

Dear Clerk,

My name is Earnest Vaughn. I had a unlawful conviction overturned in Vaughn v- State (2004) by the Honorable South Carolina Supreme Court on the issue of ineffective assistance of counsel and I was granted a new trial. Then prior to a new trial being held the charge was dismissed due to constitutional issues involving my unlawful arrest. At that time an expungement order was issued that "all records concerning that unlawful conviction and unlawful confinement be destroyed. Now that conviction still shows up on my rap sheet and the prosecutor Michael Black brought it up against me in my previous jury trial in Greenwood County between Oct. 31<sup>st</sup> to Nov. 2<sup>nd</sup>, 2016. Judge Hocker sentenced me to 30 years with 10 years to run consecutive. This conviction I also have on appeal in the S.C. Court Of Appeals. It is very early in this appeal and my briefs have not been filed. However, if my attorney Jane Merrill who was appointed to represent me had done her job to defend me I would not be in prison now. Ms. Merrill was paid by the State to defend me in my jury trial. Instead, she assisted the State (Prosecutors, Michael Black, and Elizabeth White), in convicting me. Therefore, she clearly violated my constitutional rights, violated her code of ethics, violated the South Carolina Code Of Laws, because "she obtained funds from the State under false pretense". She did not put up any defense on my behalf whatsoever. Now I have Ms. Merrill under investigation by the Office Of Disciplinary Counsel for misconduct in office and I have her under investigation for criminal misconduct by the Office Of Professional Standards in the

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Greenwood County Sheriff's Dept and the South Carolina Law Enforcement Division (SLED), I have also listed criminal misconduct (conspiracy) between Ms. Merrill, Mr. Black and Ms. White in my complaints against them. I also have in my complaint against Ms. Merrill where she physically abused me in the courtroom during my jury trial by stomping my left foot 2 times, stabbed me with her ink pen 1 time and approx 7 or 8 times she kicked me on my left leg causing my shin to bleed in 2 places. This is an assault against me and it is an abuse of a vulnerable adult because I am disabled. I suffer from C.O.P.D., high blood pressure and back pain. Now she has damaged nerves in my left foot and up my left leg and left scars on my left shin as the result of this abuse. Ms. Merrill also violated our attorney/client relationship. She was only on my case approx. 3 months. This is clearly not enough time to prepare for a jury trial. I gave her the names of 5 people who's testimony would have helped in my defense. She told me that she had served them with subpoenas. Then on the day my trial started she told me they would not be testifying. This should be considered obstructing justice in which is also a violation of the South Carolina Code of Laws. I also discussed the issue that the incident reports which list approx. 22 grams of evidence seized and the arrest warrant said 18 grams shows that the evidence was tampered with and the pictures of the evidence was claim they seized was not the same evidence. In the incident reports they list an x amount of bags in a bag and another amount in another bag. Then when they was counted in the picture it shows that the police was lying about the evidence. All of this was brought to Ms. Merrill's attention before this trial and she intentionally

failed to bring it up at my trial in a motion to suppress  
 Then the evidence man testified that the reason the  
 weight of the evidence changed changed from 18 grams  
 to 22 grams, he said the next day he found 4 grams in  
 his office and added it to the evidence in my case.  
 This is evidence tampering also. Now the reason for  
 this letter is not to ask that my appeal be heard  
 by the honorable S.C. Supreme Court. It is to ask if  
 the justices of the S.C. Supreme Court can have an  
 impact on granting me an appeal bond untill my  
 case can be properly heard fairly in a court of law.  
 I was out on bond prior to my jury trial. I am not  
 a threat to society and I am not a flight risk. I  
 feel like since the conviction that was overturned  
 by this Honorable Court and the prosecutors in  
 Greenwood County violated the expungment order it  
 could give this Honorable Court jurisdiction to grant  
 me an appeal bond when it is clear that all the above  
 listed misconduct etc. when my case is lawfully heard  
 in a court of law, this conviction will be vacated  
 as a matter of law. Therefore, I would like to  
 respectfully ask you in goodfaith. Would you please  
 see what you can do on my behalf? Thank you very  
 much for your time and consideration in this matter.  
 I did serve 7 years on my last unlawful conviction  
 before justice was served. I really hope to avoid  
 serving a lot of time on this unlawful conviction.  
 Please Respond.

S. Earnest Vaughn Sr  
 Earnest Vaughn, Sr. 246912

Date 12-20-16

Earnest Vaughn, Sr. 246912  
KCI RFE F-1-A 123  
4344 Broad River Rd.  
Columbia SC, 29210

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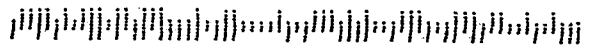
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