

DESTROYED - EVIDENCE PROBE SOUGHT HEARING WOULD LOOK AT '83 MURDER CASE

Detroit Free Press (MI) - Saturday, May 19, 2001

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Nearly a decade after authorities **destroyed DNA evidence** in a Battle Creek murder case, prosecutors have requested a hearing to consider whether the action was part of a deliberate cover-up by their office.

Calhoun County prosecutors said Friday they hope the hearing will clear up lingering doubts about the 1985 murder conviction of Thomas Cress, which is now before a state appeals court. Defense lawyers call the request a public-relations gambit intended to further delay Cress' appeal.

Cress' case, the subject of a lengthy Free Press examination last year, is now being investigated by NBC-TV's "Dateline."

His conviction has gained notoriety because another man, admitted serial killer Michael Ronning, has said he is responsible for the 1983 murder of 17-year-old Patricia Rosanski. Ronning, serving a life sentence in Arkansas, passed a lie-detector test in which he admitted killing Rosanski and two other young women in Battle Creek. Cress passed a polygraph in which he denied killing Rosanski.

In the years since his conviction, Cress' claim of innocence has been endorsed by two former Battle Creek police detectives, who also concluded Ronning was Rosanski's killer.

Prosecutors contend Ronning falsely confessed to the Battle Creek murders in an effort to be transferred to Michigan, where his family resides.

But the Rosanski case's most troubling element concerned the fate of semen found on the victim. At the time of Cress' trial, DNA science was not sufficiently advanced to link semen to a suspect.

But in early 1992, seven years after Cress' conviction, the two Battle Creek detectives said they told new Calhoun County Prosecutor Jon Sahli that Ronning -- not Cress -- was the likely killer.

Despite the detectives' warnings, Sahli signed a routine form that year allowing State Police to destroy all **evidence** in the case -- including the semen.

For his part, Sahli said the detectives never specifically linked Ronning to the Rosanski murder until years later. "If I thought there was a remote chance of any connection," he told the Free Press last year, "I probably would have said, 'Don't destroy that **evidence**.' "

Sahli is now an assistant prosecutor in Saginaw.

Cress' appeal of his life sentence has been lengthy and complex. At one point, a Calhoun County judge granted his motion for a new trial. The judge then reversed his decision after concluding that Ronning's confessions were not credible. It is that reversal that is being appealed now.

David Moran, Cress' appellate lawyer, said he is skeptical of prosecutors' request for a hearing on the **evidence** destruction, when prosecutors opposed such testimony in the past. "I have to think it can only be for delay," he said.

David Nickola, another defense lawyer, said the request was intended to blunt the impending "Dateline" report. "They know they're not going to look good in the national spotlight," he said.

Assistant prosecutor Nancy Mullett denied both charges. She said her office's call for a hearing on the **evidence** destruction will actually speed up Cress' appeal and give the appeals court an opportunity to hear from Sahli and other principals involved in the destruction of the DNA **evidence** .

NBC publicists declined to discuss the "Dateline" **probe** , or confirm when it will run.

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Caption: ThomasCress

Edition: METRO FINAL

Section: NWS

Page: 3A

Record Number: 0105190051

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