

Dear Mr. Shearouse,

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I am writing you about the status of my appeal. Is my appeal still pending or is it being held in obedience?

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SEP 10 2020

S.C. SUPREME COURT

I received the letter saying my writ of mandamus was being sent to my counsel of record, Ashley M<sup>rs</sup> Mahan.

I have a complaint pending against Ms. M<sup>rs</sup> Mahan in the Office of Disciplinary Counsel due to the misconduct she committed against me in my P.C.R. hearing that was held on March 12<sup>th</sup> 2020.

Ms. M<sup>rs</sup> Mahan misled me leading up to the evidentiary hearing and she lied to me during the hearing and she with-held the facts and evidence I supplied her with before the hearing.

She conspired with the Ass. Attorney General Ms. Schill to not require a ruling of the constitutional violations 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & 14<sup>th</sup> amendments and several issues of misconduct that I raised on my P.C.R. application and in the responses I filed to the States return when Ms. Schill requested, "my application be amended."

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I asked Ms. M<sup>c</sup>Mahan to not amend my application and I made it clear that I would not waive any of the issues I raised, Ms. M<sup>c</sup>Mahan waits until a week before the hearing and amends and she does not list all of my issues in her amendment.

However, Judge Hayes agrees to hear all the pro/se amendments I filed and the amendment she filed. In Judge Hayes order of dismissal he states that I waived some of my issues and he found I was not credible in the testimony related to the issues that came up in the hearing. "I have - not waived any of my rights or issues".

I asked Ms. M<sup>c</sup>Mahan to refile the writ of mandamus for me and she was timely asked to file a Rule 59(e) to request a ruling on the constitutional issues judge Hayes failed to rule on.

Ms. M<sup>c</sup>Mahan failed to file either of them and she had no intent to properly represent me in my P.C.R. She obstructed justice and she withheld evidence.

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Ms. M<sup>o</sup> Mahan surely should be held accountable for this criminal misconduct and I should be entitled to a new P.C.R. evidentiary hearing for a lawful ruling on the constitutional issues I raised on my application and that was raised in the amendments.

My trial counsel Jane Merrill and appellate counsel both lied under oath while testifying about their involvement in the cases they represented me in and Ms. M<sup>o</sup> Mahan failed to rebutt that testimony with the facts and evidence she had in her possession.

Under the Due Process Clause, I should be entitle to one bite at the apple in my State Court remedies and it has been denied in my direct appeal and in my P.C.R. hearing.

Therefore, whoever represents me in my writ of cert. in the Supreme Court should be compelled to raise ineffective-assistance of trial, appellate and P.C.R. counsel and the constitutional violations and misconduct issues I listed in my P.C.R.

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A petition was also filed to appoint outside counsel to represent me on my appeal to the Supreme Court, (writ of cert.), due to the fact it would be a conflict of interest by the appellate defense since Taylor Gilliam sabotaged my appeal by raising one dead bang issue when the 4<sup>th</sup> amendment violation was preserved, (the trial court failed to suppress the evidence) would have been a potential issue and several other issues I discussed with him.

I can prove Mr. Gilliam lied under oath in my PCR hearing saying we did not discuss other issues being raised on my direct appeal. I have a letter from him thanking me for "all the issues" I brought to his attention and Ms. McMahon did not rebutt him on this perjury. Did the court rule on the petition to appoint me outside counsel?

Would you please advise me on the above requested information on my appeal?

Please Respond.

Sincerley

Earnest Vaughn

Date 9-5-20

Earnest Vaughn

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