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JUN 04 2020

STATE OF SOUTH CAROLINA )  
RICHLAND )  
COUNTY OF AIKEN )

S.C. SUPREME COURT

AFFIDAVIT OF NOEL E. GRAY, JR  
IN THE SUPREME COURT OF  
SOUTH CAROLINA

I, Noel E. Gray, Jr. #307590, having been duly sworn, depose  
and say the following:

On September 25, 2018 I received a Newly Discovered Document from the  
Clerk of Court for the Aiken County Criminal Division, On October 2, 2018 I filed a  
PCR as to this document. This document clearly establishes that Trial Counsel  
committed fraud upon the Court by deceiving a Chief Admin. Judge to obtain a unlawful  
continuance in order to give the State tactical Advantage over the Applicant's Case

On December 3, 2018 A Motion for Summary Judgment was filed due to the State  
failing to file it's Return as mandated by SCCode Ann. S 17-27-70(a) within 30 days.

On November 14, 2019 A Default Judgment was filed pursuant to the Dec. 3, 2018  
claim and a Return was due by January 23, 2019, but the State failed to file one.  
NO extension of time has been given. The current convictions are unconstitutional.

Also, pursuant to S.C. Code Ann. S 17-27-90 Newly Discovered cases were filed  
State v. Hernandez, 428 S.C. 257 (2019); State v. Williams, 427 S.C. 148 (2019);  
State v. Girms, 426 S.C. 115 (2019); concerning Trial Counsel's failure to move the  
Case for lesser-included offense charge, and Appellate Counsel's failure to raise the  
Directed Verdict, State not meeting elements of the current offense, that was  
prex need for Appellate Review. And I am entitled to a Evidentiary Hearing as to these matters.

These were timely and properly filed and the Respondent failed to file it's  
Return, therefore, the applicant is entitled to his relief as a matter of law  
and a hearing is mandatory under the provisions of the U.S Constitution.

Respectfully Submitted

Noel Gray # 307590  
Affiant's Signature

Noel Gray # 307590  
Affiant's Name

Sworn to and subscribed before me this

2nd Day of June, 2010

Notary Public Kanyara Robinson Commission Expires 8/5/2024