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S.C. SUPREME COURT

Dear Mr. Shearouse,  
I have enclosed a letter I wrote to my appointed lawyer Scarlett Moore giving her additional advise about my appeal (writ of cert) to this Honorable Court.

I am very concerned about Ms. Moore not writing me to advise me that she was appointed to represent me on my appeal. After I wrote this court to ask for an extension of time, she did call me and we had a phone conversation.

I sent her the complete file of evidence I have in support of all the issues I want her to raise in my petition. My P.C.R. Lawyer with-held this evidence at my P.C.R. evidentiary hearing. She also failed to raise the constitutional violations and other issues due to a conspiracy with the Ass. Att. Gen. Ms. Schill.

The Attorney General's Office also conspired with my appellate defense lawyer Taylor Gilliam to not raise the 4<sup>th</sup> amendment violation on my direct appeal. Mr. Gilliam lied about this at my P.C.R. - evidentiary hearing and he gave a very poor excuse for not raising that issue.

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I have been denied proper access to the court's in my direct appeal and P.C.R. and the motive for this misconduct is very clear. "I can meet the burden-of proof required by the constitution"!

Ms. Schill, Taylor Gilliam and Ashley McMahon clearly obstructed justice and they violated my rights of the 6<sup>th</sup> and 14<sup>th</sup> - amendments and Ms. Moore can prove that, and all of the other issues I have asked her to put in the petition.

She can also prove that, I have not waived any of the issues that I raised on my PCR application or the issues that should have been raised in my direct appeal and I made it clear in my prose amendments, that, I would not waive any of the issues.

Therefore, nothing should be barred from being presented in my appeal and I made sure Ms. Moore has sufficient time and the evidence to prepare all of the issues in my appeal and she should have all of them in the petition she files.

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If she fails to include all of the facts of my unlawful arrest and the illegal conviction, violation's of my 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> amendment rights I respectfully ask this Honorable Court to allow me to include the missing issues pro/se in an amendment.

I do have an active complaint pending against Ashley McMahon in the Office of Disciplinary Counsel and I am awaiting the results of that complaint.

~ Please Respond.

Thank you very much, Sir.

Respectfully Submitted,  
Date 10-29-20 S/Earnest Vaughn  
Earnest Vaughn

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Dear Ms. Moore,

I am writing you about my appeal and the misconduct that was committed during my direct appeal and post conviction process by the PCR Judge Hayes, the Ass. Att. Gen. Ms. Schill and my PCR Lawyer - Ms. McMahon. All of the documents and the facts of my case that I sent you are also on file with the Office of Disciplinary Counsel in support of my complaint against Ms. McMahon and all the others that are involved in this case against me that are suppose to be sworn under oath to uphold the law and the United States Constitution, but have clearly failed to do so in this case!

Since I can prove that this arrest and jury trial violates my 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> and 14<sup>th</sup> amendment rights the Attorney Generals Office has chose to deny me the right to adequate, meaningful and effective access to the courts to properly exhaust my State Court remedies and "we can prove that in this appeal to the Supreme Court" and "I want it brought up in the petition you file on my behalf" as a violation of my Due Process Rights, and right to a full and fair PCR hearing, 6<sup>th</sup> and 14<sup>th</sup> amend viol.

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"We can show, that, the trial court erred" by denying the defense motion to suppress the evidence that was "claimed to have" been seized in violation of my 4<sup>th</sup> amendment rights.

"We can also show, that, the police and the prosecutor Micah Black violated my 5<sup>th</sup> amendment rights in several ways. They claim I made a statement to police. "I did not"! They surely did not have a proper chain of custody on the tainted evidence and we can show that, they tampered with evidence and with-held exculpatory evidence. They even denied me the right to challenge this tainted evidence in the jury trial and in my state court remedies, (appeal and PCR). This also violated my 6<sup>th</sup> and 14<sup>th</sup> amendment rights.

I want you to include judicial misconduct on PCR Judge Mark Hayes due to the fact that, he agreed to accept my pro/se amendments and then failed to rule on all the issues I raised. He also stated, I waived several of the issues, when I clearly stated I would not waive any of my issues.

I also want to include prosecutorial - misconduct on Ass. Att. Gen. Ms. Schill due to the fact we can show that she conspired with Ms. M<sup>e</sup> Mahan to waive the constitutional issues and several other issues I listed on the PCR application I filed when she filed her return and asked that my application be amended by Ms. M<sup>e</sup> Mahan only. "NOT BY ME", I responded to her return, and "I told Ms. M<sup>e</sup> Mahan to not fall for it" and "do not amend the application". She did it anyway.

She filed the amendment very late and she did not list a constitutional violation or several of my issues.

"We can show" that Ms. M<sup>e</sup> Mahan clearly had no intention of properly representing me in this PCR case. Therefore, I would like for you to also include ineffective assistance - of PCR counsel on Ms. M<sup>e</sup> Mahan.

This misconduct rendered my PCR - hearing fundamentally unfair and Ms. M<sup>e</sup> Mahan could have changed the outcome if she acted professionally.

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Ms. McMahahan had all the evidence and the facts that I sent to you but she with-held it and lied to me during the hearing saying that the judge would review it and the transcript before he ruled on my case.

Ms. McMahahan tried to get my case dismissed by filing the very late amendment just days before the hearing. That is what Ms. Schill requested in the return she filed and I was never served a copy of it by Ms. Schill or Ms. McMahahan. They did not intend for me to receive a copy of the return so I could file a response to it timely. But I did file one and "it should have been ruled on in Judge Haye's order."

Therefore, I have sent you all the evidence to prove all of the issues in the petition you file to the Supreme Court on my behalf and I respectfully ask you to please include everything in the petition so we can get the opinions of the Honorable South Carolina Supreme Court?

pg. 5  
Since I want to be transparent  
about everything I say and file in  
my case, I will send a copy of  
this letter to the Clerk to be  
filed with my case.

Surely if you will include all of the  
constitutional violations in the petition  
we should get some positive results  
in this appeal to the Supreme Court.

I hope to hear from you in the  
very near future. Thank you very  
much, Mam.

Please Respond.

Sincerely

Date 10-29-20 ~~Earnest Vaughn~~  
Earnest Vaughn

Earnest Vaughn - 246912  
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386 Redemption Way  
McCormick SC, 29899

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