

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 23 2013
SC Court of Appeals

Appeal from Horry County

Appellate Case No. 2013-001768

THE STATE,

RESPONDENT,

vs.

RAY E. CHESTNUT,

APPELLANT.

RETURN TO MOTION TO REINSTATE

Respondent, by and through undersigned counsel, would respectfully show unto this Court:

I.

Respondent received an Order of this Court filed November 26, 2013 stating that Appellant filed several notices of appeal from convictions entered in 2002, 2003, 2004 and 2005.

II.

By letter dated December 11, 2013, this Court requests a return to what appears to be a motion to reinstate presented by Ray E. Chestnut.

III.

Respondent has not been served with a motion to reinstate and is not in a position to be able to respond. Respondent is not in receipt of any other documents other than this Court's order dismissing the appeal, including notices of appeal or any other correspondence or documentation.

IV.

If Appellant is attempting to appeal from convictions entered in 2002, 2003, 2004, and 2005, and if the notices were recently received by this Court, the notices of appeal are not timely. See Rule 203(b)(2), SCACR. If so, the Court properly dismissed the appeal and the remittitur should be issued.

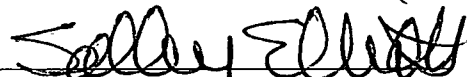
WHEREFORE, Respondent is unable to fully respond to the motion to reinstate because it has not been served with the documents; nevertheless, it appears the appeal was properly dismissed as the notices were not timely served if the convictions occurred between 2002 through 2005.

Respectfully Submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

BY:


Salley W. Elliott
S.C. Bar No: 1871

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

December 23, 2013

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PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Return to Motion to Reinstate by depositing two copies of the same in the United States mail, postage prepaid, addressed to Appellant at Ray E. Chestnut, P.O. Box 1000, Lewisburg, PA 17837 .

I further certify that all parties required by Rule to be served have been served.

This 23rd day of December, 2013.



ANGELA BENNETT
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

December 23, 2013

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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DEC 23 2013
SC Court of Appeals

Re: The State v. Ray E. Chestnut
Appellate Case No: 2013-001768

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Return to Motion to Reinstate along with proof of service in the above-referenced case.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab
Enclosures

cc: Ray E. Chestnut, pro se
Ms. Trisha Allen