

Court rejects appeal of murder conviction

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The conviction of an Escanaba man, convicted in the 1986 ambush slaying of a St. Clair County Community College student, has been upheld by the state Court of Appeals.

The ruling ended a six-year court battle by Frederick T. Freeman to overturn his 1987 first-degree murder conviction for the shooting death of Scott A. Macklem.

Mr. Macklem, 20, was gunned down as he stepped from his car Nov. 5, 1986, in the college parking lot. He died of a bullet wound to the stomach.

Three prosecution witnesses testified that they saw Mr. Freeman, then 24, in the area at the time of the shooting. Mr. Freeman insisted he was in Escanaba.

He was convicted in May 1987 by a St. Clair County Circuit Court jury and sentenced by Judge James T. Corden to life in prison without the possibility of parole. He also denied Mr. Freeman's bid for a new trial.

Among the 11 issues raised in the state appeal was that a witness had been hypnotized before the trial in an attempt to remember more details, county Prosecutor Elwood L. Brown said.

Testimony resulting from hypnosis is not admissible in court. "Without that testimony, we could not have re-tried this case," he said. "Without this testimony, we had no case at all."

The murder weapon was never found and there were no fingerprints at the scene.

But the appeals court ruled the testimony was valid because the witness acted on his own, without the urging of police, and his statements did not change after the hypnosis.