

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

The state,

VS.

Respondent,

RAY EDWARD CHESTNUT,

Appellant.

HORRY COUNTY  
COURT OF GENERAL SESSIONS  
VS.

2025 OCT -9 P 2:19

RAY EDWARD CHESTNUT

COURT'S PERMISSION FOR LEAVE

TO FILE PRO-SE MOTION TO STAY APPEAL

COMES Now, Ray Edward Chestnut,  
Appellant, proceeding pro-se, respectfully  
moves this Honorable Court for leave to file  
a pro-se motion to stay the pending direct  
appeal for the purpose of filing a motion  
in the Horry County Court of General Sessions  
(15th Judicial Circuit) to raise an issue of  
subject matter jurisdiction.

In support of this motion, Ray states:

1. Ray's direct appeal is pending, but has yet to be filed.
2. Ray is currently awaiting appointment of appellate counsel by the South Carolina Commission on Indigent Defense, as he is indigent and entitled to representation under South Carolina law.
3. The presiding judge at Ray's July 14-15, 2025 jury trial, the Honorable Eugene P. Warr Jr., did not take or file his oath of office until July 22, 2025 (from information and belief), after Ray's trial had concluded.
4. Because a judge's valid oath of office is a constitutional and statutory requirement for jurisdiction, this defect renders the conviction void ab initio and may not be waived by Ray or counsel.
5. Ray seeks leave of this court to file a pro-se motion to stay the direct appeal so that he may present and go forward with

this jurisdictional challenge in the trial court prior to the commencement of the appeal by appointed counsel.

WHEREFORE, Ray respectfully requests leave to file a pro se motion to stay his direct appeal for the purpose described above.

Respectfully submitted,

151 *Ray Chestnut*

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

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COLUMBIA, SC  
OCT 19 2 19

October 3, 2025

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

The State, Respondent,  
VS.

RAY EDWARD CHESTNUT, Appellant

CERTIFICATE OF SERVICE

I, Ray Edward Chestnut, certify that a copy of the attached 'COURT'S PERMISSION FOR LEAVE TO FILE 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(s):

FILED  
CLERK OF COURTS  
HORRY COUNTY, SC  
2025 OCT 19 P 2:11 PM

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

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

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151 Ray Chestnut  
Ray E. Chestnut

FILE COPY

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

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October 3, 2025

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

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SCDC  
2025 OCT -9 PM 2:18

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

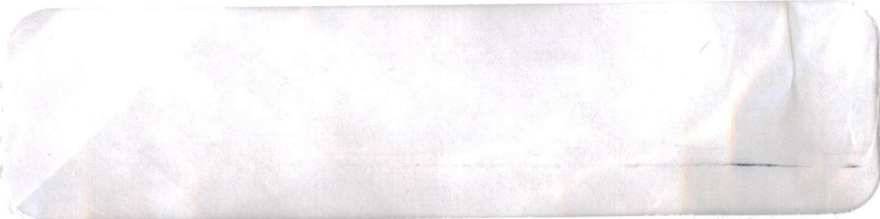
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SC Court of Appeals



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