

COURT OF APPEALS OF GEORGIA

Freeman v. The State

A26A0323 · No. A26A0323 · Decided April 10, 2026

SUMMARY

The Georgia Court of Appeals affirmed William Freeman’s convictions for four counts of child molestation. The court held that Freeman knowingly and voluntarily waived his right to counsel after a Faretta hearing, and that the trial court was not required to conduct a second inquiry after the indictment was amended to add two substantially similar charges. The court also rejected Freeman’s argument that he did not understand the risks of self-representation.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Dillard, Presiding Judge; Gobeil, Judge; Pipkin, Judge
JURISDICTION	Court of Appeals of Georgia
DECIDED	April 10, 2026
DOCKET	A26A0323
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for four counts of child molestation and the denial of a motion for new trial.
STANDARD OF REVIEW	The validity of the waiver of counsel and the trial court's decision concerning a post-waiver request for counsel are reviewed for abuse of discretion. Whether a defendant clearly and unequivocally asserted the right to self-representation and knowingly and intelligently waived counsel is assessed from the record. Issues not raised in and ruled on by the trial court are generally not considered on appeal.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion
PARTIES	William Freeman v. The State

TOPICS

- right to counsel
- sixth amendment
- criminal procedure
- appellate procedure
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by failing to conduct a second Faretta inquiry after the State amended the indictment to add two additional child-molestation counts.
2. Whether the trial court abused its discretion in finding that Freeman knowingly and voluntarily waived his right to counsel despite allegedly failing to understand the risks of self-representation.
3. Whether Freeman could obtain appellate relief based on the trial court's failure to reconsider his waiver when he did not make a post-waiver request for counsel in the trial court.

HOLDINGS

1. The trial court did not abuse its discretion by allowing Freeman to continue representing himself without conducting a second Faretta hearing because the amended indictment added only two substantially similar child-molestation counts involving the same victim and time period, did not increase the maximum sentence he faced, and Freeman never requested counsel after the amendment.
2. The trial court did not abuse its discretion in finding that Freeman knowingly, intelligently, and voluntarily waived his right to counsel.
3. The appellate court would not review a purported failure to reconsider Freeman's waiver because Freeman never made a post-waiver request for counsel and therefore there was no trial-court ruling to review for abuse of discretion.

KEY QUOTATIONS

"We are a court of review, "not of first view."" (p. 11)

"For these reasons, we affirm Freeman's convictions." (p. 14)

FACTUAL BACKGROUND

Freeman was charged with four counts of child molestation involving the same minor victim and conduct occurring during approximately a two-month period in 2020. Before the indictment was amended to add two counts, the trial court conducted a Faretta hearing at which Freeman repeatedly stated that he wanted to represent himself and acknowledged the risks and consequences of doing so. The court advised him about the charges, possible punishment, the benefits of counsel, and the disadvantages of self-representation, and found his waiver knowing, intelligent, and voluntary. Freeman then represented himself at a bench trial, was convicted on all charges, and received a 40-year sentence with 39 years to serve.

PROCEDURAL HISTORY

Freeman was initially indicted on two counts of child molestation and was appointed counsel. After a Faretta hearing, he waived counsel and elected to represent himself. The State amended the indictment to add two additional child-molestation counts, and Freeman proceeded pro se to a bench trial, where he was convicted on all four counts. The trial court denied his motion for a new trial, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Jones v. State, 307 Ga. 505, 506 (1) (837 SE2d 288) (2019)
- Faretta v. California, 422 U.S. 806, 835-36 (1975)
- Woodard v. State, 352 Ga. App. 322, 327-28 (2) (835 SE2d 35) (2019)
- Wiggins v. State, 298 Ga. 366, 368 (2) (782 SE2d 31) (2016)
- Taylor v. Ricketts, 239 Ga. 501, 502 (238 SE2d 52) (1977)
- Oliver v. State, 305 Ga. 678, 680 (2) (827 SE2d 639) (2019)
- Owens v. State, 298 Ga. 813, 814 (2) (783 SE2d 611) (2016)
- Smith v. State, 332 Ga. App. 849, 853 (2) (775 SE2d 211) (2015)
- Wilkerson v. State, 286 Ga. 201, 204 (2) (b) (686 SE2d 648) (2009)
- Kelly v. State, 344 Ga. App. 433, 435 (810 SE2d 197) (2018)
- Davis v. State, 304 Ga. App. 355, 362 (3) (696 SE2d 381) (2010)
- Rivera v. State, 371 Ga. App. 833, 836-37 (903 SE2d 298) (2024)
- State v. Evans, 285 Ga. 67, 69 (673 SE2d 243) (2009)
- Wright v. State, 356 Ga. App. 597, 600, 605 (2) (848 SE2d 467) (2020)
- Cox v. State, 317 Ga. App. 654, 655 (732 SE2d 321) (2012)
- McDaniel v. State, 327 Ga. App. 673, 680 (1) (c) (761 SE2d 82) (2014)
- Stewart v. State, 361 Ga. App. 636, 644 (2) (b) (865 SE2d 237) (2021)
- Middletown v. State, 254 Ga. App. 648, 650 (2) (563 SE2d 543) (2002)
- State v. Jennings, 362 Ga. App. 790, 796 (1) (c) (869 SE2d 183) (2022)
- Flanders v. State, 360 Ga. App. 855, 855 (862 SE2d 152) (2021)
- Pfeiffer v. Ga. Dep't of Transp., 275 Ga. 827, 829 (2) (573 SE2d 389) (2002)
- Santana v. Ga. Power Co., 269 Ga. 127, 129 (6) (498 SE2d 521) (1998)

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