

State of South Carolina
County of Horry

Raymond Edward Chestnut,
Appellant/Plaintiff,

V.

State of South Carolina,
Respondent/Defendant.

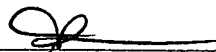
The State of South Carolina
In The Court of Appeals

NOTICE OF INTENT TO APPEAL

2012-CP-26-1814, 1815, 1816,
and 2012-CP-26-2915, 2916,
2917.

Notice is hereby given that the Plaintiff, Raymond Edward Chestnut, hereby appeal to the South Carolina Court of Appeals from the action entered on April 7, 2014, provided by Judge Larry B. Hyman, chief Administrative Judge for the Fifteenth Judicial Circuit, denying Plaintiff's request for an order to be transported and present for / during his Post-conviction Relief (PCR) hearing.

May 6, 2014



Raymond Edward Chestnut

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JUL 11 2014

SC Court of Appeals

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SC Court of Appeals

State of South Carolina
County of Horry

The State of South Carolina
In The Court of Appeals

Raymond Edward Chestnut,
Appellant/Plaintiff,

Proof of Service

V,

State of South Carolina,
Respondent/Defendant.

I, Raymond Edward Chestnut, certify that I have served the NOTICE OF INTENT TO APPEAL by depositing a copy of the same in the United States Mail, postage prepaid, addressed to Respondent/Defendant at Joshua Thomas, P.O. Box 11549, Columbia, SC 29211.

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

This 6th day of May, 2014



Raymond Edward Chestnut

Re: Chestnut v. State
Case nos. 2012-CP-26-1814,
1815, 1816, and 2012-CP-26-2915,
2916, 2917.



State of South Carolina
The Circuit Court of the Fifteenth Judicial Circuit

Larry B. Hyman, Jr.
Chief Administrative Judge

Horry County Judicial Center
1301 Second Avenue, Suite 3B71
Conway, SC 29526
Phone: (843) 915-6711
Fax: (843) 915-6073
lhymanj@sccourts.org

April 7th, 2014

Dear Mr. Chestnut,

I am again in receipt of your many requests for an order to have you transferred from federal custody in the state of Pennsylvania for your Post Conviction Relief hearing. I discussed this matter with Judge James prior to your last scheduled hearing. As I discussed with Judge James, pursuant to S.C. Code Ann. (1976) §17-27-80 the court may receive proof of your claim by affidavit and deposition in addition to oral testimony. The statute clearly states that the trial court **may** order that you be brought before it for a hearing. Your appearance **is not** mandatory. I further discussed with Judge James that South Carolina Rules of Civil Procedure 17(c) clearly states that a person imprisoned outside this state **shall** appear by guardian ad litem in an action by or against him. I find no authority to support your contention that you have the right to personally appear at your Post Conviction Relief hearing. It is my understanding that Judge James ordered that a guardian ad litem be appointed for you. If this has not been done, please have **your attorney** contact me for that purpose.

As set forth in the statute your attorney can present your testimony by deposition. I am not inclined to put the state of South Carolina to the unnecessary expense of transporting you for your hearing. Again, I advise you that **all** correspondence with this court be made through your attorney.

With kinds regards, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry B. Hyman Jr.", written over a horizontal line.

Larry B. Hyman Jr.

LBHjr/dp

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JUL 11 2014

SC Court of Appeals

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

HARRISBURG PA 171

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JUL 11 2014

SC Court of Appeals

Jenny Kitchings, Clerk
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

SPECIAL MAIL (Legal)

29211162929

