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S.C. SUPREME COURT

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

COURT OF GENERAL SESSIONS
FOR THE 9th JUDICIAL
CIRCUIT
Case no. 2019CP082558

FRED FREEMAN,

Applicant

-against-

STATE OF SOUTH CAROLINA,

Respondents.

PCR HEARING

(Virtual)

DATE: April 16, 2021

TIME: 10:01 a.m.

HON.: DIANE S. GOODSTEIN

Natalie A. Williams
Court Reporter II-Circuit Court
South Carolina Judicial Branch
(914) 610-8863
nwilliams@sccourts.org

1 Natalie Williams our court reporter, and of
2 course Mr. Fred Freeman, the PCR applicant.
3 Now, Mr. Murphy, you made a motion to be
4 relieved and that is based upon the request
5 of Mr. Freeman, is that correct?

6 MR. MURPHY: Yes, Your Honor.

7 THE COURT: All right. Mr.
8 Freeman, tell me why you wish for Mr.
9 Murphy to be relieved from representing
10 you.

11 (Whereupon, an in-camera motion to
12 be relieved hearing was held.)

13 (Time noted: 10:37 a.m.)

14 (Whereupon, all parties are present
15 and proceedings resumed.)

16 (Time noted: 11:35 a.m.)

17 THE APPLICANT: Your Honor, if I
18 may, please before we proceed?

19 THE COURT: Yeah.

20 THE APPLICANT: This is what's
21 going on, Your Honor. The stipulation, I
22 found copies of stipulation where Mr.
23 Church agreed that the jury hear the
24 stipulation.

25 THE COURT: What I want to do, Mr.

1 Freeman, is I want to put some things on
2 the record and then I'm going to hear from
3 Ms. Weidauer, she is going to introduce the
4 case. But let me put this on the record,
5 okay? Because I promised you that I
6 preserve your rights and I certainly want
7 to live up to what I told you.

8 THE APPLICANT: Yes, ma'am.

9 THE COURT: Out of the presence of
10 defense counsel -- excuse me, out of the
11 presence of the Attorney General and trial
12 defense counsel, with only my law clerk,
13 Mr. Murphy, PCR counsel, the clerk and our
14 court reporter present, with an instruction
15 not to discuss the matters that went on in
16 the hearing, I had an ex parte hearing on
17 the record with regards to the motion for
18 Mr. Murphy to be relieved. I have denied
19 that motion.

20 I have heard from Mr. Murphy and
21 I've heard from Mr. Freeman, extensively,
22 and I have denied that. Mr. Freeman has
23 accepted to my ruling and I told him that I
24 would put all of that on the record when we
25 came back out so that it is my intention to

1 preserve his objection, his exception to my
2 ruling not to releve Mr. Murphy. He has,
3 he being Mr. Freeman, has indicated to me,
4 however that he wishes to have counsel
5 represent him, he would prefer, he
6 requested that there would be someone other
7 than Mr. Murphy to represent him and I have
8 denied that request.

9 So, let me also say that that part
10 of this record has been sealed and it
11 certainly can be unsealed in the event that
12 that issue is appealed and the Court needs
13 that part of the record. Which I
14 anticipate that they would.

15 Now, at this point I'm prepared to
16 proceed. So, on behalf of the Attorney
17 General, if you would please introduce the
18 case.

19 MS. WEIDAUER: My name is Samantha
20 Weidauer and I'm here representing the
21 Attorney General's Office. Fred Freeman is
22 presently confined pursuant to orders of
23 the Berkeley County Clerk of Court.

24 In December 2015 the Berkeley
25 County Grand Jury indicted the applicant