

SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM HORRY COUNTY
In The Court of Common Pleas

Honorable G. Thomas Cooper, Jr.,
Circuit Court Judge

RECEIVED

SEP - 8 2015

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

S.C. Supreme Court

Raymond E. Chestnut,

Petitioner,

v.

State of South Carolina,


Respondent.

Amended Explanation Pursuant to Rule 243(c), SCACR

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 and failed to respond and was not entitled to *White v. State* review.

Counsel previously file a rule 243(c) explanation alleging *White v. State* issue but failing to outline the basis for a guilty plea pursuant to Rule 203(c). After further review of Rule 203(c), SCACR, Counsel amends his prior Rule 243(c) explanation to the attached *Dennision* letter. (*Exhibit A*).

Respectfully Submitted,


Tristan M. Shaffer
4701 Oleander Drive
Myrtle Beach, SC 29577
(843) 916-9300
Tristan@gotaxelrod.com

September 8, 2015

Exhibit A

AXELROD & ASSOCIATES, P.A.

Attorneys and Counselors at Law

"Success is all that matters"

Stuart Mark Axelrod†
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September 8, 2015

Via Hand Delivery

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

RE: Raymond E. Chestnut v. State 2015-000891

Dear Janet Johnson:

I am writing you concerning the Raymond Chestnut's case. After reviewing your correspondence and Rule 203(d)(1)(B), SCACR, I realized that the previous Rule 243 Explanation was sent not accurate. Please let this *Dennison* letter represent my amended response.

After a thorough review of Mr. Chestnut's case, as an officer of the court I am unable to set forth an arguable basis for claiming that the Circuit Court erred in its dismissal of Petitioner's PCR Applications. Even if the Court disregards the timeliness of the applications, I am unaware of any arguable basis for appeal pursuant to Rule 203(d)(1)(B), SCACR.

I have copied Petitioner on this letter. By doing so, I am advising Petitioner that he should within twenty (20) days of the date of this letter to file a *pro se* explanation as to why Petitioner believes that the determination of the circuit court was improper.

I apologize for any confusion my previous response may have caused.

Sincerely



Tristan M. Shaffer

cc: Joshua Thomas (Via Hand Delivery)
Raymond Chestnut

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Raymond E. Chestnut, Petitioner,

v.


State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

I, certify that on this date, I served the Petitioner's Amended Explanation Pursuant to Rule 243(c) with Exhibits upon the Respondent by delivering it to the Officer of the Attorney General.

I further certify that on this date I served the Petitioner's Amended Explanation Pursuant to Rule 243(c) with Exhibits upon Petitioner by mailing it to the following address:

Raymond Chestnut #13465-171
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837



Tristan M. Shaffer, Esq.
4701 Oleander Drive
Myrtle Beach, SC 29577
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Attorney for Petitioner

September 8, 2015