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Nov 06 2025

SC Court of Appeals

## The Supreme Court of South Carolina

Patricia A. Howard  
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POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

November 6, 2025

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

Dear Mr. Chestnut:

This responds to your letter received November 5, 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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S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

Ex Parte:

Ray Edward Chestnut, SCDC#304094  
Petitioner

VS

The Honorable Michael G. Nettles, Chief Administrative  
Judge for the Fifteenth Judicial Circuit, and the  
Clerk of court for Horry County, South Carolina,  
Respondents.

PETITION FOR A WRIT OF MANDAMUS

INTRODUCTION

Petitioner, Ray Edward Chestnut, respectfully petitions  
this Honorable Court pursuant to Rule 245, South  
Carolina Appellate Court Rules (SCACR), and the  
inherent authority of this Court under Article V,  
§5 of the South Carolina Constitution, for issuance  
of a Writ of Mandamus directing the Horry County  
Court of General Sessions and its Clerk to accept,  
docket, and promptly schedule a hearing on his motion

to Vacate conviction and sentence for Lack of subject-matter Jurisdiction.

## JURISDICTION

This Court has original jurisdiction to issue writs of mandamus to inferior courts and judicial officers. See S.C. Const. art. V, §5; *Ex parte Wilson*, 367 S.C. 7 (2005).

## STATEMENT OF FACTS

1. On July 14-15, 2025, Petitioner was tried and convicted in the Horry County Court of General Sessions, case number 2025-GS-26-0631, before the Honorable Eugene P. Warr Jr.
2. Official records from the South Carolina Secretary of State show that Judge Warr did not take or file his oath of office as a Circuit Court Judge until July 22, 2025, seven days after Petitioner's trial concluded.
3. The Judicial Merit Selection Commission announced that Judge Warr's family court seat (4th Judicial Circuit) was declared vacant on July 21, 2025, con-

firming he remained a Family court Judge through that date.

4. Therefore, on July 14-15, 2025, Judge Warr was not duly qualified, commissioned, or authorized to act as a Circuit Court Judge and lacked subject-matter jurisdiction to preside over a General Sessions criminal jury trial.

5. Petitioner filed a motion to vacate conviction and sentence for Lack of subject-matter Jurisdiction in October 2025, but the Horry County Clerk of court refused to set a hearing on the motion roster, stating that the Honorable Michael Nettles (Chief administrative Judge) advised that the trial court lacked authority because Petitioner's direct appeal (Appellate Case No. 2025-001447) is pending before the South Carolina Court of Appeals.

6. Subject-matter jurisdiction, however, may be raised "at any time" and cannot be waived, even during a pending appeal. See State v. Gentry, 363 S.C. 93 (2005).

7. Petitioner respectfully requests that his motion be scheduled for hearing on October 30, 2025,

before the Honorable Alex Hyman, a neutral and duly commissioned Circuit Court Judge in Horry County.

8. Everyday that passes without this jurisdiction issue being addressed is an additional day that Petitioner is unlawfully incarcerated under a judgment entered by a Judge without lawful authority to act.

## GROUNDS FOR RELIEF

### A. Mandamus is the Proper Remedy

A writ of mandamus lies to compel a public officer to perform a purely ministerial duty required by law. See *State ex. rel. McLeod v. Court of Appeals*, 265 S.C. 373 (1975).

The clerk and Chief Administrative Judge have a nondiscretionary duty to accept, docket, and set hearings on motions properly submitted to the court.

### B. The Trial Judge Lacked Lawful Authority

Under Article VI §5 of the South Carolina

Constitution and S.C. code § 14-3-10, a judge must take and file the constitutional oath of office before exercising judicial powers. Because Judge Warr did not take his Circuit Court oath until July 22, 2025, his actions on July 14-15 were void ab initio. see State v. Taylor, 360 S.C. 18 (2004); Seagars-Andrew v. Jmsc, 387 S.C. 109 (2010).

### C. Subject-matter Jurisdiction Cannot Be Waived

Lack of subject-matter jurisdiction may be raised at any stage of the proceedings and cannot be waived by consent, failure to object, or appeal.

### PRAYER FOR RELIEF

Petitioner respectfully prays that this Honorable Court:

1. Issue a Writ of Mandamus ordering the Horry County Clerk of court to accept, docket, and schedule Petitioner's Motion to vacate Conviction and sentence for Lack of subject-matter Jurisdiction.
2. Direct the chief Administrative Judge of the Fifteenth Judicial Circuit to assign the Honorable

Alex Hyman to hear Petitioner's motion and hold the hearing on October 30, 2025, or as soon thereafter as practicable.

3. Recognize that each day of delay results in continued unlawful incarceration of the Petitioner under a judgment issued by a judge without lawful authority; and
4. Grant any additional relief this court deems just and proper in the interests of justice.

Respectfully submitted

151 Ray Chestnut

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

October 23, 2025

Ray Edward Chestnut, SCDC #304094  
Kirkland Correctional Institution, Unit B2, cell #22  
4344 Broad River Rd  
Columbia, SC 29210

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Attn: clerk's office  
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Columbia, SC 29211

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S.C. SUPREME COURT

29211-133000  
\* LEGAL MAIL \*



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VERIFICATION (CERTIFICATE OF SERVICE) S.C. SUPREME COURT

I, Ray Edward Chestnut, hereby certify that I have served a copy of this Petition for Writ of Mandamus upon the following parties by depositing a true and correct copy of said Petition in the prison mail system to be placed in the United States Mail, postage prepaid, addressed as follows:

Honorable Michael Nettles ) Renee Elvis  
Chief Administrative Judge ) Horry County Clerk of Court  
1301 Second Avenue ) P.O. Box 677  
Conway, SC 29528 ) Conway, SC 29528

Joshua Holford ) Alan Wilson  
Horry County Solicitor's Office ) Attorney General of S.C.  
P.O. Box 1276 ) P.O. Box 11549  
Conway, SC 29528 ) Columbia, SC 29211

/s/ Ray Chestnut  
Ray Edward Chestnut