

Richard T. Stoublins 263959  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC. 29899

Aug. 26, 2019

Dear Clerk

Please file this response to my attorneys Johnson  
Petition and please send me a clocked copy for my  
records. Thanks



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AUG 29 2019

S.C. SUPREME COURT

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S.C. SUPREME COURT

Aug. 26, 2019

The Supreme Court of South Carolina  
P.O. Box 11330  
Columbia SC, 29211

RE: Richard T. Stirling v. State (Appellate Case)  
No. 2019-000153

In response to my attorneys Johnson petition,  
I strongly disagree that my appeal is without  
merit. This is my Pro-se response.

The state had major issues with there chain of  
custody at trial. MY trial transcript and my PCR  
hearing transcript proves that there were at least  
4 complete missing links and up to 14 missing links  
in my chain of custody. A DNA tech. from Cellmark  
did the first 3 steps of the DNA test that would  
be the extraction part of the test and a very  
important part of the protocol. She wasn't at  
trial to testify so we couldn't cross examine

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her to see what all she actually did with the DNA Evidence or how long she had the Evidence we don't know if she followed the protocol. She did do part of the testing process that come out at trial she had hands on part of the test and she should have been there to testify what she did with the evidence, how long she had the evidence, and how she handled the evidence and not left the court in conjecture about all of this.

There was also atleast 2 unnamed couriers and I say atleast 2 it could have been up to 12 different couriers no one knows who they were or how many there were, but atleast 2 had the DNA Evidence and transported it from the Greenville Hospital to a private lab there was some things done to the Evidence and then the courier or couriers took the Evidence back to the Greenville Hospital Both times it was transported in an unsealed unsecure screw top jar. This come out at trial. This also left conjecture as to who had the evidence and what was done with

the evidence. The Supreme Court has said that where the substance to be analyzed, and which has been analyzed, has passed through several hands the evidence must not lead to conjecture as to who had it and what was done with it between the time that it was first taken and the time that it was analyzed. No body knows how many hands this DNA Evidence passed through, from the time it was first taken and the time it was analyzed. Please look at my trial transcript Appendix pages 288 thru 321 This is the part of the trial that involved a motion for a mistrial. All of the missing links are brought out here. Also please look at my PCR transcript Appendix pages 414 thru 420 This will support and prove that what I just said is true. All through trial the state kept promising to fix the chain and the prosecutor kept making inducements to Judge Cole about being able to complete the chain but they never did.

Please look at my Transcript Appendix pages 224 and 225 Dr. Wayne Hoffman testified at trial that

cell mark had accreditations to perform DNA testing. cell mark the lab that did the DNA testing is not an accredited lab. In fact they went bankrupt from law suits filed against them. At the time of my trial cell mark had changed the name of there company, bankrupt, and not accredited to do DNA testing anymore.

I refused to take a plea on record in front of 2 Different Judges before trial. I refused to plea during my trial. When the state starting having trouble with the chain they started asking me to plea on day 3 of my trial and I refused. I felt and I still feel that I have a very good case for appeal after Judge Cole denied my motion for a mistrial My attorney brought me a plea of 15 years he told me that I had the amount of time it took for the balif to go get the jury to make my mind up to either take the 15 years or give it to the jury. He told me that I'd be found guilty and I'd get 30 years. I only had a few minutes to think about it. I ask him about an Alford Plea He said yes he could get them to do it under Alford. And I could maintain my innocent.

'MY attorney Mr. Sheely never explained Alford to me he never explained that I'd be giving up my rights to appeal. Judge Cole never explained anything at all to me about Alford. I never wanted to give up my rights to direct appeal. I feel like I could win on appeal it was in my mind that if I took An Alford plea and maintained that I was innocent I would be protecting my rights to an appeal. I had a great case for appeal with the chain of custody issue and I never would have gave it up if My Attorney and Judge Cole explained Alford to me.

I Didn't understand what I was doing I wasn't informed what I was giving up by taking an Alford plea. I never wanted a plea. I'm not guilty of this charge. I wanted to take my chances on appeal and ~~when~~<sup>win</sup> a new trial so that I could get a private attorney and get a new trial. Judge Cole never explained anything about Alford to me and he accepted my plea even though I Didn't understand what I was giving up.

I am asking The Supreme Court to Vacate and Set  
aside Judgement in my case. I am asking for a  
new trial and I am asking The Supreme Court Direct  
the trial court to not be able to use the DNA  
evidence at a new trial. The state couldn't complete  
the chain in the first trial and it would only  
be harder to complete at a new trial. I think  
that I have a good chance of winning at a  
new trial. Thanks.

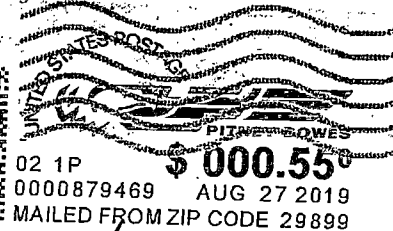
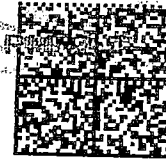
Respectfully Submitted

R. St. G.

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27 AUG 2019



The Supreme Court of South Carolina  
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P.O. Box 11330  
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