

STATE OF SOUTH CAROLINA

In The Court of Appeals

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DEC 31 2025  
SC Court of Appeals

The state,

Respondent,

VS

Ray Edward Chestnut,

Appellant.

Appellate case No. 2025-001447

CONSOLIDATED SUPPLEMENT, CLARIFICATION,  
AND MOTION TO STAY BRIEFING IN SUPPORT  
OF APPELLANT'S PENDING MOTION TO RELIEVE  
APPELLATE COUNSEL

Appellant Ray Edward Chestnut respectfully submits this consolidated Supplement and Clarification in support of his pending Motion to Relieve Appellate Counsel, and moves this Court to stay appellate briefing pending the resolution of that motion. This filing is procedural only and is not intended to brief the merits of any appellate issue.

#### I. PURPOSE OF THIS FILING

This consolidated filing is submitted to clarify

the basis for Appellant's pending motion to relieve appellate counsel and to advise the Court of additional developments demonstrating an irretrievable breakdown in the attorney-client relationship. Appellant further seeks a temporary stay of briefing so that his appeal is not irreversibly prejudiced by the filing of an opening brief before the representation issue is resolved.

## II. BREAKDOWN IN COMMUNICATION AND CONFIDENCE

On or about December 11, 2025, appellate counsel sent correspondence to Appellant indicating an unwillingness or refusal to pursue Appellant's appellate issue concerning the lack of lawful judicial authority arising from the involvement of two different judges presiding over the trial without proper assignment or substitution.

That issue constitutes Issue Two of Appellant's appeal, has been preserved in the record, and implicates subject-matter jurisdiction / structural error and the lawful authority of the presiding judge. These matters are non-waivable.

After receiving counsel's correspondence, Appellant timely responded in writing, explaining why controlling South Carolina authority — including *Jenkins v. State* and *State v. Sweet* — applies and why Appellant believes the issue must be addressed in the opening brief.

Appellant's response was submitted in good faith and was intended to ensure counsel fully understood the legal basis of the issue.

Despite this, Appellant remains concerned that appellate counsel does not intend to raise or meaningfully present this jurisdictional / structure issue. As a result, Appellant no longer has confidence that counsel will faithfully present the appeal as framed or protect Appellant's substantial rights.

### III. FAILURE TO PURSUE REQUESTED AND TIME-SENSITIVE FILINGS

In addition, to the issue above, Appellant specifically requested that appellate counsel file the following motions:

- i. A motion for Bond Pending Appeal, based on

Appellant's prior compliance with bond conditions, non-violent status, employment history, disciplinary-free record, and the substantial issues raised on appeal; and

2. A motion for Limited Remand for consideration of jurisdictional / structural defects arising from the involvement of the two different judges presiding over the trial without proper authority and the facially defective verdict form.

These requests were made in writing and in good faith to protect Appellant's liberty interests and to seek timely review of defects apparent on the face of the record.

As of the date of filing, no motion for bond pending appeal has been filed, no motion for limited remand has been filed, nor has counsel provided an legal explanation on the record as to why such filings are unavailable or inappropriate.

The lack of action on these time-sensitive matters has further eroded Appellant's confidence

in appellate counsel and contributes to the irretrievable breakdown in the attorney-client relationship.

#### IV. GOOD-FAITH BASIS FOR RELIEF OF COUNSEL

Appellant emphasizes that this motion is not based on dissatisfication or a mere disagreement over strategy. Rather, it is based on:

1. A fundamental disagreement over whether preserved and jurisdictional issues will be raised at all;
2. Counsel's stated position appearing to rest on a misunderstanding or rejection of controlling authority; and
3. Counsel's failure to pursue requested procedural motions affecting Appellant's liberty while the appeal is pending.

Once the initial opening brief is filed, the framing of Appellant's appeal will be effectively fixed. Appellant respectfully submits that resolving the motion to relieve counsel before

that filing is necessary to avoid irreparable prejudice.

#### V. MOTION TO STAY BRIEFING

Because the motion to Relieve Appellate Counsel remains pending, and because the filing of an opening brief would substantially prejudice Appellant's rights if counsel is later relieved, Appellant respectfully moves this court to stay appellate briefing until the representation issue is resolved.

A brief stay will promote judicial efficiency, protect Appellant's right, and prevent the need for corrective or duplicative filings.

#### VI. NO REQUEST FOR MERITS DETERMINATION

Appellant does not ask this court to rule on the merits of any appellate issue at this time. This filing is submitted solely to explain the breakdown in the attorney-client relationship and to request appropriate procedural relief.

## VII. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this court:

1. Consider this consolidated Supplement and Clarification in ruling on the pending Motion to Relieve Appellant Counsel;
2. Rule on the motion to relieve counsel before the filing of the opening brief; and
3. Stay appellate briefing pending resolution of the representation issue.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut #304094

Appellant, Pro-se

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

December 29, 2025

CERTIFICATE OF SERVICE

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I certify that a true and correct copy of the foregoing was served by United States Mail on the following:

Chandler Norville, Appellate Counsel  
South Carolina Commission on Indigent Defense  
1330 Lady Street, Suite 401  
Columbia, SC 29201

Alan Wilson, Attorney General of South Carolina  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

This 29<sup>th</sup> day of December, 2025.

151 Ray Chestnut  
Ray Edward Chestnut

Ray Edward Chestnut, SCDC # 304094  
Kirkland Correctional Institution  
4344 Broad River Rd.  
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