

# ADDENDUM

Exhibit A

South Carolina Supreme Court  
Columbia

Dear Clerk,

Please find enclosed for filing in your office, pg. 1  
my writ of mandamus involving my  
PCR case in Greenwood County.

Since I have gave a statement of  
facts as the State (Attorney General's office),  
requested in a partial return they filed,  
I am also serving a copy to the  
Greenwood County Clerk of Court and to  
the Office of The Attorney General.

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

Respectfully Submitted,

Date 9-20-19

S. / ~~Ernest~~ Vaughn

Ernest Vaughn

MS# C.I. F-42133

386 Redemption Rd.

Me, Carmick SC. 29899

C.C. File:

Greenwood Co. Clerk

SC. Attorney General

wom/eev

South Carolina Supreme Court  
Columbia

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Earnest Vaughn | Petitioner  
-V- Petitioner | Writ Of Mandamus  
State Of S.C. | In Re: Vaughn v State  
Respondent | 2019-CP-24-00160  
Greenwood County

The Petitioner in the above case will respectfully move before this Honorable Court at this time to ask in good faith for an order be issued to the S.C. Attorney General's Office and the 8<sup>th</sup> Judicial Circuit Court Of Common Pleas to assure the Petitioner a timely and fair evidentiary hearing on all issues listed in the application for post conviction.

The Petitioner raised the following issues on the PCR application.

1. Judicial Misconduct, 6<sup>th</sup> & 14<sup>th</sup> amend. viol. U.S. Const., and "Abuse Of Discretion";
2. Prosecutorial Misconduct, 6<sup>th</sup> & 14<sup>th</sup> amend. viol. U.S. Const.
3. Police Misconduct, 4<sup>th</sup>, 5<sup>th</sup>, & 14<sup>th</sup> amend. viol. U.S. Const.
4. Ineffective Assistance Of Trial Counsel, 6<sup>th</sup> & 14<sup>th</sup> - amend. viol. U.S. Const.
5. Ineffective Assistance Of Appellate Counsel, 6<sup>th</sup> & 14<sup>th</sup> amend. viol. U.S. Const.
6. Violations of the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> & 14<sup>th</sup> amendments of the United States Constitution.

"The Petitioner also reserved the right - to amend?"

The Attorney General's Office filed a <sup>pg. 2</sup> partial return to the P.C.R. application. The Attorney General Employee asked that several issues raised on the P.C.R. application be dismissed and requested a more clear statement of facts be filed so they could make a more accurate return. However, they did not serve the Petitioner with a copy of that partial return. They also stated that any response or amendments not to be filed by the Petitioner himself.

This is an attempt to delay the evidentiary hearing and to obstruct justice in this case where they are aware that the Petitioner can meet the burden of proof to all of the constitutional violations and to all allegations of misconduct. In fact, most of the misconduct committed is criminal in nature and should be heard in this case, and also dealt with in a court of law.

These violations of codes of South Carolina Laws include, perjury, fraud/forgery, tampering with a defense witness, "tampering with and fabricating evidence," conspiracy, and obstruction of justice. This was also an abuse of powers!

## Statements Of Facts

On Jan. 27<sup>th</sup> 2016 in Greenwood County the Petitioner was a passenger in a vehicle unlawfully stopped by police. Police claimed that there was an active arrestwarrant for the driver. In the suppression hearing, police admitted that "it was not true".

This traffic stop was in violation of the 4<sup>th</sup> amendment under Terry v Ohio - 392 U.S. - 1, 88 S. Ct. 1868, 20 L. Ed. 889 (1968). Trial counsel was ineffective for failing to move for the dismissal of the charges at this time.

Instead, she allowed police to falsely testify that they also had an arrestwarrant "IN HAND" (per Brian Louis). Louis stated he was not sure if he had it or if someone else had it. This warrant was never entered into evidence. Brian Louis later stated ever who 351 was had the warrant.

That 351 was the arresting officer on these present charges Whiffield Brooks. Brook's later testified in the trial that he did not have the arrestwarrant but he stated that someone did. Agent Louis and Brooks lied under oath because they both knew that no one had that warrant.

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The Prosecutor Micah Black failed to correct this perjured testimony in violation of the 6<sup>th</sup> and 14<sup>th</sup> amendment under, Mooney v Holohan - 294 U.S. 103, 112, (1935)

The Supreme Court made it clear that, a deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice. Also see, Biddle v Ozmint - 631 S.E. 2d. 70, Giglio v U.S. - 405 U.S. 150, 153 (1972), Napue v Illinois - 360 - U.S. 264, 79 S.Ct. 1173 (1957), We said the same result's obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears. Id at 269, 79 S.Ct. at 1177. However, the Prosecutor was aware that this was a "sham arrest warrant," and intentionally used it against the Petitioner in the suppression hearing and during the trial "before the jury" and then "dismissing the warrant" after the trial.

The Prosecutor told the Judge (Hocker) that the warrant would not be used and also told defense counsel before the trial started. This warrant was used to obstruct justice.

The Court also abused it's discretion and intentionally erred for failing to suppress evidence claimed to have been seized during

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this unlawful detention and illegal search that was done by Agent Josh Hood and others. The search of the Petitioner by Agent Hood was recorded on the "dashcam" with video and audio. This search of the Petitioner violated the 4<sup>th</sup> amendment under, Mapp v Ohio - 367 U.S. 643 (1961) This search was done without consent or a search warrant.

Police and Prosecutor also tampered with the dashcam video to exclude the audio (sound) after Agent Chad Cox read the Petitioner his rights. Petitioner told Cox he wanted his lawyer before any questioning. At that time Cox ceased on questioning and walked away.

After that, Jarvis Reeder can be seen coming up to the Petitioner questioning and threatening the Petitioner. This is the reason the audio was removed from the video. This video without audio was inadmissible and defense counsel was ineffective for failing to object to it.

This misconduct violated my 5<sup>th</sup>, 6<sup>th</sup>, & 14<sup>th</sup> amendment rights of the United States Constitution.

The Prosecutor Micah Black also with-held other exculpatory evidence, Chain of custody and the prior criminal records of a

government witness (Debbie Tucker). <sup>pg. 6</sup> Instead, he gave defense counsel a false prior criminal record. Crivens v Roth - 172 F 3d 991, citing, United States v Bagley - 473 US 667, 676; 105 S.Ct. 3375, 87 L.Ed. 2d. 481 (1985) found a Brady violation when witness prior criminal record would have been used to impeach the credibility of a government witness. The Solicitor's suppression or with-holding this evidence violates Due Process and the right to a fair trial in violation of the 6<sup>th</sup> & 14<sup>th</sup> Amendment of the United States Constitution.

Brandy Wilson was also named as a defense witness who gave a written statement in favor of the Petitioner. Wilson was later incarcerated on many charges. The Prosecutor tampered with this defense witness and conspired with her to lie under oath and change her statement in exchange for several charges being dismissed and the promise of a light sentence on other charges.

The indictments can also be shown to be tainted (forged) outside the jurisdiction of the Court Of General Sessions. Section 14-9-210 requires strict compliance with its provisions, and mandates that the grand jury must be impaneled under the jurisdiction of the Court of General Sessions before a lawful return of

pending arrest warrant, in which, <sup>pg 8</sup>  
was a pretext (Sham) warrant for  
police not having a reason for  
detaining the Petitioner in the  
first place. This Warrant was  
dismissed after the trial.

The Court abused its discretion  
by giving a curative instruction.  
The judge was aware that this was  
done intentionally like throwing a  
skunk in the box and asking the  
jury not to smell it. This was  
prejudice and it denied the  
Petitioner a fair trial in violation of  
the 6<sup>th</sup> & 14<sup>th</sup> amendment U.S. Constitution.

The Court also erred by not removing  
a juror after an incident outside  
the courtroom with one of the jurors.  
The State ask that the juror be removed.  
Defense counsel stated she did not  
know what to do, she was without  
co-counsel. This was also, ineffective  
assistance of counsel, in violation of the  
6<sup>th</sup> amendment United States Constitution.

The evidence in this case can also  
be shown to have been fabricated and  
tainted by the improper handling and  
improper testing by the Sheriff's Dept and SLED.

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This is the reason the, Prosecutor Michh-  
Black, withheld the chain of custody and  
the drug report's until the day of the trial.

Lynn Black of SLED and Gregg Allison both  
lied under oath about the fabricated evidence.  
From the time claimed to have been  
seized; (18.22 grams) until it was taken  
to SLED it was approx. 22 grams because  
Allison added 3.4 grams after he done  
11 field test on the initial 18.22 grams  
with negative results as being drugs.

Ms. Black stated, she only tested one bag,  
(3.4 grams), she said the rest looked like meth.  
She later said she found meth in all 4 bags!

Mr. Allison said the drug's was never  
lost and he didn't find them on the  
floor of his office or add anything to it.  
He said he just entered it in the computer  
wrong. However, he had filed a supplemental-  
report stating that he found a bag of  
substance on the floor of his office the  
next day that weighed 3.4 grams.

Sligh v Johnson - 283 S.C. 364, 342 S.E. 2d 620 (S. App. 1986).  
The burden of preserving an item or real  
demonstrative evidence intact and free from  
alteration is upon the party offering it in evidence.

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The Court denied the Petitioner the right to challenge the authenticity of the evidence

Trial counsel admitted she warned the Petitioner against challenging the chain of custody or the testing of the drugs.

### Conclusion

The Petitioner was the victim of an unfair PCR evidentiary hearing that was delayed for 3 years because he would not waive all issues except ineffective assistance of counsel and the Ass. Attorney General still blocked the issues from being heard by conspiring with the judge to only hear the one issue.

Despite all of the abuse of power and misconduct committed in that case, this honorable court reversed and remanded and granted a new trial.

The charge's was later dismissed due to the 4<sup>th</sup> amendment violation and it was ordered to be expunged from the Petitioner's record.

Therefore, a writ of mandamus was filed 2 times in that case and was granted and was violated by the Attorney General's Office. Therefore, I ask in good faith that an order be granted in this case to assure me a fair and timely evidentiary hearing in this

case in Greenwood County,

This request would not be overly burdensome. It would only assure the Petitioner a fair evidentiary hearing on the right to preserve all issues to be heard by this Honorable Court on a Writ of Cert. because regardless of the facts and circumstances surrounding the unlawful arrest and all of the constitutional - violations and misconduct (criminal & ethical) the Petitioner don't expect a fair hearing or the relief that has been requested. Although, as a matter of law, the relief should be granted in this case.

Respectfully Submitted,  
Date 9-20-19 S. Earnest Vaughn  
Earnest Vaughn

# ADDENDUM

# Exhibit B

| Circuit Number | 5/2/2016   | 5/9/2016  | 5/16/2016   | 5/23/2016   | 5/30/2016   |
|----------------|--|---|---|---|---|
| 8              | <p>Common Pleas/Common Pleas Nonjury Laurens Griffith, Eugene</p> <p><u>HOLSTON</u> 2, 3, 4, 5<br/><u>SCOTT</u> 3, 4, 5<br/><u>NO CR</u><br/><u>NEEDED</u> 6</p> <p>Common Pleas Non-Jury 5 Hocker, Donald</p> <p><u>NEVERS</u> 5</p> <p>General Sessions Non-Jury 5 Hocker, Donald</p> <p><u>NEVERS</u> 5</p> | <p>General Sessions Greenwood Addy, Frank</p> <p><u>SCOTT</u></p> <p>Common Pleas/Common Pleas Nonjury Laurens Hughston, Thomas</p> <p><u>HOLSTON</u> 9<br/><u>NO CR</u><br/><u>NEEDED</u> 11, 12, 13</p> <p>Common Pleas Non-Jury 12 Hocker, Donald</p> <p><u>WATTS</u> 12 am<br/><u>SCOTT</u> 12 am</p> | <p>General Sessions Greenwood Addy, Frank</p> <p><u>SCOTT</u></p> <p>General Sessions Newberry Hocker, Donald</p> <p><u>NEVERS</u> 16, 17, 18<br/><u>SMITH</u> 19 am, 20 am</p> <p>General Sessions Non-Jury 18, 19, 20 Griffith, Eugene</p> <p><u>HOLSTON</u> 18, 19, 20</p> | <p>Common Pleas/Common Pleas Nonjury Greenwood Addy, Frank</p> <p><u>SCOTT</u> 23, 24, 25, 26<br/><u>NO CR</u><br/><u>NEEDED</u> 27</p> <p>General Sessions Laurens Hocker, Donald</p> <p><u>NEVERS</u></p> <p>General Sessions Abbeville Sprouse, R.</p> <p><u>CROSS</u></p> <p>General Sessions Non-Jury 23, 24 Griffith, Eugene</p> <p><u>SCOTT</u> 23<br/><u>NO CR</u><br/><u>NEEDED</u> 24</p> <p>Common Pleas Non-Jury 23, 24 Griffith, Eugene</p> <p><u>NO CR</u><br/><u>NEEDED</u> 23, 24</p> | <p>Common Pleas Non-Jury Griffith, Eugene</p> <p><u>HOLSTON</u></p> <p>General Sessions Laurens Hocker, Donald</p> <p><u>HERRON</u> 31, 1, 2<br/><u>NO CR</u><br/><u>NEEDED</u> 3</p> <p>Common Pleas Non-Jury 31, 1 Addy, Frank</p> <p><u>SCOTT</u> 31<br/><u>NO CR</u><br/><u>NEEDED</u> 1</p> <p>General Sessions 2 Laurens Addy, Frank</p> <p><u>NO CR</u><br/><u>NEEDED</u> 2</p> <p>General Sessions Non-Jury 2 Hocker, Donald</p> <p><u>HERRON</u> 2</p> |

WITNESSES

E W Brooks  
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200125

*True Bill*

*J. C. ...*

Foreman of the Grand Jury

Date: 5-6-16

VERDICT

*Guilty*

Foreman

*11/2/16*

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2016

Indictment # 16GS24-0539

THE STATE

vs.

Earnest Edward Vaughn Sr.

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE

§ 44-53-0375

CDR: 0451

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

WITNESSES

E W Brooks  
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200125

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*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

WITNESSES

E W Brooks  
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Travis Bell  
[Signature]  
Foreman of the Grand Jury

Date: 5-6-16

VERDICT

Guilty  
[Signature]  
Foreman 11/2/16

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2016

Indictment # 16GS24- 0541

THE STATE

vs.

Earnest Edward Vaughn Sr.

INDICTMENT FOR

UNLAWFUL NEGLECT OF CHILD

§ 63-05-0070

CDR: 2481

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.