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Jan 11 2024

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