

Freshwater seeks new trial, says evidence withheld

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Lawyer claims statement shows she didn't fire shots

COLUMBUS, Ohio — A woman who was returned last year to a Tennessee prison after 32 years as a fugitive has filed a petition for a new trial.

Margo Freshwater is claiming that prosecutors in Memphis withheld evidence showing that she did not fire the shot that killed Memphis liquor-store clerk Hillman Robbins Sr.

Freshwater was 18 when authorities said she and her lover, Memphis attorney Glenn Nash, went on a three-week robbery and murder spree in December 1966 in Tennessee, Mississippi and Florida.

Freshwater testified at her trial that she did not kill anyone but did what Nash told her because he threatened to kill her.

Nash was found insane by courts in all three states and was confined to psychiatric hospitals until 1983.

Freshwater was sentenced to 99 years in prison but escaped in 1970. She was caught last year in Columbus, Ohio, where she was known as Tonya Hudkins McCartor.

Freshwater's petition, filed by attorney Robert Ritchie, claims that Shelby County prosecutors failed to turn over to the defense a statement from a Mississippi prisoner who claimed Nash told him that he fired the fatal shots.

"I'm glad the truth is finally starting to come out," Freshwater's husband, Daryl McCartor, told *The Columbus Dispatch*.

Shelby prosecutors declined to comment.

Nashville attorney David Raybin said Tennessee law allows convicts to seek a new trial if new evidence comes to light. But he noted that state law holds anyone who aids in a homicide — even if they did not shoot the victim — as culpable.