

**RECEIVED**

APR 13 2021

SC Court of Appeals

Earnest Vaughn #246912  
McCormick C.I. F1-A-182  
386 Redemption Way  
McCormick, SC 29899

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South Carolina Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, SC 29211

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In Re: Vaughn v State \_ c/a #2020-000750

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Dear Ms. Allen,

I have enclosed a letter to Scarlett Moore that I would like served to her. She is still listed as my lawyer and she has shown that she does not want to properly represent me and will not accept any mail from me. My last two (2) letters to her, she returned them to sender (RTS).

I have had the same problem with all court appointed lawyers who have intentionally failed to properly represent me in violation of my 6th and 14th amendment rights.

I was denied a fair trial. My appellate counsel raised one deadbang issue after telling me that he was going to raise other issues that I had discussed with him, and my P.C.R. counsel also failed to raise the issues we discussed. This is due to misconduct by the Solicitors office and the Attorney General's office.

Would you please serve this letter and documents to Ms. Moore and file them with my appeal.

Thank you very much, Maam.

Date/ 4-3-21

Sincerely,

*Earnest Vaughn*

Earnest Vaughn #246912  
McCormick C.I. F1-A-182  
386 Redemption Way  
McCormick, SC 29899

Earnest Vaughn # 246912  
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McCormick, SC 29899

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**RECEIVED**  
APR 18 2021  
SC Court of Appeals

Scarlet Bell Moore, Esquire  
Post Office Box 17615  
Greenville, SC 29606

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Dear Ms. Moore,

I have enclosed a letter from Claire Allen saying you are still listed as my lawyer on my appeal, (writ of cert), that was remanded back to The S.C. Court of Appeals after you tried to desert the issues that we talked about by filing a Johnson petition when you told me in our lastphone conversation that, "you were going to put all of the issues we discussed in the petition when you filed it."

You do understand that your failure to properly represent me is an obstruction of justice, and it violates my constitutional rights, and ethical duty to uphold the law. This is the reason that I filed the complaint against you with the Office of Disciplinary Counsel. Your conduct also shows that, since I could not offer to pay you more than the \$500.00 that you were being paid by the State, you chose to do the minimal amount of work and not what you told me you were going to do. It is clear, "you lied to me".

Now if you have a conflict of interest in this case, you need to advise the court so they can re-appoint me a new counsel!

You had the facts and evidence to prove the elements of my case in this appeal, but chose to claim, there was no merit on the issues, "I had to raise in my addendum, to your Johnson petition"!

It was clear that the trial judge erred when he failed to suppress the evidence in this case. After the police admitted to making an unlawful traffic stop and to not having a reliable informant, (false information), the judge ruled on heresay testimony, that they had a lawful, unchallenged warrant for my arrest.

My lawyer just told him this was a pretext allegation and they never entered a warrant into evidence and Brian Louis claimed he signed the warrant based on what another officer said. The judge was aware this was a sham allegation, "clearly not probable cause"!

This unlawful traffic stop and detention of my person clearly was in violation of my 4th amendment right and you were aware of this before you chose to file the Johnson petition.

the prosecutor, Micah Black, even admitted to with-holding exculpatory evidence, tampering with dashcam video and falsely claimed that I made a marandized statement to police and had no statement to enter into evidence. This clearly violated my 5th amendment rights.

It was also clear that the police tampered with the evidence they claimed they seized and had a broken chain of custody in which, "I was denied the right to challenge by the judge", and my defense lawyer. This clearly violated my 6th and 14th amendment rights.

You also had clear evidence that prosecutor Micah Black forged the indictments against me, because he did not have the elements required by the 4th amendment. No probable cause before the stop or reasonable suspicion supported by articulable facts that a crime had been committed. This is the reason the indictments stamped by the clerk, Chasity Copeland don't have a True Bill stamped or seal by the grand jury, and the court calendar shows no General Sessions on May 6th, 2016. I have enclosed copies of those indictments and the same indictments Stamped True Copy by Clerk Angela Woodhurst in which, "she and Micah Black fabricated" after they became aware that I was challenging the first indictments. This is proof that both clerks committed fraud and Micah Black committed perjury and as my lawyer, "you should see that they are held accountable for these crimes against me", by seeking indictments against them.

It is also clear that my trial counsel, appellate counsel and P.C.R. counsel were ineffective in representing me. I have enclosed Taylor Gilliam's testimony at my P.C.R. hearing where he clearly lied under oath and he should be held accountable for perjury also, and you should have raised "ineffective assistance of counsels" and the other issues I have listed above in your petition in my writ of cert. to The Supreme Court.

Eventhough I filed a pro/se addendum to your Johnson petition you should file a brief to the Court of Appeals listing all of the above issues professionally like you told me you would do in our last phone call.

Since my last two (2) letters you marked RTS (return to sender), I am going to ask the Clerk of Court to serve this letter to you and file it with my case in The Court of Appeals so I can show that I have not waived my issues or constitutional rights.

Thank you very much Maam!

Please respond.

Date/ 4-3-21

Sincerely,

Earnest Vaughn

Earnest Vaughn #246912

McCormick C.I. F1-A-182

386 Redemption Way,

McCormick, SC 29899



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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COLUMBIA, SOUTH CAROLINA 29201  
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March 26, 2021

Earnest Vaughn, #246912  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899

Re: Earnest E. Vaughn v. State  
Appellate Case No. 2020-000750

Dear Mr. Vaughn:

This will acknowledge receipt of your letter we received on March 8, 2021. In response, the addendum you filed with the South Carolina Supreme Court was part of the records transferred to the South Carolina Court of Appeals.

At this time our records indicate that your attorney of record is Scarlet Bell Moore, Esquire. Her address is Post Office Box 17615, Greenville, SC 29606.

Please be advised that your case was transferred to the South Carolina Court of Appeals by order of the South Carolina Supreme Court on March 4, 2021. Please direct all future correspondence and filings to the South Carolina Court of Appeals.

Exhibit A

WITNESSES

E W Brooks  
Greenwood County Sheriff

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

May Term, 2016  
Indictment # 16GS24-0539

WARRANT NUMBER

2016A2410200125

THE STATE

vs.

Earnest Edward Vaughn Sr.

*True Bill*

*[Signature]*

Foreman of the Grand Jury

Date: 5-6-16

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.

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

**WITNESSES**

E W Brooks  
Greenwood County Sheriff

**WARRANT NUMBER**

2016A2410200132

*Tammy 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

2016A2410200125

*True Bill*

*H. K. ...*

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.

Ernest Edward Vaughn Sr.

INDICTMENT FOR

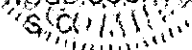
TRAFFICKING IN METHAMPHETAMINE  
§ 44-53-0375

CDR: 0451

Exhibit B

ATTEST A TRUE COPY

*Angela Woodhurst*  
ANGELA WOODHURST  
CCCP AND GS  
GREENWOOD COUNTY



**WITNESSES**

E W Brooks  
Greenwood County Sheriff

**WARRANT NUMBER**

2016A2410200132

Tambur

Adon

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

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

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR


COUNTY OF GREENWOOD

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



WITNESSES

E.W. Brooks  
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Trou Bill  
[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

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

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.

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?

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MS. SCHILL: No.

THE COURT: Thank you, sir.

MS. SCHILL: The State rest, Your Honor.

THE COURT: Anything in reply from the Applicant?

MS. MCMAHAN: No reply, Your Honor.

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

\*\*\* END OF REQUESTED TRANSCRIPT OF RECORD \*\*\*

Ernest Vaughn -246912  
M<sup>c</sup> C.I.F-1 -182  
386 Redemption Way  
M<sup>c</sup> Cormick S.C. 29899

APR 08 2021

S.C. Court of Appeals  
(Claire Allen)  
P.O. Box 11629  
Columbia S.C. 29211

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Legal Mail