

Noel E. Gray, Jr. #307590
BRCI / Marion #152
4460 Broad River Road
Columbia, SC. 29210

RECEIVED

June 2, 2020

JUN 04 2020

The Honorable Daniel E. Shearouse
Clerk of Court
In The Supreme Court
PO Box 11330
Columbia, SC. 29211

S.C. SUPREME COURT

RE: PCR ACTION 2018-CP-02-02522 / LOWER COURTS OBSTRUCTION OF JUSTICE
and INORDINATE AND UNJUSTIFIED DEPRIVATION OF A PROTECTED LIBERTY INTEREST.
with Declaration of Applicant / Cert. of Service.

Dear Mr. Shearouse,

This Correspondence is to attempt to have this Court, by written Order Mandate the Aiken County Clerk of Court to follow Rule 40 (h) SCRPC and Article U § 4 of the South Carolina Constitution, and place the Applicant's Motion for ⁴Summary Judgment and ⁴Default Judgment on the Jury Trial Roster as demanded on December 3, 2018 and November 15, 2019 as a matter of law.

On October 2, 2018 I filed a PCR Application after receiving a "Official Court Document" from the Clerk of Court for the "Criminal - Division on September 25, 2018 6 days" after the Discovery of document".

Pursuant to SC. Code Ann. § 17-27-10 to -160, Rule 71.1 SCRPC and McCoy v. State, 732 S.E.2d 623 (2013) at * 369 this Court held: SC. Code Ann. § 17-27-45(c) provides that if a PCR Applicant discovers "Material-fact not previously presented and heard, that require a Vacation of [his] Conviction(s) or Sentence(s)" he may file a PCR Application

within one year after the discovery "by actual discovery date".

On December 3, 2018 I filed a Motion for Summary Judgment against the Respondent for failing to file a Return as mandated by Statutory Law under the provisions of S.C. Code Ann. § 17-27-20 (a) and (c). All parties were served.

A Hearing was scheduled ("See Exhibits C, D,") for January 23, 2019 @ 9:30 Am in Court Room 5 in Aiken County, But on January 11, 2019 (See Exhibits E, F) some unknown person "unlawfully" extracts the Motion from the Motion Roster "Stating because it is a PCR issue, it has to be heard in a PCR Setting, Not So. Also, the Motion is still pending (See Exhibit A, B) "Public Index Records".

The applicant demanded a Jury Trial as to this matter, but the lower court is obstructing my "Procedural Due Process of Law" by "unlawfully" depriving me of a State Created Right and a "Protected Liberty Interest" to have "Equal access" to the Courts and to "Equal protection of the Law".

On November 15, 2019 I then filed a Motion for Default Judgment against the Respondent for failing to file the mandated Return before January 23, 2019 and no extensions have been granted. Again, the Clerk of Court for Aiken County is obstructing Justice by depriving me of my same legal rights to have "Equal access to the Courts" and "Equal Protection of the Law" as of Constitutional rights.

The Respondent can file motions and get them without hearings, but us indigent Pro-Se litigants get nothing but static.

The new evidence discovered on September 25, 2018 is "Genuine"

Material fact" that supports that the Lower Court did not have the jurisdiction to Sentence or Convict me due to my Trial Counsel Lying to Chief Administrative Judge Reginald C. Lloyd to deceive him by fraud upon the Court and unlawfully obtaining a Order of Continuance against my Federal Interstate Agreement on Detainers Act Contract on November 29, 2004, Lying to Judge Doris A. Early III in my initial PCR hearing on February 2, 2009 (2008-CP-02-0734); and Lying to Ms. Erica M. Williams Office of Disciplinary Counsel Matter No. 2009-OE-L-0877 on October 14, 2009.

The Court held in State v. Holbrook, 260 S.E.2d 181 (1979) Article IV(c) and U(c), SC Code Ann. § 17-11-10 (2014) and State v. Hill, - 260 S.E.2d 802 (2014) A continuance has to be made in a "Open Court" on Record Setting, not in chambers with no record to support the ends of justice, or the Continuance. see also Abney v. Warden, Perry Corr. Inst. (U.S. Dist. Court S.C. 2015) WL 5783295. and U.S. v. Odom, 674 F.2d 228 (1982) U.S. Ct. App. 4th. Cir.

The newly discovered document has proven that the Continuance is unlawful and void, and I am suffering a Continuing Consequence as a result of invalid, unconstitutional and "unlawful Confinement" in the South Carolina Dept. of Corrections. SC Code Ann. § 17-27-20 (a) 1, 2, 4.

Mr. Skarouse, as you can see in my Public Index Records, Rule 40 (WISCRCP and Art. V § 4 of the SC. Constitution are not being followed and needs to be enforced by this Court. The Lower Court continues to deprive me of my Statutorial Legal right to have my motions

heard and Ruled upon, and my right to be there, to properly preserve my issues and evidence before the bar.

In other words, the Lower Court knows the Respondent Slipped and dropped the ball and I Staked dunk it. And I have established "Genuine Material fact" that supports my current Sentence) and Convictions are "unlawful".

This PCR has been filed over a year and a half and there is no justification as to the "Inordinate and unjustified delay" in the States Corrective process that is deliberately withheld in order to prevent me from obtaining the relief I am intitled too. citing Allen V. Leece, (D.C.S.C 1971) 328 F.Supp. 292.

This deprivation is also hindering my Constitutional right to exhaust my legal remedies. for Federal Review. under 28 U.S.C 2254 1b)(1)(c) and O'Sullivan V. Boerckel, 526 U.S 838, 842 (1999).

Mr. Shearouse, My 1st, 5th, 6th and 14th Amendments are being violated, I'm being denied a State and Federal Protected Liberty Interest under the Procedural Due Process of law clauses. And my Continued Confinement for these two State Court Convictions violates Federal Law and the U.S. Constitution.

Furthermore, I respectfully move this Honorable Court, by written Order, mandate the Lower Court to schedule my hearings as a matter of law and as of my legal right, and appoint legal Counsel.

Thank You Sir, in advance

Respectfully Submitted
Noel May #302590.

Executed on this 2nd day of June, 2020
Columbia, SC.

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
)
)
Noel Gray # 307590)
)
Applicant)
)
vs.)
)
State of South Carolina)
)
Respondent)

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

CASE NO. 2018-CP-02-02522

RECEIVED

DECLARATION OF APPLICANT JUN 04 2020
and
S.C. SUPREME COURT
CERTIFICATE OF SERVICE

Noel E. Gray Jr. #307590 Declares under the penalty of Perjury that the foregoing is true and correct and the exhibits are true copies of the originals, and (6 pages of exhibits enclosed) w/ sworn Affidavit

The Applicant has deposited this correspondence to the Honorable Daniel E. Shearouse Clerk of Court in the State Supreme Court and a true copy to be clocked stamped and returned in the SASE enclosed for his use, and a true copy of the same has been deposited in the U.S. mail postage pre-paid and addressed to the following party:

The Honorable Robert J. Hart Clerk of Court, in the Court of Common Pleas P.O. Box 583 Aiken, SC 29802-0583

Executed on this 2nd day of June 2020

Respectfully Requested
Noel Gray
Noel Gray # 307590
BRCI/Marion # 152
4460 Broad River Rd
Columbia, SC
29210

SUBSCRIBED AND SWORN BEFORE ME
on this 2nd day of June, 2020
Kanzora Robinson /s/
Notary Public for South Carolina
My Commission Expires: 8/5/2024