



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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February 2, 2017

Mr. Earnest Vaughn, Sr. 246912
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC

RECEIVED

FEB 02 2017

SC Court of Appeals

Re: The State v. Earnest E. Vaughn, Sr.
Appellate Case No. 2016-002300
Lower Court Case Nos. 2016GS2400539 and 2016GS2400541

Dear Mr. Vaughn:

This responds to your letter dated January 1, 2017, regarding the above case that is pending before the South Carolina Court of Appeals.

Please be advised that you are currently represented by the Division of Appellate Defense in this matter. Therefore, no action will be taken on your *pro se* letter by this Court. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989). Instead, if it is appropriate to seek some relief from either this Court or the Court of Appeals, that request will have to be made by the Division of Appellate Defense.

Very truly yours,


CLERK

cc: Office of Indigent Defense (with copy of *pro se* letter)
John Benjamin Aplin, Esquire (with copy of *pro se* letter)
✓ The Honorable Jenny Abbott Kitchings (with copy of *pro se* letter)

Dear Clerk,

I have enclosed for filing in your office my copy of a belated motion for a mistrial that I have filed with the Greenwood County Clerk Of Court along with a letter (statement of facts) in support of the motion. If the Honorable Justices of the Supreme Court cannot accept subject-matter jurisdiction and rule on this motion. Then I would respectfully ask in goodfaith if this can be considered as a Writ Of Mandamus, to compel the lower court of the 8th Judicial Circuit, The Honorable, Donald B. Hocker to issue a ruling in compliance with the law relating to the facts of this motion and the violation of the expungment order that was granted by The Honorable Judge Lawton M. ~~Intosh~~ ^{pro/se} on November 7th 2011. If Judge Hocker does not grant the motion as a matter of law. Then I would like to ask that it be perserved for a further review by the higher court, The S.C. Court of Appeals. My notice of appeal has been filed, however, I have not been appointed appellate counsel and no brief has been filed on my behalf. Therefore, this belated pro/se motion should be considered a timely motion for a lawful ruling by the trial/sentencing court in this case. Would you please serve all proper parties with a copy and return me a clock stamped copy for my records? Thank you very much for your time and consideration in this matter.

Date 1-27-17

Respectfully Submitted

S. Earnest Vaughn, Sr.

Earnest Vaughn, Sr. #246912

KCI R&EF-1-A-123

4344 Broad River Rd.

Columbia SC. 29210

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S.C. SUPREME COURT

Dear Clerk, and To Whom It May Concern,

I am writing you about a previous letter I wrote about some misconduct being committed in my case by the Prosecutor in Greenwood Co. Micha Black. My name is Earnest Vaughn. I had a case overturned by the South Carolina Supreme Court in Vaughn v State (2004). I was granted a new trial, after I had served 7 years in prison. A new trial was not held. My charges was dismissed on, February 22nd 2005, because of, police misconduct, and a, 4th amendment violation. Some time later, I had this charge expunged, along with other charges that, was on my record, on November 7th 2011 by Judge ~~Mr. Intesh~~ in, Anderson County. Then on November 2nd 2016, Prosecutor, Micha Black, brought it up against me, at my sentencing before, Judge - Donald B. Hocker. This violated the expungement order under 17-1-40, of the, South Carolina Code Of Laws. I have mailed copies of this evidence to, Mr. William Campbell, with the, Office Of Disiplinary Counsel, in support of a complaint, I have filed against my attorney, Jane Merrill, and Aaron Taylor, for a mistrial with, Judge Hocker, through the, Greenwood County Clerk of Court. "My question now is," can the, Honorable South Carolina Supreme Court Justices, accept subject matter jurisdiction, in my case, and grant the, motion for a- mistrial. I have enclosed a copy of the, motion for a mistrial, I have filed with the Greenwood County Clerk Of Court. I would like to respectfully file in now in, Good Faith, with your office, to be reviewed by the, Honorable- South Carolina Supreme Court Justices. I believe I should be entitled to a mistrial, as a matter of law, under the, Sixth, and Fourteenth Amendments, of the United States Constitution, and my attorney, Jane Merrill intentionally failed to move for a mistrial, because, she had the, intention to assist, Prosecutor Micha Black, in convicting me, instead of properly representing me, like she was paid to do, by the, Office Of Indigent Defense. She did not put up any defense on my behalf whatsoever. She lied to me in preparing for my jury trial, She told me that she would raise the, 4th Amendment violation, concerning the police detaining me, when I was arrested, but she did not. Police used a, sham arrest warrant, to detain me. They used that as probable cause in my jury trial. Aaron Taylor was paid to represent me on that sham arrest warrant and failed to move to suppress the evidence, like he told me he would do also. Therefore, Ms. Merrill and Aaron Taylor both obtained funds under false pretense. You can obtain copies of the evidence to support the motion for the mistrial from, Mr. Campbell, with the Office Of Disiplinary Counsel. Would you please assist me in this matter? Thank you very much for your time and consideration. Please Respond.

Date 1-27-17

Respectfully Submitted,
S. Earnest E. Vaughn, Jr
Earnest E. Vaughn Sr. #246912
KCI RVE F-1-A-123
4344 Broad River Rd.

In The Court Of
General Sessions
Greenwood County

FILED GENERAL SESSIONS
8TH JUDICIAL CIRCUIT
GREENWOOD, SC

In Re: The State

v. Respondent

Earnest E. Vaughn, Sr. Pro/Se
Defendant

CA# 2016-GS-24-539 + 2016-GS-24-541

OBJECTION

17 JAN -9 AIO 59

and

Belated Motion For A
Mis-Trial

To The Honorable Donald B. Hocker,

I object to the remarks made by the Prosecutor at sentencing.

Now comes the defendant Earnest E. Vaughn pro/Se respectfully moves before this Honorable Court by way of this belated motion for a mis-trial on the following grounds;

Statement Of Facts

on Oct. 31st to Nov. 2nd 2016, the defendant named above had a jury trial in Greenwood Co, before this Honorable Court. Prosecutor Micha Black prosecuted the case for the State. At the end of this trial, Mr. Black told this Court about a prior conviction that was reversed by the South Carolina Supreme Court in Vaughn-v-State (2004). Vaughn was granted a new trial. This case was from Anderson County. Prior to a new trial being held the charge was dismissed on Feb. 22nd 2005. An expungement order was then issued by the A.

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