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APR 29 2026

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 TO RELIEVE APPELLATE COUNSEL AND APPOINT
SUBSTITUTE COUNSEL (WITH REQUEST FOR PROMPT CONSIDERATION)

Now comes the Appellant, Ray Edward Chestnut, and respectfully moves this Honorable Court for an order relieving appellate counsel, W. Chandler Norville, and appointing substitute counsel. In support, Appellant states:

1. Procedural Background

Appellant is before this Court on direct appeal following conviction and sentence in Horry County Court of General Sessions. Appellate counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting the appeal lacks merit.

This court has accepted Appellant's pro se supplemental brief(s), which raise substantial constitutional issues, including the trial court's failure to conduct a meaningful inquiry into a breakdown in the attorney-client relationship.

2. Governing Legal Principles

An indigent defendant is entitled to the effective assistance of counsel on direct appeal. see *Douglas v. California*, 372 U.S. 353, 357-58; *Evitts v. Lucey*, 469 U.S. 387, 396.

Under *Anders v. California*, 386 U.S. 738, 744 (1967), counsel must act as an advocate and may not withdraw unless the court is satisfied the appeal is wholly frivolous.

where counsel fails to provide meaningful representation, corrective action is required. See *Person v. Ohio*, 488 U.S. 75, 81-82 (1988).

A defendant is also entitled to representation free from a complete breakdown in communication. See *State v. Tally*, 267 S.C. 455, 229 S.E.2d 684 (1976);

United States v. Smith, 640 F.3d 580, 588 (4th Cir. 2011).

3. Existence of Arguable, Non-Frivolous Issues

Appellant's appeal presents at least one arguable, non-frivolous issue:

- The trial court's failure to conduct a meaningful inquiry into a breakdown in the attorney-client relationship.

A subsequent ruling by a circuit court judge granting relief of the same trial counsel in a related proceeding based on the same breakdown, confirming the issue is not frivolous.

4. Counsel's Refusal to Seek Available Procedural Relief (Exhibit A)

Appellant requested that appellate counsel take further action, including seeking expedited review due to time-sensitive harm:

In a letter dated April 14, 2026 (attached as Exhibit

A), counsel stated:

- "there is no further action that I can take as your counsel at this time," and
- "I cannot file a motion to expedite consideration of an Anders brief."

There is no rule prohibiting such a motion. The South Carolina Appellate Court Rules permit applications for relief by motion. See Rule 239, SCACR.

Counsel's refusal is therefore a strategic decision, not a legal limitation, and reflects a failure to provide meaningful assistance. See *Exitts v. Lucey*; *Person v. Ohio*.

S. Breakdown in Communication and Conflict

A complete breakdown exists between Appellant and counsel, including:

- Refusal to pursue requested action
- Assertion of no merit despite arguable issues
- Inability to obtain meaningful assistance

Such breakdown warrants substitution. See *State v. Tally*, supra.

6. Procedural Impasse

Because Appellant is represented, he is prohibited from filing pro se motions. See *Miller v. State*, 388 S.C. 347, 697 S.E. 2d 527

Counsel's refusal leaves Appellant without any practical avenue to seek relief, impairing meaningful appellate review. See *Evitts v. Lucey*

7. Good-faith Efforts

Appellant made repeated efforts to resolve this through counsel, including contacting supervisory personnel and attempting direct communication, but was unable to obtain action.

8. Compliance With Court's Prior Order

Appellant acknowledges the Court's prior restriction on pro se representation and does not seek to proceed pro se, but requests substitute counsel.

9. Request for Prompt Consideration

Given the ongoing appeal, the documented inability to obtain relief through current counsel, and time-sensitive circumstances affecting Appellant's legal and personal interests, Appellant respectfully requests prompt consideration of this motion.

WHEREFORE, Appellant respectfully requests that this Court:

1. Relieve appellate counsel, W. Chandler Norville;
2. Appoint substitute counsel;
3. Consider this motion on an expedited basis; and
4. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Ray Chestnut
Ray Edward Chestnut
SCDC #304094

Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

April 24, 2026

EXHIBIT - A

(Chandler Norville Apr. 14th letter)



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

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Wanda H. Carter, Chief Appellate Defender

April 14, 2026

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

Re: Your Case

Dear Mr. Chestnut:

This letter responds to your letters dated March 30 and April 7, 2026. I hope this provides the clarity you need.

Regarding the status of your pending appeal, the Court has accepted your various *pro se* filings pursuant to *Anders* procedure and has elected not to relieve me from representing you, per Order dated March 17, 2026. Your case is now ready for consideration, and there is no further action that I can take as your counsel at this time. I cannot file a motion to expedite consideration of an *Anders* brief.

Regarding your family court case- I do not represent you in the family court and I cannot by statute, therefore I will not be gathering any records pursuant to that case as I have no entitlement to them and cannot assist you. I was contacted by a legal assistant from the office of your attorney Heather Cannon. She confirmed the existence of the family court matter. There is no reason for me to obtain more information from her, as it is not relevant to my representation of you.

If you have any further questions, please send me a letter, and I will respond in due course.

Sincerely,

W. Chandler Norville
Appellate Defender

WCN/kpw

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "motion to Relieve Appellate Counsel and Appoint substitute counsel (with Request for Prompt consideration)" was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 24th day of April, 2026.

Addressee(s):

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South Carolina Commission on Indigent Defense
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SC Court of Appeals

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* Legal mail *

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