

STATE OF SOUTH CAROLINA

In The Court of Appeals

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MAY 12 2026

SC Court of Appeals

THE STATE,

Respondent,

VS

RAY EDWARD CHESTNUT,

Appellant.

Appellate Case No. 2025-001447

APPELLANT'S SUPPLEMENTAL NOTICE
AND ARGUMENT IN SUPPORT OF MOTION
TO RELIEVE APPELLATE COUNSEL, W.
CHANDLER NORVILLE, AND FOR FURTHER BRIEFING

Appellant, Ray Edward Chestnut, respectfully submits this supplemental Notice and Argument in support of his pending motion to Relieve Appellate Counsel, W. Chandler Norville, and states as follows:

1. INTRODUCTION

This supplemental filing is submitted to advise the Court of a continuing and irreconcilable breakdown in the attorney-client relationship between Appellant and appointed appellate counsel, W. Chandler Norville,

and to demonstrate that the present circumstances warrant either: (1) relief of counsel and appointment of substitute counsel; or (2) rejection of the Anders brief and an order directing full merits briefing.

II. CONTINUING BREAKDOWN IN COMMUNICATION AND CONFLICT IN REPRESENTATION

On April 28, 2026, appellate counsel, W. Chandler Norville, sent written correspondence to Appellant, attached hereto as Exhibit A.

In that correspondence, counsel states, among other things, that:

1. He does not believe the March 26, 2026 order relieving trial counsel strengthens Appellant's claims;
2. He does not intend to seek expedited consideration or appellate bond relief;
3. He will not pursue additional briefing unless directed by this Court; and
4. Future communication should occur strictly through

letters due to repeated misunderstandings.

Appellant respectfully submits that this correspondence demonstrates more than ordinary disagreement regarding appellate strategy. Rather, it reflects a fundamental conflict concerning the existence and presentation of non-frivolous appellate issues and confirms a substantial breakdown in communication.

South Carolina courts recognize that a defendant is not automatically entitled to substitute counsel merely because disagreements arise; however, courts must determine whether sufficient cause exists to justify relieve of counsel. See *Richardson v. State*, 377 S.C. 436, 441-42, 660 S.E.2d 516, 519 (2008) (recognizing that courts must determine whether good cause exists for substitution of counsel and whether an actual breakdown in the attorney-client relationship has occurred).

Appellant respectfully submits that the present circumstances constitute sufficient cause because appellate counsel has expressly declined to advocate additional issues absent instruction from the Court despite the existence of multiple non-frivolous claims raised by Appellant.

III. ANDERS COUNSEL MUST FUNCTION AS AN ACTIVE ADVOCATE

The United States Supreme Court has held that appellate counsel, even in Anders proceedings, must function as an "active advocate" on behalf of the client rather than an amicus curiae against the client's interests. *Anders v. California*, 386 U.S. 738, 744 (1967).

In *Anders*, the Supreme Court explained:

"The constitutional requirement of substantial equality and fair process can only be attained where counsel acts in the role of an active advocate in behalf of his client, as opposed to that of amicus curiae." *Id.* at 744.

Appellant respectfully submits that the present circumstances raises substantial concerns regarding whether meaningful advocacy is occurring in this appeal where counsel has expressly stated he will not pursue additional arguments unless directed by the Court.

IV. NON-FRIVOLOUS ISSUES EXIST REQUIRING FURTHER BRIEFING

Appellant has consistently maintained that multiple non-frivolous issues exist in this appeal, including:

1. Whether the trial court failed to conduct a meaningful inquiry into the breakdown in communication between Appellant and trial counsel;
2. Whether the verdict form was constitutionally defective;
3. Whether an unlawful judicial substitution occurred during trial absent a lawful substitution order; and
4. Whether the sentence enhancement imposed was unlawful.

Appellant further submits that the March 26, 2026 order relieving trial counsel in a related pending matter materially strengthens the issue concerning breakdown in communication and conflict with counsel because another circuit court judge subsequently found grounds sufficient to relieve the same attorney from representation.

Despite this development, appellate counsel has declined to pursue merits briefing addressing these issues.

South Carolina recognizes that Anders review does not insulate appellate counsel from scrutiny where arguably meritorious issues exist. See *Bennett v. State*, 305 S.C. 303, 305-06, 408 S.E.2d 230, 231-32 (1991) (recognizing that ineffective assistance principles apply in Anders proceedings and acknowledging circumstances where a defendant may have been entitled to full appellate review and advocacy).

Appellant respectfully submits that the issues raised in his supplemental filings are not frivolous and warrant full adversarial briefing.

V. REQUEST FOR RELIEF

1. Relieve appellate counsel, W. Chandler Norville, due to the documented breakdown in communication and conflict in representation;
2. Appoint substitute appellate counsel to provide full merits briefing; or

3. In the alternative, reject the Anders brief and order full briefing on the issues raised in Appellant's supplemental filings.

Respectfully submitted,

151 Ray Chestnut
Ray Edward Chestnut
Appellant, Pro Se
SCDC # 304094

Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

May 7, 2026

EXHIBIT - A

(April 28, 2026 letter from
Appellate Counsel W. Chandler
Norville)



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
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Wanda H. Carter, Chief Appellate Defender

April 28, 2026

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

Re: Your Case

Dear Mr. Chestnut:

This letter is in response to your letter dated April 20, 2026, where you asked for clarification as to several points.

It seems that you are of the opinion that I informed you I would file a motion to expedite your appeal and for an appellate bond. I did not make any such assurance to you. In my career, I have never filed either motion. And, as I previously told you, filing a motion to expedite consideration of your appeal, while your appeal is already ready for consideration, is just as likely to slow down consideration of the merits of your appeal as it is to cause them to be expedited.

As for the appearance of new issues in your case that would warrant additional briefing, I have reviewed the order signed by Judge Culbertson on March 26, 2026. The order states that the reason for relieving counsel is "Defendant's attorney represented defendant in a prior trial where defendant was convicted." After research, I do not see how this strengthens the position argued by me in your *Anders* brief. Of course, you attached this order to one of the supplemental *pro se* briefs that were filed with the Court of Appeals. The Court of Appeals has accepted filing of those supplemental *pro se* briefs. The Court will consider those issues, along with any other issues in the record, and determine whether any merit further briefing. If the Court believes that they do, I will file further briefing as ordered.

From the content of your last several letters, it seems to me that every time we speak on the phone, misunderstandings arise. To prevent that in the future, I believe it is best that we communicate strictly through letters.

Thank you for your attention to this matter.

Sincerely,

W. Chandler Norville
Appellate Defender

WCN/kw

CERTIFICATE OF SERVICE

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SC Court of Appeals

This is to certify that a copy of the foregoing "Appellant's supplemental Notice and Argument in Support of Motion to Relieve Appellate Counsel, W. Chandler Norville, and for Further Briefing" was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 7th day of May, 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
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Kirkland R&E Center
Mailroom

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

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* LEGAL MAIL *

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