

RECEIVED Re: Vaughn v State

OCT 15 2020 CA # 2020-060750

Dear Mr. Justice,
SUPREME COURT

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I am writing you about the above case.

On 9-21-20, Attorney Scarlett Moore was appointed by this Honorable Court to represent me on my appeal (writ of cert.).

She only had 30 days to file the petition for writ of cert. Ms. Moore has not corresponded with me to even ask for any information from me. I was advised she had been appointed on 10-8-20 when I received a response from appellate defense Robert Dudek after I asked him to do an internal investigation into the misconduct committed by Taylor Gilliam after he intentionally failed to properly represent me on my direct appeal, and he lied about it when he testified by Skype at my p.c.r. evidentiary hearing.

He stated the reason he didn't raise the 4th amendment violation in my direct appeal is because he could not find the Ohio caselaw's when he did research.

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He told me on the phone, it was because "his boss told him not to".

The reason I requested to be appointed counsel outside the appellate defense is because, I wanted to raise, ineffective-assistance of, appellate counsel, Taylor Gilliam, and ineffective assistance of p.c.r. counsel, Ashley McMahary, 6th and 14th amendment violation's.

Ms. McMahary also failed to properly represent me in my p.c.r. evidentiary hearing. She failed to raise the issues Judge Hayes agreed to hear at the beginning of the hearing in a pro/se amendment I filed raising 4th 5th 6th and 14th amendment violation's, police misconduct, prosecutorial-misconduct, judicial misconduct, abuse-of-discretion and the fact that evidence shows that, the evidence shows that the indictment's was forged against me by prosecutor Micah Black without the jurisdiction of General Sessions Court or the grand jury. 'This violates Due Process'!

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On 10-8-20 when I was advised that, Ms. Moore was appointed to represent me, I wrote her a 9 page letter and I sent her approx. 12 page's from the trial transcript explaining all the issues I want her to raise in the petition for writ of cert.

On 10-9-20, I wrote her another 6 page letter and I sent her a 10 page writ of mandamus and amendment I filed with this court and the p.c.r. court responding to the return by the State and I had all of my issues in it and I had supporting caselaw in it.

My question now is, can we please get an extension of time to file the Appendix and petition for a writ of certiorari beyond, 10-21-20? so I can make sure Ms. Moore has included all of my issues and constitutional violations in the petition regardless whether they was presented to the Court of Appeals or the p.c.r. court,

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because, I have not waived any of my constitutional rights or the issues that I raised on my p.c.r. application or what should have been raised in my direct appeal. I have enclosed a letter from Taylor Gilliam showing I did request that, he raise many issues in my direct appeal. However, he raised only one deadbang issue.

I would also like to ask, can an order please be issued to Ms. Moore, directing her to include all of the issues in her petition that was raised or should have been raised in my direct appeal and in my p.c.r. hearing?

"I have been denied proper access - to the lower courts," by the Solicitor's Office, The Office of the Attorney General, trial counsel Jane Merrill, appellate defense Taylor Gilliam and p.c.r. counsel Ashley McMahon. I also have complaints pending in the Office of Disciplinary Counsel.

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Ms. Moore surely should have advised me that, she was appointed to my case on 9-21-20. Her failure to do so, concerns me about her motive.

Therefore, I respectfully ask in good-faith that, this Honorable Court can assist me in making sure I am entitled to a full and fair appeal, (writ of cert.), in this Honorable Court.

Thank you very much.

Respectfully Submitted,

Date 10-11-20 S. Earnest Vaughan

Earnest Vaughn

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OCT 15 2020

S.C. SUPREME COURT



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
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Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

May 24, 2017

Earnest Edward Vaughn, ##245912
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: Your Case

Dear Mr. Vaughn:

I am in receipt of your letter. Thank you for pointing out all of those issues. I will be sure to consider them when I begin working on your case.

Please do not hesitate to call or write if you have any additional questions or concerns.

Sincerely,

Taylor D Gilliam
Appellate Defender

TDG/tg

Foot Note:
Mr. Gilliam led me to believe he was going to raise all preserved issues on my direct appeal.



SCCID

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Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 2, 2020

Mr. Earnest Edward Vaughn, #246912
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Your case

Dear Mr. Vaughn:

Thank you for your letter dated September 15, 2020, which I received September 30, 2020. On September 21, 2020, the South Carolina Supreme Court appointed Scarlett B. Moore as your appellate attorney. Consequently, no action will be taken related to your letter dated September 15, 2020.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

Enclosure

Foot Note:

Mr. Dudek refused to do an internal investigation into the criminal misconduct and ethics violations committed by his employee Taylor Gilliam. Mr. Gilliam told me his boss told him not to raise the 4th amendment violation on my direct appeal. He testified at my p.c.r. hearing that he didn't raise it because he could not find the Ohio cases I gave him when we talked about it when he did his research.

The Supreme Court of South Carolina

Earnest E. Vaughn, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-000750

ORDER

Ashley McMahan filed a petition to be relieved as counsel for Petitioner in this matter seeking appellate review of the denial of Petitioner's application for post-conviction relief. We grant the petition, relieve Ms. McMahan as counsel, and appoint Scarlett B. Moore to represent Petitioner in this matter. The Appendix and petition for a writ of certiorari shall be served and filed within thirty (30) days of the date of this order in accordance with Rule 243, SCACR. The service and filing shall comply with the provisions of *In re: Operation of the Appellate Courts During the Coronavirus Emergency*, S.C. Sup. Ct. Order Amended May 29, 2020.


FOR THE COURT

C.J.

Columbia, South Carolina
September 21, 2020

cc: Ashley A. McMahan, Esquire
Brianna Lynn Schill, Esquire
Robert Michael Dudek, Esquire
Scarlett B. Moore, Esquire
Mr. Earnest Vaughn, #246912

Foot Note:
Ms. Moore has not began to correspond with me to advise me that she has been appointed to represent me!

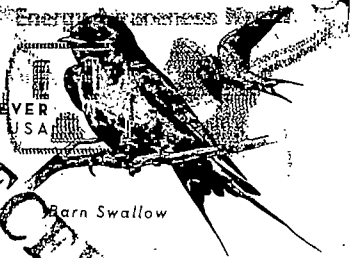
Earnest Vaughn - 246912
M^cC.I, F-1-182
386 Redemption Way
M^cCormick, SC, 298199

S.C. Supreme Court
Clerk's Office
P.O. Box 11330
Columbia SC, 29211

AUGUSTA GA 309

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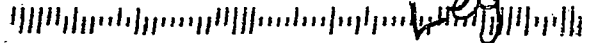


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