

## **A SECOND SUSPECT ADDS TWIST TO HEARING - APPEALS PANEL HEARS OF DESTROYED DNA CLUE**

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LANSING -- It was midway through the prosecutor's argument that **a** convicted murderer should not get **a** new trial that Court of Appeals Judge E. Thomas Fitzgerald posed **a** deceptively simple question.

Noting all the problems with the 1985 conviction of Thomas Cress -- ranging from recanting witnesses and bungled DNA, **to** another man who insists he killed the teenage victim -- the judge asked Wednesday: "Is there any doubt in your mind?"

Calhoun County Assistant Prosecutor Nancy Mullett paused for **a** moment, then acknowledged, "You are putting me on the spot."

"I can tell you, I don't know if Thomas Cress killed her," said Mullett, who was not the prosecutor at trial. She added, though, that there was ample evidence **to** justify the conviction.

Wednesday's court **hearing** may be Cress' best shot at winning **a** new trial in the slaying of 17-year-old Patricia Rosansky of Battle Creek. The court is expected **to** rule within months.

The case, the subject of **a** lengthy Free Press examination last year, has gained notoriety since an admitted serial killer, Michael Ronning of Arkansas, confessed that he, not Cress, is Rosansky's killer. Ronning has also admitted **to** killing two other women from the Battle Creek area -- Maggie Hume, 20, and Karry Evans, 17 -- around the same time Rosansky died. Nobody has been charged in those deaths.

Prosecutors contend Ronning falsely confessed **to** Rosansky's murder so he might be transferred **to** Michigan, where his family resides. They say he also wants **to** avoid landing in states such **as** Texas, California and Florida -- states with the death penalty -- where he also may be **a** murder suspect .

David Moran, Cress' lawyer, argued Wednesday that the evidence discovered since Cress' conviction compels **a** new trial. Moran noted that Ronning passed **a** lie-detector test confessing **to** the killings, while Cress passed **a** polygraph in which he denied killing Rosansky. He also noted that two Battle Creek detectives came **to** believe Ronning was the killer.

But Moran said his most compelling argument dealt with the bungled DNA.

Rosansky disappeared the morning of Feb. 3, 1983, **as** she walked **to** class at Battle Creek Central High. She was found two months later in **a** wooded ravine. She had been strangled, hit over the head, and raped.

There was no physical evidence tying Cress **to** the crime. At the time, DNA science could not link semen **to a suspect** .

Cress was convicted largely on the word of several witnesses who testified that he bragged about the killing. At least two of those witnesses have since recanted.

In early 1992, two Battle Creek cops came **to** believe Ronning's confession **to** the three slayings. The cops say they alerted then-Calhoun County Prosecutor John Sahli that Ronning -- not Cress - - likely killed Rosansky.

Despite the warnings, Sahli signed **a** routine form that year ordering the semen evidence destroyed. Sahli later said he did so because police never specifically linked Ronning **to** Rosansky until after the semen was destroyed.

At Wednesday's **hearing** , Appeals Judge Hilda Gage asked Moran why he believed Sahli destroyed the evidence. Judge Fitzgerald chimed in that he dealt with Sahli when he was **a** defense lawyer and "knew him **to** be an honorable person."

Moran replied that he hesitated **to** speculate on Sahli's motives, then he did just that. The Cress case received **a** lot of publicity in Battle Creek, he said, and perhaps prosecutors "didn't want **to** admit they made an error."

The judges then asked Mullett, the prosecutor, why DNA was destroyed. Mullett answered that DNA destruction was routine in the years after **a** conviction, when **a** case was inactive.

Gage then asked Mullett if her office still destroys DNA when **a** defendant remains imprisoned.

"Not anymore," she said.

**To** read the Free Press' June 2000 report on this case, "Evidence of Innocence," go **to** [www.freep.com/news/mich/cress1420000614.htm](http://www.freep.com/news/mich/cress1420000614.htm)

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Caption: Photo

Thomas Cress was convicted in the slaying of Patricia Rosansky, 17.

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