

In Re: Vaughn v State  
#2020-000750

Dear Clerk,

Please find enclosed for filing in your office an addendum to the above case. Since I did not receive a copy of the petition that Ms. Moore was to file by 11-20-20 I am unaware of what she filed. Therefore, I tried to include all issues in this prose addendum.

Due to the covid restrictions I am unable to get copies made to serve anyone. Would you please serve all proper parties on my behalf electronically.

Thank you very much for your time and consideration in this matter.

Date 11-24-20

Sincerely  
Earnest Vaughn  
Earnest Vaughn

**RECEIVED**

DEC 07 2020

S.C. SUPREME COURT

Your Honor,  
Dear Mr. Shearouse,

In Re: Vaughn v State  
#2020-006750 pg.1

I am writing you about my appeal to this Honorable Court. Scarlett Moore was appointed to represent me on this appeal.

I talked to her on the phone and I explained all of my issues to her and I told her, I wanted to raise the issues of ineffective assistance of PCR counsel, (Ashley McMahon), Appellate counsel (Taylor Gilliam), and trial counsel (Jane Merrill) and the constitutional violations of the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, - and 14<sup>th</sup> amendments. She told me she would do what I wanted and she told me to send her all the documents I wanted her to file with the petition, and she would file everything and she would send me a copy of it when it was filed. She also told me she would call me again before she filed it. It appears that, "she lied to me". I did not get another phone call and I have not received a copy of a petition, "if - she filed one".

Would you please send me a copy of the petition so I can see that it is correct and know if I will need to file an addendum to it please.

I have enclosed exhibit A as an addendum. I filed this with the PCR court as an amendment and response to the States return. The PCR Judge (Hape) ruled he would accept this pro/se amendment in my evidentiary hearing. Then he failed to rule on the issues in his final order when he ruled on my case. This violated my right to a full and fair evidentiary hearing in violation of my 6<sup>th</sup> and 14<sup>th</sup> amendment rights of the U.S. Constitution.

Therefore, if Ms. Moore did not file it with the petition, I would like to respectfully amend it to my appeal (writ of cert.) for review by this Honorable Court.

I would also like to include exhibit B. It shows the court calander for, May 2016, and on May 6<sup>th</sup> 2016 there was no General Sessions on May 6<sup>th</sup> 2016. Prosecutor Micah Black forged these indictments outside the jurisdiction of the Court or the Grand Jury. That's the reason they do not have a grand jury seal or a True Bill stamp affixed to them. The trial record, the testimony of the police will also show they did not have

the elements required by the 4<sup>th</sup> amendment to support the indictments in this case. The police admitted they made the traffic stop based on false information that they had an arrest warrant for the driver of the vehicle.

Josh Hood also testified that he detained the petitioner without a warrant and he was not aware if anyone had a warrant. This violates the 4<sup>th</sup> amendment under Terry v Ohio. He also admitted he searched the petitioner without a searchwarrant. This violates the 4<sup>th</sup> amendment under Mapp v Ohio.

Therefore, these indictments and this conviction violates Due Process in violation of the 14<sup>th</sup> - amendment and the petitioner respectfully request that the indictments be quashed and this conviction be vacated. It can also be established that, the trial court erred by denying the defense's motion to suppress the evidence in this case for the reasons listed above.

The Prosecutor Micah Black also vouched for the credibility of a States witness (Brandy Wilson) during closing argument

saying, "she came in here to tell the truth",<sup>pg. 4</sup>  
and trial counsel was ineffective for  
failing to object to this vouching. This  
also rendered the petitioner's trial  
fundamentally unfair in violation of the 6<sup>th</sup>-  
amendment of the United States Constitution.

The trial record will also show that Prosecutor  
Micah Black admitted to tampering with the  
dashcam video, cutting it down to 19-21 -  
minutes and he with-held other exculpatory  
evidence from the defense until the day of  
the trial saying it would have been dangerous  
to put it in the hands of the defense. This  
included the chain of custody that was  
signed only by Gregg Allison and no-one  
from SLED. They also had no data to  
show any results that anything was tested.  
Mr. Allison also stated he packaged it on  
March 3<sup>rd</sup> 2016 and the chain of custody  
stated SLED received it on Feb. 8<sup>th</sup> 2016.  
The defense counsel led Mr. Allison to  
change the dates on the witness stand.  
The defense counsel was also ineffective for  
failing to object to this tainted evidence  
and the petitioner was denied the right  
to challenge this by the trial court.  
This was fundamentally unfair also.

The Attorney General's Office (Ms. Schill) also conspired with the appellate defense counsel and the PCR counsel to not raise any of the constitutional violation on the direct appeal or in the evidentiary hearing. The petitioner made it clear in the pro se filing's that none of the issues listed would be waived. Therefore, the appellate counsel and P.C.R. - counsel was also ineffective and it rendered these state court remedies fundamentally unfair also in violation of the 6<sup>th</sup> and 14<sup>th</sup> - amendments of the United States Constitution.

Therefore, the petitioner respectfully ask in goodfaith that relief be granted in this case.

Date 11-24-20

Respectfully Submitted,  
S./ Earnest Vaughn

Earnest Vaughn  
M<sup>o</sup> CI, F-1-182  
386 Redemption Way  
M<sup>o</sup> Cormick SC, 20899

Earnest Vaughn - 246912

Mc, C.I. F-1-182

386 Redemption Way

Mc Cormick SC. 29899

SC. Supreme Court  
Clerks Office

P.O. Box 11330

Columbia SC. 29211



02 1P

0000879469

\$ 001.30<sup>0</sup>

NOV 30 2020

**RECEIVED**

NOV 30 2020

MCCI

MAIL ROOM

*Legal Mail*

SCDC

DEC 24 2020

MAIL ROOM