

South Carolina
Supreme Court

Earnest Vaughn,
Petitioner,
V
State of S.C.,
Respondent

C/A # 2020-000750

Addendum To Petition

RECEIVED

FEB 10 2021

S.C. SUPREME COURT

Dear Clerk,

Please find enclosed for filing in your office the following.

1. My metrious addendum I want to include in the above listed case. If any more information is needed please let me know.

Would you please serve all proper parties on my behalf?

Respectfully, submitted

Date/ 2-4-21

s/ Earnest Vaughn

Earnest Vaughn

McCormick C.I. F-1-182

386 Redemption Way

McCormick, SC 29899

To:

With Enclosures

EEV

South Carolina

Supreme Court

I am writing about my case Vaughn V- State #2020-000750. This Honorable Court appointed Scarlett Moore to represent me on my writ of cert. I have only had 2 phone calls with Ms. Moore and I have wrote her 4 or 5 letters (2 of them enclosed) and I sent her a lot of documents (evidence) to support my issues that I raised on my P.C.R. application and the pro/se amendments.

In my last phone call with Ms. Moore "she lied to me"! She told me that she was going to put all of the constitutional violations we talked about in the petition when she filed it.

She also told me that she could not represent me for the \$500.00 that she was being paid and she was going to ask the court for more money. She She said it would be extended again until that was taken care of. She said this was more complicated.

I explained to her how all of my constitutional rights were violated of the 4th, 5th, 6th, and 14th ammendments.

Greenwood Co. prosecutor Micah Black and Ass. Att. Gen. Breanna Schill has blocked these constitutional violations from being properly heard in the trial, the direct appeal and my P.C.R.. They have conspired with each court appointed lawyer to not challenge the constitutional violations in my case.

Their motive for doing so is very clear. They know that this illegal conviction, "will be vacated as a matter of law".

The trial court erred by denying the defense motion to suppress tainted and fabricated evidence as fruit of the poisonous tree.

The trial court stated that police had a legal, unchallenged warrant for the petitioners arrest. "This was based on heresay" and trial counsel was, "ineffective for failing to object".

Police admitted that they made a "unlawful traffic stop" based on the fact that "they had false information", that they had an arrest warrant for the driver from Laurens County.

The State also never tried to enter this pre-text (sham) arrest warrant into evidence due to the fact that "they had no evidence to support it".

Brian Louis stated he signed that warrant based on an incident report from another officer who was not there to corroborate this testimony. Officer Louis also stated he had that warrant in hand at the time of the stop. He later recanted that testimony and stated whoever 351 was had it, then naming Whitt Brooks.

Whitt Brooks took the stand and stated he did not have but someone did. "Mr. Brooks also lied under oath", saying the petitioner corresponded iwth an informant (Debbie Tucker) about the sell of drugs.

Although Ms. Tucker could not be deemed as credible, she admitted she never talkes to the petitioner (Earnest Vaughn).

Trial counsel was also ineffective for failing to object to Ms. Tuckers testimony

Ms. Tucker was deemed unreliable and the fact she made a phone call could not be corroborated by an audio recording although they had access to do so.

Therefore, this traffic stop violated the 4th amendment and trial counsel allowed the police to fish for a reason to justify the traffic stop and a reason to justify the detention of the petitioner, as the passenger of the vehicle.

This traffic stop violated the 4th amendment under Terry V Ohio - 392-U.S. 1, 88 S.Ct. 1868 (1968), and this should have been resolved in the Court of Appeals. However, Appellate-Defense Lawyer testified at the P.C.R. hearing and said in his research "he could not find the Ohio cases" that the petitioner told him about.

Mr. Gilliam was also advised that the detention and search of the petitioner by Officer Josh Hood also violated the 4th amendment under Mapp V Ohio - 367 U.S. 643, 81 S.Ct. 1684 (1961). Officer Hood testified that he detained the petitioner without an arrest warrant and he was not aware if anyone had a warrant. He also admitted that the "search was done without a search warrant". A NCIC search on the driver and petitioner also came back clear.

Since the petitioner Can not get the court appointed Lawyers or the direct appeal Taylor Gilliam, P.C.R. Lawyer Ashley McMahan, trial counsel Jane Merrill and the writ of cert. counsel Scarlet Moore, to properly raise the constitutional violations and misconduct issues committed by the prosecutor Micah Black, the "Greenwood County Deputies", judicial misconduct and abuse of discretion by Judge Hocker, and P.C.R. Judge Hayes, the petitioner respectfully moves before this Honorable Supreme Court to suppress this tainted evidence, poisonous fruits and vacate this conviction on the 4th amendment violation or reverse and remand for the following. "Ineffective assistance of counsels". The petitioner did not waive any of the issues raised on the P.C.R. application or the pro/se amendments as stated in Judge Hayes order. Judge Hayes agreed to hear all the issues and he should have ruled on all of them.

Ass. Att. Gen. Breanna Schill conspired with P.C.R. Lawyer Ashley McMahan to amend the P.C.R. application and to not list all of the issues and constitutional violations in her amendment. This was filed in May 2019. No one served the petitioner with this States return because they did not want a response filed by the petitioner. In August 2019 the petitioner found out about the return and filed a response anyway listing all issues. Ms. McMahan was told to not file an amendment at that time, because the hearing was already set for March 12th 2020. She filed a very late amendment on March 3rd 2020 in hope that Judge Hayes would dismiss the case like Ms. Schill asked.

This misconduct by Ms. Schill and Ms. McMahan violates due process and it denied the petitioner equal protection of the laws and denied petitioner a full and fair P.C.R. hearing.

I have enclosed a letter from Ms. McMahan verifying that, "I am not the onle one to have problems with those agents", and "other documents I sent to her", and she withheld all of this evidence and facts from the P.C.R. court. I also sent all of the same to writ of cert. Lawyer Ms. Moore and she with-held it from this court!

The principle that to provide effective assistance of counsel an attorney must conduct a reasonable investigation into "all reasonably available mitigation evidence", and reasonably available evidence tending to rebutt any aggravating evidence introduced by the State. Nance V Ozmint- 367 S.C. 547, 557, 626 SE 2d. 878 (2006).

I have also enclosed exhibit A the court calender for May 6th, 2016 showing that no General Sessions Court was in session and no grand jury impaneled under jurisdiction of the court. Prosecutor Micah Black forged the indictments without a grand jury seal in 2016 and he got Chasity Copeland to stamp it True Copy.

Then in 2020 after he found out it was being raised in the P.C.R. he rubber stamped it and "got Angela Woodhurst to stamp it as a True Copy again" ! This violates due process and may be raised at any time. Brown V State- 343 S.C. 342, 540 SE 2d. 846 (2001).

Under 14-9-210 mandates that a grand jury must be impaneled under the jurisdiction of the Court of General Sessions before lawful return of a true billed indictment can take place. See State V McClure, _____, State V Funderburk, and State V Wheeler.

Therefore, the petitioner respectfully requests that, this Honorable Court quash these illegal and forged indictments. These indictments should be deemed Unconstitutional and Null, being without binding legal effect.

P.C.R. Lawyer Ashley McMahan and writ of cert. Lawyer Scarlett Moore would not raise this on behalf of the petitioner!

□ The petitioner will present exhibit B that shows that the petitioner was denied the right to challenge the chain of custody in the trial by Judge Hocker, the Prosecutor Micah Black, and "defense counsel Jane Merrill"!

Sweet V State - 374 S.C.1, 6, 647 S.E. 2d . 202 (2007). Where multiple people have handled the analyzed substance, the identity of individuals who aquired the evidence and what was done with the evidence between the taking and the analysis must not be left to conjecture.

In this present case Gregg Allison stated that he received the substance at the arrest scene and he double checked it to make sure it was correct, and it was correct (18.22 grams).

He later said the next day he found a bag weighing 3.4 grams. He said it wasn't found on the floor and it never left his office. He then said it

was a logging error and it didnt change the weight. He lied! It made it approx. 22 grams. He also stated he had a packing date on it and it was 3-2-16. "Then the defense counsel" led the States witness to change that date to 2-8-16 to match the physical Chain of custody. However SLED's chain says 3-3-16. Mr. Allison and Ms. Black said she tested it on 2-8-16 and she filed the report on 2-21-16. However, they had no data showing any results that anything was tested.

Trial counsel was intentionally ineffectve for failing to suppress this tainted evidence. It also shows that no-one from SLED signed the chain as receiving it. "Only signed by Gregg Allison".

Therefore this violated the petitioners 6th and 14th amendment rights and I move now for this Honorable Court to suppress as a matter of law. "I preserved this for direct appeal and P.C.R."

exhibit C shows that the prosecutor Micah Black vouched for the credibility of a States witness (Brandy Wilson) even though he knew she was lying under oath just to get some charges dismissed against her.

This vouching was done during closing argumen and it violates the 6th amendment under Vaughn V State - 362 S.C 163, 169, 607 S.E. 2d. 72 (2004)

The police and prosecutor also violated the petitioners 5th amendment rights by tampering with the dashcam video, cutting it down to 19 to 21 minutes and suppressing the audio where the petitioner asked for a lawyer before questioning and it would have shown the petitioner did not give a marandized statement.

Based on the above facts the petitioner asks in good faith that relief be granted

Date/ 2-4-21 Respectfully submitted,
S/ Earnest Vaughn
Earnest Vaughn

RECEIVED

FEB 10 2021

S.C. SUPREME COURT

(6)

Dear Ms. Moore,

pg. 1

I assume you got another extension to file the petition in my writ of cert. In our last phone conversation you said you was going to put everything in the petition.

I told you about a previous illegal conviction from Anderson County that was reversed by the Supreme Court in Vaughn v State - 362 S.C. - 163, 169, 607 S.E.2d, 72 (2004). I want to explain that illegal fabricated arrest to you further since this Greenwood County arrest and unlawful conviction is a copy cat case. That case was dismissed and expunged and Micah Black brought it up against me, "violating the expungement order."

That case was also corrupted with police-misconduct, prosecutorial misconduct, judicial-misconduct, abuse of discretion, ineffective-assistance of trial counsel, appellate counsel, p.c.r. counsel and violations of the 4th - 5th, 6th, and 14th amendment's and the Attorney General's Office, "abused their power," to deny me a fair direct appeal and a p.c.r. evidentiary hearing. I was also denied the right to a fair jury trial in that case. Then they could not abuse their power on my writ of cert. and "relief was granted."

pg. 2

The prosecutor in this case, (Micah Black), also vouched for the credibility of a states witness, (Brandy Wilson), even though he knew she was lying and he knew that all of the police officers and SLED was lying.

If you will read that Vaughn case, that prosecutor not only vouched, she said it was the "reality of life" to put police on the stand to lie. She went on to say, she has never put one on the stand that told the truth. "If you will read this - trial transcript," you will see that, "all these - police officers lied under oath". You will also see that Micah Black admitted to the judge that, he tampered with the dashcam video cutting it down to 19 to 21 minutes and, "he took the audio out of half of that." He did this to obstruct justice and he conspired with the witnesses to lie under oath.

1. Officer Brooks stated, I corresponded with a informant about selling drugs. That informant, (Debbie Tucker), stated, she never talked to me.
2. Brian Louis stated he had a warrant in-hand for my arrest. He then stated, he was not sure if he had it or someone else did. Then if you will follow the testimony of Josh Hood and Ofc. Brooks no-one had a warrant.

pg. 3

Josh Hood went on to say, he was not aware if anyone had a warrant for my arrest "when he detained me" and "he searched me - without a searchwarrant or consent."

At my p.c.r. hearing my trial counsel stated that Micah Black told her that, the video he had at the trial was the same video on file at the Sheriff's Dept. That was a lie also! Micah Black also admitted to with-holding exculpatory evidence, saying it would have been dangerous to put it in the hands of the defense.

My trial counse, also testified she was prepared for this trial. "That was a lie"! Several times she told Judge Hocker she was not served with certain documents and she did not know what to do. "She was trying this case - without co-counsel"!

You will also see that my p.c.r. counsel, (Ashley McMahon) did not rebutt any of the testimony that was given at my p.c.r. - evidentiary hearing. Not even when my appellate defense lawyer, (Taylor Gilliam), stated he did not raise the 4th amendment violation on my direct appeal because "he - could not find the Ohio cases I gave him".

"That is a lie also"! He told me that, "his boss told him to not raise it." So he then only raise one deadbang issue instead of doing an Anders or Johnson brief so I could not file a pro/se brief. pg. 4

My p.c.r. counsel also with-held evidence I sent her to support the issues I raised on my p.c.r. application and pro/se amendments. She also filed a very late amendment at the request of the Attorney General's Office eventhough I told her not to file one. She did this in an attempt to waive some of my issues or to get my case dismissed completely like the State requested in their return to my p.c.r. application.

I would also like to ask you to please file all the exhibit's I sent to you, with the petition, (the court calender, the States return; Ms. M^{rs} Mahans amendment; the illegal (forged) indictments; the letters from p.c.r. and appellate counsel's, etc.), and all the letters I wrote to you. All of this is needed to prove that, I have not waived any of my issues or constitutional-right's throughout my arrest, jury trial, or any of my state court remedies like Judge Hays's stated in his final p.c.r. order,

We can also show that my trial counsel would not challenge a broken chain of custody and she advised me against bringing it up, and she led the States witness's (Gregg Allison) to change the dates of his testimony from March 3rd - to Feb. 8th as when he claimed he took it to SLED. It is also clear that no one from SLED signed the chain of custody and they had no documented results produced that anyone from SLED even tested any evidence, only Lynn Black saying she tested it, but only one bag that weighed 3.4 grams.

Gregg Allison also lied under oath when he testified that he didn't change the weight of the evidence and he didn't find it on the floor of his office, the next day after I was arrested. He said he just didn't enter it in the computer. My trial counsel or p.c.m. counsel would not challenge this tainted and fabricated evidence.

This corruption listed above denied me a fair trial, equal protection of the law and all of this should be presented in my petition for writ of cert. in my appeal to the Honorable South Carolina Supreme Court.

If you will please file everything we discussed and all the exhibits, I will not have to try to file anything on it pro/se.

Would you please send me a copy of the p.c.r. transcript and a copy of everything you file on my behalf? Would you please call me again as soon as possible?

Thank you very much Mam.

Please Respond.

Happy New Year
Sincerely

Date 12-28-20

Earnest Vaughn
Earnest Vaughn

cc File:
E.E.V.

Ms. Moore,

pg. 1

I also wrote SLED to ask them to do an investigation into the criminal misconduct that has been committed against me in this case. I also listed them in my response to the States return in the p.c.s. SLED responded and said, since I am incarcerated, I would have to get a lawyer, another agency or a reliable source to request the investigation.

So, I wanted to ask you, will you do it? I can get my Girl Friend to do it, but it would be more effective coming from you. I do understand you are very busy, but everyone involved in this case has broken the law and made a mockery of justice.

You could send the court calander and the indictment's that I sent you to show that the prosecutor Micah Black forged the indictment's without a grand jury or General Sessions jurisdiction. That would make the case to be investigated.

You could also send a copy of the transcript page where Micah Black told Judge Hocker that they cut the video down to 19 to 21 minutes. That would clearly

make the case that, they tampered with evidence also to obstruct justice. We can also show that, Gregg Allison tampered with and fabricated evidence the day after I was arrested and then lied about it while under oath at my trial. That's perjury. But I can also show where all officers that were involved committed perjury by saying I waived my right to remain silent and saying I made a marindized statement to police. This was also hearsay and it should have been objected to by my lawyer.

So we can also show that 3 Lawyers have been appointed to represent me and paid by the State. However, their actions show that, they represented the State."

Trial counsel Jane Merrill, Appellate counsel Taylor-Gilliam and PCR counsel Ashley McMaham all obtained money under false pretense and they obstructed justice by intentionally failing to properly represent me in court, on appeal or on my P.C.R. hearing. I surely should not be in prison and I would not be if they had done their job.

I will be very thankful if you do what you said in our last phone conversation.

You can clearly meet the burden of proof that my constitutional rights of the 4th, - 5th, 6th and 14th amendment's have been violated in this case and they could have already resolved this case under the laws!

So would you please also consider requesting a criminal investigation in this matter? ~

Thank you very much Mam,

Please Respond.

Date 12-28-20

Sincerely
~~Earnest Vaughn~~
Earnest Vaughn

CC File:
EEV

McMAHAN & TAYLOR
ATTORNEYS LLC

January 4, 2021

Earnest E. Vaughn, #246912
F1A-0182-B
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Re: Earnest E. Vaughn, #246912 vs. State of South Carolina
2019-CP-24-00160

Dear Mr. Vaughn:

When I was doing some spring cleaning of the office, I came along this pile of documents that a former employee never mailed to you back in 2019. I am returning these to you along with her original cover letter.

Best regards,



ASHLEY A. McMAHAN
ATTORNEY AT LAW

AAM

Enclosures

cc: Scarlett Bell Moore, Esquire (via email)

McMAHAN & TAYLOR
ATTORNEYS LLC

August 19, 2019

Earnest Edward Vaughn Sr., #246912
F-4-133
McCormick Correctional Institution
386 Redemption Road
McCormick, SC 29899

Re: Earnest Edward Vaughn Sr., #246912 vs. State of South Carolina
2019-CP-24-00160

Dear Mr. Vaughn:

Thank you for your recent letters. I am returning your originals and have made copies. I recently received the state's return and it is enclosed. I have not had an opportunity to thoroughly review it yet. Once I have, I will be in contact so that we can discuss your case in greater detail. **You are not the first person to have issues with those agents;** but we will discuss those issues once I have reviewed the file sent from the state.

Should you have any questions I can be reached at the address listed below. Please note I do not accept collect calls or calls from items that are considered contraband.

Best regards,



ASHLEY A. McMAHAN
ATTORNEY AT LAW

AAM/kmm
Enclosure

Exhibit A

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 2, 3, 4, 5</u> <u>SCOTT 3, 4, 5</u> <u>NO CR</u> <u>NEEDED 6</u></p> <p>Common Pleas Non-Jury 5 Hocker, Donald</p> <p><u>NEVERS 5</u></p> <p>General Sessions Non-Jury 5 Hocker, Donald</p> <p><u>NEVERS 5</u></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 9</u> <u>NO CR</u> <u>NEEDED 11, 12, 13</u></p> <p>Common Pleas Non-Jury 12 Hocker, Donald</p> <p><u>WATTS 12 am</u> <u>SCOTT 12 am</u></p>	<p>General Sessions Greenwood Addy, Frank</p> <p><u>SCOTT</u></p> <p>General Sessions Newberry Hocker, Donald</p> <p><u>NEVERS 16, 17, 18</u> <u>SMITH 19 am, 20 am</u></p> <p>General Sessions Non-Jury 18, 19, 20 Griffith, Eugene</p> <p><u>HOLSTON 18, 19, 20</u></p>	<p>Common Pleas/Common Pleas Nonjury Greenwood Addy, Frank</p> <p><u>SCOTT 23, 24, 25, 26</u> <u>NO CR</u> <u>NEEDED 27</u></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 23</u> <u>NO CR</u> <u>NEEDED 24</u></p> <p>Common Pleas Non-Jury 23, 24 Griffith, Eugene</p> <p><u>NO CR</u> <u>NEEDED 23, 24</u></p>	<p>Common Pleas Non-Jury Griffith, Eugene</p> <p><u>HOLSTON</u></p> <p>General Sessions Laurens Hocker, Donald</p> <p><u>HERRON 31, 1, 2</u> <u>NO CR</u> <u>NEEDED 3</u></p> <p>Common Pleas Non-Jury 31, 1 Addy, Frank</p> <p><u>SCOTT 31</u> <u>NO CR</u> <u>NEEDED 1</u></p> <p>General Sessions 2 Laurens Addy, Frank</p> <p><u>NO CR</u> <u>NEEDED 2</u></p> <p>General Sessions Non-Jury 2 Hocker, Donald</p> <p><u>HERRON 2</u></p>

Foot Note.

No General Sessions on 5-6-16

Exhibit A

WITNESSES

E W Brooks
Greenwood County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

WARRANT NUMBER

2016A2410200125

COURT OF GENERAL SESSIONS

May Term, 2016

Indictment # 16GS24-0539

THE STATE

vs.

Earnest Edward Vaughn Sr.

Note:
This is the copy of
the original indictment
that was in the
discovery. It is not
page 37b in the
1st transcript.

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE

§ 44-53-0375

CDR: 0451

VERDICT

Guilty

Foreman

11/2/16

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

1 16-GS-24-539, the sentence of the Court is you to be
2 committed to the State Department of Corrections for a
3 period of 30 years plus pay a fine of \$50,000.00 dollars
4 plus cost and assessments.

5 On indictment 541, sentence of the Court is you be
6 committed to the State Department of Corrections for a
7 period of 10 years plus cost and assessments. Those
8 sentences to run consecutive. Good luck to you, sir.
9 This matter is adjourned.

10 MS. MERRILL: Your Honor, throughout the trial Mr.
11 Vaughn has been falling asleep. It was notified by the
12 Judge on the first day of trial as well as the second day
13 of trial. I looked into, I did research last night into
14 possibly moving for a competency hearing. This morning I
15 spoke with Captain Downing at the jail, I spoke with him
16 in three different times and got reports that his behavior
17 was not the same at jail, that he was not doing that. And
18 that this morning during his breathing treatment with the
19 nurse he was joking and laughing. So I chose not to make
20 any motion about competency. Additionally, my
21 interactions with him throughout this trial, when he
22 disagreed with something he was quite vocal about it and I
23 felt like he was certainly assisting throughout the trial.

24 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

25

WITNESSES

E W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200125

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.

Ernest Edward Vaughn Sr.

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE
§ 44-53-0375

CDR: 0451

ATTEST A TRUE COPY
Angela Woodhurst
ANGELA WOODHURST
CCCP AND GS
GREENWOOD COUNTY
S.C.

Note:

This copy of the indictment was stamped after my P.C.R. and after they found out I was challenging the illegal indictment.

"These indictments are forged!"

1 Q And what, you're a captain over investigations, is
2 that right?

3 A That's correct.

4 Q Well, what kind of duties do you have as Captain over
5 Investigations?

6 A I supervise investigations and daily operations at
7 the Greenwood County Sheriff's Office.

8 Q You basically supervise all of the investigators?

9 A Yes, sir.

10 Q About how many are there?

11 A I think it's eleven.

12 Q Let's talk about January the 27th of this year. Did
13 you respond to a, out on the Bi-Lo, 25 North where that
14 carwash is?

15 A I did.

16 Q Do you remember about what time that was?

17 A Somewhere around 5:00, between 5:00-5:30.

18 Q Okay. And you've been in here today, is that right?

19 A Yes, I have.

20 Q And you've viewed the video today, is that right?

21 A I have.

22 Q And you remember everything that happened that day,
23 is that right?

24 A I do.

25 Q Who was the first person to stop that vehicle?

Foot Note: Jarvis Reeder also lied under oath by saying
I gave a Marindized statement saying I had
drugs on me. They had no statement to present!

1 A Yes.

2 Q That man right there?

3 A That man right there.

4 MR. BLACK: No further questions.

5 THE COURT: Any recross.

6 RECVROSS-EXAMINATION

7 By Ms. Merrill:

8 Q As we sit here today, you haven't pled guilty to
9 anything, have you?

10 A No.

11 THE COURT: Thank you, ma'am. You can step down.

12 MR. BLACK: The State calls Jarvis Reeder to the
13 stand.

14 THE COURT: Okay.

15 JARVIS REEDER, being
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Black:

19 Q Captain Reeder, can you please state your name for
20 the record?

21 A Jarvis Reeder.

22 Q And where are you employed?

23 A The Greenwood County Sheriff's Office.

24 Q And your rank, sir?

25 A I'm a Captain.

1 A Me.

2 Q And who was with you, do you remember?

3 A I don't recall. I think I was either by myself or
4 maybe Greg Allison was riding with me.

5 Q You were driving?

6 A I was.

7 Q And how did you pull the vehicle over?

8 A I was, heard through the radio that the vehicle was
9 exiting the parking lot. And I stopped the vehicle faced,
10 or pulled in front of the vehicle to stop it.

11 Q I'm sorry. So you were in front of the vehicle?

12 A Yes, I was facing the vehicle.

13 Q And when you got out of the car and pulled the
14 vehicle over what did you do?

15 A I drew my weapon.

16 Q Okay. And is that you on the video that we all
17 notice with the weapon drawn?

18 A Yes.

19 Q All right. And what happened after the stop?

20 A I drew my weapon because as I was initiating the
21 stop, I noticed Mr. Vaughn, right here, fidgeting around,
22 moving his hands up and down.

23 Q And when you're saying he was fidgeting, can you
24 describe the motions he was making?

25 A As I was initiating the stop, I could tell that he

1 was, I didn't know what he was doing. I just know that
2 his hand was not visible and he was moving around in the
3 vehicle.

4 Q Can you kind of, can you demonstrate to the jury what
5 he was doing with his hands?

6 A Yes. As I was approaching him, I could see him
7 moving up and down with his hand placed below the
8 dashboard.

9 Q Like maybe he was concealing something?

10 A Yes.

11 Q And Mr. Vaughn was eventually taken out of the car,
12 is that right?

13 A He was.

14 Q Who else was in that vehicle?

15 A Brandy Wilson.

16 Q Was there anybody else in the vehicle?

17 A Yes, there was a juvenile.

18 Q And do you remember the juvenile's name?

19 A Devon.

20 Q Okay. How, about how old was he?

21 A He was five.

22 Q And on the video, it looks like somebody goes over
23 and talks to the juvenile, is that right?

24 A Yes.

25 Q Who is that?

1 Q Did you have knowledge of an arrest warrant that was
2 active for Mr. Vaughn?

3 A Yes, ma'am.

4 Q And how did you know that there was a warrant for Mr.
5 Vaughn?

6 A I signed that warrant.

7 Q And did someone in your group have that warrant on
8 them?

9 A I believe I had it. I'm not totally positive on
10 that. We did have the warrant in hand at that time.

11 Q What about Ms. Wilson, did you have knowledge that
12 there was a warrant out for her?

13 A I believe I was speaking to the Laurens County
14 Warrant Officer about a possible warrant for Ms. Wilson.

15 Q And did you have information that there was a warrant
16 for her?

17 A I was told there was a warrant for her.

18 Q Did that later prove to be not true?

19 A That is correct, it was not true.

20 Q But when you pulled the vehicle over, did you believe
21 that there was a warrant, an active warrant for her?

22 A Yes, ma'am.

23 Q About what time did the traffic stop take place, do
24 you recall?

25 A I want to say around 5:00 o'clock p.m., around about

Foot Note:

no-one had a arrestwarrant for the petitioner!

1 of phone calls and things provided to the Defendant. And,
2 Your Honor, I'd just move to suppress the, well, we've
3 kind of talked over the reliability argument. So I've got
4 to move to suppress based on that and that the arrest
5 warrant was pretext for, you know, trying to get around
6 not having a reliable CI. And I would say that the stop
7 and the search violates his constitutional rights
8 particularly in the Fourth Amendment and ask that the drug
9 be suppressed.

10 THE COURT: Okay. All right. Thank you very much,
11 Ms. Merrill. I will deny your motion to suppress. I find
12 that the search was conducted pursuant to a lawful arrest
13 of, due to the existence of an unchallenged, therefore,
14 presentably legal arrest warrant. So I'll deny your
15 motion to suppress. And concerning the statement made to
16 Captain Reeder, I assume, are you making any motions
17 related to that, Ms. Merrill?

18 MS. MERRILL: I beg the Court's indulgence. Your
19 Honor, we'd just request that the statement be suppressed
20 based on his being in custody and not being voluntarily
21 made.

22 THE COURT: Okay. All right. I find that the
23 statement made to Captain Reeder was voluntarily made and
24 that there were no Miranda violations. Miranda was
25 properly given, I think, as he even indicated giving it

1 two times by two different officers. So we'll deny your
2 motion to suppress the statement. Okay. Anything else on
3 the record before we go take a little short break and
4 bring the jury out? Anything else from the State?

5 MR. BLACK: Nothing from the State, Your Honor.

6 THE COURT: Ms. Merrill, do you have anything on the
7 record before we bring the jury out?

8 MS. MERRILL: Not at this time, Your Honor.

9 THE COURT: Okay. We are going to take a ten-minute
10 break. If you think of something, you can certainly let
11 me know. Let me see the lawyers for just a second.

12 (Whereupon, a bench conference was held.)

13 (Whereupon, a short break was taken.)

14 THE COURT: We are back on the record. Ms. Merrill,
15 we have had some conversations in-chambers with the
16 Solicitors, anything I need to address.

17 MS. MERRILL: Your Honor, there is one issue that my
18 client, that Mr. Vaughn wanted me to bring up during the
19 suppression motion. I am not sure it is appropriate to
20 bring it up but I have told him that if he wishes to
21 address the Court on that issue that he may and that he
22 would be doing it against my advice.

23 THE COURT: Okay. Mr. Vaughn, if you would stand and
24 I need to have you sworn in. Madam Clerk, would you swear
25 Mr. Vaughn, please.

1 EARNEST VAUGHN, being
2 first duly sworn, testified as follows:

3 THE COURT: Mr. Vaughn, what would you like to tell
4 me as it relates to the suppression matter?

5 MR. VAUGHN: Well, Your Honor, it is possible
6 tampering with the evidence that they claimed that they
7 seized from me where there is issue about how much they
8 seized and then they added to it later on. They said
9 there was like five bags in one bag or four bags in one
10 bag. And if you count they are lying about the evidence
11 that they seized.

12 THE COURT: Anything else?

13 MR. VAUGHN: And I would like to put that on the
14 record, to preserve it for a later review with direct
15 appeal or whatever.

16 THE COURT: Do you have any evidence that the police
17 officers, I think your position is that they increased the
18 amount of drugs at some point and time?

19 MR. VAUGHN: It is on the record, yes sir.

20 THE COURT: Do you have any evidence that they did
21 that?

22 MR. VAUGHN: Yes sir, it is in the discovery.

23 THE COURT: Okay. Well, I am sure, Ms. Merrill, if
24 that needs to be brought out during this case then I am
25 sure she will bring it out, whatever evidence that you may

1 have. It doesn't necessarily go to the issue of
2 suppression or not. Okay. But as far as the amount of
3 drugs it could be relevant concerning the charge itself.
4 But whether or not the Court should suppress, I have
5 already made a ruling and that really would not go on that
6 issue. Okay.

7 MR. VAUGHN: The evidence that they claim they seized
8 from me is not the evidence they sent to SLED.

9 THE COURT: I understand, I understand. But the
10 suppression dealt with whether or not there was an illegal
11 search and seizure of that evidence. So the amount really
12 would not be determinable of that particular issue. Do
13 you understand, sir?

14 MR. VAUGHN: Yes, sir.

15 THE COURT: Okay. The Court, Mr. Vaughn, has had a
16 lot of concern as far as your demeanor this entire day as
17 far as appearing that you are very sleepy. I have noticed
18 starting at 10:00 o'clock, when we had the panel out all
19 the way to now there have been numerous times where you
20 had your eyes closed. It looks like to me you were dozing
21 off to some extent. And so I am going to have you drug
22 tested to see if there is anything in your system that
23 would cause that. So, and I have asked Agent Williams
24 from the probation office to do that. And I am going to
25 ask that Officer Warren and Officer Douglas escort the

1 39, did you take that down to SLED yourself?

2 A Yes, ma'am; I did.

3 Q Do you recall what date you took that to SLED?

4 A Not exactly. I had the packaging date on it where I
5 actually packaged it on March the 2nd. But it should be

6 on these submission forms with the paperwork. I initially
7 try to go twice a month, so it's not every day or every
8 case. My job duty is more complex than just one case or
9 crime scene investigation. I am over a large mass of
10 items which I have to return to victims who also come in
11 and they need their items back from other cases.

12 Q Now, if I hand you the chain-of-custody, would that
13 refresh your recollection on the dates?

14 A Yes, ma'am. Here we show that I did deliver it on
15 the 2nd month, the 8th day of 2016.

16 Q Thank you. Between January, I guess, 27th and
17 February the 8th, where would that item have been sitting?

18 A This item, in particular here, would be sitting in,
19 probably spent most of the time in the lab in the SLED
20 box, which I keep it separate from all the other evidence.
21 So when I get ready to prepare this item for SLED, I can
22 go directly to the SLED box, prepare it, and then send it
23 to SLED, and it is in a secure area.

24 Q And, again, you sealed this on February 2nd, it looks
25 like?

1 A That's correct.

2 Q Now, you mentioned counting it again to make sure the
3 inventory is correct. Did you have an issue when you
4 recounted this one?

5 A Yes, ma'am; I did. I was off on one package of one
6 that was, had three in it. And it actually had four which
7 was initially from the drug stop. And the other one was
8 the one with the 14 packs in it, I was missing a small one
9 which was a .34. The missing part was a logging error
10 when I was doing, when I was doing the counts and I was
11 doing the weights. It never left the office. It never
12 was lost. It wasn't on the floor. It just wasn't logged
13 in. It was already processed, packaged, and it was also
14 labeled.

15 Q So was that just an error in counting?

16 A It was a, yeah, it was a writing error on my behalf
17 and that's the reason I always do a second one.

18 Q And when you did the second one, did you come up with
19 the same numbers that SLED had?

20 A Yes, ma'am. I did come up with the additional
21 numbers and the additional packs, which was at the scene
22 with everything with the incident report.

23 Q Now, do you weigh the substances as part of when
24 you're packaging it up?

25 A Yes, ma'am. I weigh for accuracy on the weights. A

Foot Note: The incident report and arrest warrant listed it as 18.22 grams.

USE BALLPOINT PEN AND PRESS FIRMLY, PRINT ALL INFORMATION
EXCEPT WHERE SIGNATURE IS REQUIRED

SLED DRUG ANALYSIS REQUEST

LAB NO. _____ CONTROL NO. 13-155811
COUNTY _____ WARRANT NO. _____

INCIDENT

Contributing Agency ORI SCO _____ Contributing Agency Case No. _____
New Case Additional Evidence Case No. 16-3055
Type of Crime TRAFFICKING METH MORE 10 LESS 28
Incident Date 01-27-2016
Incident Address FURMAN BURTON DRIVE GREENWOOD SC 29646

Report should be mailed to:
JARVIS REEDER CAPT. Rank 264
Name of Individual Receiving Report
GREENWOOD Co. SHERIFF Department Telephone No. 942-8400
528 EDGEFIELD STREET Subst Address or Post Office Number
GREENWOOD SC 29646 City State Zip Code

SUBJECTS

VAUGHN FARNEST EDWARD
LAST FIRST MIDDLE
WILSON BRANDY LEE
LAST FIRST MIDDLE

Race W Sex M DOB [REDACTED]
DL, SS or FBI No. _____
Race M Sex F DOB [REDACTED]
DL, SS or FBI No. _____
Race _____ Sex _____ DOB _____
DL, SS or FBI No. _____

The items submitted below will be examined with your assurance that the submitted specimens have not been nor will be submitted to any other laboratory or agency for Technical or Scientific examination.

EVIDENCE

Specimens submitted for examination: BAG #1 1- CLEAR BAG CONTAINING 14- CLEAR PLASTIC BAGS CONTAINING AT TOTAL OF 8.9GRMS OF A CRYSTAL LIKE SUBSTANCE.
BAG #2 1- CLEAR BAG CONTAINING 4- CLEAR PLASTIC BAGS CONTAINING A TOTAL OF 14.22 GRMS OF A CRYSTAL LIKE SUBSTANCE.

GREG L. ALTON
PRINT Name of Requesting Officer

[Signature]
SIGNATURE OF Requesting Officer

Control No. B255811

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED
CERTIFICATION OF PROOF OF CHAIN OF PHYSICAL CUSTODY OR CONTROL

This is to certify that I JARVIS REEDER ^{Initial Custody} am employed by

GREENWOOD COUNTY SHERIFF'S OFFICE and that on

JAN 27 2016, I seized from EARNEST VAUGHN

pursuant to OTHER WISE

at or near FURMAN BURTON DRIVE GREENWOOD SC 29616

The following substance(s) or container(s): (Describe the substance or container to sufficiently distinguish it.)
BAG #1 - CLEAR BAG CONTAINING 14 BAGS OF A CRYSTAL LIKE SUBSTANCE TOTAL
WEIGH 8.9 GRMS

BAG #2 - CLEAR BAG CONTAINING 4 BAGS OF A CRYSTAL LIKE SUBSTANCE TOTAL
WEIGH 14.22 GRMS

Signed [Signature] Print Name: JARVIS REEDER Date: 1-27-16

Sworn before me this _____ day of _____ County, _____
My commission expires: _____
Notary Public for South Carolina Signature

Subsequent Chain of Custody Following Seizure:

The item(s) listed above were delivered in substantially the same condition as when it was received according to the following chain:

Signature	Print Name	Company	Date/Time
1.) Relinquished By: <u>[Signature]</u>	<u>JARVIS REEDER</u>	<u>GREENWOOD CO SO</u>	<u>1-27-16</u>
Received By: <u>Evidence Locker</u>	<u>Greg L. Allison</u>	<u>Greenwood Co So</u>	<u>1-27-16</u>
Sworn before me this _____ day of _____		Notary Public for South Carolina Signature	
My commission expires: _____	County: _____		
2.) Relinquished By: <u>Evidence Locker</u>	<u>Greg L. Allison</u>	<u>Greenwood Co So</u>	<u>2-8-16</u>
Received By: <u>Greg L. Allison</u>	<u>Greg L. Allison</u>	<u>Greenwood Co So</u>	<u>2-8-16</u>
Sworn before me this _____ day of _____		Notary Public for South Carolina Signature	
My commission expires: _____	County: _____		
3.) Relinquished By: <u>Greg L. Allison</u>	<u>Greg L. Allison</u>	<u>Greenwood Co So</u>	<u>2-8-16</u>
Received By: <u>SLED</u>		<u>SLED</u>	<u>2-8-16</u>
Sworn before me this _____ day of _____		Notary Public for South Carolina Signature	
My commission expires: _____	County: _____		
4.) Relinquished By:			
Received By:			
Sworn before me this _____ day of _____		Notary Public for South Carolina Signature	
My commission expires: _____	County: _____		
5.) Relinquished By:			
Received By:			
Sworn before me this _____ day of _____		Notary Public for South Carolina Signature	
My commission expires: _____	County: _____		

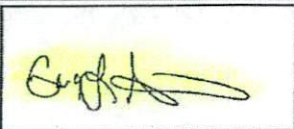
SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L16-01758

3/2/16	9:53	Evidence Room (150)	Drugs For Return Shelf
3/3/16	10:01	Forensic Technician	Jackie M. Davis
3/3/16	10:03	Evidence Disposition	Returned to Agency in person



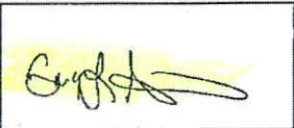
Greg Allison-Greenwood C.S.O.
JMD 3/3/16

Item 1.1 - Ziplock bag (1) containing fourteen (14) zip lock bags, each containing plastic bag containing crystal substance

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
2/17/16	16:44		Forensic Scientist	Lynn D. Black
3/2/16	9:48		Forensic Technician	Jackie M. Davis
3/2/16	9:53	Evidence Room (150)		Drugs For Return Shelf
3/3/16	10:01		Forensic Technician	Jackie M. Davis
3/3/16	10:03	Evidence Disposition		Returned to Agency in person



Greg Allison-Greenwood C.S.O.
JMD 3/3/16

1 she's pleading on some charges. She's looking at five
2 years. She's pleading straight-up. She came in here and
3 told the truth. Nothing on her record. Father died. She
4 gets hooked up with the wrong crowd, starts doing a little
5 bit of meth, the downward spiral began. It truly is a
6 shame. Brandy's a user. Earnest Vaughn, this gentleman
7 right here, this guy right here, he's the drug trafficker.
8 Don't view Earnest Vaughn as him sitting here today. Him
9 sitting over here in court. View him as the Earnest
10 Vaughn in these letters, the manipulator, the drug
11 trafficker, the individual that's responsible for what
12 happened January the 27th. That's the Earnest Vaughn.
13 Folks, when I came in here Monday or, I guess, we started
14 Tuesday, I said the most important thing that you've got
15 with you is your common sense, and you've got to use that
16 over the course of this trial to ultimately make a
17 determination as to what happened. Folks, this isn't
18 rocket science. What we do isn't rocket science. Use
19 your common sense. Find him guilty of all three charges,
20 not because I'm asking you to, but because he's actually
21 guilty of all three of these crimes. Thank you, so much.

22 THE COURT: Thank you, Solicitor. Ms. Merrill, you
23 ready?

24 MS. MERRILL: Yes, sir. Thank you. When I had the
25 opportunity to talk to you the other morning, I told you I

1 second letter, that's important, but there's no date on
2 it. But the third letter, what's that date, 3/3/16.
3 What's he doing, in all of these letters. You heard that
4 letter that got read in front of the jury, in front of you
5 guys here in open court. It said how much I love you,
6 talking about a bunch of other stuff, about how much he
7 loves her and professing his love to her, and then starts
8 laying out the groundwork one, say this, two, say this,
9 three, say this, four, say this, get in touch with my
10 lawyer; oh, baby, I love you; oh, baby, I love you.
11 Manipulating her. Manipulating her. Absolutely,
12 manipulating her. You got to do this for me, baby.
13 That's what those letters are all about. What's the date
14 on those letters? And what did Brandy do? She came up
15 here and told the truth. She said she told the truth, and
16 she swore on the Bible she told the truth. We talked
17 about Brandy's record, 1997, possession of alcohol by a
18 minor. That's all she's got, and then her father died.
19 When did her father die, the end of 2014, and then the
20 downward spiral began. Yeah, she's got a bunch of pending
21 charges. She's getting a deal by testifying, absolutely.
22 She's looking at five years. She's pleading on the
23 burglary, possession with intent to distribute. She's
24 pleading on a PWID meth, which is a step below the
25 trafficking, and the unlawful neglect. She's pleading on,

Exhibit D

5. Check whether a finding of guilty was made

(a) after a plea of guilty _____

(b) after a plea of not guilty

(c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes

7. If you answered "yes" to (6), list:

(a) the name of each Court to which you appealed:

i. South Carolina Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Affirmed

ii. _____

iii. _____

(c) the date of each such result:

i. Nov 7th 2018

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. unknown

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Judicial Misconduct/Prosecutorial Misconduct, 6th & 14th amend viol. U.S. Const.

(b) Police Misconduct/Illegal Detention/search & seizure, 4th 5th & 14th amend viol. U.S. Const.

(c) Ineffective Assistance of Trial & Appellate Counsel, 6th & 14th amend viol. U.S. Const.

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) Abuse of Discretion/Failed To Correct Perjured Testimony, etc. See Attachment A

(b) Marinda Violations/Perjury/Evidence Tampering. See Attachment B

(c) Failed To Properly Represent Professionally. See Attachment C

I Reserve The Right To Amend! [Statement of facts.]

Foot Note:

This did not need to be amended, but PCR Lawyer ² amended it at the request ³ of the State, Ms. Schill!

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court? No

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. Direct Appeal
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. Affirmed
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. Nov. 7th 2018
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. unknown
- ii. _____
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____
- iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

(a) Ineffective Assistance of Appellate Counsel (Attorney Misconduct)
can't be raised on a direct appeal.

(c) _____

16. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? _____

(b) your trial, if any? Yes

(c) your sentencing? _____

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

i. Jane Merrill, Main St, Greenwood SC 29846

ii. Appellate Defense Taylor Gilliam

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Jury Trial & Sentencing

ii. Direct Appeal

iii. _____

18. State clearly the relief you seek in filing this application.

1. Suppress Evidence and vacate conviction. 2. New Trial.

19. Are you now under sentence from any other court that you have not challenged?
NO

STATE OF SOUTH CAROLINA

County of Greenwood

VERIFICATION

I, Ernest Vaughn Sr., being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Ernest Vaughn Sr.

SWORN to and subscribed before me this 2nd day of January, 192019
Kemel S. Mitchell (L.S.)
Notary Public

My Commission Expires: May 23, 2028

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, Ernest Vaughn Sr., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

Ernest Vaughn Sr.
Applicant

SWORN or affirmed to and subscribed before me this 2nd day of January, 192019
Kemel S. Mitchell
Notary Public

My Commission Expires May 23, 2028