

RECEIVED

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

NOTICE OF SUPPLEMENTAL GROUNDS IN
SUPPORT OF MOTION TO RELIEVE APPELLANT COUNSEL

COMES NOW, the Appellant, Ray Edward Chestnut, and respectfully submits this Notice of Supplemental Grounds in further support of his pending motion to Relieve Appellant counsel, W. Chandler Norville, and states:

I. ADDRESSING THE COURT'S PRIOR ORDER

1. This Court previously ruled, on March 17, 2026, relying on State v. Roberts, 364 S.C. 583, 588, 614 S.E. 2d. 626, 629 (2005), that Appellant has no right to proceed pro se on direct appeal.

2. Appellant does not challenge that ruling and does not seek to proceed pro se on the merits of his appeal.
3. This supplemental notice is submitted solely to demonstrate that, due to counsel's continued inaction, Appellant is left without a meaningful avenue to pursue time-sensitive relief, while he is procedurally barred under Roberts from acting on his own behalf.

II. ADDITIONAL FACTUAL GROUNDS

4. Appellant previously moved to relieve appellate counsel, W. Chandler Norville, based on counsel's failure to act on time-sensitive matters and the resulting breakdown in the attorney-client relationship.
5. Since that filing, additional facts have arisen demonstrating continued inaction.
6. Appellant counsel advised Appellant that he would "look into" or seek approval to pursue appellate bond.
7. Despite this acknowledgment, counsel has failed to file any motion for appellate bond, has taken no

discernible action, and has not provided any meaningful communication regarding this issue.

8. Counsel has also failed to file a motion to expedite appellate review, despite Appellant's pending and time-sensitive family court custody matter involving his minor child.
9. After the filing of an Anders brief, a material new development arose when a trial court entered an order relieving prior trial counsel, Brett Allen Perry, for reasons consistent with those raised on appeal.
10. Appellate counsel advised Appellant that he needed to review this order and determine the appropriate procedure to present this development to this court.
11. Appellant thereafter provided the order to counsel as requested.
12. Despite acknowledging the potential relevance of this new development, counsel has failed to withdraw the Anders brief, supplement the filing, or otherwise bring this material development to the court's attention.

13. These facts demonstrate a continuing pattern of inaction on issues directly affecting Appellant's liberty and appellate rights.

III. APPLICABLE LEGAL PRINCIPLES

14. Once counsel is appointed on appeal, the constitution guarantees the effective assistance of counsel, not merely the appointment of counsel in name only.
15. The United States Supreme Court has held that meaningful representation requires counsel to act as an active advocate on behalf of the appellant. *Anders v. California*, 386 U.S. 738, 744 (1967).
16. Ineffective assistance occurs where counsel's performance falls below an objective standard of reasonableness and prejudices the defendant. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984).
17. Where counsel fails to provide meaningful adversarial representation, constitutional concerns arise. *United States v. Cronin*, 466 U.S. 648, 659 (1984).
18. South Carolina courts recognize that a breakdown

in the attorney-client relationship may impair effective representation where it prevents meaningful advocacy. *State v. Parris*, 363 S.C. 223, 230, 609 S.E. 2d 403, 406 (Ct. App. 2005).

19. South Carolina law permits consideration of release pending appeal in appropriate circumstances, subject to the court's discretion. S.C. code Ann. 17-25-350(2014).

20. The United States Supreme Court has recognized that a parent's interest in the care, custody, and control of his child is a fundamental liberty interest, *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

IV. APPLICATION

21. Appellant is not attempting to proceed pro se in violation of this Court's prior order.

22. Rather, Appellant is placed in a position where counsel is not pursuing available and time-sensitive relief, while Appellant is barred under Roberts from pursuing such relief himself.

23. Appellant counsel's failure to pursue appellate bond,

despite acknowledging its potential viability, implicates Appellant's substantial liberty interests.

24. There were legitimate and good-faith grounds to pursue such relief, including the existence of non-frivolous appellate issues and Appellant's pending family court custody matter.
25. Counsel's failure to file a motion to expedite appellate review further demonstrate a lack of diligence regarding time-sensitive matters.
26. Counsel's failure to withdraw or supplement the Anders brief after acknowledging a material new development further reflects a lack of meaningful advocacy.
27. As a result, Appellant is effectively left without meaningful appellate representation on issues directly impacting his liberty and legal interests.
28. Under these circumstances, the ongoing breakdown in communication and continued inaction support relieving appellate in the interest of justice and appointing substitute counsel.

V. CONCLUSION

WHEREFORE, Appellant respectfully requests that this Court consider these supplemental grounds in support of his motion to Relieve Appellate counsel, and grant such relief as this Court deems just and proper.

Respectfully submitted,

151 Ray Chestnut

Ray Edward Chestnut

SCDC # 304094

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

April 27, 2026

RECEIVED

APR 29 2026

CERTIFICATE OF SERVICE

SC Court of Appeals

This is to certify that a copy of the foregoing "Notice of Supplemental Grounds in Support of Motion to Relieve Appellant Counsel" was served upon the parties addressed below by via United States mail with appropriate pre-paid postage on this 27th day of April, 2026.

Addressee(s):

W. Chandler Norville, Appellate Defender
South Carolina Commission on Indigent Defense
P.O. Box 11589
Columbia, SC 29211

Mark Reynolds Farthing, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

151 Ray Chestnut
Ray Edward Chestnut

Ray Edward Chestnut, #304094 B2-A22
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

COLUMBIA SC 290

27 APR 2026 PM 2 L



US POSTAGESM PITNEY BOWES



ZIP 29210 \$ 001.03⁰
02 4W
0000378357 APR 27 2026

RECEIVED

APR 29 2026

SC Court of Appeals

South Carolina Court of Appeals
Attn: Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RECEIVED

APR 27 2026

Kirkland

* LEGAL MAIL *

29211-162929



1 POUND
MAIL
ONLY

1 POUND
MAIL
ONLY

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CENSORED THIS ITEM, THEREFORE THE
DEPARTMENT DOES NOT ASSUME RESPONSIBILITY FOR
THE CONTENTS.