

RECEIVED

JAN 28 2026

STATE OF SOUTH CAROLINA

SC Court of Appeals

In The Court of Appeals

The State, Respondent,

- VS -

Ray Edward Chestnut, Appellant.

Appellate Case No. 2025-001447

EMERGENCY MOTION FOR BOND PENDING APPEAL

COMES NOW Appellant, Ray Edward Chestnut, pro-se, and respectfully moves this Court for release on bond pending disposition of his direct appeal, and in support states as follows:

I. PROCEDURAL POSTURE

1. Appellant is currently incarcerated pursuant to a conviction and sentence imposed by the Court of General Sessions.
2. This appeal has been submitted to the Court for consideration following appellate counsel's Anders brief and Appellant's substantive pro se response.
3. No further briefing has been ordered, and the case is ripe for decision on the existing record.

**P. 1 of 6**

## II. THE RECORD DEMONSTRATES A FACIAL, STRUCTURAL DEFECT IN THE VERDICT

4. The jury verdict form in this case is defective on its face because it fails to reflect the jury's required unanimous factual findings necessary to support the conviction and sentence imposed.
5. A lawful jury verdict is the constitutional prerequisite to punishment. Where the jury does not make the findings required by law, the resulting conviction is invalid.
6. Errors that vitiate the jury's verdict constitute structural error, require automatic relief, and are not subject to harmless-error analysis.

See *Sullivan v. Louisiana*, 508 U.S. 275, 281-82 (1993) (absence of a valid jury verdict is structural error); see also, *Arizona v. Fulminante*, 499 U.S. 279, 309-10 (structural defects require reversal).

## III. A JUDGMENT ENTERED WITHOUT A LAWFUL VERDICT IS VOID AND CANNOT SUPPORT CONTINUED INCARCERATION

7. Under South Carolina law, a criminal judgment imposed without lawful authority is void.

8. A void judgment may be challenged at any time and cannot be cured through resentencing or judicial fact-finding.
9. Where the verdict form fails to include the jury's required findings, the conviction itself must be vacated.

See *State v. Sweets*, 337 S.C. 461, 523 S.E.2d 465 (1999) (sentence imposed without lawful authority is void); *Roberts v. State*, 408 S.C. 123, 758 S.E.2d 465 (2014) (defective verdict form invalidates conviction, remedy is vacatur); see also, *State v. McBill*, 401 S.C. 1, 736 S.E.2d 819 (2013) (courts may not supply missing jury findings).

#### IV. CONTINUED INCARCERATION RAISES AN IMMEDIATE DUE-PROCESS CONCERN

10. Appellant's continued confinement rests solely on a judgment entered in the absence of a lawful jury verdict.
11. Because the defect is apparent from the face of the record, no additional fact-finding is required.
12. Continued incarceration under a structurally defective and void judgment constitutes irreparable harm and raises a substantial due-process concern.

See United States v. Gaudin, 515 U.S. 506, 510 (1995) (jury must determine every fact essential to punishment).

#### V. BOND IS WARRANTED PENDING DISPOSITION OF THIS APPEAL

13. Appellant has raised a substantial, purely legal issue that, if resolved in his favor, requires vacatur of the conviction and sentence.
14. Prior to trial, Appellant was released on bond and remained compliant with all bond conditions, appeared for all required court proceedings, and committed no violations while on release.
15. Appellant's successful pre-trial release demonstrates that he is not a flight risk and poses no danger to the community.
16. Bond is necessary to prevent continued incarceration under a judgment that is likely void.

#### VI. REQUEST FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

- A. Grant bond pending appeal;

- B. In the alternative, expedite disposition of this appeal in light of the factual structural defect shown by the record; and
- C. Grant such other and further relief as the court deems just and proper.

Respectfully submitted,

1s/ Ray Chestnut

Ray Edward Chestnut

Appellant, pro se

SCDC # 304094

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

January 23, 2026

## CERTIFICATE OF SERVICE

I certify that a copy of this "EMERGENCY MOTION FOR BOND PENDING APPEAL" was served upon the parties addressed below by via U.S. mail with appropriate postage pre-paid on this 23rd day of January, 2026.

Addressee(s):

W. Chandler Norville, Appellate Defender  
S.C. Commission on Indigent Defense (SCCID)  
P.O. Box 11589  
Columbia, SC 29211

Mark Reynolds Farthing, Assistant Attorney General  
Office of the S.C. Attorney General  
P.O. Box 11549  
Columbia, SC 29211

151 Ray Chestnut  
Ray Edward Chestnut

STATE OF SOUTH CAROLINA

In The Court of Appeals

The state,

Respondent,

-VS-

Ray Edward Chestnut,

Appellant.

Appellate Case No. 2025-001447

EMERGENCY SUPPLEMENT IN SUPPORT OF MOTION FOR BOND

Appellant respectfully submits this emergency supplement to emphasize the urgency of his request for bond. Appellant remains incarcerated solely under a judgment that is structurally defective and void on its face, where the jury failed to return the findings required to authorize punishment. Structural verdict defects of this nature require automatic relief and are not subject to harmless-error analysis, see *Sullivan v. Louisiana*, 508 U.S. 275, 281-82 (1993), and a judgment entered without lawful authority is void and cannot support continued incarceration, see *State v. Sweets*, 337 S.C. 461, 523 S.E. 2d 465 (1999). The defect is apparent from the face of the record,

requires no further fact-finding, and if resolved in Appellant's favor mandates vacatur rather than resentencing, see *Roberts v. State*, 408 S.C. 123, 758 S.E. 2d 465 (2014). Appellant further notes that he was previously released on bond prior to trial and remained fully compliant with all conditions, demonstrating that continued incarceration pending disposition of this appeal is unnecessary to protect the public and risks prolonging confinement under a judgment that may not lawfully exist.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut

Appellant, Pro se

SCDC # 304094

Kirkland Correctional Institution

4344 Broad River Rd.

Columbia, SC 29210

January 23, 2026

**P-2 of 3**

## CERTIFICATE OF SERVICE

I certify that a copy of the attached  
"EMERGENCY SUPPLEMENT IN SUPPORT OF MOTION  
FOR BOND" was served upon the parties  
addressed below by via United States mail  
with appropriate postage pre-paid on this 23rd  
day of January, 2026.

RECEIVED

JAN 28 2026

Addressee(s):

SC Court of Appeals

Mark Reynolds Farthing, Assistant Attorney General  
Office of the S.C. Attorney General  
P.O. Box 11549  
Columbia, SC 29211

W. Chandler Norville, Appellate Defender  
S.C. Commission on Indigent Defense  
P.O. Box 11589  
Columbia, SC 29211

151 Ray Chestnut  
Ray Edward Chestnut

# COVER LETTER

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

January 23, 2026

RECEIVED

JAN 28 2026

Clerk of court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

SC Court of Appeals

RE: State v. Ray Edward Chestnut  
Appellate case No. 2025-001447

Dear Clerk:

Please find enclosed for filing, in the above-referenced appeal, the following pro-se submissions by Appellant, Ray Edward Chestnut:

1. Emergency Motion for Bond Pending Appeal (Pro se - Custody Only); and
2. Emergency Supplement in Support of Motion for Bond

P. 1 of 2

Pending Appeal.

These filings are submitted pro-se solely for purposes of addressing Appellant's continued custody pending appeal and are not intended to waive counsel or supplement the merits of the appeal.

Kindly file the enclosed documents and place them in the record of this case. Thank you for your time and assistance.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut

Appellant, Pro se

SCDC # 304094

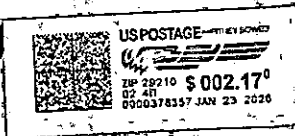
KCI

4344 Broad River Rd.

Columbia, SC 29211

**P. 2 OF 2**

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



RECEIVED  
JAN 28 2020  
SC Court of Appeals

Attn: Clerk of court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED  
JAN 22 2020  
Kirkland P&E Center  
29210

\*LEGAL MAIL\*

