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Jul 21 2020

S.C. SUPREME COURT

South Carolina
Supreme Court.

In Re: Vaughn v State
2019-CP-24-00160
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Earnest Vaughn / CA No.

-V- Petitioner

State

Writ Of Mandamus

Respondent

The Petitioner listed above will respectfully move at this time in goodfaith to ask this Honorable Court to issue an order to the lower PCR court Judge Mark Hayes to expedite a ruling on all issues that was raised on the PCR application (copy enclosed), the pro/se amendments, (copies enclosed) and the amendment filed by the PCR attorney Ashley M^e Mahan.

A evidentiary hearing was held on March-12th, 2020. At the beginning of the hearing Ass. Att. Gen. Brianna Schill objected to the pro/se amendments being heard and asked that only the amendment filed by PCR Lawyer Ms. M^e Mahan be heard.

Judge Hayes, ruled that he would "accept - all amendments". At that time Ms. Schill conspired with Ms. M^e Mahan to not raise all of the issues of misconduct and constitutional violations of the 4th, - 5th, 6th and 14th amendments of the United States Constitution.

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Ms. M^S Mahan also intentionally failed to present any of the evidence she had on my behalf to rebutt any of the testimony given by Greenwood Co. Prosecutor Micah Black, trial counsel, Jane Merrill, and Appellate Defense Counsel Taylor Gilliam.

She also failed to present any of the facts relating to the "unlawful traffic-stop" that led up to the petitioner being illegally detained and searched in violation of the 4th amendment of the U.S. Constitution

Due to the "criminal misconduct" committed by, Ms Schill, and Ms. M^S Mahan, of the obstructing justice, the Petitioner was denied the right to a full and fair evidentiary hearing in violation of the 6th, and 14th amendments of the U.S. Constitution.

"The order of dismissal by Judge Hayes violates Due Process" stating that the petitioner waived the issue of Judicial and Police misconduct. The petitioner made it clear in the pro/se amendments that he would not waive any issues or constitutional violations under no circumstances (copies of the amendments included).

The petitioner has also enclosed other documents in support of the reason for filing this Writ of Mandamus and has put foot notes and highlighted most of the binding facts relating to the unlawful facts of the illegal arrest, and the unfair suppression hearing, unfair jury trial in Greenwood County and unfair direct appeal due to the criminal misconduct committed ~~xxx~~ by the Greenwood Co. Prosecutor Micah-Black, Elizabeth White, Judge Hocker the Police and defense lawyer Jane Merrill.

It was clearly established in the suppression-hearing that, they stopped the vehicle in which the petitioner was a passenger because they had an active arrest warrant for the driver.
"They then admitted that was not true".

The defense counsel was clearly ineffective for failing for the dismissal of the charges at that time.

Then officer Josh Hood admitted that he detained the petitioner without a warrant and conducted a search of my person without consent or a searchwarrant.

(Tr. pg. 39, L^s 11-21) enclosed.

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Then officer Whitt Brooks falsely claimed that the petitioner communicated with a Ms. Tucker to purchase some drugs (tr. pg. 41, L 14-16). Then on tr. pg. 136 L 22+23 Ms. Tucker admits she never spoke to petitioner. The defense counsel was clearly ineffective for not objecting to this false testimony and the Prosecutor committed misconduct for failing to correct this perjured testimony.

On tr. pg 28, L 12-15 prosecutor Micah Black also admits to tampering with the dash-cam video and suppressing the video down to approx. 19 minutes. The original video would have been approx. 1 hour and it would have shown that the police was lying under oath saying that the petitioner gave a statement saying he had drugs. Mr. Black also suppressed about 10 minutes of the audio of the 19 minute video. Defense counsel was clearly ineffective for failing to object to this misconduct.

The petitioner has also enclosed documents showing breaks in the chain of custody that PCR counsel failed to bring it up in the evidentiary hearing and trial counsel was ineffective for not objecting at trial.

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I have also enclosed the very late amendment filed by PCR counsel that she thought would result in the PCR case being dismissed like Ms. Skhill requested in the States return due to it being untimely.

I have also enclosed a letter from Appellate-Defense counsel thanking me for "pointing - out all of those issues," He testified at the PCR hearing saying I didn't discuss any other issues except the "one he raised," on my direct appeal. He did say I told him about the 4th amendment violation and the court erred for failing to suppress the evidence. He said the reason he did not raise that issue is because in his research he could not find the Ohio cases I was talking about (Terry v Ohio and Mapp - v Ohio). That was the cases I cited to him.

He intentionally raised what he knew was "one dead bang issue" just to close my appeal, He was clearly ineffective in the mishandling of my direct appeal and my PCR counsel Ms. M^c Mahan was intentionally ineffective for failing to rebutt his testimony on this issue.

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The PCR application did not need amended on March 3rd 2020. The evidentiary hearing had already been scheduled. Ms. McMahān told me in her letter dated Jan. 7th 2020 that when she amended it she would add any claims that wasn't originally in my application.

Then when she amended it she did not list all of my issues and she did not list a constitutional violation at all and she did not mention a constitutional violation in the evidentiary hearing, even though I tried to get her to.

She told me that the judge would rule on everything we filed and if he didn't she would file a Rule 59(e) before she filed an appeal. Then she failed to do that.

I would like to ask this Honorable Court to deem all of the constitutional violations preserved to be heard on my appeal, writ of cert?

Respectfully Submitted
Date 6-28-20 S. / Earnest Vaughn
Earnest Vaughn