

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Court of General Sessions

Eugene P. Warr Jr., Circuit Court Judge

Appellate Case No. 2025-001447

PRO-SE MOTION TO STAY APPEAL

COMES NOW, Ray Edward Chestnut,

Appellant, pro se, respectfully moves this Honorable Court to stay the direct appeal presently pending in this matter to permit the Horry County Court of General Sessions (15th Judicial Circuit) to address a critical issue of subject matter jurisdiction in Indictment No. 2025-GS-26-0631.

In support of this motion, Ray states:

1. A notice of appeal has been timely filed and the appeal is currently pending before this Court.

2. Ray is awaiting appointment of appellate counsel by the South Carolina Commission on Indigent Defense. They are currently waiting on court reporter to prepare and provide trial transcripts.
3. The Honorable Eugene P. Warr Jr., who presided over Ray's jury trial on July 14-15, 2025, did not take or file his oath of office until July 22, 2025 (from information and belief), which was after the trial had concluded.
4. The filing and taking of the oath of office by a presiding judge is a constitutional and statutory prerequisite for the court to acquire subject matter jurisdiction.
5. Because subject matter jurisdiction is fundamental and cannot be waived, this jurisdictional defect must be resolved by the trial court before appellate proceedings continue.
6. Ray requests that this court stay the pending appeal to allow the lower court to resolve this jurisdictional issue.

WHEREFORE, Ray respectfully requests this Court grant a stay of the appeal pending resolution of the subject matter jurisdiction issue by the trial court.

Respectfully Submitted,

1s/ Ray Chestnut

Ray Edward Chestnut
Kirkland Correctional Institution
4344 Broad River Rd.
Columbia, SC 29210

October 3, 2025

FEDERAL CLERK OF COURT
MIDLAND COUNTY, SC
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MIDLAND COUNTY

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THE STATE OF SOUTH CAROLINA
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CERTIFICATE OF SERVICE

I, Ray Edward Chestnut, certify that a copy of the attached 'PRO-SE MOTION TO STAY APPEAL' was served on the parties named and addressed below by via U.S. mail with appropriate postage on this 3rd day of October, 2025.

Addressee:

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

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JENNIFER LEWIS
CLERK OF COURT
Horry County, SC

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

Joshua Holford
Horry County Solicitor's Office
P.O. Box 1276
Conway, SC 29528

151 Ray Chestnut
Ray Edward Chestnut

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Horry County
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REGINA A. AYIS
CLERK OF COURT
HORRY COUNTY, SC

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Ray Edward Chestnut, SCDC # 304094
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

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SC Court of Appeals

October 3, 2025

South Carolina Court of Appeals
Jenny A. Kitchings, clerk
P.O. Box 11629
Columbia, SC 29211

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GENERAL CLERK
SC COURT OF APPEALS

RE: The State vs. Ray E. Chestnut
Appellate Case No. 2025-001447

Dear Clerk:

Enclosed please find for filing in this court
'Pro se motion To Relieve Trial Counsel Brett
Perry as Attorney of Record,' 'Court's Permission
for Leave To File Pro-se motion To stay Appeal,'
and 'Pro-se motion To stay Appeal' in the
above reference matter.

Thank you for your assistance.

Sincerely,
151 Ray Chestnut
Ray E. Chestnut

Renee N. Elvis
Horry County Clerk of Court
PO Box 677
Conway, SC 29528-0677

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