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OCT 16 2020

SC Court of Appeals

Ron Santa McCray
#353031 Cooper B-59

Lieber C.I.

Ridgeville, S.C. 29472

In RE: Ron S. McCray v. State

Appellate Case No: 2017-002051

Motioning for a rehearing on the Court's denial
of the initial motion to recall the Remittitur.

To: The S.C. Court of Appeals,

I am returning these documents back to you for
filling and proper adjudication. You and the court
have obviously misconstrued the filling. I am
quite aware that the court of Appeals presently
do not have jurisdiction over the appeal due to
the Remittitur being sent down to the lower court.
I am also well aware of the fact that the court
denied my initial motion to recall the Remittitur. My
intention is to eventually seek writ of cert. Before
the S.C. Supreme Court arguing what I feel is in
abuse of discretion and violation of due process
in the court of Appeals failure to recall the
Remittitur in this appeal. In order for me to
seek the writ of cert. before the S.C. Supreme

Court. The rules require that I first seek a rehearing on the motion that was denied by the court before I be permitted to seek review before the Supreme Court after the Court of Appeals deny the motion for rehearing. This is what these documents ~~are being~~ filed for. I am officially motioning for a Rehearing on the motion to recall the remittitur that was denied by this court. The issue of this court's failure to recall the remittitur in this case was never heard or brought before the S.C. Supreme Court which would permit me to seek that review once the motion for rehearing is ruled on and denied, if the court denies it. The documents are first a motion for rehearing to recall the Remittitur which of course is jurisdictional. The court does have jurisdiction to rule on the rehearing of the motion because it cannot be waived or forfeited by me. If the Court of Appeals then changes its mind about recalling the Remittitur? the court would then ~~be~~ have jurisdiction to hear any other motion subsequently attached to the motion for rehearing of the denial of the initial motion to recall the Remittitur. This is were the court's jurisdiction lies. Please file these documents as a motion for rehearing on the initial motion the court denied so if needed I can seek writ of cert. Thank you

Ron L McCray

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SC Court of Appeals

RON SANTA MCCRAY

#353031 COOPER B-59

LIEBER C. PO Box 205

Ridgeville, SC 29472

IN RE CASE 2017-002051

To the SC Court of
Appeals,

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

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

Respectfully
RON McCRAE
Ken J. Wiley

SEPTEMBER 16, 2020

2020

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

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SC Court of Appeals

vs.

State of South Carolina

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Respondent

Affidavit of Service

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

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STATE of SOUTH CAROLINA
THE COURT of APPEALS

APPEAL FROM BERKELEY COUNTY
COURT of COMMON PLEAS

CASE DOCKET No. 2017-002051

ROY SANTA McCRAE

Appellant

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SC Court of Appeals

vs.

STATE of SOUTH CAROLINA

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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

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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 remitter 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
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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 per 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, EXCEPT
AFTER TRIAL AND ENTRY OF

judgment which is indisputably
before this court establishing
an abuse of discretion in
not recalling the remittitur,
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 remittitur to do so

to address the merits of the jurisdictional challenges on the court record not merely deny the motion to recall the remittur and stay the case, Hicks v. Heart of Hospice, LLC, 2019 WL 6255496 (Md. Miss. 2019); Krikorian v. Ford Motor Company, 2019 WL 7042939 (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

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the motion to RECALL the REMIT-
THER 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 REMITTHER 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 1197,
1198 + U.S. | BURGESS V UNITED STATES,
2019 WL 7293400 * 1 D. Md. | BARLES
V GIVENS, 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 not

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2018 WIL 348059 (DSC 2018).

Respectfully,

Ronald S. McCRAY

Ron S. McRay

September 16, 2020

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Bishopville, SC 29010

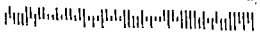
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Ron McCray 353031
Date: C-B-59

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P.O. Box 205

Ridgeville, SC 29472

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RECEIVED The South Carolina Court of Appeals

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