

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

MAY 22 2023
SC Court of Appeals

HONORABLE DEBRA MCCASLIN, CIRCUIT COURT JUDGE

Indictment No.: 2022-GS-32-03445, 2022-GS-32-03446A,
2022-GS-32-03447, 2022-GS-32-03448


STATE..... RESPONDENT

V.

HOMER MARQUETTE CHESTNUT..... DEFENDANT

NOTICE OF APPEAL

Homer Marquette Chestnut appeals his conviction and sentence in this case. The sentence was issued on 09 May 2023, per acceptance of negotiated plea, by the Honorable Debra McCaslin. The Honorable Debra McCaslin presided over the pre-trial Motions beginning 08 May 2023. The Court Reporter was Bethany K. Creppon, bcreppon@sccourts.org, Post Office Box 85411 Lexington, South Carolina 29073. The Honorable Debra McCaslin presided over the trial beginning 08 May 2023, which ended as a result of a plea ending 09 May 2023.



JAMES V. HOLLADAY, III
Assistant Public Defender
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

OTHER COUNSEL OF RECORD:

Kelly Oppenheimer, Eleventh Circuit Assistant Solicitor
Lexington County Courthouse, 205 East Main Street
Lexington, South Carolina 29072

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SC Court of Appeals

HONORABLE DEBRA MCCASLIN, CIRCUIT COURT JUDGE

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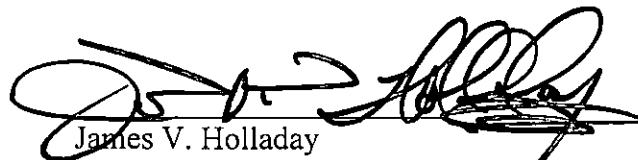
STATE, RESPONDENT

V.

HOMER MARQUETTE CHESTNUT..... DEFENDANT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Robert M. Dudek by depositing a copy of it in the United States Mail, postage prepaid, on May 18, 2023 addressed to Robert M. Dudek, Chief Appellate Defender, P.O. Box 11433, Columbia, SC 29211.



James V. Holladay
Assistant Public Defender
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

OTHER COUNSEL OF RECORD:
Kelly Oppenheimer, Assistant Solicitor
11th Circuit Solicitor's Office
Lexington County Courthouse
Lexington, SC 29072

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

HONORABLE WALTON J. MCLEOD IV, CIRCUIT COURT JUDGE

Indictment No. 2022-GS-32-03445, 2022-GS-32-03446A,
2022-GS-32-03447, 2022-GS-32-03448

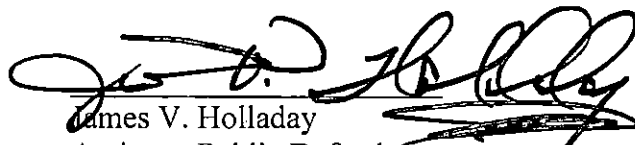
STATE, RESPONDENT

V.

HOMER MARQUETTE CHESTNUT..... DEFENDANT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Kelly Oppenheimer by depositing a copy of it in the United States Mail, postage prepaid, on May 18, 2023 addressed to Kelly Oppenheimer, Assistant Solicitor, The 11th Circuit Solicitor's Office, Lexington County Courthouse, 205 E. Main Street, Lexington, SC 29072.


James V. Holladay
Assistant Public Defender
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

OTHER COUNSEL OF RECORD:
Kelly Oppenheimer, Assistant Solicitor
11th Circuit Solicitor's Office
Lexington County Courthouse
Lexington, SC 29072

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HONORABLE DEBRA MCCASLIN, CIRCUIT COURT JUDGE

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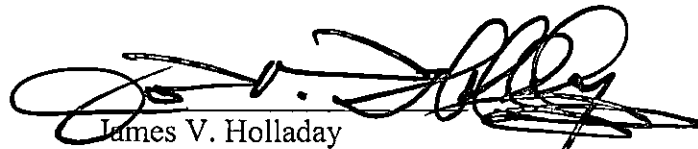
STATE, RESPONDENT

V.

HOMER MARQUETTE CHESTNUT..... DEFENDANT

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Homer Marquette Chestnut by depositing a copy of it in the United States Mail, postage prepaid, on May 18, 2023 addressed to Homer Marquette Chestnut, Allendale Correctional Institution, SCDCID – 00302386 / SID – SC01066452, DORM – HAB-0017-B, 1057 Revolutionary Trail, Fairfax, SC 29827.



James V. Holladay
Assistant Public Defender
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

OTHER COUNSEL OF RECORD:
Kelly Oppenheimer, Assistant Solicitor
11th Circuit Solicitor's Office
Lexington County Courthouse
Lexington, SC 29072

ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & MCCORMICK COUNTIES

LEXINGTON
202 EAST MAIN STREET
LEXINGTON, SC 29072
(803) 785-8873

SARAH H. MAULDIN
CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • MCCORMICK
POST OFFICE BOX 1852
MCCORMICK, SC 29835
(864) 852-9555

JASON S. CHEHOSKI
CHIEF PUBLIC DEFENDER

16 May 2023

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SC Court of Appeals

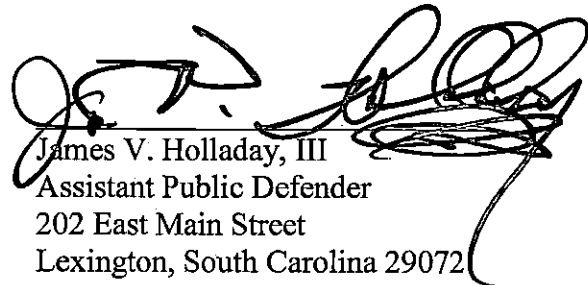
The Honorable Lisa M. Comer
Lexington County Clerk of Court
205 East Main Street
Lexington, South Carolina 29072

Re: State vs. HOMER MARQUETTE CHESTNUT - Appeal

Dear Ms. Comer:

Enclosed for filing, is a Notice to Appeal in the above-referenced case.

Respectfully,



James V. Holladay, III
Assistant Public Defender
202 East Main Street
Lexington, South Carolina 29072
JHolladay@Lex-co.com
Tel: (803) 785-8873
Fax: (803) 785-1443

Encl. Notice to Appeal

CC:

Kelly Oppenheimer, Eleventh Circuit Assistant Solicitor
Robert M. Dudek, Chief Appellate Defender
Homer Marquette Chestnut, Defendant – Allendale Correctional Institution

ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & McCORMICK COUNTIES

LEXINGTON
202 EAST MAIN STREET
LEXINGTON, SC 29072
(803) 785-8873

SARAH H. MAULDIN
CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • McCORMICK
POST OFFICE BOX 1852
McCORMICK, SC 29835
(864) 852-9555

JASON S. CHEHOSKI
CHIEF PUBLIC DEFENDER

16 May 2023

Robert M. Dudek
Chief Appellate Defender
P.O. Box 11433
Columbia, SC 29211

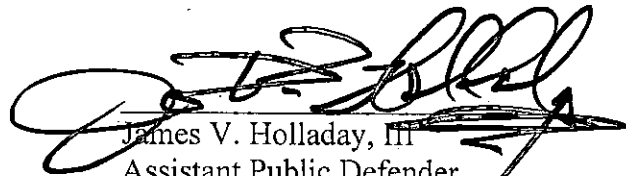
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MAY 22 2023
SC Court of Appeals

Re: State vs. HOMER MARQUETTE CHESTNUT - Appeal

Dear Mr. Dudek:

Enclosed is a copy of a Notice to Appeal in the above-referenced case.

Sincerely,



James V. Holladay, III
Assistant Public Defender
202 East Main Street
Lexington, South Carolina 29072
JHolladay@Lex-co.com
Tel: (803) 785-8873
Fax: (803) 785-1443

Encl. Notice to Appeal

CC:

The Honorable Jenny A. Kitchings, Clerk of Court, South Carolina Court of Appeals
The Honorable Lisa M. Comer, Lexington County Clerk of Court
Kelly Oppenheimer, Assistant Solicitor, Eleventh Circuit Solicitor's Office
Homer Marquette Chestnut, Defendant – Allendale Correctional Institution

ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & McCORMICK COUNTIES

LEXINGTON
202 EAST MAIN STREET
LEXINGTON, SC 29072
(803) 785-8873

SARAH H. MAULDIN
CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • McCORMICK
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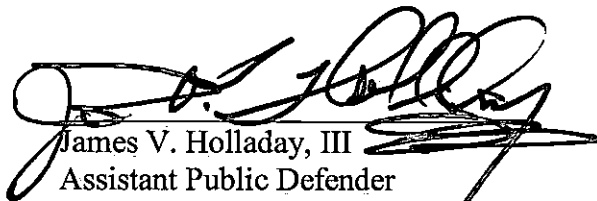
Kelly Oppenheimer, Assistant Solicitor
Eleventh Circuit Solicitor's Office
205 East Main Street
Lexington, South Carolina 29072

Re: State vs. HOMER MARQUETTE CHESTNUT - Appeal

Dear Ms. Oppenheimer:

Enclosed is a copy of a Notice to Appeal in the above-referenced case.

Sincerely,



James V. Holladay, III
Assistant Public Defender
202 East Main Street
Lexington, South Carolina 29072
JHolladay@Lex-co.com
Tel: (803) 785-8873
Fax: (803) 785-1443

Encl. Notice to Appeal

CC:

The Honorable Jenny A. Kitchings, Clerk of Court, South Carolina Court of Appeals
The Honorable Lisa M. Comer, Lexington County Clerk of Court
Robert M. Dudek, Chief Appellate Defender,
Homer Marquette Chestnut, Defendant – Allendale Correctional Institution

ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & MCCORMICK COUNTIES

LEXINGTON
202 EAST MAIN STREET
LEXINGTON, SC 29072
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CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • MCCORMICK
POST OFFICE BOX 1852
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(864) 852-9555

JASON S. CHEHOSKI
CHIEF PUBLIC DEFENDER

16 May 2023

Allendale Correctional Institution
INMATE: HOMER MARQUETTE CHESTNUT
SCDCID – 00302386 / SID – SC01066452
DORM – HAB-0017-B
1057 Revolutionary Trail
Fairfax, South Carolina 29827

RECEIVED
MAY 22 2023
SC Court of Appeals


RE: APPEAL (2022GS3203445, -3446A, -3447 & -3448)

Dear Mr. CHESTNUT:

Enclosed, is a copy of the Notice to Appeal you asked me to file on your behalf. It includes a document titled Rule 203 (B) Explanation. Court Rules require an attorney to inform the court whether or not they believe an appeal has merit when the appeal is from a guilty plea. I do not have a good faith basis to believe that your appeal has merit. The purpose of this letter is to advise you that you have twenty (20) days from the date of this letter to inform the South Carolina Court of Appeals in writing of any arguable basis on which to assert that there are issues preserved for appeal in your case. You can write the court at this address:

South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

With kindest personal regards,


James V. Holladay, III
Assistant Public Defender
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

Enclosure:

Notice to Appeal
Rule 203(B) Explanation

Cc: Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & McCORMICK COUNTIES

LEXINGTON
202 EAST MAIN STREET
LEXINGTON, SC 29072
(803) 785-8873

SARAH H. MAULDIN
CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • McCORMICK
POST OFFICE BOX 1852
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(864) 852-9555

JASON S. CHEHOSKI
CHIEF PUBLIC DEFENDER

16 May 2023

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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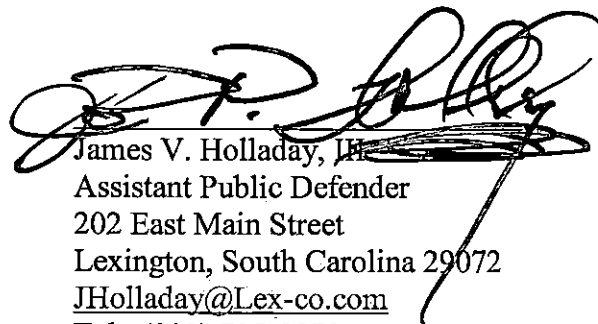
Re: State vs. HOMER MARQUETTE CHESTNUT - Appeal

Dear Ms. Kitchings:

Please find enclosed an original and one (1) copy of a Notice to Appeal in the above referenced matter for filling in your office. Please file the original and return the copy with date and time stamps to me in the envelope provided.

I am, by copy of this letter, serving a copy of the Notice of Appeal on Eleventh Circuit Assistant Solicitor Kelly Oppenheimer and Chief Appellate Defender Robert M. Dudek, and I enclose my Certificates of Service.

Sincerely,


James V. Holladay, Jr.
Assistant Public Defender
202 East Main Street
Lexington, South Carolina 29072
JHolladay@Lex-co.com
Tel: (803) 785-8873
Fax: (803) 785-1443

Encl. Notice to Appeal

CC:

The Honorable Lisa M. Comer, Lexington County Clerk of Court
Kelly Oppenheimer, Eleventh Circuit Assistant Solicitor
Robert M. Dudek, Chief Appellate Defender
Homer Marquette Chestnut, Defendant – Allendale Correctional Institution

ELEVENTH CIRCUIT
PUBLIC DEFENDERS OFFICE
202 EAST MAIN STREET
LEXINGTON, SC 29074

Holladay / Cahue

RECEIVED

MAY 22 2023

SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk of Court for Court of Appeals
P. O. Box 11629
Columbia, SC 29211

