



The Supreme Court of South Carolina

Patricia A. Howard
CLERK OF COURT

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29211

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October 27, 2025

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Oct 27 2025

SC Court of Appeals

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

Dear Mr. Chestnut:

This responds to your letter received October 27, 2025, relating to your case that is pending below. Since you are represented by counsel in this matter(s), no action will be taken on your pro se filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 298 S.C. 306, 379 S.E.2d 907 (1989).

We are forwarding a copy of your letter to your counsel so he can be aware of your concerns.

Sincerely,

Patricia A. Howard

CLERK

cc: Wanda H. Carter (with copy of correspondence)
Alan McCrory Wilson
Mark Reynolds Farthing

Joshua David Holford
The Honorable Jenny Abbott Kitchings

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JURISDICTION

This court has original jurisdiction to issue writs of mandamus to compel performance of a ministerial duty by a public officer pursuant to Article V, §5 of the South Carolina Constitution and Rule 245, SCACR.

III. FACTUAL BACKGROUND

1. Petitioner was tried before Honorable Eugene P. Warr, Jr., in the Horry County Court of General Sessions on July 14-15, 2025. Petitioner was convicted in Case No. 2025-GS-26-0.
2. Petitioner's trial counsel filed a Notice of Intent to Appeal on July 16, 2025.
3. The South Carolina Commission on Indigent Defense (SCCID) represents Petitioner for purposes of direct appeal. However, the court reporter (Bobbi Fisher) has not yet prepared or

filed the trial transcripts, and no appeal brief has been filed.

4. Petitioner, acting pro se, prepared and tendered to the clerk of court for Horry County a "Motion to vacate Conviction and sentence for Lack of subject matter Jurisdiction," which was filed on or about October 8, 2025.

5. The clerk of court refused to accept or file petitioner's motion, stating the Court of Appeals has jurisdiction because a notice of appeal has been filed.

Despite the pending appeal, the trial court retains jurisdiction over ministerial filings, and the clerk of court continues to have a clear nondiscretionary duty to accept and docket all filings presented for inclusion in the records.

6. The clerk's refusal to file petitioner's motion prevents him from exercising his constitutional

7. The clerk's refusal to file petitioner's motion prevents him from exercising his constitutional

8. The clerk's refusal to file petitioner's motion prevents him from exercising his constitutional

9. The clerk's refusal to file petitioner's motion prevents him from exercising his constitutional

right of access to courts and the issue

9. Petitioner vs other... duty.

IV LEGAL BASIS FOR WRIT

A writ of Habeas Corpus

... legal right to ... sought

2. Respondent act requested

3. adequate legal remedy;

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Ray Edwards

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OCT 16 2025

S.C. SUPREME COURT

Kirkland Correctional Institution

4344 Broad River Rd.

Columbia, SC 29210

Date: October 13, 2025

VERIF- c-Pr 1

I, Ray Edward Chestnut, declare under penalty of perjury that the foregoing Petition for writ of mandamus is true and correct to the best of my knowledge and belief.

Executed this 13th day of October 2025,

CERTIFICATE OF SERVICE

I, Ray Edward Chestnut, certify that I have served a true and correct copy of this Petition for writ of mandamus by depositing it in the institutional mail system, properly prepaid postage, on this 13th day of October 2025, to the following:

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OCT 27 2025

Ray Edward Chestnut, SCDC #304094 S.C. SUPREME COURT
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

October 23, 2025

The Honorable John W. Kittredge
Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201

Re: Request for Reassignment of motion - State vs.
Ray Edward Chestnut, Indictment No. 2025-GS-26-0631
(Horry County)

Dear Chief Justice Kittredge

my name is Ray Edward Chestnut, the defendant in the above-referenced criminal matter. I am writing pro-se to respectfully request that my pending motion to vacate conviction and sentence for lack of subject matter jurisdiction, filed on October 9, 2025, be reassigned to a neutral Circuit Judge not previously involved in my trial.

The assigned Chief Administrative Judge in Horry

County, The Honorable Michael Nettles, personally participated in my jury trial conducted on July 14-15, 2025, where he sat with or assisted Judge Eugene P. Warr, Jr. Because my pending motion challenges the validity of that very proceeding — on grounds that Judge Warr did not take and file his oath of office until July 22, 2025, after my trial concluded — Judge Nettles has a direct conflict of interest and should not rule upon it.

To preserve the appearance of fairness and impartiality, I respectfully ask that the Supreme Court assign a neutral Circuit Judge to hear and rule upon my pending motion.

Thank you for your attention and consideration in this matter.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut

SCDC #304094

Kirkland Correctional Institution

4344 Broad River Rd

Columbia, SC 29210

~~Ray Edward Chestnut~~

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

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OCT 23 2025
Kirkland R&E Center
Mailroom

The Honorable John W. Kittredge
Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201

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S.C. SUPREME COURT

* LEGAL MAIL *
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