



FREDERICK FREEMAN: 20 YEARS IN PRISON

Shaky evidence still led to murder conviction

BY JEFF GERRITT • DECEMBER 11, 2008

Frederick Freeman was found guilty of gunning down 20-year-old Scott Macklem in a parking lot at St. Clair County Community College in 1986. But the case was so weak it should never have gone to trial, with eyewitnesses testifying that Freeman was more than 400 miles away. Former Michigan Supreme Court Justice Thomas Brennan, after reading the court transcripts, said he would have probably dismissed the case due to insufficient evidence.

"A lot of things about this case really had a bad smell," Brennan told me last week.

Serving a life sentence for first-degree murder, Freeman, 45, has already spent more than 20 years in prison. Gov. Jennifer Granholm is his best hope for release. His many supporters include WXYZ-TV reporter Bill Proctor, state Sen. Hansen Clarke, D-Detroit, and Herb Welser, a retired Port Huron police detective/lieutenant.

Macklem, a college student and the son of Croswell Mayor Gary Macklem, was killed by a shotgun blast on Nov. 5, 1986. At first, Freeman was a legitimate suspect. But Port Huron police locked in on Freeman long after evidence pointed the other way, said Welser, who was on the force at the time but not involved in the investigation.

"The son of the mayor of Croswell was murdered in a college parking lot," said Welser, now a private investigator working for Freeman without pay. "You can imagine the pressure to solve this case. I'm absolutely convinced he's innocent."

Freeman's connection to the murder was a former girlfriend, Crystal Merrill, who was engaged to Macklem when he was gunned down. Freeman and Merrill dated briefly the previous spring but hadn't spoken to each other for nearly six months, Merrill testified. But she said Freeman had a cache of ninja weaponry and was dangerous.

A single eyewitness picked Freeman out of a photo lineup as the man he saw, through the windshield, driving a car near the crime scene. No physical evidence linked Freeman to the crime, and prints on a shotgun shell box near the scene didn't match his. At the trial, six eyewitnesses testified Freeman was 450 miles away, in the Escanaba area, on the day Macklem was shot. Three placed him there within three hours of the shooting. Freeman was renting a house in Rock, about 20 miles north of Escanaba, living with a girlfriend, singing sporadically in a band and working part-time, selling vitamins.

"None of the witnesses were friends or relatives -- I'm not even sure they liked him," said Proctor, who has spent hundreds of hours on the case. "They had no reason but the truth to make the trip from Escanaba."

Proctor, a former federal police officer in Washington, D.C., spent two years investigating before he was convinced Freeman, who passed a polygraph test, was innocent.

St. Clair County Prosecutor Robert Cleland, now a federal judge, argued that Freeman could have chartered a plane to commit the crime, but gave no evidence that Freeman did.

"For the prosecution to suggest this ... was just bizarre," Brennan said.

Freeman's court-appointed attorney, David Dean, was later suspended from practicing law in Michigan for illegal drug use. A jailhouse snitch, Philip Joplin, testified that Freeman had confessed to the killing but later said he lied to get a better deal from prosecutors.

In 2007, the governor's new Executive Clemency Advisory Council voted unanimously that Freeman's case had merit, records show. On Feb. 15 of this year, the Parole Board voted 6-3 to take "preliminary interest" in the case, said MDOC spokesman Russ Marlan. But after getting a psychological report, the board voted 9-0 on April 25 to oppose the commutation.

Captain Jim Jones of the Port Huron Police Department told me police consider the case closed and would reopen it only if the prosecutor's office requested it because of

new evidence. No officer who investigated Freeman's case is with the department today.

In prison, Freeman, inmate No. 189355, legally changed his name to Temujin Kensu to reflect his Buddhist faith. In 2001, he married Denise Deringer, now A'miko Kensu. She lives in Swartz Creek, works at a Meijer store and presses for her husband's freedom.

Freeman wants more than a commutation -- he wants his record wiped clean.

"I don't want to just go home," he told me last month in Saginaw Correctional Facility. "I want to be vindicated."