

State v. Brian Scott Stapleton

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Appellate Case No. 2013-001442

To whom it may concern, My name is Brian Scott Stapleton and I was sentenced to 25 yrs on June 20, 2013 for CSC 1st. I was arrested on Jan 9, 2011 and remained in Spartanburg County Detention Facility until my court date on June 20<sup>th</sup>, 2013. My Lawyer Roger Poole never came and spoke with me not once until the week prior to my court date. I wrote him severale times in which he never responded. I also filed for a rule 5 Brady vs. Myrland Discovery because the state & my lawyer Roger Poole was withholding evidence from me that is very important in my case. I had this Motion in which I filed for twice Notorised and stamped by the clerk at court and I have copies of these also. In the Affidavit of Discovery that I recieved from my Public Defender Roger Poole was lacking Medical Records, Lab reports, and any other physical evidence the state claimed to have against me. The only thing that it contained was statments, police reports, DNA table of contents in which was insufficient but no other physical evidence what so ever. I had all intentions on taking a jury trial but when my Public Defender came and spoke with me he convinced me that if I go to trial even tho there are no physical evidence to link me to the crime a jury would find me guilty based off the victims testimony and I would more than likely get the max sentence this charge carries. Roger Poole also said since I was not willing to plea guilty that I could plea no contest which means Im not saying Im guilty, but that if I went to trial the state would more then likely find me guilty. I was still not sure what I

should do because I did not want to plea guilty and I also didn't want to receive the max at trial that's when Roger Poole stated that I would not get a lot of time in fact he said I wouldn't get more than 15yrs which is still a lot of time. Now take into consideration that the solicitor Susan Reese was offering 20yrs in which of course I was not willing to take for something I didn't do and not only that Roger Poole told me I would not get that much time so I took his advise but I received 25yrs for a charge that only carries 30. I feel like I was miss lead by Roger Poole and I also believe that if I had received sufficient counsel I would have had a fair chance at trial. Not only was I not able to prepare a good defence for my case due to lack of communication with my public defender, I was denied access to all the evidence the state claimed to have against me. I was also told that I could appeal this case if I felt like the sentence I received was too steep or I could return for a retrial. I don't know a whole lot about appeals because I've never been through this before and I haven't had a chance to go to a law library to do any research, but I do feel that I was not represented properly and if I had been I would not have received such a large amount of time if any. So due to the terms of insufficient counsel, and violation of my rights by not allowing me to obtain or have access to all evidence the state claimed to have against me I feel I have a right to appeal this case. I also feel there is a breach of trust and a conflict of interest between Roger Poole and I. During my trial I was asked if I agreed with the prosecutors statement and I responded no because

Some of the things they said I was unaware of because my lawyer did not do a very good job of going over the evidence with me. Not only that most of the things they said were untrue. Had I have known that ahead of time I would never have said yes when Judge Cole asked me if my lawyer had gone over all the evidence with me, but by this time it was too late. Before my lawyer and I ever entered the courtroom he told me all the questions the judge was going to ask and how I should answer them. Now looking back I realize he just wanted me to answer the questions his way and not truthfully because I did not agree with some of his answers. For instance he said that when the judge asks if I have a defense to say no, but I felt like I had a defense. Roger Poole also said when the judge asks do you agree with the solicitor to say yes but at this point I was like what if I don't agree with the solicitor and I say yes. Not only am I lying but what that affect me if I appeal this, but he still insisted that I agree. This is one of the reasons I say I was misled and that there's a conflict of interest because we disagree with one another. I still want to put up a fight and he's telling me to throw in the towel. When I recieved a letter from my public defender today he plainly stated that I do not feel that you have an arguable basis for an appeal. Now this is coming from the same person that told me to plea no contest because I can appeal it if I felt like I was given too much time or if I wanted to take it to trial. I put my trust in him and did what he said and nothing good came out of it. I feel like he just wanted to go ahead.

and get my case over with without having to put up any kind of defense to try and help me because I feel like he thinks I'm guilty. He did not do his part as a lawyer because he never made sure that I recieved any 3 all evidence the state claimed to have against me. If so the outcome would have been different pertaining to the evidence and could have been dropped to a lesser charge. In closing I know my Public Defender failed to access all evidence available and took it upon himself to make decisions without talking to me leaving a conflict of interest and on his part an ethical breech leaving me misrepresented.

Sincerely;

Brian Scott Stapleton