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"Success is all that matters"

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June 11, 2015

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JUN 17 2015

Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

RE: Raymond E. Chestnut v. State of South Carolina
Case No.: 2015-000891

Dear Clerk of Court:

Enclosed please find a copy of the Rule 243 Explanation.

Thank you for your assistance in this matter. If you have any questions or concerns, please feel free to contact my office.

With kind regards,


Tristan M. Shaffer

cc: Joshua L Thomas, Esquire

SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM HORRY COUNTY
In The Court of Common Pleas

Honorable G. Thomas Cooper, Jr.,
Common Pleas Judge of the Fifteenth Judicial Circuit

Case No.: 2012-CP-26-1814
Appellate Case No. 2015-000891

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Raymond E. Chestnut, Petitioner,

v.

State of South Carolina, Respondent.

S.C. SUPREME COURT

Rule 243(c), SCACR Explanation

Petitioner appeals the Order of Dismissal of the Honorable G. Thomas Cooper, Jr. filed March 25, 2015. The Court found that Petitioner's application for PCR was untimely. To explain this appeal Counsel will show the following:

1. Petitioner is currently in the custody of the Federal Bureau of Prison and is housed in Lewisburg Pennsylvania.
2. After being sentenced on his federal charges, Petitioner filed multiple PCR applications challenging his prior state convictions.
3. In each application, Petitioner raised various claims of ineffective assistance of counsel.

4. In several PCR applications, Petitioner raised *White v. State*¹ issues alleging that he was not informed about his right to appeal his convictions.
5. The State filed motions to dismiss the applications arguing, in part, the failure of Applicant to timely file the PCR applications.
6. Conditional Order of Dismissal (COD) were entered on Applicant's PCR applications.
7. The circuit court appointed counsel to these cases.
8. Counsel responded to the COD by arguing that the *White v. State* claims were not governed by the statute of limitations. See *Wilson v. State*, 348 S.C. 215, 559 S.E.2d 581 (2002) (The one year statute of limitations for PCR claims does not apply to allegation applicant was denied the right to direct appeal due to the ineffective assistance of counsel).
9. The circuit court granted Petitioner hearings only on the *White v. State* claims.²
10. Prior to the hearing, the circuit court consolidated Petitioner's cases.
11. Prior to the hearing, Petitioner sought to be transported to Horry County for his PCR hearing.
12. Petitioner argued that he had a due process right to appear in person for his PCR hearing. Petitioner submits that he is being treated unfairly because he is incarcerated outside the state. Additionally, Petitioner submits that in state prisoners are routinely transported for PCR hearings.

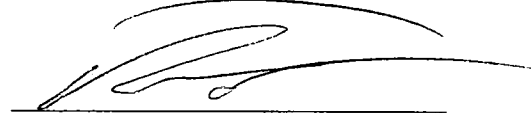
¹ *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

² With the exception of the *White v. State* issue, Counsel would submit a response pursuant to *Dennison v. State*, 371 S.C. 221, 639 S.E.2d 35 (2006), to all other claims raised by Petitioner in 00092400 - 1

13. The circuit court denied Petitioner's request to be transported.
14. Petitioner submits that the circuit court's refusal to transport Petitioner for his hearing is grounds for appeal. Petitioner further argues that he was unable to adequately assist in his case due to his current incarceration.
15. After the PCR hearing in Petitioner's absence, the circuit court denied Applicant's *White v. State* claims.
16. Petitioner submits that the denial of Petitioner's *White v. State* claims is also properly reviewable by this Court.

Therefore, Petitioner would respectfully request that this Court review his cases to determine whether the PCR Court erred.

Respectfully Submitted,



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SUPREME COURT OF SOUTH CAROLINA

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Honorable G. Thomas Cooper, Jr.,
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Case No.: 2012-CP-26-1814

Raymond E. Chestnut,

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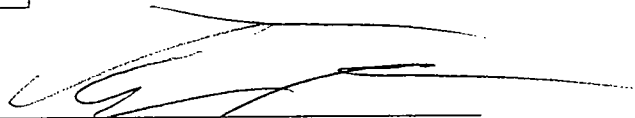
State of South Carolina,

Respondent.

CERTIFICATE OF SERVICE

I, certify that on this date, I served the Petitioner's Notice of Appeal upon the Respondent, by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

Joshua L. Thomas, Esquire
S.C. Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211


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June 12, 2015

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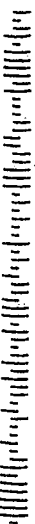
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