

this void judgment. Id. However, he is a pro se petitioner and a layman to the law. Therefore, he requests that the Court liberally construe his factual claims and apply them to the appropriate legal remedy.

The current Respondent could have defeated Stewart's fraud claim by simply producing the document in question. However, Respondent could not produce the document because it does not exist and never existed. Instead, Respondent, in its return, attempts to sidestep the grave implications of the 2018 respondent's false claim the document existed, and obtaining a favorable ruling based on this false claim. Stewart replies to this return, as follows:¹

Respondent Suggests Impropriety with Stewart's Self Representation

Respondent twice states that Stewart filed documents in this matter "through his wife". (Return p. 1; Id. at n. 1). The language employed by Respondent suggests it is implying potential impropriety with Stewart's representation of himself. To clarify, Stewart, alone, is representing himself in this matter. His wife's participation in this action is limited to performing clerical tasks for Stewart at his request.

Respondent Presents Irrelevant Summary of Facts

Respondent highlights the "extensive procedural history" in this case, followed by a summary of facts which is wholly irrelevant to the matter of whether the 2018 respondent committed fraud upon the court. (Return pp. 2-11). In addition, Respondent does not accurately summarize the factual record.

For instance, Respondent details the trial testimony of the State's pathology expert, Dr. Russell Harley. Id. at pp. 7-9. However, Respondent fails to mention the newly discovered sworn affidavit from Dr. Harley in which the pathologist recanted his trial testimony and made

¹ Stewart received Respondent's return on October 20, 2025. Thus, his reply is due to be filed by October 25, 2025.

admissions lending weight and credibility to Stewart's claim that C.A. committed suicide. (App. 1592-94). Of particular significance to the current matter, Dr. Harley indicates in his sworn affidavit that the State also withheld Agent's Stuckey's crime scene notes from the pathologist. Id. at 1592. ("It is not clear to me that the site in the woods where [C.A.] is alleged to have died was examined by SLED services ").

Respondent Misrepresents Factual Record

Respondent contends "a hearing on the matter was held before Judge Goldsmith on August 22, 2019". (Return p. 12). Said contention is misleading, because the matter of the scene notes newly discovered evidence claim was not addressed, or even mentioned, during this hearing. (See App 1251-84).² Moreover, it is highly unlikely the 2018 respondent included the correspondence in the judge's packet—as suggested by the current Respondent—but did not mention said correspondence during the hearing, did not file it with the court, and did not disclose it to opposing counsel. (See Return p. 12).

Respondent further contends the language of the order of dismissal makes it "evident that Judge Goldsmith reviewed correspondence from Assistant Solicitor Blake that showed [Stewart] was provided the complained-of notes in 2003". (Return p. 13). Said contention is also misleading, as the totality of the facts reflect that Judge Goldsmith merely signed an order of dismissal prepared by the respondent. Specifically, the language of the order of dismissal is identical to the language of the 2018 respondent's return. (M.App. 138,184; App. 1244,1297). Thus, it is apparent said order was prepared by the 2018 respondent.³ As such, the language in

² This hearing was a discovery hearing in which all parties primarily focused on the pathologist claim. Id.

³ In the current action before this Court, Stewart is requesting for the Court to remand his case to the lower court for the exact same reason. Specifically, Stewart is requesting a remand because the lower court signed three orders of dismissal prepared by the current Respondent, and said orders are patently deficient in addressing the factual claims presented by Stewart. (Petition for Writ pp. 7-11). For decades, this Court has cautioned PCR judges against blindly signing orders prepared by counsel. Id. at pp. 6-7.

the prepared order of dismissal, in and of itself, does not definitively establish that the court reviewed the correspondence referenced in this order, nor does it conclusively establish the existence of the correspondence.

In addition, the 2018 respondent did not mention the correspondence during the hearing, and Judge Goldsmith did not give any indication he had reviewed the correspondence during the same. (See App. 1251-84). Moreover, the current Respondent concedes the correspondence was "never part of the record before the...post-conviction relief court". (Return p. 18).⁴ These facts are counterproductive to Respondent's claim Judge Goldsmith reviewed the contested correspondence.

Respondent Challenges Timeliness and Requested Relief

Respondent contends, without citing a legal basis, that the time period for Stewart to raise the fraud upon the court claim elapsed "six years ago". (Return pp. 17-18). However, the record reflects Stewart raised this issue within a reasonable time under the circumstances. Specifically, Stewart just discovered the 2018 respondent's fraud during the current proceeding, while complying with the Court's Order to file a Supplemental Appendix. (Motion pp. 1-3). Upon this discovery, Stewart promptly brought this matter to the attention of the Court. Id.

Respondent suggests the "possibility of lost records over time". (Return p. 18). However, Respondent concedes the correspondence was "never part of the record", because the 2018 respondent never filed it. Id. In addition, as mentioned earlier, the fact that the State concealed the crime scene notes from its own pathology expert makes it highly unlikely the State disclosed this evidence to Stewart. Thus, it is equally unlikely the prosecutor sent correspondence to Stewart reflecting that the evidence had been disclosed, as is evident by

⁴ For these reasons, Respondent's contentions, pertaining to the appeal of the prepared order, are moot. (Return pp. 13-17).

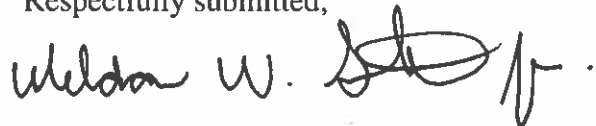
Respondent's failure to produce the document.⁵

As for Respondent's contention regarding Stewart's requested relief from the 2018 judgment pertaining to the crime scene notes claim, Stewart is acting pro se. Therefore, he respectfully requests that the Court liberally construe his claim the 2018 respondent obtained a favorable ruling by committing fraud upon the court and grant him the appropriate relief.

Conclusion

In conclusion, Respondent failed to rebut Stewart's claim that the 2018 respondent obtained a favorable ruling by fraudulently claiming evidence existed which conclusively refuted Stewart's newly discovered evidence claim. Based on the foregoing, Stewart renews his request that the Court grant him relief from the 2018 PCR judgment.

Respectfully submitted,



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⁵ Stewart faced the same challenges with the time that elapsed since his trial. Yet, he produced and filed correspondence in support of his claim the evidence was not disclosed to him. (M.App. 98-99; App. 1215-16).