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MAR 26 2021

SC Court of Appeals

South Carolina

Court of Appeals

Earnest Vaughn		C/A # 2020-000750
Petitioner		Addendum Cont.
-V-		Prosecutorial / Lawyer misconduct
STATE		4 th , 5 th , 6 th , & 14 th Amendment violations
respondent		

The above case was remanded back to this Honorable court pursuant to rule 243(1) S.C.A.C.R. by the S.C. Supreme Court after petitioner filed an addendum to a Johnson Petition filed by Court appointed Lawyer, Scarlett Moore, on the writ of cert. to the S.C. Supreme Court.

Statement of Facts

Ms. Moore was appointed after the petitioner filed a request for appointment of outside counsel from the Office of Appellate Defense due to a conflict of interest!

The petitioner intended to raise ineffective assistance of appellate counsel (Taylor Gilliam), ineffective assistance of P.C.R. counsel (Ashley McMahan) and ineffective assistance of

trial counsel (Jane Merrill) along with the issues of violations of the 4th, 5th, 6th and 14th amendments of the United States Constitution on the writ of cert.

The Court records will show that the petitioner tried to challenge the 4th and 5th amendment violations at trial.

However, due to a conspiracy between prosecutor Micah Black and defense counsel (Jane Merrill), the Court was misled to err in the suppression hearing and at trial, in which it rendered the petitioner's trial fundamentally unfair in violation of the 6th & 14th amendments of the United States Constitution.

Due to the fact that Micah Black could not produce the elements required by the 4th amendment to gain lawful indictments, "he and the clerks of court" forged the indictments on May 6th, 2016 outside the jurisdiction of the Court of General Session and the Grand Jury! A copy of the 8th judicial circuit court calendar for May, 2016 has been submitted and the conflicting forged indictments. The clerk Angela Woodhurst's indictments was forged after direct appeal.

Also enclosed is the testimony of Taylor Gilliam showing he lied under oath at the P.C.R. hearing stating he could not find the cases of Terry V Ohio and Mapp V Ohio after researching several times. He also lied by stating the petitioner only discussed the one issue that he raised in his brief on the direct appeal.

The petitioner wrote him five (5) letters, approximately thirty (30) pages, the petitioner sent him copies of the broken, (fabricated), chain of custody and advised him that the court erred by denying the petitioner the right to challenge it or preserving it for further review even though the petitioner tried. The petitioner also sent him a copy of the indictment stamped True Copy by Ms. Copeland and a copy of the court calendar and "the petitioner discussed those issues with him by phone".

The petitioner also discussed the 5th amendment violation with him (Miranda) and the fact that Micah Black withheld exculpatory evidence and tampered with the dashcam video where the Miranda violation occurred. The petitioner never made a Mirandized Statement saying "I had drugs on me". Micah Black had no statements to suppress when "he requested a Jackson V Dino". He shifted the burden of proof on the defence.

Mr. Gilliam and P.C.R. counsel Ms. McMahan conspired with Ass. Attorney General Ms. Schill to keep the constitutional violations and court errors off the record in the direct appeal and P.C.R. remedies.

Ms. McMahan and Ms. Schill limited the questions asked at the P.C.R. hearing to Mr. Gilliam, Prosecutor Micah Black and trial counsel Jane Merrill. They also limited the questioning of the petitioner. The petitioner also did not waive any of the issues listed on the P.C.R. application as indicated in Judge Hayes final order.

Therefore, the petitioner's rights of due process and equal protection of the laws have been denied at trial, direct appeal and P.C.R. evidentiary hearing and all issues raised by the petitioner should be ruled on as a matter of law by this Honorable Court.

Respectfully submitted,

Date 3-16-21 s/ Earnest Vaughn

Earnest Vaughn

WITNESSES

E.W. Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200125

True Bill

A. C. ...

Foreman of the Grand Jury

Date: *5-6-16*

VERDICT

Foreman

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

Angela Woodhurst
ANGELA WOODHURST
CCJP AND GS
GREENWOOD COUNTY

WITNESSES

E.W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200125

True Bill

[Signature]

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.

Note:

The indictments stamped by Ms. Copeland are the ones in the discovery and used at trial.

The indictments stamped by Ms. Woodhurst "were forged by her and Micah-Black," after they was advised of my attempts to raise this on my direct appeal and P.C.R.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE
§ 44-53-0375

At a Court of General Sessions, convened on the 6th day of May, 2016, the Grand Jurors of Greenwood County present upon their oath:

That Earnest Edward Vaughn Sr., on or about January 27, 2016, in Greenwood County, willfully, unlawfully, and knowingly traffic in methamphetamine, in that the said defendant(s) did sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was in actual or constructive possession or did knowingly attempt to become in actual or constructive possession of 10 grams or more, but less than 28 grams of methamphetamine, in violation of Section 44-53-375 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



Assistant Solicitor

1 MS. SCHILL: Okay.

2 (Whereupon, a short break was taken.)

3 THE COURT: For purposes of the record, will you
4 identify the witness one more time?

5 MS. SCHILL: Yes, Your Honor. This is Mr. Taylor
6 Gilliam of the Appellate Defense.

7 TAYLOR GILLIAM, being
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 By Ms. Schill:

11 Q Thanks, Mr. Gilliam. It's Brianna Schill from the
12 AG's Office speaking. Where are you currently employed?

13 A The South Carolina Commission on Indigent Defense.

14 Q Were you employed there in 2016 and 2017?

15 A Yes.

16 Q Were you the Assistant Appellate Defender who was
17 assigned to draft the briefs of Mr. Vaughn's case?

18 A Yes.

19 Q Did you ever talk to Mr. Vaughn regarding his appeal?

20 A Yes. My phone log indicates that we spoke
21 approximately seven times.

22 Q What occurred during those conversations? Do you
23 have notes of those conversations?

24 A I do have notes. The very first call was in response
25 to the letter that I had sent him introducing myself and

1 informing him that I would be representing him. I wrote
2 down that he was jubilant and upbeat and that we had a
3 brief discussion of the facts and the Fourth Amendment.
4 We planned on discussing his case in more detail in May.
5 We spoke in May of 2017. He called me. It was his
6 birthday. We floated the discussion of the transcript one
7 more month due to my heavy workload. In June of 2017 we
8 spoke. ~~Mr. Vaughn described an Ohio case that had a~~
9 ~~similar issue as his. I was unable to find it on Westlaw.~~
10 He did not have any details other than it was from the
11 Ohio Court of Appeals. ~~I searched then and I searched~~
12 ~~again when drafting and was unable to find the case from~~
13 ~~the Ohio Court of Appeals.~~ We spoke in August of 2017 and
14 I wrote down that Mr. Vaughn called wanting to hear my
15 voice and wondered whether there were any updates in his
16 case. I informed him that the brief would be filed later
17 that month and ~~we spoke about the transcript.~~ The brief
18 -- the initial brief was filed on August 22nd and there
19 were three calls that occurred after that. He indicated
20 that he had never received the State's brief. So our
21 office sent it. He left a voicemail in May of 2018 asking
22 for two pages of the transcript which were sent. And in
23 January of 2019 Mr. Vaughn called and indicated that he
24 had never received the closing documents. So those were
25 resent.

Note: I completely explained
the facts of my arrest 170
to Mr. Gilliam.

1 Q Can you sort of inform the Court of what issue you
2 brought on appeal in the brief?

3 A Yes. So in the initial brief of Appellant, which I
4 filed, ~~I raised one issue~~ and that was whether the mention
5 of an arrest warrant, an active arrest warrant, in
6 Appellant's name was sufficient to grant a mistrial and
7 whether the trial court erred in not doing so.

8 Q ~~Did you see any other possible meritorious issues for~~
9 ~~appeal?~~

10 A ~~I did not.~~

11 Q Did the Applicant try to -- during your discussions,
12 ~~did Mr. Vaughn ever try to bring up other issues that he~~
13 ~~thought you should bring?~~

14 A ~~He did not.~~

15 MS. SCHILL: Beg the Court's indulgence, Your Honor.
16 Mr. Gilliam, those are all the questions I have. Please
17 answer any questions from Ms. Ashley McMahan.

18 CROSS-EXAMINATION

19 By Ms. McMahan:

20 Q ~~Did you --~~

21 THE WITNESS: ~~Thank you.~~

22 Q Did you see any reason to try to send that case up by
23 certiorari to the Supreme Court?

24 A I did not.

25 Q And why is that?

1 A That's generally a rule-based determination. Rule
2 242 of the Appellate Court Rules, Section B lists a
3 non-exhaustive couple of factors for why you would see
4 certiorari at the South Carolina Supreme Court. I did not
5 see any of those present, nor did I believe that the South
6 Carolina Supreme Court would grant certiorari and reverse
7 the Court of Appeals in this case.

8 Q And did you ever talk to Mr. Vaughn and him kind of
9 tell you issues that he wanted you to raise that you did
10 not?

11 A My notes does not reflect in any of those
12 conversations.

13 Q Did he ask you to raise an issue about a sham
14 warrant?

15 A I do not recall that. No.

16 Q And did you see any reason to try to appeal any
17 issues related to the chain-of-custody?

18 A I did not.

19 Q And do you recall if you ever had a conversation with
20 Mr. Vaughn telling you that he wanted you to brief every
21 objection Ms. Merrill made on the record?

22 A That is something I hear from clients often. ~~But~~
23 ~~that is not something that I recall Mr. Vaughn requesting~~
24 ~~in this case.~~

25 Q And why is that something that you generally don't

1 do?

2 A When assigning issues to brief before the South
3 Carolina Court of Appeals, I tend to brief ones that are
4 only meritorious. If you include too many issues, you
5 weaken your meritorious issues. And so for that reason, I
6 never brief all preserved objections and motions.

7 Q Do you have a page limit that you're bound by
8 typically when you're filing an initial brief?

9 A Outside of the page limit with the Appellate Court
10 Rules, no, I do not.

11 Q So basically, what you're saying is that you go
12 through and see what the preserved issues are and you
13 raise the ones that you believe are the most meritorious?

14 A After doing research on the issues, yes.

15 Q And just because something's objected to and it's
16 preserved, doesn't necessary mean it's an issue that
17 should be raised on appeal?

18 A That's right.

19 Q Is there anything else you want to tell the Court
20 today?

21 A No, thank you for accommodating me.

22 MS. MCMAHAN: That is all the questions I have, Your
23 Honor.

24 THE COURT: Any redirect limited to what she went
25 into?

1 MS. SCHILL: No.

2 THE COURT: Thank you, sir.

3 MS. SCHILL: The State rest, Your Honor.

4 THE COURT: Anything in reply from the Applicant?

5 MS. MCMAHAN: No reply, Your Honor.

6 THE COURT: All right, I will take a look at it and
7 let you know. Thank you very much.

8 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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WITNESSES

E W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Travis Bell

[Signature]

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- 0541

THE STATE

vs.

Earnest Edward Vaughn Sr.

INDICTMENT FOR

UNLAWFUL NEGLECT OF CHILD
§ 63-05-0070

CDR: 2481

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

UNLAWFUL NEGLECT OF CHILD
§ 63-05-0070

At a Court of General Sessions, convened on the 6th day of May, 2016, the Grand Jurors of Greenwood County present upon their oath:

That Earnest Edward Vaughn Sr., on or about January 27, 2016, in Greenwood County, willfully and unlawfully while being a person who had charge or custody of a child, or who was the parent or guardian of a child, or who was responsible for the care and support of a child, one Devin Vaughn, five (5) years of age, did place the said child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or caused to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or willfully abandoned the said child, in violation of the provisions of Section 63-5-70 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



Assistant Solicitor

ATTEST A TRUE COPY
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

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2016

Indictment # 16GS24- 0541

THE STATE

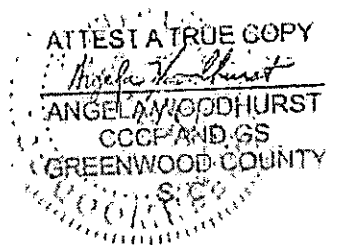
vs.

Earnest Edward Vaughn, Sr.

INDICTMENT FOR

UNLAWFUL NEGLECT OF CHILD
§ 63-05-0070

CDR: 2481



WITNESSES

E W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Tambor
Scott

Foremn 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- 0541

THE STATE

vs.

Ernest Edward Vaughn Sr.

INDICTMENT FOR

UNLAWFUL NEGLECT OF CHILD
§ 63-05-0070

CDR: 2481

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Angela Woodhurst
ANGELA WOODHURST
CCCP AND GS
GREENWOOD COUNTY
S. C.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE
§ 44-53-0375

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Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



Assistant Solicitor



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MAR 26 2021

SC Court of Appeals

Dear Clerk,

I have enclosed for filing in your office, an addendum continued to the one I filed in the Supreme Court after Scarlett Moore deserted my writ of cert. with a Johnson petition. Although she was appointed to represent me, she also conspired to deny me adequate, meaningful and effective access to the courts like Mr. Gilliam and Ms. McMahan did on my direct appeal and P.C.R.

I also understand that a court process takes time, however, these issues should have already been adjudicated on the direct appeal and P.C.R. Due to the misconduct committed against me, justice has been obstructed by the Attorney General's office. So I would like to respectfully ask, can this process be expedited by this Honorable Court?

Please respond.

Respectfully Submitted

Date 3-16-21 s/ Earnest Vaughn

Earnest Vaughn

With enclosures.

Earnest Vaughn - 256912
M.C.I.F. - 1-182
386 Redemption Way
McCormick SC 29577

RECEIVED
MAR 26 2021
SC Court of Appeals

S.C. Court of Appeals
Clerks Offices
P.O. Box 11629
Columbia SC 29211

MAIL ROOM
MAR 22 2021

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Legal Mail