

The State of South Carolina
In The Court of Appeals

Appeal from Horry County
Appellate case no. 2013-001768

Ray E. Chestnut,

Appellant,

Versus

The State,

Respondent.

**SUPPLEMENTAL REPLY TO RETURN TO MOTION
TO REINSTATE**

Ray E. Chestnut, Appellant, in the above named case, would respectfully show unto this court:

I.

On or about August 21, 2013, appellant filed several notices of appeal from convictions entered in 2002, 2003, 2004, and 2005. The Court requested copies of the sentencing sheets from which appellant wished to appeal.

II.

On September 23, 2013, appellant provided the court with the sentencing sheets showing sentencing dates from December 9, 2002; March 28, 2003; December 18, 2003; August 3, 2004, and June 6, 2005.

III.

On November 26, 2013, the court dismissed appellant's appeal as untimely.

IV.

On or about December 11, 2013, appellant filed a motion to reinstate. The court requested that respondent file a return to the motion no later than ten (10) days from December 11, 2013.

V.

On December 23, 2013, the respondent filed a return to motion to reinstate. The respondent requested that the motion to reinstate be denied.

VI.

On or about December 31, 2013, appellant filed a Reply to the Return to motion to reinstate.

VII.

Appellant now provides a Supplemental Reply to return to motion to reinstate, which Appellant presents the following additional information:

Appellant is entitled to a direct appeal from the underlying convictions. Appellant did not freely and voluntarily waive the right to a direct appeal. Appellant was not informed or aware of any right he had to file a direct appeal within ten (10) days after sentencing. Therefore, where there is an assertion a appellant did not freely and voluntarily waive his right to a direct appeal, such is an exception to the statute of limitations. see White vs. State, 263 S.C. 110, 118, 208 S.E. 2d 35, 39 (1974).

WHEREFORE, appellant is entitled to a direct appeal, the motion to reinstate should be granted, and respondent's request and return to motion to reinstate must fail and should be denied.

Respectfully Submitted
Ray E. Chestnut

The State of South Carolina
In The Court of Appeals

RECEIVED

JAN 15 2014

Appeal from Horry County
Appellate case NO. 2013-001768

SC Court of Appeals

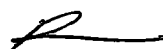
Ray E. Chestnut, Appellant,
VS.
The State, Respondent.

PROOF OF SERVICE

I, Ray E. Chestnut, certify that I have served the 'Supplemental Reply to the Return to motion to Reinstate' by depositing a copy of the same in the prison mail system, to be placed in the United States mail, prepaid envelope, and addressed to Respondent at Salley W. Elliott, PO Box 11549, Columbia, SC 29211.

I further certify that all parties required to be served have been served on _____

This 13TH day of January, 2014.


Ray E. Chestnut
PO Box 1000
Lewisburg, PA 17837

Ray Edward Chestnut

USP

PO Box 1000

Lewisburg, PA 17837

January 13, 2014

RECEIVED

JAN 15 2014

SC Court of Appeals

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

Re: The state vs. Ray E. Chestnut
Appellate Case No. 2013-001768

Dear Ms. Kitchings,

I am requesting leave to file
a Supplemental Reply to the Return to
Motion to Reinstate.

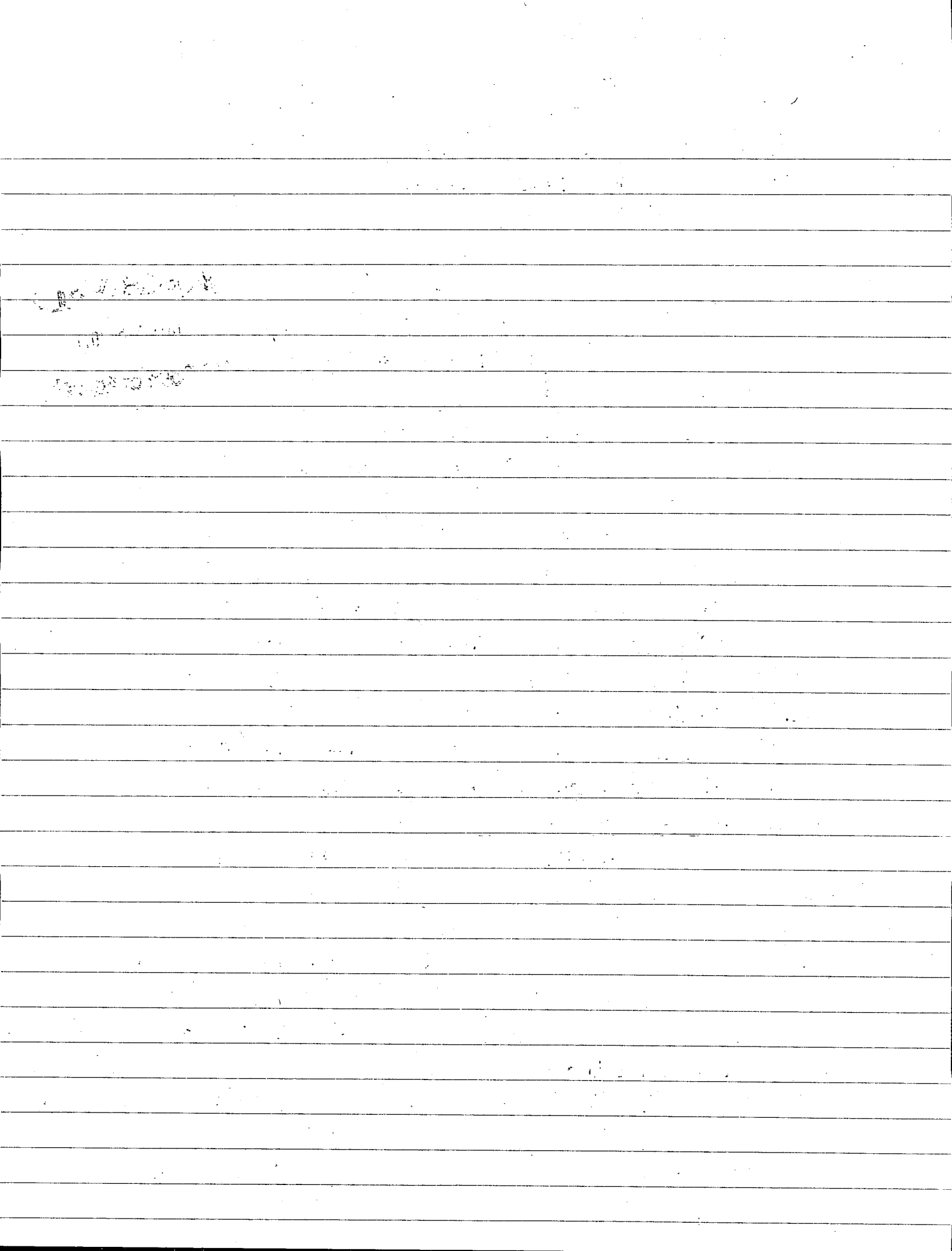
Enclosed please find the Supple-
mental Reply to the Return to motion to
Reinstate.

Sincerely,

R

Ray E. Chestnut

CC: Salley W. Elliott



Inmate Name: Raymond Chestnut
Register Number: 13465-171
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

LEWISBURG PA 1731

13 JAN 2014 PM 4 L



NOT RECEIVED

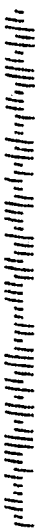
JAN 15 2014 Honorable Jenny A. Kitchings
Appeals, S.C. Court of Appeals

SC Court of Appeals
PO Box 11629

Columbia, SC 29211

Legal mail

29211162929



U.S. PENITENTIARY JAN 11 2014
P.O. BOX 1000
LEWISBURG, PA 17837

DATE

THE ENCLOSED LETTER WAS PROCESSED THROUGH
SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR
INSPECTED. IF THE WRITER RAISES A QUESTION OR
PROBLEM OVER WHICH THIS FACILITY HAS JURIS-
DICTION, YOU MAY WISH TO RETURN THE MATERIAL
FOR FURTHER INFORMATION OR CLARIFICATION. IF
THE WRITER ENCLOSES CORRESPONDENCE FOR
FORWARDING TO ANOTHER ADDRESSEE, PLEASE RETURN
THE ENCLOSURE TO THE ABOVE ADDRESS.