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STATE OF SOUTH CAROLINA

In The Court of Appeals

SC Court of Appeals

The State, Respondent,
VS
Ray Edward Chestnut, Appellant.

Appellate Case No. 2025-001447

MOTION FOR LEAVE TO FILE
SUPPLEMENTAL PRO SE RESPONSE

(Pursuant to Anders Review)

COMES NOW the Appellant, Ray Edward Chestnut, pro se, and respectfully moves this Honorable Court for leave to file a supplemental pro se response to appellate counsel's brief filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), and states:

1. Appellant counsel filed an Anders brief asserting the appeal presents no meritorious issues.
2. Appellant timely filed a pro se response raising preserved issues or issues that were not required to be preserved for this Court's independent review.

3. Upon further review of the trial transcript, Appellant respectfully submits that an additional preserved insufficiency argument concerning the state's failure to establish reliable proof of drug identity and weight warrants supplementation.
4. This motion is filed prior to disposition of the appeal and is submitted to assist this court in fulfilling its independent review obligation under Anders.

WHEREFORE, Appellant respectfully requests that this court grant leave to file the attached Supplemental Argument.

Respectfully submitted,

151 Ray Chestnut

RAY EDWARD CHESTNUT

Appellant, Pro Se

Kirkland Correctional Institution

4344 Broad River Rd.

Columbia, SC 29210

February 26, 2026

SUPPLEMENTAL ARGUMENT

ISSUE ONE - Insufficient Evidence: Failure to Prove Drug Identity and Weight Beyond a Reasonable Doubt

I. Standard of Review

The Due Process Clause requires the state to prove every essential element of a criminal offense beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 315-16 (1979). On review of a denial of a directed verdict motion, the question is whether, viewing the evidence in the light most favorable to the state, any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *Id.* at 319.

South Carolina follows this standard. *State v. Weston*, 367 S.C. 279, 625 S.E. 2d 641, 648 (2006). A conviction cannot rest upon speculation or conjecture. *State v. Littlejohn*, 228 S.C. 324, 89 S.E. 2d 924 (1955).

11. Failure to Establish Reliable Proof of Drug Identity

Drug identity is an essential element of trafficking. See *State v. Adams*, 291 S.C. 132, 352 S.E. 2d 483 (1987).

At trial, the state relied exclusively on testimony from a forensic chemist who utilized gas chromatography — mass spectrometry (GCMS) to identify the substance as fentanyl.

However, on cross-examination, the chemist admitted:

- she did not bring calibration records to court;
- she did not introduce maintenance logs into evidence;
- she did not produce tune-file documentation;
- she did not introduce blank-run verification;
- No documentary proof of instrument reliability was admitted into evidence.

Although the witness testified that such records existed, none were presented to the jury.

Under Rule 702, SCRE, expert testimony must be based on reliable principles and methods. *State v. Council*,

335 S.C. 1, 515 S.E. 2d 508 (1999). Where scientific testing constitutes the sole proof of an essential element, the reliability of that testing is central to sufficiency.

The state's proof of drug identity therefore rested entirely upon a machine-generated conclusion unsupported by admitted reliability documentation.

III. Lack of Independent Corroboration

This evidentiary deficiency is significant in context:

- No fentanyl was recovered directly from Appellant;
- No marked currency was recovered from Appellant;
- Video evidence did not depict a clear hand-to-hand transfer
- Two witnesses testified Appellant did not serve or sale confidential informant (CI) the fentanyl or any other drug;
- The prosecution relied substantially on CI testimony.

While expert testimony may in some cases be sufficient to establish drug identity, see *State v. Fletcher*, 379 S.C. 17, 664 S.E. 2d 480 (Ct. App. 2008), sufficiency still requires proof from which a rational juror could

conclude the essential element was established beyond a reasonable doubt.

Here, the jury was required to accept a conclusory scientific result without documentary reliability verification, in a case lacking strong independent corroboration,

IV. Constitutional Requirement of Proof of Weight

Trafficking liability and mandatory sentencing exposure depend upon proof of drug weight. Under *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000), and *Alleyne v. United States*, 570 U.S. 99, 103 (2013), any fact that increases the statutory maximum or mandatory minimum penalty constitutes an element that must be found by a jury beyond a reasonable doubt.

Where:

- The only evidence of weight derived from the same unsupported scientific testing, and
- The verdict form did not require a specific jury finding as to weight,

the sufficiency of the evidence as to trafficking

weight is constitutionally implicated.

V. Conclusion

When viewed under the constitutional standard articulated in Jackson and applied by South Carolina courts, the state failed to present reliable and independently corroborated proof of the essential elements of drug identity and weight beyond a reasonable doubt.

Accordingly, the trial court erred in denying the motion for directed verdict.

Appellant respectfully requests that this court reverse the conviction for insufficiency of the evidence or grant such other relief as justice requires.

Respectfully submitted,

151 Ray Chestnut

RAY EDWARD CHESTNUT

Appellant, Pro se

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CERTIFICATE OF SERVICE

SC Court of Appeals

This is to certify that a true and correct copy of the foregoing "Motion for Leave to file Supplemental Pro Se Response and Supplemental Argument" was served upon the parties addressed below by via U.S. mail with appropriate postage on this 26th day of February, 2026.

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