

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

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

Appellate case No. 2025-001447

MOTION FOR LEAVE TO FILE A  
SUPPLEMENTAL PROSE RESPONSE  
TO ANDERS BRIEF

Comes now, Appellant Ray Edward Chestnut, prose, and respectfully moves this Honorable Court for leave to file a supplemental prose response to the Anders Brief filed by appellate counsel. In support of this motion, Appellant states as follows:

1. Appellant counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), representing that, after a conscientious review of the record, there are no meritorious grounds for appeal.
2. Appellant respectfully submits that the record contains substantial and non-frivolous issues that were not

fully presented or developed in the Anders submission,

3. Specifically, the trial record reflects significant questions regarding the legal sufficiency of the evidence supporting the trafficking conviction. The state presented no direct law enforcement observation of any hand-to-hand narcotics transfer, no recovery of marked buy money from Appellant, no post-transaction stop or search, and no uninterrupted surveillance testimony eliminating the possibility of alternative sources. The video evidence introduced at trial did not depict a visible transfer of narcotics or currency. The chain-of-custody documentation initially listed the suspect as "unknown," demonstrating that identification was not contemporaneous with seizure.
  
4. The conviction rested almost entirely upon the testimony of a confidential informant who admitted he was cooperating to avoid prosecution on his own pending trafficking charge. Appellant submits that, under *Jackson v. Virginia*, 443 U.S. 307 (1979), a conviction must be supported by evidence sufficient for a rational trier of fact to find guilt beyond a reasonable doubt, and that the record in this case raises substantial constitutional concerns.

5. Additionally, Appellant maintains that other structural and procedural irregularities reflected in the record warrant appellate review and should not be deemed frivolous without full adversarial briefing.
6. Although Appellant previously filed a prose response, upon further review of the transcript and record, Appellant respectfully requests leave to supplement his response to ensure that all constitutional claims are clearly presented for this Court's consideration.
7. Granting leave will not prejudice the Respondent and will assist the Court in conducting the full and independent review required under Anders.

WHEREFORE, Appellant respectfully requests that this Court grant leave to file a supplemental pro-se response and consider the attached supplemental brief as part of its Anders review.

Respectfully submitted,  
s/ Ray Chestnut  
RAY EDWARD CHESTNUT  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

March 2, 2026

# SUPPLEMENTAL ANDERS BRIEF

## ARGUMENT ONE

THE EVIDENCE WAS LEGALLY INSUFFICIENT TO SUBSTAIN THE TRAFFICKING CONVICTION

### Standard of Review

Under the Due Process Clause of the Fourteenth Amendment, a criminal conviction must be supported by evidence sufficient for a rational trier of fact to find guilty beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). The relevant inquiry is:

"whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt."

See *Jackson*, 443 U.S. at 319.

While appellate courts defer to jury credibility determinations, a conviction cannot stand where the verdict rests upon speculation or inference stacked upon inference. *Id.* at 314-15; see also *United States v.*

Tresvant, 677 F.2d 1018, 1021 (4th Cir. 1982) (conviction must be reversed where evidence gives "equal or nearly equal circumstantial support" to guilt and innocence).

South Carolina law is consistent with this constitutional mandate. A conviction must be reversed where the evidence merely raises suspicion or requires conjecture. State v. Odems, 395 S.C. 582, 588, 720 S.E. 2d 48, 51 (2011); State v. Weston, 367 S.C. 279, 292, 625 S.E. 2d 641, 648 (2006) (evidence must rise above mere suspicion).

#### A. No Direct Evidence of a Drug Transfer

No law enforcement officer testified that he personally observed a hand-to-hand transfer between Mr. Chestnut and the confidential informant.

The video recording introduced at trial:

- Did not depict any visible transfer of narcotics.
- Did not depict any visible transfer of currency.
- Went dark for a substantial portion of the CI's travel prior to the alleged transaction.

The detective testified only that the CI "met with the defendant and returned with narcotics." He did not testify to observing a transfer. Thus, the jury was required to infer that:

1. A transfer occurred;
2. The transfer involved fentanyl;
3. The transfer was made by Mr. Chestnut;
4. The substance later submitted into evidence was the same substance allegedly transferred.

These essential elements were not proven through direct evidence.

While circumstantial evidence can support a conviction, it must be consistent with guilt and inconsistent with any reasonable hypothesis of innocence. *State v. Littlejohn*, 228 S.C. 324, 329, 89 S.E. 2d 924, 926 (1955).

Here, the state's proof required stacking inferences rather than drawing a single reasonable conclusion from the established facts.

B. Lack of Continuous Surveillance and Search Procedures

The evidence demonstrated:

- The CI was not strip searched prior to the alleged transaction.
- Law enforcement did not testify to maintaining uninterrupted visual surveillance during the CI's travel.
- The recording device went dark during the drive.
- No marked buy money was ever recovered from Mr. Chestnut.
- Mr. Chestnut was not stopped, searched, or arrested immediately following the alleged exchange.

In controlled-buy cases, courts often emphasize continuous monitoring to eliminate the possibility that narcotics were obtained from another source. See *United States v. Howard*, 773 F.3d 519, 526 (4th Cir. 2014) (upholding conviction where CI was searched and kept under surveillance).

Here, the absence of interrupted surveillance and the absence of recovery of buy money left open a reasonable alternative hypothesis — that the narcotics originated from a source other than Mr. Chestnut.

Under Jackson, where evidence permits "equal or

nearly equal circumstantial support" for innocence and guilt, reversal is required. *Tresvant*, 677 F.2d at 1021.

### C. Identification Was Not Contemporaneous

The chain-of-custody documentation admitted at trial initially listed the "suspect" as "unknown." The detective testified that officers knew the individual only by the nickname "snoop" at the time of seizure and later identified him through booking photographs and Dmv Images.

This demonstrates that identification was not contemporaneous with the alleged transfer. The jury was required to rely upon:

- Video comparison;
- Later photo identification;
- Ct testimony,

where identification depends upon inference rather than direct recognition, sufficiency concerns are heightened. See *United States v. Burgos*, 94 F.3d 849, 873 (4th Cir. 1996) (conviction must rest on substantial evidence identifying defendant as participant).

#### D. Conviction Rested Solely upon CF Credibility

The state's case depended entirely upon the testimony of a confidential informant,

No officer observed the exchange.

No marked currency was recovered.

No drugs were found on Mr. Chestnut.

No admission was made.

While a conviction may rest on the testimony of a single witness, such testimony must still permit a rational juror to find guilt beyond a reasonable doubt. Jackson, 443 U.S. at 319.

Where the physical evidence does not corroborate the alleged transaction, and where surveillance gaps and procedural weaknesses exist, the conviction becomes dependent upon speculative reconstruction rather than proof.

South Carolina courts have reversed convictions where evidence raised only suspicion. Odems, 395 S.C. at 588.

Here, the jury was required to assume that:

- Because the CF left with money,
- And later returned with narcotics,
- The narcotics necessarily came from Mr. Chestnut,

despite the absence of visible exchange, uninterrupted monitoring, or recovery of marked funds.

That inferential leap exceeds constitutional sufficiency standards.

### E. Due Process Requires Reversal

The Supreme Court has made clear:

"A conviction based on a record wholly devoid of any relevant evidence of a crucial element of the offense charged is constitutionally infirm."  
Jackson, 443 U.S. at 314.

Here, the crucial element of transfer rested on inference rather than proof. The record contains no direct evidence that Mr. Chestnut transferred narcotics to the CF. The video does not depict such a transfer. Law enforcement did not witness such a transfer. The state did not recover buy money from Mr. Chestnut.

The evidence therefore required speculation rather than rational fact-finding.

Under the Fourteenth Amendment and Jackson v. Virginia, the conviction cannot stand.

### CONCLUSION

Because the state failed to present substantial evidence establishing a knowing transfer of fentanyl by Mr. Chestnut beyond a reasonable doubt, the trafficking conviction violates due process and must be vacated.

Respectfully submitted

15/ Ray Chestnut

RAY EDWARD CHESTNUT

Appellant, Pro-se

SCDC #304094

Kirkland Correctional Institution

4344 Broad River Rd.

Columbia, SC 29210

March 2, 2026

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



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