

COURT DENIES SLAYING APPEAL - CONFESSION OF ANOTHER MAN RULED NOT CREDIBLE

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In overwhelming fashion, the Michigan Supreme **Court** has denied a new murder trial to Thomas Cress of Battle Creek, ruling that a prosecutor's decision to destroy DNA evidence and a suspected serial killer's confession to the murder were insufficient reasons to overturn Cress's conviction.

The ruling Wednesday means that Cress, 47, will likely ask a federal **court** to erase his 1985 conviction and life sentence in the rape- **slaying** of 17-year-old Patricia Rosansky.

David Moran, the Wayne State University law professor who has handled Cress' **appeal** , bitterly denounced the ruling, in which six of seven justices upheld Cress' conviction.

"The decision is deplorable, it's a new low in criminal jurisprudence in this state," Moran said. "It's an injustice, it simply is, and the people of Michigan deserve better from their Supreme **Court** ."

Calhoun County Assistant Prosecutor Nancy Mullett praised the ruling: "I feel good that what I believe to be the truth was heard."

A 2000 Free Press investigation raised questions about Cress' conviction.

Rosansky was last seen walking to Battle Creek Central High on Feb. 3, 1983. Two months later, her body was found in a wooded ravine. She had been sodomized and her skull had been smashed. There was no evidence tying Cress to the killing, and no witnesses. Cress was convicted based on a witnesses who testified Cress had confessed to the **slaying** .

Cress, who is mentally impaired, denied confessing and later passed a polygraph in which he denied killing Rosansky.

In early 1992, former Battle Creek resident and convicted murderer Michael Ronning said he killed Rosansky and two other women. Battle Creek Det. Dennis Mullen said he told then-Calhoun County Prosecutor Jon Sahli that Ronning -- not Cress -- was Rosansky's killer.

Months later, Sahli signed an order allowing Michigan State Police to destroy semen and hair evidence found on Rosansky's body. The evidence had limited utility at the time of Cress' 1985 trial, but could have identified -- or exonerated -- Cress by the early 1990s, as DNA technology became more sophisticated.

Sahli insists he was not told Ronning was a suspect in Rosansky's killing until after the evidence was destroyed.

Chief Justice Maura Corrigan wrote in her majority opinion that the **court** must defer to an earlier judge's ruling that Ronning's confession was not credible, based on several discrepancies. Corrigan noted for instance that Ronning could not pinpoint the exact location of Rosansky's body.

In a footnote, Corrigan wrote that the **court** would not address the issue of the DNA evidence, noting that a lower **court** had already concluded that Sahli did not act in bad faith when he ordered the DNA destroyed.

Corrigan was joined by justices Elizabeth Weaver, Clifford Taylor, Robert Young and Stephen Markman. Justice Michael Cavanagh concurred in a separate opinion.

In a lone dissent, Justice Marilyn Kelly argued that the destruction of DNA evidence was "troublesome." She noted the exoneration in Macomb County of Kenneth Wyniemko after DNA testing proved he was not a rapist.

"Michael Ronning has confessed to the crime," she wrote. "Of course, he may be lying when he maintains that he killed Patty Rosansky. But I believe that a jury should make that determination."

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Caption: Photo

Thomas Cress was sentenced to life in prison for a 1983 killing.

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