review of this conviction. While under no obligation to review Mr. Freeman's conviction, Attorney General Nessel did so at Mr. Freeman's request. Attorney General Nessel completed an independent, thorough, and extensive examination. The St. Clair County Prosecutor's Office fully cooperated and provided all requested information, including the trial and appellate files, more than 2500 pages of court transcripts, parole/commutation materials and

transcripts, and numerous opinions by appellate courts upholding Mr. Freeman's jury verdict and conviction.

We appreciate the time, effort, and objectivity shown by Attorney General Dana Nessel and her office. Her independent determination in this case, following her review of the entire record, is consistent with fact, law, and justice. The mission of the Conviction Integrity Unit is to seek justice is an important one, wherever that result may lead. Mr. Freeman was provided, again, with a fair and just review.

My office has consistently remained publicly silent, despite the inflammatory and inaccurate statements made by Mr. Freeman and his proponents; and as required by ethical rule, St Clair County Prosecutor's Office has consistently relied upon the court process to litigate this criminal matter to its conclusion. It is our strongest hope that Scott Macklem's many family and friends can finally have the peace and justice that they so rightfully deserve.