

## Taylor Thrush

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**From:** Kenneth Nixon <nixonk165@gmail.com>  
**Sent:** Thursday, April 15, 2021 8:19 AM  
**To:** Taylor Thrush  
**Cc:** Stephanie Young  
**Subject:** FOIA Reform Bill

To whom it may concern,

My name is Kenneth Nixon and I am thirty-five years old. I am the 28th and most recent exoneration to come through the Wayne County Conviction integrity Unit in Detroit. I was exonerated on Feb 18, 2021 (just short of eight weeks ago). I am testifying today in SUPPORT of the FOIA reform that is being proposed. FOIA laws were extremely important to my freedom and eventual exoneration. The documents that I obtained through FOIA would later be used to convince both the Innocence Project and the Conviction Integrity Unit to accept my case and walk me out of prison.

In 2005, I was wrongfully convicted of two counts of Murder, four counts of Attempted Murder, and one count of Arson. A crime in which I was completely unaware had taken place the night before I was arrested. I would later discover, through FOIA, that both the police and the prosecutor had serious doubt about my involvement. I discovered this by using FOIA laws. I would eventually uncover two memos from both agencies. One from the officer investigating the case and one from the prosecutor involved in the case. There was also misconduct by both found in the records that were turned over to me. I also received letters from all of my previous attorneys telling me that they had never seen these documents before I presented them. However, retrieving these documents was no easy task for me as a prisoner. The FOIA laws prohibited me from filing my own request and fighting for my own freedom. I was forced to rely on family, friends, and loved ones because my family could not afford to hire an attorney for me. You cannot imagine how hard it is to explain what FOIA means to people that have no understanding of the law. As a result of this, the documents that I have referenced took me a total of 12 years to gather. To be ABSOLUTELY clear, I LOST 15 years of my life because I didn't have access to records that were in the possession of the City of Detroit the entire time that I was incarcerated. Had I been able to file my own requests, there is a serious likelihood that I would have been exonerated sooner or not sent to prison at all. The misconduct was documented by those involved and placed in a box and stored away, never to be found unless someone as diligent as myself dug them up. There are hundreds of people in Michigan prisons whose families cannot afford to hire an attorney to simply file FOIA requests. There are also people in prison that don't have any family support at all. They are completely alone in prison without anyone to ask to help with these types of requests. It is utterly impossible for them to obtain the records associated with their own conviction. Can you imagine how it feels to be in prison for something that you did not do and be told that you do not have access to the documents that sent you there in the first place? It's heartbreaking to come to that realization.

The FOIA reforms that are being proposed today could have saved me from spending close to half of my life incarcerated for a crime that I did not commit. Had I had access to these records sooner, I could have undoubtedly proved my innocence. Having to rely on other people is incredibly frustrating, and an unreliable ask for someone whose life depends on it. My life literally depended on someone completing a task that they literally knew nothing about, which is why it took 15 years for me to be exonerated.

I believe that prisoners should have to pay along with everyone else in society for their request. They are not asking to be treated any differently than any other person would making the same exact request as a non-prisoner. It is no secret that prisoners don't make a lot of money and most don't have much to spare but I can personally tell you that prisoners would be willing to sacrifice their own needs if it means their freedom depends on it. I know this because I was one of them. I sacrificed several times in order to help my family pay for legal documents through FOIA or postage fees for stuff to be mailed to the different organizations that I was seeking help from.

The FOIA reforms that are being proposed are of the utmost importance and I ask that you please vote yes on this bill. No one should have to lose years of their life because of antiquated laws that stand in the way of their freedom.

Thank you,  
Exoneree Kenneth Nixon