

a mandatory minimum sentence of twenty-five (25) years. The enhancement converted a discretionary sentencing range of seven (7) to twenty-five (25) years into a fixed mandatory minimum of twenty-five (25) years.

Illegal sentences may be corrected at any time.

State v. Williams, 321 S.C. 381, 468 S.E. 2d 626 (1996).

A sentence not authorized by statute is unlawful.

State v. Brown, 389 S.C. 473, 698 S.E. 2d 811 (2010).

Because the mandatory enhancement materially altered the sentencing floor beyond that reflected in the charging instrument and jury verdict, Appellant respectfully requests leave to supplement his pro se submission to ensure full appellate review under *Anders v. California*, 386 U.S. 738 (1967).

Respectfully submitted,

1s/ Ray Chestnut

Ray Edward Chestnut

#304094

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February 23, 2026

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ATTACHED SUPPLEMENTAL PRO-SE BRIEF

ISSUE PRESENTED

Whether the trial court erred in imposing a mandatory twenty-five (25) year sentence as a second offense where the indictment did not allege recidivist status and no written notice of enhancement appears in the record.

ARGUMENT

The charging instrument authorized a discretionary sentencing range under 44-53-370(e)(9). The trial court imposed a mandatory minimum sentence pursuant to 44-53-470 after independently determining that Appellant qualified as a second offender.

This enhancement altered the statutory sentencing floor beyond that reflected in the indictment. Due process requires fair notice of punishment exposure. *State v. Gentry*, 363 S.C. 93, 610 S.E. 2d 494 (2005); see also *Cole v. Arkansas*, 333 U.S. 196 (1948).

Because the indictment did not allege recidivist status and no written enhancement notice appears in the record, the resulting mandatory sentence

exceeds the authority conferred by the charging instrument and should be vacated.

CONCLUSION

Appellant respectfully requests vacatur of the mandatory twenty-five (25) year sentence and remand for resentencing within the statutory range applicable absent enhancement.

Respectfully submitted,

1s/ Ray Chestnut
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February 23, 2026

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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 Brief and Attached Supplemental Pro Se Brief" was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 23rd day of February, 2026.

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