

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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AUG 18 2025

SC Court of Appeals

APPEAL FROM Horry COUNTY
Court of General Sessions

Eugene P. Warr, Circuit Court Judge

Indictment case No. 2025-GS-26-00631
Appellate case No. 2025-001447

The state, Respondent,
VS.

Ray Edward Chestnut, Appellant.

OPENING PRO-SE APPELLANT BRIEF

The Appellant, Ray Edward Chestnut, moves this Honorable Court to vacate his conviction and sentence in indictment No. 2025-GS-26-00631.

The Appellant, Ray Edward Chestnut, (hereinafter Mr. Chestnut) was initially charged on or about December 11, 2023 with Trafficking Heroin, 4 grams or more, but less than 14 grams, in violation of S.C. Code Annotated 44-53-370(e)(3)(a) stemming from an alleged controlled buy involving a confidential informant (CI) on August 22, 2023 for approximately 5 grams of heroin while in the Myrtle Beach section of Horry County, South Carolina. On or about February 7, 2024 Mr. Chestnut was arrested by the Horry County Police Department on the alleged charge and taken into custody. On or about March 26, 2024 Mr. Chestnut was released from custody on a \$65,000 surety bond. On July 14, 2025 Mr. Chestnut's case was called for trial, after being indicted on or about February 13, 2025 by a grand jury for the charge of trafficking fentanyl, 4 grams or more, but less than 14 grams, in violation of S.C. Code Ann. § 44-53-370(e)(9). On July 15, 2025 Mr. Chestnut was found guilty by a jury for trafficking fentanyl (as indicted) and sentenced

to a mandatory term of twenty-five (25) years imprisonment. On or about July 16, 2025, Mr. Chestnut, through his attorney (Brent Perry) filed a notice of intent to appeal. This appeal follows:

Mr. Chestnut was wrongfully convicted of trafficking fentanyl, 4 grams but less than 14 grams, S.C. Code Ann. § 44-53-370(e)(9) by unfair jury trial on July 15, 2025 before Judge Eugene P. Warr, Court of General Sessions, Fifteenth Judicial Circuit, Conway, South Carolina in indictment NO. 2025-GS-26-00631.

The trial involved a miscarriage of justice and racial discrimination in violation of the laws of South Carolina and the South Carolina Constitution.

Mr. Chestnut was not afforded his right to pick his jury or be involved in the jury selection of his trial which resulted in a all white jury being picked by the solicitor (Joshua David Holford) and defense attorney (Brett Allen Perry) without Mr. Chestnut's consent. This violated the South Carolina Rules on Criminal Procedure and due process.

Mr. Chestnut was not afforded effective assistance of counsel by his attorney Mr. Perry. Mr. Chestnut along with his attorney filed motion to relieve counsel which the court denied in error. Mr. Chestnut and Mr. Perry informed the court that there were conflict of interest issues between the two based on the allegations Mr. Chestnut stated in his motion to relieve counsel filed on June 2, 2025 and again on June 11, 2025.

Specifically, Mr. Chestnut stated that Mr. Perry threatened him and his girlfriend (Kanetta McCoy) as they were leaving the courthouse by stating he would slap them both if they didn't shut the fuck up. Mr. Chestnut's motion to relieve counsel was also supported by affidavit from Ms. McCoy. Mr. Perry informed the court that him and Mr. Chestnut's lawyer-client-relationship has deminished so bad that he (Mr. Perry)

could not adequately represent Mr. Chestnut or prepare a defense against the charges. The trial court erred by refusing to relieve Mr. Perry as counsel, which basically forced Mr. Chestnut to proceed with trial without adequate representation by Mr. Perry. This violated Mr. Chestnut's sixth amendment right as guaranteed by the South Carolina Constitution and the laws of South Carolina.

Mr. Chestnut was not afforded adequate time to prepare his defense against the charge (trafficking fentanyl) as he did not receive or wasn't allowed to review all the evidence against him. Specifically, the video surveillance of the alleged controlled buy. Mr. Chestnut did not see or wasn't provided the video surveillance of the alleged controlled buy until the day of trial. Mr. Chestnut informed his attorney (Mr. Perry) weeks before trial that he wanted to see the video surveillance (of alleged controlled buy) so that he could prepare his defense but Mr. Perry failed to produce the video until the day trial began. This violated Mr. Chestnut's due process rights and the South Carolina Rules on Criminal Procedure. The South Carolina Rules on Criminal Procedure provides that all evidence against a defendant must be made available to him at least twelve (12) days before trial.

Mr. Chestnut was not afforded his right to call all witnesses he wished to call to testify on his behalf during trial. Specifically, prior to the onset of trial, Mr. Chestnut produced and provided the court and the solicitor (Joshua Holford), through his attorney (Mr. Perry) a list of four (4) potential witnesses (Kanetta McCoy, Rachael Hernandez, Amanda McKnight, and Dixie Sauls) "along with the contact information of these 4 witnesses" who he wanted called to testify at trial concerning the events that arose of the alleged controlled buy, but the court failed to issue any subpoenas for the witnesses to appear

in court. This made it difficult for Mr. Chestnut to present his defense against the charge. However, only two (2) of the witnesses (Kanetta McCoy and Rachael Hernandez) actually appeared and testified due to a lack of subpoenas being issued by the trial court. In any event, if Amanda McKnight and Dixie Sauls (the 2 witnesses that didn't appear) would have been called to present testimony during trial the outcome of the jury trial could have resulted in a different outcome for Mr. Chestnut. This violated Mr. Chestnut's due process rights as well as the laws of South Carolina.

Mr. Chestnut should have received a mistrial when, through his attorney, Mr. Perry, requested the trial court issue a mistrial after the solicitor's witness (Detective Michael J. Manemeit, Jr.) testified and stated that he reviewed or retrieved Mr. Chestnut's prior booking reports from the J. Reuben Long Detention Center in order to identify Mr. Chestnut to the Confidential Informant (CI). This statement made by Detective Manemeit, Jr., was unrelated to the charge (trafficking fentanyl on August 22, 2023) and should not have been known to the jury as it allowed the jury to know or believe that Mr. Chestnut had a prior arrest record. The fact that Mr. Chestnut exercised his fifth (5th)/or 4th amendment right and chose not to speak or take the stand during trial violated his substantial rights when Detective Manemeit spoke about Mr. Chestnut's booking reports from J. Reuben Long Detention Center. The trial court erred when failing to grant a mistrial in this cause. This violated the laws of South Carolina.

For another reason, Mr. Chestnut should have received a mistrial when he, through his attorney (Mr. Perry), requested the trial court issue a mistrial after there were known discrepancies in the drug type and/or analysis. Specifically, the arrest warrant (2023A2610700934) stated that the alleged narcotic field tested positive for heroin, but during trial the drug forensic expert (called to testify by the solicitor) testified that the narcotic tested positive for cocaine and fentanyl.

Mr. Chestnut, through his attorney (Mr. Perry), questioned the drug forensic expert and asked if she had the reports to show and prove that the machine or equipment used to test the alleged narcotic were working or running properly or accurately, but she (drug forensic expert) testified and advised the trial court that she was unable to provide or produce any reports to that effect. Mr. Chestnut, through his attorney (Mr. Perry), argued that without the report of a proper running or working machine or equipment in this cause - no one can really say or conclude what the alleged narcotic is or was during the time of drug testing. The trial court erred by refusing to grant a mistrial in this case given the circumstances. Mr. Chestnut's conviction and sentence should therefore be vacated.

CONCLUSION

Based on the facts stated above, in the interest of justice, Mr. Chestnut is entitled to a new trial. His conviction and sentence should be vacated.

IT IS SO PRAYED.

Respectfully submitted,

/s/ Ray Chestnut
Ray Edward Chestnut
SCDC # 304094
Kirkland R+E center
4344 Broad River Road
Columbia, SC 29210

Dated:
August 14, 2025

THE STATE OF SOUTH CAROLINA
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CERTIFICATE OF SERVICE

I, Ray Edward Chestnut, certify that I have served a copy of the attached OPENING PRO-SE APPELLANT BRIEF, upon the parties named and addressed below by via United States mail with appropriate postage on this 14th day of August, 2025.

Addressee(s):

Alan McCrory Wilson
S.C. Attorney General Office
1000 Assembly Street
Columbia, SC 29201

) Joshua David Holford
) Horry County Solicitors Office
) 1301 Second Avenue
) Conway, SC 29526

Brett Allen Perry
Attorney at Law
P.O. Box 1
Camden, SC 29021

/s/ Ray Chestnut
Ray Edward Chestnut

COVER LETTER

Ray Edward Chestnut, SCDC # 304094
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, SC 29210

MAIL ROOM

August 14, 2025

Catherine Harrison, deputy clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: The State vs. Ray Edward Chestnut
Appellate case no. 2025-001447

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SC Court of Appeals

Dear Clerk:

Enclosed please find "Opening Pro-se Appellant Brief" to be filed in the above-reference matter. I ask that you please time-stamp and file those documents and return a filed copy ASAP.

Thank you for your time and understanding in this matter. I greatly appreciate your assistance.

Sincerely,

/s/ Ray Chestnut
Ray Edward Chestnut

cc:

Alan McCrory Wilson, Esquire
Joshua David Holford, Esquire
Brett Allen Perry, Esquire

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