

RECEIVED

STATE OF SOUTH CAROLINA

MAY 04 2026

In The Court of Appeals

SC Court of Appeals

THE STATE, Respondent,

VS

RAY EDWARD CHESTNUT, Appellant.

APPELLATE CASE NO. 2025-01447

MOTION TO REJECT ANDERS BRIEF AND
ORDER FULL BRIEFING

Appellant, Ray Edward Chestnut, respectfully moves this court to reject the Anders brief filed by appellate counsel, w. Chandler Norville, and to order full adversarial briefing on the merits. In support of this motion, Appellant states as follows:

1. Standard Under Anders

Under Anders v. California, 386 U.S. 738, 744 (1967), an appellate court may not affirm a conviction pursuant to an Anders brief unless it determines, after a full examination of the record, that the appeal is wholly frivolous.

sely affects representation. *Cuyler v. Sullivan*, 446 U.S. 335, 348 (1980).

11.1. The Trial court Failed to conduct a meaningful inquiry

issues exist, the appellate court must ensure meaningful advocacy).

11. This Appeal Presents a Non-Frivolous Constitutional Issue

This appeal presents a substantial issue of arguable merit:

Whether the trial court abused its discretion and violated Appellant's sixth Amendment right to counsel by refusing to relieve trial counsel despite a complete breakdown in the attorney-client relationship and counsel's admission that he could not effectively represent Appellant.

The sixth Amendment guarantees not merely the presence of counsel, but the effective assistance of counsel. *Strickland v. Washington*, 446 U.S. 688, 686 (1984). This right is violated where counsel operates under a conflict or breakdown that adver-

sely affects representation. *Cuyler v. Sullivan*, 446 U.S. 335, 348 (1980).

111. The Trial court Failed to conduct a meaningful inquiry

South Carolina law requires that when a defendant raises a substantial complaint regarding counsel, the trial court must conduct a meaningful, on-the-record inquiry into the nature and extent of the conflict.

see *state v. Tally*, 388 S.C. 84, 90-91, 694 S.E.2d 191, 194-95 (Ct. App. 2010) ("when a defendant voices a seemingly substantial complaint about counsel, the trial judge should inquire thoroughly into the factual basis of the defendant's dissatisfaction.").

Likewise, the South Carolina Supreme Court has recognized that a breakdown in communication or conflict that undermines representation implicates the defendant's constitutional right to effective assistance of counsel.

See *state v. Pruitt*, 423 S.C. 290, 297-98, 815 S.E.2d 329, 333 (2018).

IV. The Record Demonstrates a Substantial Breakdown and Counsel's Inability to Provide Effective Representation

The trial record confirms that this was not a routine disagreement between attorney and client.

During the hearing on the motion to relieve counsel, trial counsel, Brett Perry, advised the court that, due to the allegations made by Appellant and the resulting conflict, he did not believe he could effectively represent Appellant and expressed concerns regarding his ability to provide effective assistance.

Appellant likewise informed the court that there was a breakdown in communication and that he was unable to meaningfully assist in his defense.

Despite these representations from both Appellant and counsel, the trial court conducted only a limited inquiry—asking whether counsel had spoken with Appellant and whether certain statements had been made—before denying the motion.

The court did not:

- Examine the extent of the breakdown in communication,
- Assess the level of trust between attorney and client, or
- Determine whether counsel could provide constitutionally effective assistance going forward.

This failure to conduct a meaningful inquiry constitutes reversible error under Tally.

V. The Trial Court's Ruling Forced Appellant to Proceed to Trial with Compromised Counsel

By denying the motion without adequate inquiry, the trial court required Appellant to proceed to trial with counsel who had already expressed doubt as to his ability to provide effective representation.

Such circumstances implicate the core protections of the Sixth Amendment. See *Strickland*, 446 U.S. at 686; *Cuyler*, 446 U.S. at 348.

This is not a mere discretionary ruling — it is a constitutional defect affecting the fairness and integrity of the entire proceeding.

VI. Newly Submitted Authority confirms the Breakdown was Real and Substantial

Appellant previously submitted a supplemental notice attaching a March 26, 2026 order entered by the Honorable Benjamin H. Culbertson, granting a motion to relieve the same counsel, Brett Perry, in a separate matter involving Appellant based on similar concerns. (See certified order - March 26, 2026 at Exhibit A).

That order provides independent judicial confirmation that:

- The breakdown in the attorney-client relationship was real,
- The conflict was substantial, and
- Relief from counsel was warranted under similar circumstances.

This further demonstrates that Appellant's claim is not speculative and reinforces its arguable merit.

VII. This Issue Precludes Disposition under Anders

The combination of:

1. Counsel's admission that he could not effectively represent Appellant,
2. Appellant's documented complaints of a breakdown in communication, and
3. The trial court's failure to conduct a meaningful inquiry

presents a substantial constitutional issue that cannot be deemed frivolous. See Tally, 388 S.C. at 90-91, 694 S.E. 2d at 194-95; Pruitt, 423 S.C. at 297-98, 815 S.E. 2d at 333.

Because this issue implicates the fundamental right to effective assistance of counsel and the integrity of the trial itself, it necessarily requires full adversarial briefing and precludes disposition under Anders, 386 U.S. at 744.

VIII. Relief Requested

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Reject the Anders brief filed by appellate counsel,
2. Order full adversarial briefing on the issues presented, and

3. Grant any other relief deemed just and proper.

Respectfully submitted,

15/ Ray Chestnut

Ray Edward Chestnut

#304094

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

April 29, 2026

EXHIBIT - A

(certified order - March 26, 2026
granting motion to Relieve Brett
Perry as trial counsel by Honorable
Benjamin H. Culbertson, circuit court
judge)

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
 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: _____

FILED
 Horry County
 2026 MAR 26 10:57
 REBEEN N. EVANS
 CLERK OF COURT
 HORRY COUNTY SC

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

This judgment was entered on the _____ day of _____, 2025 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2025 to attorneys of record or to parties (when appearing pro se) as follows:

Joshua Holford

ATTORNEY(S) FOR THE STATE

Ray Chestnut
Brett Perry

ATTORNEY(S) FOR THE DEFENDANT(S)

Renee N. Elviss

CLERK OF COURT

Court Reporter:

CERTIFIED COPY
RENEE N. ELVISS
CLERK OF COURT
HIGBEE COUNTY, SC

RECEIVED

MAY 04 2026

CERTIFICATE OF SERVICE

SC Court of Appeals

This is to certify that a copy of the foregoing "motion to Reject Anders Brief and Order Full Briefing" was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 29th 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
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

722

COLUMBIA SC 290

00 APR 2026



US POSTAGESM PITNEY BOWES



ZIP 29210 \$001.03⁰
02 4W
0000378357 APR 30 2026

RECEIVED

MAY 04 2026

SC Court of Appeals

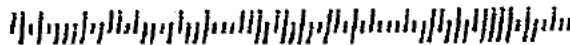
South Carolina Court of Appeals
Attn: Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RECEIVED

APR 29 2026

Kirkland R&E Center
Mailroom

29211-999955



* LEGAL MAIL *