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STATE OF SOUTH CAROLINA

In The Court of Appeals

SC Court of Appeals

Appeal from Horry County

Honorable Eugene P. Warr, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

VS

RAY EDWARD CHESTNUT,

APPELLANT.

APPELLATE CASE NO. 2025-001447

MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
PRO SE BRIEF AND REQUEST FOR EXPEDITED REVIEW

Appellant, Ray Edward Chestnut, respectfully moves this Court for leave to file an additional supplemental pro se brief and for expedited review, and would show:

1. Good Cause Exists

This appeal is before the court pursuant to *Anders v. California*, which requires the court to conduct "a full examination of all the proceedings" to determine whether any non-frivolous issues exist. *Anders v. California*, 386

U.S. 738, 744 (1967).

Although Appellant has previously filed prose submissions, the issue presented herein has not been fully argued as a standalone constitutional ground for reversal.

## 2. Nature of the Additional Issue

Appellant seeks to raise the following issue:

WHETHER THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION TO RELIEVE COUNSEL - MADE WELL IN ADVANCE OF TRIAL AND SUPPORTED BY COUNSEL'S OWN ADMISSION THAT HE COULD NOT PROVIDE EFFECTIVE REPRESENTATION - WITHOUT CONDUCTING AN ADEQUATE INQUIRY INTO A COMPLETE BREAKDOWN IN THE ATTORNEY-CLIENT RELATIONSHIP.

## 3. The Issue Is Not Redundant

Appellant previously filed a Notice of Supplemental Authority; however, that filing did not present this issue as a fully developed argument supported by controlling authority. This motion is therefore not duplicative.

#### 4. Constitutional Significance

This issue implicates Appellant's Sixth Amendment right to effective assistance of counsel. When a substantial complaint is raised, the trial court must conduct a meaningful inquiry. *State v. McLeod*, 362 S.C. 73, 78, 606 S.E. 2d 215, 217 (2004); *State v. Pruitt*, 432 S.C. 99, 105, 851 S.E. 2d 510, 513 (Ct. App. 2020).

#### 5. Request for Expedited Review

Appellant further requests expedited review due to a pending family court matter styled:

South Carolina Department of social services v. ... Ray Edward Chestnut, ..., case No. 2025-DR-26-0304, in Horry County Family Court.

A hearing is scheduled for May 14, 2026, at 8:30am, involving Appellant's two-year-old son.

The outcome of this appeal directly affects Appellant's ability to meaningfully participate in that proceeding. Continued incarceration based on a constitutionally defective trial results in irreparable harm to Appellant's parental

rights.

This court has authority to expedite proceedings in the interest of justice, Rule 220(b), SCACR.

WHEREFORE, Appellant respectfully requests:

1. Leave to file the attached supplemental brief; and
2. Expedited review of this appeal.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut

Appellant, Pro Se

SCDC # 304094

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

April 16, 2026

ATTACHMENT:

SUPPLEMENTAL PRO SE BRIEF

SUPPLEMENTAL ISSUE PRESENTED

THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION TO RELIEVE COUNSEL - DESPITE COUNSEL'S EXPRESS ADMISSION THAT HE COULD NOT PROVIDE EFFECTIVE REPRESENTATION - WITHOUT CONDUCTING AN ADEQUATE INQUIRY, IN VIOLATION OF THE SIXTH AMENDMENT.

STANDARD OF REVIEW

A trial court's ruling on a motion to relieve counsel is reviewed for abuse of discretion, constrained by the defendant's constitutional right to effective assistance of counsel. *State v. Pruitt*, 432 S.C. 99, 105, 851 S.E.2d 510, 513 (Ct. App. 2020).

ARGUMENT

A. The Trial court was Required to conduct a Meaningful Inquiry

when a defendant raises a substantial complaint regarding

counsel, the trial court must conduct a meaningful, on-the-record inquiry. *State v. McLeod*, 362 S.C. 73, 78, 606 S.E. 2d 215, 217 (2004).

Federal law is consistent. See *United States v. Mullen*, 32 F.3d 891, 895 (4th Cir. 1994).

### B. Counsel Admitted He Could Not Provide Effective Assistance

Trial counsel stated:

"the attorney-client relationship has been damaged to the point that I do not believe that it is possible for me to provide effective assistance of counsel..." (Tr. p. 22-23).

And:

"there has been ineffective communication... and it is extremely difficult for me to go forward and adequately represent Mr. Chestnut..." (Tr. p. 22-23).

This admission triggered the trial court's highly duty of inquiry. *Mullen*, 32 F.3d at 895-96.

C. The motion was Timely and Not a Delay Tactic

The motion was raised weeks before trial, including proceedings on June 2, 2025. (Tr. p. 18-19).

Thus, it reflected a continuing breakdown, not a last-minute delay.

D. The Trial court Failed to conduct an Adequate Inquiry

The court asked only:

"Did you make yourself available to speak with him?" (Tr. p. 22).

Then ruled:

"All right. Your motion is denied. We're ready for the jury." (Tr. p. 22).

The court failed to investigate the breakdown or make findings, constituting reversible error. Pruitt, 432 S.C. at 105-06, 851 S.E. 2d at 513-14.

## E. The Trial court Improperly Relied on Timing

The court stated:

"We're right here on the eve of trial..." (Tr. p. 19).

However, constitutional rights cannot yield to scheduling concerns. Mullen, 32 F.3d at 897.

## F. Subsequent Proceedings Confirm the Breakdown

On March 26, 2026, a different circuit court judge, Benjamin H. Culbertson, granted a motion to relieve the same attorney, Brett Allen Perry, in a pending case. (See Exhibit-A).

The relief was based on the same issues raised here, including breakdown in communication and inability to effectively represent Appellant.

Additionally, the attorney Appellant requested at trial → Carla Todd → was subsequently appointed in that case.

This confirms the breakdown was real and existed at the time of trial.

## G. The Error Requires Reversal

The Sixth Amendment guarantees effective assistance of counsel. *State v. Jones*, 408 S.C. 247, 259, 758 S.E.2d 345, 351 (2014).

Because the trial court failed to conduct an adequate inquiry despite counsel's admission of ineffectiveness, the conviction must be reversed and remanded for a new trial.

## CONCLUSION

Appellant respectfully requests that this Court:

1. Reverse his conviction;
2. Remand for a new trial; and
3. Expedite its review due to the pending family court matter.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut #304094

Appellant, Pro Se  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

April 16, 2026

# EXHIBIT - A

( Trial court order dated March  
26, 2026 granting motion to  
Relieve Counsel )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S):

State of South Carolina

Ray Chestnut  
DEFENDANT(S)

This form order submitted by:

Attorney for :  State  Defendant  
or  
 Self-Represented Litigant

**DISPOSITION TYPE**

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered.  See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See below for additional information.
- MOTION: To Relieve Counsel**
  - GRANTED  DENIED  CONTINUED  WITHDRAWN
  - WITHDRAWN BY MOVING PARTY: \_\_\_\_\_  
Signature of Moving Party
  - OTHER:

REHEEN N. ELVIS  
CLERK OF COURT  
HORRY COUNTY  
FILED  
HORRY COUNTY  
2026 MAR 26 P 1:57

**IT IS ORDERED AND ADJUDGED:**  See Order of the Court below  See attached order  
 Formal Order to follow; to be prepared by:  State  Defendant  Other:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

- Defendant's attorney represented defendant in prior trial where defendant was convicted.  
- Public Defender is to appoint new attorney for defendant.

*Margaret Culbertson*  
Circuit Court Judge

2148  
Judge Code

March 26, 2026  
Date

## CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Motion for Leave to File Supplemental Pro Se Brief and Request for Expedited Review, along with supplemental Pro Se Brief" was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 16<sup>th</sup> day of April, 2026.

Mark Reynolds Farthing, Assistant Attorney General  
Office of the Attorney General

P.O. Box 11549  
Columbia, SC 29211

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SC Court of Appeals

W. Chandler Norville, Appellant Defender  
South Carolina Commission on Indigent Defense

P.O. Box 11589  
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Ray Edward Chestnut

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SC Court of Appeals

Attn: Clerk of court  
South Carolina Court of Appeals  
Jenny Abbott Kitchings, clerk  
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\*LEGAL MAIL

