

RECEIVED

SEP 21 2020

SC Court of Appeals

RON SANTA MCCRAY

#353031 COOPER B-59

LIEBER C & PO Box 205

Ridgeville, SC 29472

THE CASE 2017-002051

To the SC Court of
Appeals,

Due to my being
under the effects of the
CORONAVIRUS. I asked my

1 of 2

CRAWFORD to mail this
in for me. PLEASE FILE
it in the ABOVE CAPTIONED
CASE for Adjudication.
Thank you.

Respectfully
RON McCRAE
Ron J McCray

SEPTEMBER 16, 2020

2082

State of South Carolina
The Court of Appeals

Appeal from Berkeley County
Court of Common Pleas

Case Docket No. 2017-002056

Ron Santa McCray

Appellant

RECEIVED

SEP 21 2020

SC Court of Appeals

vs.

State of South Carolina

1 of 21

RESPONDENT

Affidavit of Service

I, Ronal Santa McCray do hereby certify, that I have mailed and or served a copy of an Affidavit of Facts giving Judicial Notice, motion for rehearing on the SC Court of Appeals by US mail postage prepaid by depositing

it in the institution mail box
on ~~SEPTEMBER~~ 17, 2020.

Respectfully,
ROY SAHITA McCRAY
Ken of McCray

~~SEPTEMBER~~ 17, 2020

3 of 21

STATE of south CAROLINA
THE COURT of APPEALS

APPEAL FROM BERKELEY COUNTY
COURT of Common Pleas

CASE DOCKET No. 2017-002051

ROY SANTA McCRAY

Appellant

RECEIVED

SEP 21 2020

SC Court of Appeals

vs.

STATE of south CAROLINA

4 of 21

Respondent

Affidavit of Facts Giving
Judicial Notice; Motion For
A Rehearing

To: The SC Court of
Appeals,

The Appellant in the
above captioned matters
motion for a rehearing. It

is the appellants position
that it was an abuse of
discretion and a violation of
DUE PROCESS, rendering the
COURT of APPEALS ruling not
to RECALL the REMITTAL and
the COURTS jurisdiction void
for this unconstitutional
action. The motion for a
REHEARING is also a challenge
to the COURTS jurisdiction
for this unconstitutional
action. THE COURT of APPEALS
6 of 21

should have never denied
the appellants motion to
recall the remittur for the
purpose of having this
case stayed pending review
in the lower court of the
successive PCR Under Case
2019-CP-08-1992 until it has
recalled the remittur to
determine on the court
record exactly what the
specific jurisdictional chal-

LEGES ARE THAT ARE BEING
ARGUED THAT WOULD HAVE A
DIRECT IMPACT ON THE COURT
OF APPEALS JURISDICTIONAL
POWERS. THE COURT OF APPEALS
CANNOT LEGALLY WAIVE OR
FORFEIT MY JURISDICTIONAL
CHALLENGES AND THE APPELLANT
MUST BE GIVEN FULL OPPORTUNITY
TO ESTABLISH THOSE JURISDIC-
TIONAL CHALLENGES IN THE
COURT RECORD WHICH WOULD
HAVE REQUIRED THAT THE

COURT OF APPEALS RECALL THE
REMITTHER TO DETERMINE
THE JURISDICTIONAL CHALLENGES
AND THEREBY, WOULD IT BE
APPROPRIATE TO STAY THIS CASE
AS THE APPELLANT DEMANDED.
I OBJECT. OBJECTION THAT THE
COURT LACKS SUBJECT MATTER
JURISDICTIONS MAY BE RAISED
BY ANY PARTY, OR BY COURT ON
ITS OWN INITIATIVE, AT ANY
STAGE IN LITIGATION, EVEN
AFTER TRIAL AND ENTRY OF

judgment which is indisputably
before this court establishing
the abuse of discretion in
not recalling the remittur,
Arbaugh v. Y & H Corp., 546 US 500,
126 Sct 1235 (US 2006); Steven E
Hecker, Plaintiff v. The State of
Washington, defendant, 2020 WL
134168 (Fed Ct. 2020). The court
has an independent obligation
to determine whether subject
matter jurisdiction exist which
required the court of appeals
to recall the remittur to do so

to address the merits of the jurisdictional challenges on the court record not merely deny the motion to recall the remittitur and stay the case, Hicks v Heart of Hospice, LLC, 2019 WL 6255496 (Md. Miss. 2019); Krikorian v. Ford Motor Company, 2019 WL 2042939 (5th Ala. 2019).

subject matter jurisdiction, because it involves the courts power to hear case, can never be forfeited or waived. By the court of appeals merely denying

11 of 21

the motion to ~~RECALL~~ the ~~REMIT-~~
~~ITUR~~ and stay, the COURT of
APPEALS illegally in violation
of DUE PROCESS LAW and the
US CONSTITUTION has forfeited
and waived the JURISDICTIONAL
challenges of the Appellant that
present themselves unless
they ~~RECALL~~ the ~~REMITITUR~~ REVIEW
the JURISDICTIONAL challenges
and determine why on the
COURT RECORD the JURISDICTIONAL
challenges have no merit, which
did not occur in this case

Rendering the court of appeals
determination unconstitutional
and void, HENDERSON EX REL
HENDERSON V SHIPSEL, 131 S Ct 1497,
1988 U.S. 1 BURGESS V UNITED STATES,
2019 WL 7293400 * 1 D. Md. BARPLES
V GILBERTS, 2019 WL 5579543, * 3,
W.D. Tex.; WALLS V BOEING COMPANY,
2019 WL 4931365, * 2 D.S.C.

Although courts are generally
limited under adversarial system
to addressing the claims and
requirements advanced by the
parties, the courts have an

independent obligations to ENSURE that they do not EXCEED the SCOPE of their JURISDICTIONS such as the COURT of APPEALS did RULING not to RECALL the REMITTAL to establish a COMPLETE RECORD, and THEREFORE, they must RAISE and DECIDE JURISDICTIONAL QUESTIONS that the PARTIES EITHER OVERLOOKED OR ELECT not to PRESS (EMPHASIS ADDED) which REQUIRED the COURT of APPEALS to RECALL

the remittitur for purpose of
addressing the jurisdictional
questions which would have
warranted the staying of this
case and not merely deny
the motions in acts of obstruction
and in an abuse of discretion,
which voids the court of appeals
jurisdiction for this anticipatory-
tional action. I object and
motion for forfeiture of the
cause, JEFFERS v. J. P. MORGAN

CHASE & Co., 2019 WL 62553 U,
*1, S.D. Tex.; Anthony W. Hall,

plaintiff v. FREED, LAMBERT,
2020 WL 136658, *2, E.D. N.Y.,
DAVIS v. PALUMBO, 2019 WL 696594,

*1 W.D. MO. -

The court had an independent duty and obligation to determine whether subject matter jurisdiction existed based upon the jurisdictional pleading the appellant seeks to place before this court and the court cannot do so unless it recalled the remittitur.

160821

they allowed the Appellant
to place the jurisdictional
claims before the court which
in Acts of FRAUD upon the
court it circumvented and
or remained silent which is
why in an abuse of discre-
tion the court failed to recall
the remittitur rendering
these proceedings a violation
of DUE PROCESS, Unconstitutional
and voids this court's jurisdic-
tion for this Unconstitutional

actions, SORRINO WIND ENERGY,
LLC v. GATCO U.S.A. INCORPORATED
-- Fed --, 5th Cir (Tex), 460 SLAKE
AVENUE, Ltd. v. Appleton, 2019
WL 7184737, * 1 Ct. Cal. - Slayton
v. Johnson and Johnson, 2019 WL
7208444, * 1 Ct. Cal. -

The applicant requested
the courts order denying
his motion on SEPTEMBER 11,
2020. This gives him (10) days
until SEPTEMBER 21, 2020 to
motion for a REHEARING making

this document timely, challenge
to the Court of Appeals juris-
diction for this unconstitutional
action is being made, STEEL CO.
v. CITIZENS FOR A BETTER ENVIRONMENT, 523 US 83, 118 S.Ct
1003 (US 1998); JAMMA v. CITIZENS FOR A BETTER ENVIRONMENT, 2020 WL
60932 (S.D. Tex. 2020); CHASE v. ANDERSON LOGISTICS L.P., 2019 WL
5847879 * 2, W.D. Tex.; United States v. WALLADARES, 2019 WL
4888629 * 1, W.D. Tex.; United States v. Gordon, 2019 WL

5586966 * 1 ETD Mich.; IN RE GEE,
941 Fed 153, 161 + 5th Cir (La);
United States v CAVERGHE, 785
Fed Appx 212, 217 + 5th Cir Tex.

Any judgment, conviction
or judicial determination that
is contrary to the constitution
and due process law is void,
Wells Fargo Bank N.A. v H.M.A.

Romano Two LLC, LLC, 859 Fed
295 (4th Cir 2017); Moseley v.
United States, 2018 WL 1187778
(5th Cir. 2018); Milford v Middlebury,

2018 WIL 348059 (DSC 2018),

Respectfully,
Ron Sappia McCray
Ron S McCray

September 16, 2020

21 of 21



LAWRENCE L CRAWFORD

#300839 F3A-RM 1143

LEE C II 990 WISKEY HWY

Bishopville, SC 29010

RECEIVED

SEP 21 2020

SC Court of Appeals

The COURT of APPEALS
1220 SENATE STREET
COLUMBIA, SC 29201

LEGAL MAIL ONLY