

THE STATE OF SOUTH CAROLINA
COUNTY OF AIGLEN

Noel Gray #307590
Petitioner.

v.

State of South Carolina
Respondent

IN THE SUPREME COURT OF SOUTH CAROLINA

App. Case No. 2017-001729

PETITION FOR REHEARING

Rule 221 (a) SCACR against
Order Dated October 24, 2017

The petitioner herein moves this Court for a Re-hearing to the above cited case pursuant to the Honorable Clerk Daniel Shearouse's erroneous presumption that the petitioner has failed to provide proof of service showing that a copy of the Notice of Appeal was served on the opposing Counsel as required by Rule 243(b) and 203(d)(1)(B)(i) SCACR.

This matter shall not be dismissed pursuant to the 14th Amendment under the U.S. Constitution as follows:

On August 10, 2017 the petitioner filed for an Appeal with this Court that was filed on August 17, 2017 by Clerk Shearouse and on August 16, 2017 by Clerk Harte. enclosed in the Clerk of Courts Notice, the petitioner requested that the Clerk send a copy to the Respondent due to the Institution being on a Security Lock down also in the communication to Clerk Shearouse, the ~~petitioner~~ petitioner noted that the institution is on lock down and he can not get copies of anything.

The petitioner is a State Prisoner, and he respectfully moves that this Court does have a Judicial Duty to protect a State Prisoners due process at law, and when a prisoner is on lock down, he or she does not have the same abilities as the Respondent or the Clerk does.

Institutional Lockdowns, there are no copies, no law library, no indigent envelopes. Even as today's date November 4, 2017 the institution is on a Security lock down due to lack of staff

This Court cannot hold an inmate responsible for things he is not in control of. Therefore, the petitioner respectfully prays this Court will grant writ of Certiorari, the evidence is overwhelming and Judge Early did not and does not have the jurisdiction to entertain an order in this case.

Appellate Case No. 2017-001729: 2015 CP 02 01730 is without merit and this Court cannot refute it's illegality as of April 12, 2013. Honorable Tools Order Judge Early was recused for being a Conflict of Interest.

Respectfully Submitted
Noel Gray #307580
Noel Gray
Pro-se.

At this time the institution is on Security lock down. Please send a Clock Stamp Copy back please. A copy is reserved for Federal Review

THE STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

Noel Gray, #307590)

Petitioner,)

v.)

State of South Carolina)

Respondent.)

IN THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2017-001729

SWORN AFFIDAVIT / CERT. OF SERVICE

RECEIVED

NOV 16 2017

S.C. SUPREME COURT

I Noel Gray #307590 petitioner does hereby swear under the penalty of Perjury that the institution was on Security Lock down on August 10, 2017 due to Gang Related Stebbings and as of todays date November 4, 2017 the institution is on Security Lockdown,

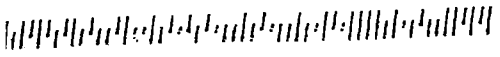
The petitioner does not have access to the mail room or to get copies and he is limited on indigent legal supplies.

The petitioner is only afforded to file this Petition for Re-Hearing pursuant to Rule 221(a) SCACR and only has one envelope to mail this petition out.

Therefore, this petition is deposited in the U.S. Mail Postage pre-paid and addressed to the Honorable Clerk Daniel E. Sheerouse P.O. Box 11330, Columbia, SC. 29211

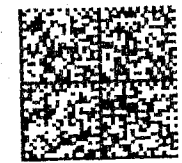
Executed on this 14th day of November, 2017
Columbia, SC.

Respectfully Submitted
Noel Gray #307590
Noel Gray
Pro-Se.



0 C D
Corr. Inst
River Rd.

29210



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 001.190
0000879467 NOV 13 2017
MAILED FROM ZIP CODE 29210

In the Supreme Court of South Carolina
The Honorable Clerk's Office
Daniel E. Shearouse
P.O. Box 11330
Columbia, SC

29211

RECEIVED

NOV 13 2017

BRICI
MAILROOM