

RON SANTA McCRAY
#353031 COOPER B-59
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472

IN RE: TO FILING ACTION BEFORE THE SUPREME COURT ADDRESSING THE
ACTIONS DONE IN BOTH THE BERKELEY COURT AND S.C. COURT OF
APPEALS.

RECEIVED
DEC 09 2020
SC Court of Appeals

TO: THE S.C. SUPREME COURT,
THE S.C. COURT OF APPEALS,
THE BERKELEY COUNTY COMMON PLEAS COURT,
THE CHIEF ADMINISTRATIVE JUDGE OF BERKELEY COUNTY,
THE S.C. ATTORNEY GENERAL ET. AL.,

THE PETITIONER HAD MR. CRAWFORD FORWARD THESE DOCUMENTS ON
HIS BEHALF DUE TO HE BEING EFFECTED BY THE COVIT-19 VIRUS.
BERKELEY COUNTY COMMON PLEASE COURT. PLEASE FILE A COPY OF THE
ATTACHED DOCUMENTS IN CASE 2019-CP-08-1992, SERVE A COPY ON THE
CHIEF ADMINISTRATIVE JUDGE AND THEN FORWARD ME A CLOCKED STAMPED
COPY AT THE ADDRESS CAPTIONED ABOVE. THIS IS SERVICE ON ALL
PARTIES CAPTIONED ABOVE RELATED TO THE FILING OF THE ATTACHED
ACTION. SUPREME COURT CLERK, PLEASE ASSIGN-A SUPREME COURT CASE
NUMBER AND INFORM ME OF WHAT IT IS TO ALLOW ME TO SUPPLEMENT THE
PLEADING IF SUCH BECOMES NECESSARY. I THANK ALL COURTS AND
PARTIES IN ADVANCE. STILL REMAIN,

RESPECTFULLY,
RON SANTA McCRAY

Ron Santa McCray

DECEMBER 2, 2020

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
CASE FROM BERKELEY COUNTY COMMON PLEAS COURT

APPELLATE CASE NO. 2017-002051

DOCKET NO. _____

RECEIVED
DEC 09 2020
SC Court of Appeals

RON SANTA McCRAY,

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

RESPONDENT

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITION FOR
PETITION AND OR MOTION TO AMEND THE CAPTION OF THE INITIAL
FILING; PETITION TO INVOKE THE S.C. SUPREME COURT'S
JURISDICTION; PETITION FOR INJUNCTIVE AND DECLARATORY
RELIEF; PETITION AND OR MOTION TO CHALLENGE THE RELEVANT
COURT(S) JURISDICTION AND RECALL THE REMITTITUR OUT OF
TIME AND MOTION TO MOTION THEREFOR

IN RE: FILING A PETITION TO INVOKE THE S.C. SUPREME COURT'S

JURISDICTION CHANGING CAPTION OF THE PREVIOUSLY FILED DOCUMENT;
MOTION AND OR PETITION FOR INJUNCTIVE AND DECLARATORY RELIEF;
MOTION TO CHALLENGE THE S.C. COURT OF APPEALS AND S.C. SUPREME
COURT'S JURISDICTION AND OTHER RELATED MATTERS.

TO: THE S.C. SUPREME COURT,
THE S.C. COURT OF APPEALS,
THE S.C. ATTORNEY GENERAL,
THE BERKELEY COUNTY COURT OF COMMON PLEAS AND CHIEF
ADMINISTRATIVE JUDGE ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) EXHIBIT, "PETITION FOR WRIT OF CERT.". THIS IS THE
(6) PAGE DOCUMENT ENTITLED, "AFFIDAVIT OF FACTS GIVING JUDICIAL
NOTICE; PETITION FOR WRIT OF CERTIORARI; NOTICE AND MOTION TO ACT
PRO SE; MOTION FOR A STAY; MOTION FOR NOTICE AND A RESET ON ANY
TIMETABLES TO SUBMIT BRIEF AND OTHER RELATED DOCUMENTS AND MOTION
TO MOTION THEREFOR", DATED NOVEMBER 20, 2020.

(2) EXHIBIT, "RULE 221(c)". THIS IS A COPY OF THE
LETTER FROM THE S.C. COURT OF APPEALS DATED NOVEMBER 19, 2020
SENT TO THE PETITIONER RELATED TO CASE 2017-002051 WHICH CASE WAS
ORIGINALLY FILED BEFORE THE S.C. SUPREME COURT WHICH THE SUPREME
COURT THEN TRANSFERRED THE APPEAL TO THE S.C. COURT OF APPEALS.

(3) EXHIBIT, "DEFAULT". THIS IS THE AFFIDAVIT OF FACTS
GIVING JUDICIAL NOTICE; MOTION TO CHALLENGE THE COURT OF COMMON
PLEAS JURISDICTION; MOTION FOR DEFAULT AND JUDGMENT AND MOTION TO
MOTION THEREFOR", (22) PAGES DATED SEPTEMBER 17, 2020 FILED IN
CASE 2019-CP-08-1992 IN THE BERKELEY COUNTY COURT OF COMMON PLEAS
AROUND THE TIME THE DOCUMENT IS DATED.

FIRST, THE PETITIONER GIVES THE COURT AND PARTIES JUDICIAL NOTICE. THE PETITIONER NOW ALTERS THE CAPTION OF HIS PREVIOUS PLEADING TO REFLECT THE CAPTION THAT IS NOW LISTED WITHIN THIS PRESENT DOCUMENT AND THAT PLEADING BE DEEMED AN ATTACHMENT HEREWITH FOR THE PURPOSE OF FILING THIS PLEADING. DUE TO RECENT DEVELOPMENTS AFTER SUPPOSED CLERICAL ERROR ON THE PART OF THE COURT OF APPEALS. THE APPELLANT NOW HAS A COPY OF THE DOCUMENT THAT THE COURT OF APPEALS INTENDED TO INITIALLY SERVE UPON THE APPELLANT BUT WAS SERVED ON ANOTHER UNRELATED APPELLANT. DUE TO WHAT THE PETITIONER PERCEIVES AS ADDITIONAL ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY, AN ABUSE OF DISCRETION, OBSTRUCTION OF JUSTICE AND MACHINATION. THESE RECENT EVENTS NOW FORCE THE PETITIONER TO AMEND HIS ORIGINAL CAPTION IN EFFORTS OF OBTAINING S.C. SUPREME COURT REVIEW TO CORRECT THE INJUSTICES. IT IS BY THIS FILING THAT THE PETITIONER MOVES TO INVOKE THE S.C. SUPREME COURT'S JURISDICTION SEEKING INJUNCTIVE AND OR DECLARATORY RELIEF AND THE ASSERTING OF OTHER SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHTS IN EFFORTS TO REMEDY THE MANIFEST INJUSTICE THAT OCCURRED WITHIN THE S.C. COURT OF APPEALS RELATED TO CASE 2017-002051. THERE IS NO OTHER STATE COURT AT PRESENT THAT HAS THE POWER AND AUTHORITY TO ADDRESS MATTERS OR ERRORS OCCURRING IN THE S.C. COURT OF APPEALS EXCEPT THE S.C. SUPREME COURT WARRANTING AND JUSTIFYING THE FILING OF THIS PLEADING, IN RE: MAXTON, 325 S.C. 3, 478 S.E.2d. 679(S.C.1996); DOE v. CONDON, 341 S.C. 22, 532 S.E.2d. 879(S.C.2000); ADAMS v. McMASTER, --S.E.2d.--, 2020 WL 5939936 (S.C.App.2020); MATTER OF WERN, --S.E.2d.--, 2020 WL 5988210(S.C.App.2020).

INSOMUCH, DUE TO THE COURT OF APPEALS INVOKING S.C. RULES OF APP. PRO., RULE 221(c), THE COURT BY ITS ACTIONS HAS OPENED THE DOOR FOR THE APPELLANT TO ADDRESS THE MATTERS ARGUED WITHIN EXHIBIT, "DEFAULT", FILED WITHIN THE BERKELEY COUNTY COURT OF COMMON PLEAS UNDER CASE 2019-CP-08-1992. ALL CLAIMS, ISSUES, OBJECTIONS AND DEFENSES THAT ARE ARGUED WITHIN THE (22) PAGE EXHIBIT, "DEFAULT" DATED SEPTEMBER 17, 2020 ARE NOW BEING ARGUED BEFORE BOTH THE S.C. COURT OF APPEALS AND THE S.C. SUPREME COURT

FOR THE PURPOSE OF REBUTTING THE COURT OF APPEALS CLAIM THAT THE APPELLANT'S PLEADING DOES NOT FALL WITHIN THE PROVISIONS OF RULE 221(c) OF APPELLATE COURT RULES. APPELLATE COURT RULE 221(c) PROVIDES:

"REHEARING OF MOTIONS: THE APPELLATE COURT WILL NOT ENTERTAIN PETITIONS FOR REHEARING ON A MOTION OR PETITION UNLESS THE ACTION OF THE COURT ON THE MOTION OR PETITION HAS THE EFFECT OF DISMISSING OR FINALLY DECIDING THE PARTY'S APPEAL".

IT IS THE APPELLANT'S CONTENTION THAT THE MEMBERS OF THE S.C. COURT OF APPEALS PREVIEWED THE DOCUMENTS THAT WERE FILED AND PENDING UNDER CASE 2019-CP-08-1992, THE DEFAULT DOCUMENT AND LEGAL ISSUES ATTACHED THERETO, AND KNEW GOOD AND WELL IF A REHEARING WAS GRANTED THE PLEADING FILED SUBJUDICE IN THE COURT OF COMMON PLEAS WOULD WITHOUT A DOUBT FALL WITHIN THE PROVISIONS OF RULE 221(c) REQUIRING THE UNDERLYING APPEAL TO BE DISMISSED AND OR FINALLY DECIDED. THUS, IN EGREGIOUS ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY, AN ABUSE OF DISCRETION, OBSTRUCTION OF JUSTICE AND MACHINATION, THE COURT OF APPEALS SERVED THE LETTER DATED NOVEMBER 19, 2020 ON THE APPELLANT TO CONCEAL THESE MATERIAL FACTS AND THWART JUDICIAL REVIEW IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 AND IN VIOLATION OF UNITED STATES SUPREME COURT HOLDINGS PURSUANT TO ROSS v. BLAKE, 136 S.Ct. 1850 (U.S.2016) DEMONSTRATING THAT EXHAUSTION OF CASE 2019-CP-08-1992 IS NO LONGER NECESSARY. A MOTION FOR REHEARING IS REQUIRED UNDER APPELLATE COURT RULE 221(c) IF THE REHEARING HAS THE EFFECT OF DISMISSING OR FINALLY DECIDING THE PARTY'S APPEAL. A RULING IN THESE MATTERS, ESPECIALLY IN LIGHT OF THE DEFAULT AND OTHER PLEADING WITHIN THE COMMON PLEAS COURT WOULD DISMISS OR FINALLY DECIDE THE UNDERLYING APPEAL, STATE v. RUCKER, 321 S.C. 552, 471 S.E.2d. 145(S.C.App.1996); UNISYS CORP. v. SOUTH CAROLINA BUDGET AND CONTROL BD....., 346 S.C. 158, 551 S.E.2d. 263(S.C.2001); PORTER v. ALWAYS PRECISE PROTECTION AGENCY & INVESTIGATIONS, INC., S.E.2d., 2012 WL 10864536 (S.C.2012), AND A SEEKING OF A STAY WOULD THEN BECOME MOOT UPON DISPOSITION OF THE APPEAL UPON

THE MERITS OF THE DEFAULT AND OTHER LEGAL ISSUES ATTACHED VIA THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT WHERE THE STATE FAILED TO TIMELY PLEAD, FILED AND PENDING UNDER CASE 2019-CP-08-1992 AND OTHER UNCONSTITUTIONAL ACTION ATTACKING THE JURISDICTION OF THE PCR COURT TO ISSUE THE FINAL ORDER IN CASE 2015-CP-08-2692. THIS IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG, THAT FINAL ORDER BEING THE SOURCE OF THE UNDERLYING APPEAL UNDER CASE 2017-002051. THE S.C. SUPREME COURT WOULD EVEN HAVE THE OPTION TO REMAND THE CASE TO HAVE THE MATTERS HEARD AT ITS DISCRETION DUE TO THEY BEING JURISDICTIONAL IN NATURE WHICH THE APPELLANT WOULD ACCEPT AS A POSSIBLE ALTERNATIVE OPTION IF THE COURT WOULD DETERMINE SUCH, REQUIRING THAT COUNSEL BE IMMEDIATELY APPOINTED BELOW AS ARGUED WITHIN THE DEFAULT DOCUMENT IN QUESTION, ARNAL v. FRASER, 371 S.C. 512, 641 S.E.2d. 419(S.C.2007).

SINCE THE FINAL ORDER IN CASE 2015-CP-08-2692 WHICH IS THE UNDERLYING SOURCE OF THE APPEAL IN CASE 2017-002051 IS COMING UNDER ATTACK ADDRESSING ITS UNCONSTITUTIONALITY DUE TO THE EGREGIOUS AND OVERWHELMING DUE PROCESS VIOLATIONS ESTABLISHING CLEAR PREJUDICE AGAINST THE APPELLANT, WHERE SUCH FINAL ORDER IN CASE 2015-CP-08-2692 IS A "[J]URISDICTIONAL [P]REREQUISITE" TO THE APPELLATE COURT ENTERTAINING JURISDICTION IN THIS APPEAL. THE DEFAULT AND LEGAL ISSUES PRESENTED RELATED THERETO, WOULD INDEED HAVE THE EFFECT OF DISMISSING THE APPEAL AND FINALLY DECIDING THE UNDERLYING APPEAL DEMONSTRATING THAT THE S.C. COURT OF APPEALS ABUSED ITS DISCRETION IN ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE AND MACHINATION TO THWART JUDICIAL REVIEW IN VIOLATION OF U.S. SUPREME COURT HOLDINGS UNDER ROSS v. BLAKE SUPRA., USING THE CLERKS AS "GATEKEEPERS" TO PREVENT AND BE SILENT ON RULING ON THE MOTION FOR REHEARING TO DENY THE PETITIONER ACCESS AND THE DUE PROCESS RIGHT TO HAVE THESE LEGAL MATTERS HEARD BEFORE THIS STATE'S HIGHEST COURT VIA SEEKING WRIT OF CERT.. THE ISSUE IS RIPE FOR REVIEW AND THE SUPREME COURT CAN ADDRESS THE ISSUE OF APPEALABILITY WHERE THE

LOWER COURT UNDER CASE 2019-CP-08-1992'S JURISDICTION IS VOID FOR UNCONSTITUTIONAL ACTION AND DUE PROCESS VIOLATION, WHICH IS TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG, WHICH DIRECTLY IMPACT THE UNDERLYING APPEAL IN CASE 2017-002051 CALLING FOR DISMISSAL OF THE CAUSE AGAINST THE APPELLANT AND OR FINALLY DECIDING THE APPEAL IN THIS CASE, BUNKUM v. MANOR PROPERTIES, 321 S.C. 95, 467 S.E.2d. 758(S.C.1996); LEVI v. NORTHERN ANDERSON COUNTY EMS, 409 S.C. 374, 762 S.E.2d. 44(S.C.2014); JOHNSON v. S.C. DEPT. OF PROBATION, PAROLE AND PARDON SERVICES, 372 S.C. 279, 641 S.E.2d. 895(S.C.App.2007).

FOR THE SAKE OF CLARITY AND FULL DISCLOSURE. THE APPELLANT WANTS TO MAKE HIS POSITION CLEAR BEFORE THE COURT AND ALL PARTIES BEFORE THE S.C. ATTORNEY GENERAL MAKES A COMPLETELY MERITLESS CLAIM. IT DOESN'T MATTER WHERE THE LEGAL ISSUES COME FROM FILED UNDER CASE 2019-CP-08-1992 THAT ESTABLISH A DIRECT CHALLENGE TO THE APPELLATE COURTS INVOLVED JURISDICTION RELATED TO CASE 2017-002051. THEY COULD HAVE CAME FROM BARAK OBAMA, DONALD TRUMP, MICKEY MOUSE, IRON MAN, THE ASSISTANCE OF THE INSTITUTION LAW LIBRARY CLERK LAWRENCE CRAWFORD, WHOOPIE GOLDBERG OR SADAM HUSSAIN. ONCE THE APPELLANT BY HIS CONSTITUTIONAL DUE PROCESS RIGHT OF AUTONOMY, NO MATTER WHO HE WORKED WITH, DECIDED PERSONALLY WITHOUT FORCE, COERCION OR MANIPULATION DECIDED THE LEGAL ISSUES IN QUESTION DIRECTLY EFFECT THE APPELLANT'S CRIMINAL CONVICTION AND RELATED MATTERS AND THE APPELLANT KNOWINGLY AND WILLINGLY PERSONALLY ASSERTS HIS CONSTITUTIONAL DUE PROCESS RIGHT TO HAVE THEM HEARD RELATED TO CHALLENGING HIS CONVICTION? NO COURT OR PARTY CAN BAR THE PETITIONER IN SUCH NO MATTER WHERE IT IS ALLEGED THAT THEY CAME FROM. THE APPELLANT AND OR PETITIONER WHO BRINGS THE ACTION IS MASTER TO DECIDE WHAT LAW HE WILL RELY UPON AND THE PETITIONER PERSONALLY DECIDED TO FILE THESE LEGAL ISSUES WITHIN HIS CASE. ANY POSITION BY THE COURTS OR PARTIES TO THE CONTRARY WOULD VIOLATE THE PETITIONER'S RIGHTS UNDER THE EQUAL PROTECTION OF THE LAWS CLAUSE IN WHICH I OBJECT, PAUL ADAMS

v. CALIFORNIA INSTITUTION, 2016 WL 6464444; U.S. v. HARE, 820 F3d. 93 (4th.Cir.2016); PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA v. EPISCOPAL CHURCH, 2013 WL 12148371 (DSC.2013); KOHLER DIE & SPECIALTY CO., 228 U.S. 22, 33 S.Ct. 410(U.S.1913); CATERPILLAR INC. v. WILLIAMS, 482 U.S. 386, 107 S.Ct. 2425(U.S.1987).

A VIOLATION OF AUTONOMY IS COMPLETE WHEN THE COURT ALLOWS COUNSEL OR THE COURT ITSELF USURP CONTROL OF AN ISSUE WITHIN THE APPELLANT'S SOLE PREROGATIVE, SUCH AS HE CHOOSING PERSONALLY TO ARGUE ALL CLAIMS AND ISSUES MADE IN CASE 2019-CP-08-1992 WHICH DIRECTLY IMPACT THE JURISDICTION OF THE APPELLATE COURTS INVOLVED, WHEN PRESENT, SUCH AN ERROR IS NOT SUBJECT TO HARMLESS ERROR REVIEW. THE LEGAL ISSUES THE PETITIONER FILED BEFORE ALL COURTS INVOLVED STAND, WHERE THE RIGHT TO BRING ACTION IS PERSONAL AND IS TO BE HONORED AS A ROOT FUNDAMENTAL PRINCIPLE OF LAW WHICH IS A BEDROCK OF DUE PROCESS LAW, McCOY v. LOUISIANA, 138 S.Ct. 1500, 200 L.Ed.2d. 821, 86 U.S.L.W. 4271(U.S.2018); MARTINEZ v. RYAN, 556 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d. 272(U.S.2012); WILLIAMS v. UNITED STATES, 2018 WL 4656231 (D.Conn.2018); UNITED STATES v. COBBLE, 2018 WL 4283063 (M.D.Ga.2018).

INASMUCH, THE DECLARATORY JUDGMENT ACT IS A PROPER VEHICLE IN WHICH TO BRING A CONTROVERSY BEFORE THE COURT WHEN THERE IS AN EXISTING CONTROVERSY OR AT LEAST THE RIPENING SEEDS OF A CONTROVERSY TO INCLUDE THE FACT THAT THE COURT'S JURISDICTION IS INVOKED AND INJUNCTIVE RELIEF SOUGHT TO REQUIRE THE REMITTUR TO BE RECALLED PURSUANT TO RULE 221(c) WHERE SUCH WOULD CAUSE THE DISMISSAL OF THE UNDERLYING APPEAL AND OR ITS FINALITY DUE TO THESE SUBSTANTIAL JURISDICTIONAL CLAIMS EMERGING FROM CASE 2019-CP-08-1992 ATTACKING THE FINAL ORDER ISSUED IN CASE 2015-CP-08-2692 WHICH IS THE SOURCE OF THIS APPEAL. SEE S.C. CODE ANN § 15-53-10 ET. SEQ.; SOUTH CAROLINA LOTTERY COMMISSION v. GLASSMEYER, 428 S.C. 423, 835 S.E.2d. 524(S.C.App.2019); POWER v. McNAIR, 255 S.C. 150, 177 S.E.2d. 551 (S.C.App.1970); FARMER v.

C.A.G.C. INSURANCE COMPANY, 424 S.C. 579, 819 S.E.2d. 142(S.C.App.2018); THOMPSON v. STATE, 415 S.C. 560, 785 S.E.2d. 189(S.C.App.2016); PUBLIC SERVICE COMMISSION OF UTAH v. WYCOFF CO. INC., 344 U.S. 237, 73 S.Ct. 236, 97 L.Ed. 291(U.S.1952); 28 U.S.C. §§ 2201, 2202.

WHERE A CONCRETE ISSUE IS PRESENT, AND THERE IS A DEFINITE ASSERTION OF LEGAL RIGHTS AND A POSITIVE LEGAL DUTY WITH RESPECT THERETO, WHICH ARE DENIED OR CIRCUMVENTED BY THE ADVERSE PARTY, THERE IS A JUSTIFIABLE CONTROVERSY CALLING FOR THE INVOCATION OF DECLARATORY JUDGMENT ACTION. SEE S.C. CODE ANN § 15-53-10 ET. SEQ.; BROWN-THOMAS v. HYNE, 412 F.Supp.3d. 600, 2019 WL 4345277(DSC.2019); ACCEPTANCE CASUALTY INSURANCE COMPANY v. BODA, LLC., --F.Supp.3d.--, 2020 WL 6587244(DSC.2020); ATKENS v. WILSON, 417 S.C. 3, 788 S.E.2d. 228 (S.C.App.2016); SPUR AT WILLIAMS BRICE OWNERS ASS'N INC. v. CALLA, 415 S.C. 72, 781 S.E.2d. 115(S.C.App.2015).

IN CASE OF ACTUAL CONTROVERSY WITHIN ITS JURISDICTION, ANY COURT OF THE UNITED STATES, WHICH INCLUDE STATE COURTS BY THEIR STATUTES, UPON THE FILING OF AN APPROPRIATE PLEADING, MAY DECLARE THE RIGHT AND OTHER LEGAL RELATIONS OF ANY INTERESTED PARTY SEEKING SUCH DECLARATION, WHETHER OR NOT FURTHER RELIEF IS OR COULD BE SOUGHT. SUCH DECLARATION OR LACK THEREOF BECOMES A FINAL JUDGMENT AND CAN BE REVIEWABLE AS SUCH IF SUCH LACK OF DETERMINATION IS COUPLED BY FRAUD TO CIRCUMVENT RULING. SINCE THE COURT OF APPEALS IN ACTS OF MACHINATION CONSPIRED TO THWART JUDICIAL REVIEW BY BEING SILENT TO PREVENT GIVING AN ORDER AND RULING ON THE REHEARING WHICH WOULD HAVE PERMITTED THE PETITIONER TO SEEK WRIT OF CERT., TO CONCEAL THE DEFAULT IN CASE 2019-CP-08-1992 BECAUSE IT WOULD HAVE CALLED FOR THE DISMISSAL OF THE APPEAL AND PRODUCE A FINAL RULING ON THE UNDERLYING CASE WHICH IS THE SOURCE OF THIS APPEAL; THE PETITIONER ALSO SEEKS DECLARATORY JUDGMENT ON THE DEFAULT EMERGING FROM THE LOWER COURT CASE UNDER 2019-CP-08-1992 SINCE THAT COURT'S JURISDICTION NO LONGER EXIST TO RULE BY THEIR UNCONSTITUTIONAL ACTION VOIDING

THEIR JURISDICTION UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, MEDLMMUNE INC. v. GENENTECH, INC., 549 U.S. 118, 127 S.Ct. 764, 166 L.Ed.2d. 604(U.S.2007); SLOAN v. SOUTH CAROLINA DEPT. OF REVENUE, 409 S.C. 551, 762 S.E.2d. 687(S.C.App.2014); HOLDEN v. CRIBB, 349 S.C. 132, 561 S.E.2d. 634(S.C.App.2002).

IF THE S.C. SUPREME COURT WILL NOT GIVE THE DECLARATORY RELIEF ON THE DEFAULT EMERGING FROM CASE 2019-CP-08-1992 WHICH HAS THE EFFECT OF CAUSING THE APPEAL UNDER CASE 2017-002051 TO BE DISMISSED AND OR FINALLY DECIDING THE UNDERLYING APPEAL PURSUANT TO RULE 221(c). THE PETITIONER IN THE ALTERNATE IS SEEKING INJUNCTIVE RELIEF TO REQUIRE THE COURT OF APPEALS TO RECALL THE REMITTITUR AND THEY BE REQUIRED TO ADDRESS THE DECLARATORY RELIEF SOUGHT AND ARGUED IN CASE 2019-CP-08-1992 REGARDING EXHIBIT, "DEFAULT" SINCE THE S.C. COURT OF APPEALS OPENED THE DOOR FOR THE SEEKING OF SUCH WHERE THAT COURT INVOKED APPELLATE COURT RULE 221(c), FRAUDULENTLY ASSERTING THE MOTION AND OR PLEADING DOES NOT FALL WITHIN THE RULE'S PROVISIONS WHERE BY THE PLEADING DEFAULTED ON UNDER CASE 2019-CP-08-1992 IT IS PERSPICUOUS THAT THE PLEADING DOES MEET THIS SUBSTANTIAL REQUIREMENT, WALMART STORES INC. v. DUKES, 564 U.S. 338, 131 S.Ct. 2541(U.S.2011); MONSANTO CO. v. GEERTSON SEED FARMS, 561 U.S. 139, 130 S.Ct. 2743(U.S.2010); VAN de KAMP v. GOLDSTEIN, 555 U.S. 335, 129 S.Ct. 855(U.S.2009); PULLIAM v. ALLEN, 466 U.S. 522, 104 S.Ct. 1970(U.S.1984); SOUTH CAROLINA PUBLIC SERVICE AUTHORITY v. CAROLINA POWER & LIGHT CO., 244 S.C. 466, 137 S.E.2d. 507(S.C.App.1964).

TO OBTAIN AN INJUNCTION, A PARTY MUST DEMONSTRATE IRREPARABLE HARM, A LIKELIHOOD OF SUCCESS ON THE MERITS, AND THE ABSENCE OF AN ADEQUATE REMEDY. THE IRREPARABLE DAMAGE IS THAT THE APPELLANT IN AN ABUSE OF DISCRETION AND ACTS OF MACHINATION TO THWART JUDICIAL REVIEW WAS DENIED THE REQUIRED REHEARING DETERMINATION RELATED TO RECALLING THE REMITTITUR TO PREVENT THE PETITIONER'S ACCESS INTO THE S.C. SUPREME COURT TO SEEK WRIT OF

CERT. WHICH FORCED THE PETITIONER TO CHANGE HIS CAPTION AND MODE OF SEEKING ENTRY BEFORE THIS COURT IN VIOLATION OF THE APPELLANT'S DUE PROCESS RIGHTS. THE DEFAULT EMERGING FROM CASE 2019-CP-08-1992 ATTACKING THE FINAL ORDER WHICH IS THE SOURCE OF THE UNDERLYING APPEAL IN THIS CASE DEMONSTRATE A LIKELIHOOD OF SUCCESS ON THE MERITS AND THERE IS NO OTHER ADEQUATE REMEDY AT LAW WHERE ONLY THE S.C. SUPREME COURT IN THIS CASE CAN REVIEW THE INJUSTICES THAT OCCURRED WITHIN THE S.C. COURT OF APPEALS. THE APPELLANT HAS MET THE BURDEN OF ESTABLISHING THE RIGHT OF ISSUANCE AND REVIEW BY THE S.C. SUPREME COURT, RICHLAND COUNTY v. SOUTH CAROLINA DEPT. OF REVENUE, 422 S.C. 292, 811 S.E.2d. 758(S.C.App.2018).

BEFORE AN INJUNCTION CAN BE GRANTED THE APPELLANT MUST ALLEGE FACTS WHICH APPEAR TO BE SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION FOR INJUNCTION AND IT MUST APPEAR, ON THE ENTIRE SHOWING FROM BOTH SIDES, IN VIEW OF ALL THE CIRCUMSTANCE, THAT THE INJUNCTION IS REASONABLY NECESSARY TO PROTECT THE LEGAL RIGHTS OF THE APPELLANT'S PENDING LITIGATION WHICH IS CLEAR THAT THE LITIGATION UNDER CASE 2019-CP-08-1992 MUST BE PROTECTED WHERE IT FALLS UNDER THE PROVISIONS OF RULE 221(c) AND WOULD CAUSE THE APPEAL TO BE DISMISSED AND PRODUCE A FULL, PROPER AND FINAL JUDGMENT REGARDING THE LEGAL RIGHTS ATTACHED TO THE UNDERLYING APPEAL, COLUMBIA BROADCASTING SYSTEM INC. v. CUSTOM RECORDING CO., 258 S.C. 465, 189 S.E.2d. 305 (S.C.App.1972); TRANSCONTINENTAL GAS PIPE LINE CORP. v. PORTER, 252 S.C. 478, 167 S.E.2d. 313(S.C.1969); COMPTON v. S.C. DEPT. OF CORRECTIONS, 392 S.C. 361, 709 S.E.2d. 639(S.C.App.2011).

IN REGARD TO MOTIONING TO RECALL THE REMITITTUR OUT OF TIME AND OR BEYOND THE TIME LIMIT. WHEN THE REMITITTUR HAS BEEN SENT DOWN TO THE LOWER COURT WHERE THERE IS A CLAIM OF MISTAKE, ERROR OR INADVERTENCE IT CAN BE RECALLED. IT WAS AN ERROR IN LAW AND AN ABUSE OF DISCRETION TO NOT CALL THE REMITITTUR WHERE CLEAR CHALLENGE TO THE COURTS INVOLVED JURISDICTION IS BEING MADE UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, WHICH CAN

BE RAISED AT ANY TIME, AT ANY STAGE, EVEN AFTER A FINAL ORDER HAS BEEN ISSUED, WHICH CANNOT BE WAIVED AND OR FORFEITED AND THE S.C. COURT OF APPEALS CONSPIRED UNDER COLOR OF STATE LAW TO BE SILENT ON THESE ISSUES, MATTER OF SMITH,--S.E.2d.--, 2020 WL 5988211 (S.C.2020); STATE v. HERNDON, 430 S.C. 367, 845 S.E.2d. 499(S.C.2020); STATE v. PHILLIPS, 430 S.C. 319, 844 S.E.2d. 651(S.C.App.2020).

ITS AN ABUSE OF DISCRETION AND FRAUD UPON THE COURT TO REFUSE TO RULE ON OR CIRCUMVENT TO BE SILENT ON RULING ON MOTIONS TO DENY THE APPELLANT ISSUES FOR PURPOSE OF SEEKING WRIT OF CERT., IN THIS CASE, BEFORE THE S.C. SUPREME COURT. THE PETITIONER OBJECTS, HILL v. S.C. DEPT. OF HEALTH AND ENVIRONMENTAL CONTROL, 389 S.C. 1, 698 S.E.2d. 612(S.C.2010); GURNEY v. COWAN, LIEBOWITZ & LATMAN, P.C., F.Supp.3d., 2015 WL 4460868(S.D.N.Y.2015).

IT IS WELL SETTLED THAT WILLFUL BLINDNESS AND CONSCIOUS AVOIDANCE IS THE LEGAL EQUIVALENT TO KNOWLEDGE, GLOBAL-TECH APPLIANCES, INC. v. S.E.B., S.A., 563 U.S. 754, 131 S.Ct. 2060, 179 L.Ed.2d. 1167(U.S.2011); UNITED STATES v. VALBRUN, 877 F3d. 440, 105 Fed. R. EVID. SERV. 207 (1st.Cir.2017); U.S. v. JINWRIGHT, 683 F3d. 471 (4th.Cir.2012).

ALL ACTS, ORDERS, JUDGMENTS OR DECREES OF ALL COURTS MAY BE COLLATERALLY ATTACKED FOR FRAUD UPON THE COURT. THIS APPLIES TO ALL COURTS STATE AND FEDERAL ON RECORD WHICH CAN BE ATTACKED AT ANY TIME. THE POWER TO VACATE JUDGMENTS OR VOID ANY LETTER WHICH CONSTITUTE A DECREE FROM THE COURT OF APPEALS VIA THE CLERK ARE FREE FROM PROCEDURAL LIMITATIONS, WHICH INCLUDE FRAUD BY OFFICERS OF THE COURT WHERE SUCH ACTS EFFECT THE INTEGRITY OF THE NORMAL PROCESS VIOLATING DUE PROCESS RENDERING SUCH ACTIONS UNCONSTITUTIONAL AND VOIDS THE COURT'S JURISDICTION UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, IN RE: GENESYS DATA TECHNOLOGIES, INC., 204 F3d. 124 (4th.Cir.2000); UNITED STATES v.

CONRAD, 675 Fed. Appx' 263, 265 CA4 (N.C.2017); FOX EX REL FOX v. ELK RUN COAL CO. INC., 739 F3d. 131, 87 Fed. R. SERV.3d. 534 (4th.Cir.2014); WELLS FARGO BANK N.A. v. FARAG, 2016 WL 2944561(N.C.2016); U.S. v. \$41,320 U.S. CURRENCY, 9 F.Supp.3d. 582, 2014 WL 1266240 (DSC.2014); WHITE v. MANIS, 2014 WL 1513280(DSC.2014).

THE S.C. COURT OF APPEALS, LOOKING AT WHAT WAS FILED UNDER CASE 2019-CP-08-1992, KNEW IF THEY RECALLED THE REMITTITUR SUCH WOULD PRODUCE INDISPUTABLE THAT THE PLEADING DO FALL WITHIN THE PROVISIONS OF RULE 221(c) REQUIRING REVIEW WHERE THE PLEADING WOULD CALL FOR THE CASE TO BE DISMISSED AND IT WOULD HAVE DECIDED THE UNDERLYING APPEAL DUE TO THE FINAL ORDER FROM THE COMMON PLEAS COURT COMING UNDER ATTACK PRODUCING A DIRECT CHALLENGE TO THE APPELLATE COURTS JURISDICTION DUE TO THE FINAL ORDER BEING A "[J]URISDICTIONAL [P]REREQUISITE" TO APPELLATE REVIEW PRODUCING JURISDICTIONAL ISSUES AND CLAIMS THAT CANNOT BE WAIVED AND OR FORFEITED AND CAN BE RAISED AT ANY TIME EVEN AFTER A FINAL ORDER HAS BEEN ISSUED WITHIN THE CASE. SUPPRESSION OF TRUTH WITH INTENT TO DECEIVE IS FRAUD. WHEN IT COMES TO GOVERNMENT OFFICIALS, SILENCE WILL EQUATE WITH FRAUD WHEN THERE IS A FIDUCIARY, LEGAL AND MORAL DUTY TO SPEAK. KNOWING FAILURE TO DISCLOSE MATERIAL INFORMATION NECESSARY TO PREVENT STATEMENT FROM BEING MISLEADING IS FRAUD. THEY ARE FIDUCIARIES OF THE COURT, U.S. v. COTTON, 231 F3d. 890 (4th.Cir.2000); U.S. v. KORN, F.Supp.2d., 2013 WL 2898056 (W.D.N.Y.2013); TONEY v. COM., 1998 WL 684203 (4th.Cir.1998); S.E.C. v. FARMER, F.Supp.3d., 2015 WL 5838867 (S.D.Tex.2015); U.S. v. MOSBERG, 866 F.Supp.2d. 275 (D.N.J.2011); U.S. v. WECHT, F.Supp.2d., 2008 WL 2223869 (W.D.Pa.2008).

FRAUDULENT CONCEALMENT WITHOUT ANY REPRESENTATION OR DUTY TO DISCLOSE CAN CONSTITUTE FRAUD, EVEN IN ABSENCE OF FIDUCIARY DUTY WHERE OFFICERS OF THE COURT ARE FIDUCIARY BOUND, OR STATUTORY, OR OTHER INDEPENDENT LEGAL DUTY TO DISCLOSE MATERIAL

INFORMATION, COMMON LAW FRAUD INCLUDES ACTS TAKEN TO CONCEAL, CREATE FALSE IMPRESSIONS, MISLEAD, OR OTHERWISE CIRCUMVENT OR DECEIVE TO PREVENT OTHER PARTY FROM ACQUIRING MATERIAL INFORMATION, IN THIS CASE, A RULING OR REHEARING TO ALLOW THE APPELLANT TO SEEK WRIT OF CERT. AND PROPERLY EXHAUST ALL CLAIMS MADE, IN RE: DURAMAX DIESEL LITIGATION, --F.R.D.--, 2018 WL 949856 (E.D.Mich.2018); UNITED STATES v. PALIN, 874 F3d. 418(4th.Cir.2017); UNITED STATES v. LUSK, 2017 WL 508589(S.D.Va.2017); UNITED STATES v. CALLOWAY, F.Supp.3d., 2016 WL 4269961(N.D.Cal.2016); MORRISON v. ACCUWEATHER INC., F.Supp.3d., 2016 WL 3015226 (M.D.Pa.2016).

SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME, AT ANY STAGE, EVEN FOR THE FIRST TIME ON APPEAL, EVEN AFTER A FINAL ORDER OR JUDGMENT HAS BEEN ENTERED WITHIN ANY OF THE COURTS INVOLVED, CANNOT BE WAIVED OR FORFEITED BY THE APPELLANT AND THE COURT(S) "[S]HALL [N]OT" FAIL TO TAKE NOTICE OR IT WOULD VOID THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION, STEEL CO. v. CITIZENS FOR A BETTER ENVIRONMENT, 523 U.S. 83, 118 S.Ct. 1003(U.S.1998); TAMM v. CINCINNATI INSURANCE COMPANY, 2020 WL 60932 (S.D.N.Y.2020); CHASE v. ANDEAVOR LOGISTICS L.P., 2019 WL 5847879 * 2 W.D.Tex.; UNITED STATES v. VALLADARES, 2019 WL 4888629, * 1, W.D.Tex..

THE S.C. COURT OF APPEALS, SINCE THE REHEARING OF RECALLING THE REMITITTUR FELL UNDER APPELLATE COURT RULE 221(c) WHERE THE DEFAULT RELATED TO ATTACKING THE FINAL ORDER IN THE UNDERLYING APPEAL EVEN HAD JURISDICTIONAL RAMIFICATIONS AT THE APPELLATE LEVEL, HAS AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER SUBJECT MATTER JURISDICTION EXISTED UNDER THE DUE PROCESS PRONG BASED UPON THE JURISDICTIONAL PLEADING THEY CONCEALED IN THE COURT RECORD RELATED TO CASE 2019-CP-08-1992 WHICH WOULD HAVE CAME UP ON REHEARING BUT IN ACTS OF FRAUD UPON THE COURT AND MACHINATION TO THWART JUDICIAL REVIEW THEY WERE SILENT ON THE REHEARING, THEIR ACTIONS VIOLATED THEIR OATHS OF OFFICE TO UPHOLD THE STATE AND FEDERAL CONSTITUTIONS AND THEIR FIDUCIARY DUTY IN

ADDRESSING THESE SUBSTANTIAL DUE PROCESS AND SUBJECT MATTER JURISDICTION CLAIMS. SUCH MUST BE DETERMINED EVEN IN ABSENCE OF CHALLENGE FROM ANY PARTY, SORRINGWIND ENERGY. LLC. v. CATIC U.S.A. INCORPORATED,--F3d.--, 5TH. Cir.(Tex.); 460 S. LAKE AVENUE, LTD. v. APPLETON, 2019 WL 7184737, * 1 C.D.Cal.; SLAYTON v. JOHNSON AND JOHNSON, 2019 WL 7208414; * 1 C.D.Cal.; HAMER v. NEIGHBORHOOD HOUSING SERVICES OF CHICAGO, 138 S.Ct. 13, 199 L.Ed.3d. 249(U.S.2017); PHILLIPS v. BROCK & SCOTT, PLLC., 2017 WL 3226866(D.C.Md.2017).

WITHOUT JURISDICTION, THE COURT OF APPEALS COULD NOT PROCEED AT ALL RULING IN CASE 2017-002051 in any cause; JURISDICTION IS THE POWER TO DECLARE LAW, AND WHEN IT CEASE TO EXIST, THE ONLY FUNCTION REMAINING TO THE COURT IS THAT OF ANNOUNCING THE FACT AND DISMISSING THE CAUSE OF ACTION AGAINST THE APPELLANT RELATED TO THE CONVICTION, ARBAUGH v. Y & H CORP., 546 U.S. 500, 126 S.Ct. 1235(U.S.2006); STEVENS E. HECKER, PLAINTIFF v. THE STATE OF WASHINGTON, DEFENDANT, 2020 WL 134168 (Fed.Cl.2020); MDC INNOVATIONS, LLC. v. NORTHERN,--Fed. Appx'--, 2018 WL 1129607 (4th.Cir.2018). AT THIS JUNCTURE, THE ~~COURT~~ COURT OF APPEALS HAD AN INDEPENDENT OBLIGATION TO DETERMINE WHETHER THE COURT OF APPEALS JURISDICTION HAS NOW BEEN MADE VOID PURSUANT TO RULE 221(c) DUE TO THE DEFAULT DOCUMENT FILED IN CASE 2019-CP-08-1992 ATTACKING THE FINAL ORDER IN THE UNDERLYING CASE WHICH IS THE SOURCE OF THIS APPEAL, BY THE UNCONSTITUTIONAL ACTION AS IS ARGUED. IN FUNDAMENTAL FAIRNESS TO THE APPELLANT, THE STATE SUPREME COURT MUST NOW ADDRESS THE CONCERNS THAT THE S.C. COURT OF APPEALS IN FRAUD, MACHINATION AND OBSTRUCTION OF JUSTICE CIRCUMVENTED, DUE TO THE CLAIMS BEING JURISDICTIONAL AND CANNOT BE WAIVED OR FORFEITED WHERE THE APPELLANT'S CONVICTION MUST NOW BE VACATED AND THE CRIMINAL CAUSE OF ACTION DISMISSED, HICKS v. HEART OF HOSPICE, LLC., 2019 WL 6255496 (N.D.Miss.2019); KRIKORIAN v. FORD MOTOR COMPANY, 2019 WL 7042939 (S.D.Ala.2019); JEFFERS v. J.P. MORGAN CHASE & CO., 2019 WL 6255311, * 1, S.D.Tex.; ANTHONY W. HALL, PLAINTIFF v. FRENKEL, LAMBERT,..., 2020 WL 136658, * 2, E.D.N.Y.; DAVIS v. PALUMBO, 2019 WL 6915949,

* 1, W.D.MO.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402 (D.C.Md.2016).

INASMUCH, THE APPELLANT IS ARGUING AGAINST THE UNCONSTITUTIONALITY OF TWO PRECEDENT SETTING CASES, STATE v. GENTRY 2005 AND STATE v. LANGFORD 2012 WHICH BY THEMSELVES ARE SUBSTANTIAL JURISDICTIONAL CLAIMS PURSUANT TO RULES OF APPELLATE COURT PRO., RULE 217. IF YOU TAKE A FATALLY DEFECTIVE INDICTMENT AND BRING IT BEFORE THE CRIMINAL COURT FOR THE SAKE OF FRAUDULENTLY PROCURING A CONVICTION, DEPRIVING THE DEFENDANT OF PROPER AND FAIR NOTICE OF THE "[C]AUSE AND [N]ATURE" OF THE ACCUSATION(S) BEING LEVIED AGAINST HIM, DENYING HIM OF THE CONSTITUTIONAL DUE PROCESS RIGHT TO KNOW EXACTLY WHAT IT IS THAT HE IS CALLED UPON TO MEET AND DEFEND, CONSTRUCTIVELY AMENDING THE INDICTMENT(S) ALL OVER THE PLACE ON ESSENTIAL ELEMENTS AND ALLEGATIONS OF THE OFFENSE(S). THEN YOU COUPLE THIS WITH THE DEFAULT AND OTHER EGREGIOUS DUE PROCESS VIOLATIONS ARGUED UNDER CASE 2019-CP-08-1992 FILED TO ATTACK THE FINAL ORDER UNDER THE INDEPENDENT ACTION RULE, A FINAL ORDER WHICH IS THE SOURCE OF THIS UNDERLYING APPEAL PRODUCING OVERWHELMING PREJUDICE THUS PRESENTED. SUCH ACTION AND INJUSTICE DONE WITHIN THE PROCEEDINGS INVOLVED HERE RENDERS THE PROCEEDINGS UNCONSTITUTIONAL AND VOIDS THE COURTS INVOLVED JURISDICTION FOR THAT UNCONSTITUTIONAL ACTION WHICH IS TO BE ADJUDICATED UNDER THE "DUE PROCESS PRONG" TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG THE COURTS IN AN ABUSE OF DISCRETION ADJUDICATED THE TWO PRECEDENT SETTING CASES UNDER IN THE PAST REGARDING GENTRY AND LANGFORD. AN ACT OR JUDICIAL DETERMINATION AS WAS MADE IN THE GENTRY AND LANGFORD CASES THAT ARE REPUGNANT TO THE U.S. CONSTITUTION CANNOT BECOME LAW OR STAND AS LAW AND WHERE SUCH JUDGMENTS ARE CONTRARY TO THE UNITED STATES CONSTITUTION AND DUE PROCESS LAW, THEY ARE "VOID" AND ARE IF THERE WERE NO JUDICIAL DETERMINATIONS IN THE TWO CASES MADE AT ALL, EVANCHO v. PINE-RICH AND SCHOOL DISTRICT, 237 F.Supp.3d. 267, 301(W.D.Pa.2017); TAYLOR v. U.S., 136 S.Ct. 2074, 195 L.Ed.2d. 456, 84 U.S.L.W. 4462(U.S.2016); ZIVOTOFSKY EX REL ZIVOTOFSKY v. KERRY, 135 S.Ct. 2076, 192 L.Ed.2d. 83, 83 U.S.L.W.

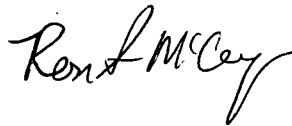
4391(U.S.2015); BROWN v. UNITED STATES, 2014 WL 2871398 (DSC.2014); WELLS FARGO BANK N.A. v. FARAG, 2016 WL 2944561 (N.C.2016); MILFORD v. MIDDLETON, 2018 WL 348059 (DSC.2018); WELL FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC., 859 F3d. 295(4th.Cir.2017); MOSELY v. UNITED STATES, 2018 WL 1187778 (W.D.N.C.2018).

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR AND UNAMBIGUOUS ON THE ISSUES SUCH AS THE ONES BEING ARGUED WITHIN THIS CASE. IF A RULING HAS BEEN OBTAINED BY AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR INTERPRETATION OF LAW AND OR ACT, WHICH INCLUDE FRAUD SUPPRESSION OF TRUTH AND OBSTRUCTION OF JUSTICE. THE LAW EXPLAINED IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE **"FOUNDATION"** OF THE **"WHOLE"** (EMPHASIS ADDED) PROCEEDING, CONFIRMING ALSO THAT **"FRAUD AND UNCONSTITUTIONAL ACTION VITIATES EVERYTHING THEY ENTER"**. AN UNCONSTITUTIONAL LAW AND OR ACT AND OR STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION IS **"VOID"** AND IS AS IF THERE WERE NO LAW AND OR ACT AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR STATUTE MADE OR DONE AT ALL, BEING STRUCTURAL CONSTITUTIONAL ERROR NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE WHICH HAVE JURISDICTIONAL RAMIFICATIONS AS WELL. THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL JUDICIAL DETERMINATION AND OR LEGISLATIVE STATUTE AND OR ACT AND OR CRIMINAL CONVICTION AND OR LAW, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW BY SUCH ACTS, BUT IS **"WHOLLY VOID"** AND INEFFECTIVE FOR ANY PURPOSE, TO INCLUDE ANY JUDICIAL DETERMINATION OR CONVICTION ATTACHED TO IT, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT AND OR WHEN IT WAS DONE....IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED OR DONE....SINCE AN UNCONSTITUTIONAL STATUTE AND OR JUDICIAL DETERMINATION AND OR CONVICTION AND OR ACT AND OR LAW IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY (DUTY TO MAINTAIN A CONVICTION OR THE POSITION OF THE S.C. COURT OF APPEALS), CONFERS NO RIGHTS (THE STATE HAS NO

RIGHT TO THE ILLEGAL CONVICTION OR THE APPEALS COURT REFUSAL TO RECALL THE REMITTUR), CREATES NO OFFICE (JUDICIAL, PROSECUTORIAL OR OTHERWISE), BESTOWS NO POWER OR AUTHORITY ON ANY PERSON (EMPHASIS ADDED)[WHICH MEANS THAT THE RELEVANT COURTS JURISDICTION IS MADE VOID PLACING THE COURTS AND STATE IN FORFEITURE WHICH I SEEK.), AFFORDS NO PROTECTION (THE COURTS, JUDGES AND PROSECUTORS ARE NOT IMMUNE IF THEY FAIL TO CORRECT THE INJUSTICE WHICH VIOLATES THEIR OATHS OF OFFICE.), AND JUSTIFIES NO ACTS PERFORMED UNDER IT (SUCH AS CIRCUMVENTING RULING ON RECALLING THE REMITTUR OR MAINTAINING THE CONVICTION.)....A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE WHERE HERE IT IS COUPLED BY EGREGIOUS ACTS OF FRAUD UPON THE COURTS INVOLVED RELATED TO THE ISSUES AND CONCERNS PRESENTED. AN UNCONSTITUTIONAL LAW AND OR STATUTE AND OR CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW OR BE PERMITTED TO DEPRIVE A DEFENDANT OF LIBERTY. INDEED INSOFAR AS A CRIMINAL CONVICTION AND OR JUDICIAL DETERMINATION AND OR STATUTE AND OR LEGISLATIVE PROVISION AND OR ACT RUNS COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (THE U.S. CONSTITUTION, DUE PROCESS LAW, THE FREE EXERCISE CLAUSE, THAT INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION, NOT THE LEGISLATIVE PRONG.), IT IS SUPERSEDED THEREBY. NO ONE IS BOUND TO OBEY FRAUD OR AN UNCONSTITUTIONAL LAW AND OR JUDICIAL DETERMINATION. A REVERSIBLE CONVICTION IS REVERSIBLE REGARDLESS OF THE REASON, AND AN INVALID CONVICTION IS NO CONVICTION AT ALL. A CONVICTION UNDER AN UNCONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT. ALL RULES, STATUTES, PRACTICES (LIKE THE ONES PULLED IN THE S.C. COURT OF APPEALS TO PREVENT THE APPELLANT FROM SEEKING WRIT OF CERT. BY MACHINATION, FRAUD AND CRIMINAL CONSPIRACY RELATED TO THESE LEGAL ISSUES AND CONCERNS.), WHICH ARE REPUGNANT TO THE U.S. CONSTITUTION ARE **"NULL"** AND **"VOID"**, UNITED STATES v. LIBOUS, 858 F3d. 64 (2nd.Cir.2017); CITY OF LEBANON v. MILBURN, 286 Or. App. 212, 398 P.3d. 486(2017); PEOPLE v. FIELDS, N.E.3d., IL. App. (1st.) 122012-UB; FARROW v. LIPETZKY, 2017 WL 1540637 (N.C.Cali.2017); UNITED STATES v.

AJRAWAT, --Fed. Appx'--, 2018 WL 3045619 (4th.Cir.2018); BETTERMAN v. MONTANA, 136 S.Ct. 1609, 194 L.Ed.2d. 723 (U.S.2016); MARTIN v. UNITED STATES, 2018 WL 1626578, * 2, D.Md.; PYNE v. UNITED STATES, F.Supp.3d., 2016 WL 1377402(D.C.Md.2016); MARBURY v. MADISON, 5TH. U.S. (2 CRANCH) 137, 180; VINES v. UNITED STATES, 28 F3d. 1123 CRIM. LAW 1163(1), 1165(1); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19 (2014); JOHNSON v. UNITED STATES, --S.Ct.--, 2015 WL 2473450(U.S.2015); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEFT' OUTDOORS, LLC. v. CONSOLIDATION CITY OF INDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D.ILL.; HILL v. SNYDER, 821 F3d. 763, 765+ (6th.Cir.Mich.); PEOPLE v. SOLO, N.E.3d., 2017 WL 1838423(2017); 24 SENATORIAL DIST. REPUBLICAN COMMITTEE v. ALCORN, 820 F3d. 624 (4th.Cir.2016); VAETH v. BOARD OF TRUSTEES, F.Supp.3d., 2016 WL 775386(D.C.Md.2016); WELLS FARGO BANK N.A. v. H.M.H. ROMAN TWO N.C., LLC. SUPRA.; MOSELY v. UNITED STATES SUPRA.; MILFORD v. MIDDLETON, 2018 WL 348059(DSC.2018).

RESPECTFULLY,
RON SANTA McCRAY



DECEMBER 2, 2020

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
CASE FROM BERKELEY COUNTY COMMON PLEAS COURT

APPELLATE CASE NO. 2017-002051

DOCKET NO. _____

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RECEIVED
DEC 09 2020
SC Court of Appeals

RON SANTA McCRAY,

PETITIONER

Vs.

THE STATE OF SOUTH CAROLINA,

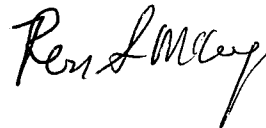
RESPONDENT

AFFIDAVIT OF SERVICE

I, RON SANTA McCRAY, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITION AND OR MOTION TO AMEND THE CAPTION OF THE INITIAL FILING; PETITION TO INVOKE THE S.C. SUPREME COURT'S JURISDICTION; PETITION FOR INJUNCTIVE AND DECLARATORY RELIEF; PETITION AND OR MOTION TO CHALLENGE THE RELEVANT COURT(S) JURISDICTION AND RECALL THE REMITTUR AND MOTION TO MOTION THEREFOR, ON THE S.C. SUPREME

COURT, THE S.C. COURT OF APPEALS, THE S.C. ATTORNEY GENERAL, THE
BERKELEY COUNTY COURT AND CHIEF ADMINISTRATIVE JUDGE AND ALL
INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID BY DEPOSITING IT IN
THE INSTITUTION MAILBOX ON DECEMBER 2, 2020.

RESPECTFULLY,
RON SANTA McCRAY

A handwritten signature in black ink, appearing to read "Ron Santa McCray". The signature is written in a cursive, flowing style.

DECEMBER 2, 2020

LAWRENCE L CRAWFORD

#300839 F2A RM 2138

LEE CT 990 WISACKY HWY

Bishopville, SC 29010

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DEC 09 2020

SC Court of Appeals

SC COURT of Appeals
1220 SENATE STREET
COLUMBIA, SC 29201