

South Carolina
Court of Appeals

Continued

pg. 1

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

' C/A # 000750
' Exhibits A, B, C, and
' Statements of Facts

RECEIVED

SEP 27 2021

SC Court of Appeals

The Petitioner in the above case is without counsel even though Attorney Scarlett Moore was appointed to represent the petitioner by the S.C. Supreme Court on the Writ of Certiorari due to conflicts of interest by Appellate Defense Taylor Gilliam, and PCR Lawyer, Ashley M^cMahan.

Throughout the jury trial in this case, direct appeal, post conviction and the writ of cert, Prosecutor Micah Black has abused his power to conspire with the lawyers appointed to represent the petitioner to assure himself that these forged indictments and the violations of the 4th and 5th amendments during the unlawful arrest of the petitioner on Jan. 21st 2015.

This case was remanded back to this Honorable Court by the S.C. Supreme Court after Scarlett Moore tried to desert constitutional violations and issues of misconduct and court errors by filing a Johnson Petition on the writ of cert. The petitioner filed a pro/se addendum and a pro/se final brief listing those complaints.

The petitioner would now like to respectfully submit exhibits A B and C that establishes criminal misconduct. Those criminal acts are as follows and violate Due Process and denies the petitioner Equal Protection of the laws guaranteed by the 14th amendment of the United States Constitution.

1. Prosecutor Micah Black, Forgery 4 counts.
2. Clerk Chasity Copeland, Fraud 2 counts.
3. Clerk Angela Woodhurst, Fraud 2 counts.
4. App. Def. Taylor Gilliam, Perjury 1 count.
5. This is also an act of "kidnapping" by fabricating documents to hold the petitioner unlawfully against his will, all in violation of the S.C. Code of Laws.

The Court calander for the 8th Judicial Circuit shows that on May 6th 2016 there was no General Sessions Court that a grand jury could have been impaneled under the jurisdiction for the return of a lawful indictment. The testimony of the Police also shows that the elements required by the 4th amendment did not exist to support the lawful return of these forged indictments.

The indictment's stamped True Copy by Chasity Copeland without a True Bill Stamp was used at the trial, This misconduct was discovered by the petitioner and copies of these indictments and court calander and other documents was mailed to Taylor Gilliam to be raised on the direct appeal with the facts of the 4th and 5th amendment violations under, "Terry v Ohio and Mapp v Ohio" and Marinda v Arizona!

Mr. Gilliam denied these discussions under oath at the P.C.R. hearing and then admitted he could not find the Ohio cases given to him by the petitioner. He also admitted to floating the entire transcript with petitioner.

After the direct appeal and before the P.C.R. hearing prosecutor Micah Black altered the same indictment's "removing Ms. Copeland's True Copy stamp" and conspired with Ms. Woodhurst to smudge a rubber stamp seal and then put her True Copy stamp on these instruments, incase it was brought up in the PCR hearing. Those indictments was then posted in back of the PCR. - transcript eventhough Mr. Black conspired with P.C.R. Counsel Ashley McMahon to not raise it on the P.C.R., However, all of it was listed on the P.C.R. application by the petitioner with the constitutional violations and the issues of Police Misconduct, Prosecutorial - Misconduct and Judicial Misconduct and Abuse of Discretion. Ms. McMahon would not put it on the record!

Therefore, the petitioner respectfully ask this Honorable Court to "consider all of the facts - and circumstances," surrounding this unlawful arrest, forged indictments, violations of the 4th 5th, 6th and 14th amendments as a whole and grant the relief requested in this appeal.

1. Quash the indictments!
2. Suppress the fabricated/tainted/passionus evidence and vacate this unlawful conviction!
3. Grant the petitioner an 'instant release'!

Respectfully Submitted

Date 9-23-21

~~S. / Earnest Vaughn~~

Earnest Vaughn

MC CI F-1-182

386 Redemption Way

McCormick S.C. 29899

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

J. C. ...

Foreman of the Grand Jury

Date: 5-6-16

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE

§ 44-53-0375

VERDICT

Guilty

Foreman

11/2/16

CDR: 0451

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

WITNESSES

E W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Travis Bell

[Signature]

Foreman of the Grand Jury

Date: 5-6-16

VERDICT

Guilty

Foreman

[Signature]
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

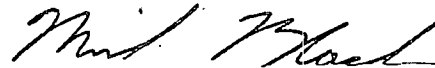
INDICTMENT FOR

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.

Exhibit B

WITNESSES

E.W. Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

True 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.

WITNESSES

E W Brooks
Greenwood County Sheriff

WARRANT NUMBER

2016A2410200132

Tambrell

[Signature]

Foreman of the Grand Jury

Date: 5-6-16

VERDICT

Guilty

Foreman [Signature]
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

ATTEST A TRUE COPY
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

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

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.

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. CAROLINA

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?

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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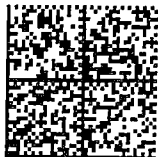
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