

South Carolina

pg. 1

Pro/se

Court Of Appeals

Earnest Vaughn | C/A No. # 000750

-V- Petitioner | Final Brief

State | and

Respondent | Statements Of Facts

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SC Court of Appeals

On January 27th 2016 in Greenwood County the petitioner was detained and arrested during an unlawful traffic stop, as the passenger of a vehicle, when police claimed to have an arrest warrant for the driver from Laurens County. They admitted during a suppression hearing, that was false information

This traffic stop and detention of the petitioner violated the 4th amendment of the United States Constitution in Terry v Ohio - 392 US 1, 88 S.Ct. 1868 (1968)

Ofc. Josh Hood detained the petitioner and "conducted a search" of the "petitioners person" without consent and without a searchwarrant. Ofc. Hood also stated he did not have a warrant to arrest the petitioner and was not aware if anyone did.

This illegal detention and search of petitioner violated the 4th amendment in Mapp v Ohio - 367 US 643, 81 S.Ct. 1684 (1961). The fabricated/ tainted evidence, should have been suppressed.

The trial court erred by failing to suppress the evidence as fruits of the poisonous tree, and stating that police had a unchallenged and legal warrant for the petitioners arrest.

This finding violates Due Process and the rules of evidence and "it was based on hearsay". The defense counsel also told the Court this warrant allegation was pre-text because police did not have a reliable informant. Then police was allowed to fish for a reason for detaining petitioners.

Ofc. Brian Loui's testified falsely that he had the warrant in hand at the time of the stop. He then said, he was not sure if he had it or if someone else did. He was then led to say "whoever 351 was had it." "A warrant was never entered into evidence" and should not have been considered, and it rendered the petitioners trial fundamentally unfair and it violated the 6th and 14th amendments of the United States Constitution.

Prosecutor and Lawyer Misconduct

Since prosecutor Micah Black could not get a lawful return of an indictment due to the above facts of the arrest and 4th amendment violation, he forged the indictments "not under the jurisdiction of the General Sessions Court."

The petitioner has submitted a copy of the court calander for May 6th 2016 in Greenwood - County and the forged "indictments," that was - first stamped as true copy" by clerk Chasity - Copeland in 2016, and then in 2019 after the direct appeal and before the p.c.r. hearing Micah Black altered and forged other copies of the same indictments and conspired with Clerk - of Court Angela Woodhurst to stamp them as true copies also. These Clerk's committed fraud.

Prosecutor Micah Black also admitted to tampering with evidence at trial by with-holding exculpatory evidence and cutting the dashcam video down to 19 to 21 minutes and took almost all of the audio out of that video that would have changed the outcome of the trial due to a 5th amendment violation also where police falsly claimed the petitioner made a marindized statement during the arrest. This was heresay also and it violated the rules of evidence 401 and/or 403!

Evidence and testimony from Ofc. Gregg Allison, and SLED's Lynn Black shows a broken chain of - custody and the tampering with evidence also violated the rules of evidence and Micah Black conspired with defense counsel Jane Merrill to not challenge this misconduct or the constitutional violations.

The petitioner was denied the right to challenge the tainted evidence by the trial court and the defense counsel was ineffective for failing to challenge the broken chain of custody that would have changed the outcome of the trial. This misconduct violated the 6th and 14th amendments of the United States Constitution.

Prosecutor Micah Black and Ass. Att. Gen. Brianna Schill also conspired with Appellate Defense Lawyer Taylor - Gilliam, PCR Lawyer Ashley McMahon and Writ of Cert. Lawyer Scarlett Moore to not raise any of these facts and constitutional violations in any of the post trial remedies in which violates Due Process and denies the equal protection of the law's.

Therefore the petitioner respectfully ask this Honorable Court to consider this final brief and the previously filed addendum to Scarlett Moores Johnson petition filed in the SC. Supreme Court on writ of cert. and grant the following relief.

- 1. Suppress the evidence and vacate conviction.
- 2. Deem the indictments non binding and quash indictments, and any other relief this Court deems just and proper.

Date 6-20-21

S./ Earnest Vaughn