



# The Supreme Court of South Carolina

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June 18, 2015

Tristan Michael Shaffer, Esquire  
4701 Oleander Drive  
Myrtle Beach SC 29577

Re: Raymond E. Chestnut v. State  
Appellate Case No. 2015-000891  
Lower Court Case No. 2012CP2601814

Dear Counsel:

This Court has received your explanation under Rule 243(c) of the South Carolina Appellate Court Rules (SCACR).

As I read this response, except for the *White v. State* claims, you are unable to provide a good faith explanation. Therefore, in accordance with *Dennison v. State*,<sup>1</sup> you must provide this Court with a letter stating that as an officer of the Court you are unable to set forth any arguable basis for asserting the determination by the circuit court was improper as to any non-*White v. State* claims. The letter should also advise the petitioner that he has twenty (20) days from the date of the letter to file a *pro se* explanation as to why the petitioner believes that this determination by the circuit court was improper as any claim not related to a belated direct appeal under *White v. State*. The letter filed with this Court should include a proof of service showing that a copy of the letter has been sent to the

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<sup>1</sup> 371 S.C. 221, 639 S.E.2d 35 (2006).

petitioner. This letter should also advise petitioner that a separate explanation will need to be filed for each guilty plea.

As to the *White v. State* claims, you have not, as I requested in my earlier letter, provided an "explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal." Rule 203(d)(1)(B), SCACR (explanation required when an appeal is taken from a guilty plea, *Alford* plea, or plea of nolo contendere).<sup>2</sup>

Since the six guilty pleas are apparently completely separate and distinct, you will need to file a separate Rule 203(d)(1)(B)(iv), SCACR, explanation for each guilty plea. Be sure to include the General Sessions case number in each separate explanation. The letter referenced above and the guilty plea explanations should be served and filed within twenty (20) days of the date of this letter.<sup>3</sup>

Finally, your Rule 243(c) explanation appears to indicate that a *White v. State* claim may not have been raised as to all of the guilty pleas. If that is the case, I ask

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<sup>2</sup> It is not clear to me whether the claim of prejudice from not being transported to the evidentiary hearing is related to the *White v. State* claims or some other claim. *But see Leamon v. State*, 363 S.C. 432, 611 S.E.2d 494 (2005) ("In *Clayton [v. State]*, 337 S.C. 17, 552 S.E.2d 342 (1999)], the Court concluded the State does not have the duty and authority to ensure an out-of-state prisoner's presence at a South Carolina PCR hearing. However, the fact that the State is not required to transport federal inmates for State PCR proceedings, does not prevent an out-of-state inmate from *filing* a PCR application within the statute of limitations.").

<sup>3</sup> In the event you determine that you do not have a good faith explanation to provide regarding any of the guilty pleas, I would recommend that you follow a procedure similar to that provided for in *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006), for the explanation required by Rule 243(c), SCACR. This will give the petitioner an opportunity to provide a *pro se* explanation for allowing an appeal from that guilty plea.

that you please advise this Court of the guilty pleas to which no *White v. State* claim has been raised.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Joshua L. Thomas, Esquire