

State of South Carolina  
in the Supreme Court

Certiorari to Berkeley County

Ron Santa McCray

Prose Petitioner

V.

State of South Carolina

Respondent

Appellate Case No. 2017-002051

**RECEIVED**

SEP 18 2018

**S.C. SUPREME COURT**

## (Argument I)

McCray self defense was never introduced because of the ineffective trial attorney Christopher Biering. *State v. Nichols* 325 S.C. 111, 116-117, 481 S.E. 2d 118, 121 (1997) finding the evidence supported including additional instructions on (1) the right to act on appearance (2) relevance of prior difficulties and (3) that a person does not have to wait before acting in self-defense.

The judge ordered a proffer testimony for the S.C. DC. Health records.

The doctors was subpoenaed. They never testified. The trial attorney never called them to the stand. This would have shown and proved that Porcher was an mentally unstable person that was on his Bi-polar meds and had cocaine, alcohol, and marijuana in his system which will heighten his mental illness. Porcher was always a threat to society with his violent tendencies. These doctors would have proved that,

### (Argument I)

By the judge ordering an evidence hearing and then not having the hearing and worse the judge does not make a ruling. This is Fraud upon the court

At the PCR hearing Christopher Biering states that he was being confined transcript pg 969 line 18

The trial attorney failed to preserve this issue for appealant review.

The trial attorney failed to introduce this exculpatory evidence from these expert witness. The trial attorney was confined which caused an unfair trial

A judge is not suppose to forget or over look a scheduled court preceeding.

The officers of the court and Judge Harrington committed Fraud Upon the Court

(Argument I)

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The trial attorney never objected that the evidence hearing was never introduced.

This prejudiced McCray from having a fair trial.

This was the same Judge Harrington that was removed from the bench for her unethical rules in the court room.

And the Direct appeal courts based their decision on this hearing.

If the circuit court would have made a ruling the Direct appeal Judges may have made a different decision.

## (Argument II)

The trial attorney failed to object to the photos that was taking by the missing sled agent. This was highly prejudice. The trial attorney ineffectiveness should never be tolerated in any courtroom.

The showing of these pictures is a constitutional violation. And the ineffective trial attorney failed and the appeal court agreed that the trial attorney failed. They said this in their closing opinion.

Farther more the Supreme Court has determined that constitutional errors may be deemed harmless only when an appellate court can declare a belief beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained.

Here the Direct Appellate court made their opinion base on the perjury testimony of James Boykins that the states main witness and the absence of the judges ruling on the SCDC records which the doctors was called to testify but they never took the stand and a ruling was never made.

This was an unfair trial and Fraud Upon the court

### (Argument III)

The states main witness James Boykins committed perjury. He was coerse by the police, Boykins made 3 different statements. During the PCR hearing McCray produce the phone and job records of proof of the lies of Boykins as he describes on the stand at trial. These were lies that was fabricated by Boykins and the police.

The prosecutor known that these were lies also because they have same evidence that McCray provided.

The state never desputes these factual evidence infact the state runs away from the truth and falsely creates their own senario of the events.

At trial Boykins stated clearly that he had this conversation over the phone while he was at work.

The Direct appeal court believed these fabricated lies by Boykins. The judges were missled and in turn made a critical decision by charging a harmless error to a constitutional violation. They said and I quote "Specifically Boykins testimony"

This is what persuaded the judger to make an erroneous decision

### (Argument III)

There is no such thing as a Harmless Constitutional error. Returning to a Rule of Automatic Reversal

McCray showed evidence that the trial counsel knew about Boykins lies before trial and allowed Boykins to testify without any intervention or objection.

This was highly prejudicial.

Had the trial attorney objected or impeach Boykins the outcome of this trial and the appeal courts may have made a different decision.

## Conclusion

This case is a miscarriage of justice

1. Trial counsel was confined in the inclusion with judge Harrington. Together they committed Fraud upon the court.

2. States main witness commits perjury. Beykins fabricated lies clouded the appeal judges minds.

This will cause all integrity in our court system to be lost forever.

3. Ineffective trial attorney that was confined and should have removed himself from this case.

Trial courts base their platform on the constitution Sixth Amendment exist to protect the people from a miscarriage of justice.

This Court should consider a reversal and sentence vacated

Pro se response

Ron S. McCoy

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