

A NEW TRIAL WON'T REPAY THE LOST YEARS

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How do you pay back 17 **years** ? What do you say to **a** man who spent all that time in prison for **a** crime he may not have committed.

"Oops"?

That doesn't cut it, particularly coming from officials in **the** business of fairness and justice. But it may be **the** case with Thomas Cress, who at 28 was sent to prison for life for **the** 1983 murder of **a** Battle Creek teenager. Cress, **a** child-like man who possibly was helping to deliver newspapers nowhere near where Patricia Rosansky was abducted on her way to school, has maintained his innocence for 19 **years** .

But prosecution witnesses at his **trial** who claimed that he bragged about killing **the** 17- **year** - old were able to convince **a** jury. And that jury ultimately sent him to prison for life.

Where's **the** truth?

Ten **years** ago, **a** Battle Creek police detective found **a** suspected serial killer who claimed **the** crime and told Jon Sahli, then Calhoun County Prosecutor. Not long after, Sahli ordered DNA evidence in **the** case destroyed.

Sahli told Free Press reporters that he didn't know about **the** confession (and declined to return calls yesterday), but **the** appellate court that has ordered **a new trial** has called Sahli's actions "deeply disturbing."

You know what I call them, if true?

Criminal.

Now Cress might finally have **the trial** he deserved **the** first time around, but it **won't** be fair because **the** DNA evidence that might have cleared him is gone.

In **the** scheme of things, law enforcement officials must have **the** ultimate freedom to do their jobs, for our protection and for truth. But leeway doesn't include bending **the** law. Those who do for their own personal score cards should be punished **as** harshly **as** those who allege false crimes to hurt others.

Another example

The Cress case brought to mind **the** Oklahoma City police chemist, Joyce Gilchrist, who was fired because she is alleged to have given false testimony in criminal cases, including some that led men to death row. Oklahoma officials are reviewing hundreds of cases from two decades in which her testimony might have led to wrongful prosecutions. One death sentence has been overturned and another death-row inmate has been freed.

But officials also are trying to determine whether her alleged actions led to **the** execution of an Oklahoma inmate last **year** . Officials have identified 23 cases in which 11 convicts were executed and 12 are on death row, based on Gilchrist's testimony. They are reviewing **the** 12 cases where defendants still live. But if there was any illegality about **the** other 11, well . . . oops.

DNA analyses, which weren't available until **the** 1990s, have helped overturn convictions in courts across **the** country, in some cases saving lives when used to prove that convicted defendants were not where prosecutors placed them. **The** Cress case is cited in efforts to pass legislation requiring **the** preservation of DNA evidence for **as long as** those convicted are in prison.

Who knows whether Sahli, now **a** prosecutor in Saginaw, tried to circumvent **the** law by destroying evidence in **the** Cress case. But if he did, if he destroyed evidence only after learning that it might free an innocent man and take **a** notch off his belt, is it possible that other cases he handled should be reviewed **as** well? And if so, should he be prosecuted?

The real hero in this story is police Det. Dennis Mullen, who risked **the** scorn of prosecutors to find **the** truth. Our legal system is should not only prosecute those who abuse it, but honor those who uphold it.

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