

Noel Gray, # 307590
Murray # 152 B
Broad River Corr. Inst.
4460 Broad River Rd.
Columbia, SC. 29210

August 24, 2017

RECEIVED

AUG 30 2017

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia S.C. 29211

RE: August 17, 2017 Official Correspondence 2017-001729 App. Case No.
2015-CP-02-01730 L.C.No.

Honorable Clerk.

Pursuant to your communication, the petitioner files this response:

1. In the Petitioners Proof of Service, this court will find the Clerk of Court sent the Respondent a copy of the Notice, due to the petitioner is indigent; and the institution was on a Security lock down. Postage was limited and access to the mail Room was impossible.

2. This Court was sent four packages of Exhibits and a Pro-se Brief for Writ of Certiorari that supports every detail of your request. on August 15, 2017 and August 21, 2017.

3. This court has violated the petitioners 1st Amendment right on May 7, 2014 when the petitioner filed a Complaint to the Honorable Tol and Beatty on May 5, 2014 regarding the Key v. Currie, 305 S.C. 115, 406 S.E.2d (1991).

violations and this Court violated petitioners 14th Amendment right, and

the ex parte rule by serving the Attorney General's office and not the Justices, a blatant due process of law violation, and erroneously denied.

The petitioner filed another objection to the erroneous denial on May 27, 2014 and writ of Habeas Corpus and on August 3, 2015 regarding the same issues and was unconstitutionally denied on August 19, 2015, and now this Court sees that the filings were not frivolous and this Court had the original jurisdiction to entertain them.

4. The 2015-CP-02-01730 PCR Application cannot be barred by Succession pursuant to Coats v. State, 575 S.E.2d 557 S.C. 2003 and S.C. Code Ann. § 17-27-45 (c) (2003) because these issues were after-discovered on October 12, 2011 see 2011-CP-02-02776, due to trial counsel withholding a Rule 5 Brady Disclosure that contained every document testified to at the initial PCR 2008-CP-02-0734 dated February 2, 2009 before the Honorable Early and was erroneously denied in order to cover for Trial Counsel's perjury Layman v. Armontrout, 923 F.2d 578 (CA 8 1991).

On April 12, 2013 the Honorable Chief Justice Toal filed her order recusing Judge Early off the bench for being a conflict of interest and the petitioner done the same on March 13, 2013 and Judge Early has violated this Order signing the erroneous orders in the 2013-CP-02-0478 and 2015-CP-02-01730 Applications.

Judge Early does not have the jurisdiction to entertain any

of the petitioners filings and he has done so, pursuant to Rule 502,
RFJDE SCACR Rule 7(a)(1)-(9) this Court has the duty to sanction
Judge Early for his Serious Gross Miscarriages of Justice and harmful
due process of law violations under the 5th and 14th Amendments,
of the U.S. Constitution.

5. An Appeal was perfected on January 29, 2014 and a Remittitur
was sent on February 24, 2014 pursuant to Davis v. State, 381 S.C. 601,
675 S.E.2d 416 (2009); also incorporates Missouri v. Frye, 132 S.Ct. 1399
(2012); Belt v. State, 410 S.C. 436, 765 S.E.2d 4 (2014)

6. The petitioner filed a PCR Application on March 20, 2014 with the
following: Ineffective Assistance of Counsel "Failure to convey 2 formal
Plea offers"; lying to a Chief Administrative Judge to obtain an
illegal Order; withholding exculpatory Evidence, and failure to
challenge the unlawful use of the S.C. Code Ann. § 17-25-45 Recidivist
Statute, and a Motion was sent with Subject Matter Jurisdictional
issues amended, and Jurisdictional.

7. Subject Matter Jurisdictional Issues "can not be barred by res-
judicata," pursuant to Anderson v. Anderson, 299 S.C. 110, 115, 382 S.E.2d
987, 900 (1989) and State v. Funderburk, 191 S.E.2d 250 (1972); State v.
Sowell, 85 S.C. 278, 67 S.E. 316 (1910). Brown v. State, 540 S.E.2d 864
(S.C. 2002) at N. [2-5]. See January 23, 2014 Motion to Vacate Sentence
and Conviction pursuant to Stattel Holbrook, 274 S.C. 4, 260 S.E.2d 181 (1979),
Article 1 § 18 and Article 1 § 3, S.C. Const. S.C. Code Ann. § 17-11-10 and

unConstitutional; unethical and in clear violation of the U.S. Constitution.

As of the Honorable Toals Order dated April 12, 2013, Judge Early violated Rule 501 COJC Canons One, Two, and Three, and Rule 407 COPC SCACR, and under Rule 502 R.F.JDE SCACR Rule 7 (a)(1)-(4) the Order of Dismissal dated July 18, 2017 has no merit, force or effect and is in clear violation of the petitioners 1st, 5th, 6th, 8th and 14th Amendments under the U.S. Constitution

And for the Respondent to erroneously deny and falsely Genuine Material facts and to mis-represent Genuine Material facts and to bar Subject Matter Jurisdiction and Jurisdictional issues and to continue to violate Judge Toals Orders and illegally leaving Judge Early to erroneously sign orders that he has no jurisdiction to do. is a clear due process violation and violates Rule 506 COC for SA/LC SCACR and the 1st and 6th and 14th Amendments under the U.S. Const.

Therefore, the petitioner is entitled to relief sought in the Pro-se Brief filed on August 21, 2017, w/ exhibits.

Subscribed and Sworn before me

this 29th day of August, 2017

X [Signature]

ys

Notary Public for South Carolina

My Commission Expires: 9/16/2026

CC/FILE/32254

Respectfully Submitted

Noel Gray #307590

Noel Gray

Pro-se

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AUG 30 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
CERTIORARI FOR AIKEN COUNTY
Doyet A. Early, III, Chief Admin. Judge

S.C. SUPREME COURT

CASE NO. 2015-CP-02-01730
APP. CASE NO. 2017-001729

August 23, 2017

Noel Gray,

Petitioner,

v.

State of South Carolina

Respondent.

SWORN AFFIDAVIT / CERT. OF SERVICE.

I Noel Gray do here-by swear under the penalty of perjury every detail and accusation contained here in are true and correct to the best of my knowledge and beliefs. Also a Original and a true copy is enclosed here in for your filing and a Clock Stamp Copy be returned to petition in the enclosed SASE deposited in the US. Mail on this 24th day of August, 2017 addressed to the Clerk of the Supreme Court Mr. Daniel E. Shearouse, P.O. Box 11330 Columbia, SC. 29211

Respectfully Submitted.

Noel Gray #307590
Noel Gray,

ELECTRONICALLY FILED 2017 Aug 16 1:11 PM - AIKEN - COMMON PLEAS - CASE#2015CP0201730

Murphy H 752 B
Brock P...
Julia B...

Columbia SC 29210

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- Pro SE Brief
AUG 15 2017

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Sent To S.C. Atty Gen. Office
 Street, Apt. No. or PO Box No. P.O. Box 11549
 City, State, ZIP+4 Columbia, SC 29211-1549

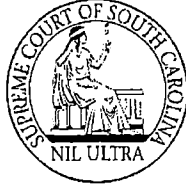
PS Form 3800, August 2008 See Reverse for Instructions

The Honorable Robert J. Howell
Circuit Court
The Court of Common Pleas
P.O. Box 587
Aiken, SC
29812-1543

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AUG 15 2017

BRCI MAILROOM



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

August 17, 2017

Mr. Noel E. Gray, Jr., #307590
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Noel Gray v. State
Appellate Case No. 2017-001729
Lower Court Case No. 2015CP0201730

Dear Mr. Gray:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at

www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

For this matter to proceed, it will be necessary for you to provide the following within twenty (20) days of the date of this letter:

- (1) A proof of service showing that a copy of the notice of appeal has been timely served on the counsel for the State as required by Rules 243(b) and 203(d)(1)(B)(i), SCACR; and,
- (2) The written explanation required by Rule 243(c), SCACR ("If the lower court has determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the petitioner must, at the time the notice of appeal is filed, provide an explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. If the petitioner fails to make a sufficient showing, the notice of appeal may be dismissed.").

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, horizontal flourish that extends to the right.

CLERK

cc: Julie Amanda Coleman, Esquire

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM AIKEN COUNTY
COURT OF COMMON PLEAS

Douglas A. Early, III, Circuit Court Judge

CASE NO. 2015-CP-02-01730

Noel Gray

Petitioner.

v.

State of South Carolina.

Respondent.

PROOF OF SERVICE

I Certify that I have served the Notice of Appeal to the Aiken County Clerk of Court, by depositing a copy in the U.S. Mail, Postage Prepaid on August 10, 2017 addressed to the Honorable Clerk's Office PO Box 583, Aiken, SC. 29802-0583. The Clerk will serve the Respondent, the Petitioner is indigent.

Noel Gray #307590
Noel Gray
BRCI/Murray #152B
4460 Broad River Rd
Columbia, SC 29210

August 10, 2017

The Honorable Robert J. Harte
Clerk of Court for Aiken County
P.O. Box 0583
Aiken, S.C. 29802-0583

RE: Gray, Noel v. State of South Carolina, Case No. 2015-CP-02-01730

Dear Mr. Harte,

Enclosed is petitioner's Notice of Intent to Appeal in the above case. Clock stamp a copy for me and return please.

Sincerely,

Noel Gray #307590

Noel Gray

B.R.C.I. / Murray #152 B

4460 Broad River Rd

Columbia, SC. 29210

August 10 , 2017

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC. 29211

RE: Gray, Noel v. State of South Carolina C/A 2015-CP-02-01730 ; see
December 21, 2015 premature filing with exhibits

Dear Mr. Shearouse,

Enclosed for filing is a Notice of Appeal in the above cited case. Also enclosed is the following:

1. Proof of Service of the Notice of Appeal to the Clerk of Common Pleas;
2. A copy of the erroneous order which is challenged on Appeal;
3. This Appeal is being filed within the Supreme Court because of Rule 243(a) SCACR; and clear violations of Rule 71.1(c) SCRPC, U.S. Const '(51); State Const'; and Judge Early's violations of Rule 407 COPC; Rule 501 COJC; Rule 502 RFJDC citing Rule 7(a) (1)-(6) SCACR for violating the Honorable Toal's Order. April 12, 2013 and petitioner's Motion of Recusal on March 3, 2013 willfully and illegally.

"A Serious Conflict of Interest" Please Clock Stamp the enclosed copy and return in the SEISE provided.

Please Note the institution has been shut down for multiple gang related
Stebbing. on August 5, 2017. I can get to the mail
Room for Legal Mail off the 6th.

Noel Gray # 307590
Noel Gray
BRCZ/Murray 152 B
4460 Broad River Rd.
Columbia, SC. 29210

PETITIONERS COPY

August, 10 2017

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AUG 17 2017

The Honorable Daniel E. Shearouse,
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

RE: Gray Noel v. State of South Carolina case No: 2017-CP-0201730, see
December 21, 2015 premature filing w/EXHIBITS

Dear Mr. Shearouse,

Enclosed for filing is a Notice of Appeal in the above cited case, also
enclosed is the following:

1. Proof of Service of the Notice of Appeal to the Clerk of Common Pleas;
2. a copy of the erroneous order which is challenged on Appeal;
3. This appeal is being filed within the Supreme Court because of Rule 243(a)
SCACR', clear violations of Rule 26.1(c) SCRPC; U.S. and State Constitutions;
Judge Early violating the Honorable Toals Order dated April 12, 2013; violating
Rule 407 COPC; Rule 501 COJC; Rule 502 RFJOC Rule 7(e)(1)-(4) SCACR. and petitioners
Motion of Recusal dated March 3, 2013 willfully and illegally. "A serious conflict-
of interest". please Clock Stamp the enclosed copy and return it to the SASC
provided

Please Note: the institution is locked down since August 5, 2017 for gang related
Stabbings. I cannot get to the mail room for legal mail.

Came of Aug. 10, 2017

Noel Gray #307590
Noel Gray
BRCI / Murray 152B
4460 Broad River Rd.
Columbia, SC 29210

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AUG 17 2017

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

S.C. SUPREME COURT

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Chief Admin Judge.

CASE NO 2017-CP-02-01730

Noel Gray,

Petitioner,

v.

State of South Carolina

Respondent

NOTICE OF APPEAL

Noel Gray #307590 Appeals the decision of the Honorable Doyet A. Early III, dated July 3, 2017, Petitioner received a copy of this decision on August 2, 2017, we are on lockdown for gang related stabbings of August 5, 2017 came off August 10, 2017

Noel Gray #307590

Noel Gray

BREI / Murray #15213

4460 Broad River Rd.

Columbia, SC 29210

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AUG 17 2017

THE STATE OF SOUTH CAROLINA

S.C. SUPREME COURT

IN THE SUPREME COURT

APPEAL FROM AIKEN COUNTY
COURT OF COMMON PLEAS

DOYET A. EARLY, III, Chief Admin. Judge

CASE NO. 2017-CP-02-01730

Noel Gray,

Petitioner.

v.

State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal to the Aiken County Clerk of Court by depositing a copy of it to the U.S. Mail, postage pre-paid on August 10, 2017, addressed to the Honorable Clerks Office P.O. Box 583 Aiken, SC 29802-0583, The Clerk will serve the SC. Atty. Gen. Office the petitioner is indigent.

Noel Gray #307590

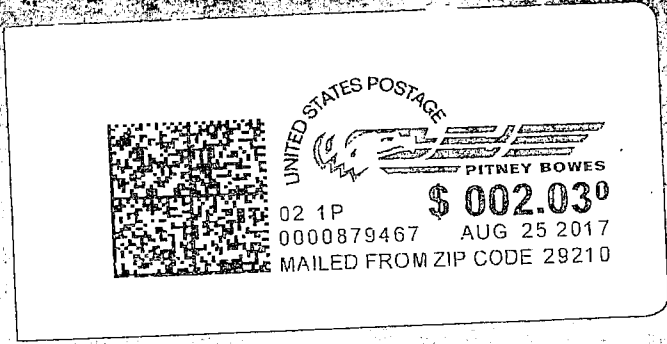
Noel Gray

B.R.C.I. Murray #152B

4460 Broad River Rd.

Columbia, SC 29210

307590
152 B
Over Corr. Inst.
Broad River Rd.
Soc. SC
29210



The Honorable Daniel E. Shecroese
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC - 29211

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AUG 25 2017
BRCI
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