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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

DANIEL D. HALL
CHIEF ADMINISTRATIVE LAW JUDGE

APPELLATE CASE No. 2022-001493

RE: JEFFREY LYNN CHRONISTER, APPELLANT v STATE OF SOUTH CAROLINA, RESPONDENT

THE MATTER AROSE FROM A RULE 60(B) SCRPC MOTION FOR AFTER NEWLY DISCOVERED EVIDENCE, AND RELATED APPLICATION FOR POST-CONVICTION RELIEF (2019-CP-46-01421) THAT WAS DENIED A SUCCESSIVE AND UNTIMELY UNDER THE STATUTE OF LIMITATIONS OF S.C. CODE ANN. 17-27-45 (A). A TIMELY NOTICE OF APPEAL WITH A RULE 243(C) SCACR "EXPLANATION" WAS SERVED TO THIS COURT.

THIS MATTER NOW COMES IN RESPONSE TO THE HONORABLE PATRICIA A HOWARD, CLERK OF COURT'S, LETTER DATED OCTOBER 28, 2022, OF PROVIDING WITHIN (20) TWENTY DAYS, REASONS WHY FUTURE FILINGS SHOULD NOT BE PROHIBITED (COPY ENCLOSED PAGE 4-5)

APPELLANT RESPECTFULLY CONTENDS THAT THE FUTURE FILINGS CONTAINED IN THE LETTER SHOULD NOT BE PROHIBITED FOR THE REASONS OF;

(1) THE DISCOVERED EVIDENCE IS FACTUAL AND SHOWS THE SYSTEM FAILED APPELLANT IN EGREGIOUS MISCONDUCT(S) DURING THE TRIAL THAT INCLUDED EXTRINSIC FRAUD BY COUNSEL THAT RAISED TO THE LEVEL OF CONSTITUTIONAL

VIOLATIONS, AND SO PREJUDICIAL AS TO HAVE RENDERED THE TRIAL FUNDAMENTALLY UNFAIR. S.C. CONST. ART. I (3). USCA CONST AMEND 5, 6, 14. ALSO ARGUMENT II SHOWING DUE PROCESS AND STATUTORY VIOLATIONS IN PERMITTING THE CONVICTION HAD WHERE THE COURT LACKED SUBJECT MATTER JURISDICTION, AND WITHOUT REVIEW OF THE ARGUMENTS WOULD AMOUNT TO A GROSS MISCARRIAGE OF JUSTICE. AS UNDER BUTLER V STATE 397 SE2d 87 (S.C. 1990)

"AT SOME FUTURE JUDICIAL REVIEW MUST STOP, WITH ONLY THE VERY RAREST EXCEPTIONS. WHEN THE SYSTEM HAS SIMPLY FAILED A DEFENDANT, AND WHERE TO CONTINUE THE DEFENDANT'S IMPRISONMENT WITHOUT REVIEW WOULD AMOUNT TO A GROSS MISCARRIAGE OF JUSTICE."

(2) THE CURRENT (4TH) FOURTH APPLICATION FAILS TO RISE TO THE LEVEL OF REPETITIVE, ABUSIVE, AND FRIVOLOUS FILING. IN THE CASE OF WILLIAMS V STATE 354 S.C. 630, 583 SE2d 52 (2003) "DEFENDANT SOUGHT POST CONVICTION RELIEF AFTER CONVICTION FOR MANSLAUGHTER. THE CIRCUIT COURT GEORGE COUNTY, HOWARD KING J. ISSUED CONDITIONAL DISMISSAL AND PLACED RESTRICTIONS ON FUTURE FILING FOR PCR. DEFENDANT APPEALED. ON GRANT OF CERTIORARI THE SUPREME COURT, WALTER J., HELD THAT DEFENDANT'S FILING OF 4 PCR ACTIONS, ONE OF WHICH WAS SUCCESSFUL, WAS NOT REPETITIVE, NUMEROUS, OR TOTALLY FRIVOLOUS, AND THUS DEFENDANT WAS NOT SUBJECT TO STRICT RESTRICTION ON FUTURE PCR FILING. ALSO UNDER WILLIAMS 354 S.C. 630 CITING LAKES 333 S.C. AT 382, 510 SE2d AT 230, THAT; "THE TRIAL JUDGE

FAILED TO MAKE FACTUAL FINDING TO SHOW THE REQUEST ROSE TO THE LEVEL OF REPETITIVE AND ABUSIVE FILING AS IN MAXTON OR THOSE CASES CITED IN MAXTON: UNDER LAKES §33 S.C. 382, 510 SE2d 228 (S.C. APP. 1998)
[2] INMATE WAS ENTITLED TO PROCEED WITH PETITION FOR WRIT OF HABEAS CORPUS DESPITE NUMEROUS PREVIOUS REQUEST FOR RELIEF, IN ABSENCE OF PACTUAL FINDING THAT REQUEST ROSE TO THE LEVEL OF REPETITIVE AND ABUSIVE FILINGS. WHICH APPELLANT FAILS TO SEE THE STATED FINDINGS IN THE LETTER, AND AS THE COURT DETERMINED IN WILLIAMS "BECAUSE PETITIONER HAS FILED MERELY FOUR PCR ACTIONS AND HAS GOTTEN RELIEF ON ONE, THIS IS CLEARLY A SITUATION DISTINGUISHABLE FROM THAT IN MAXTON". WHERE IN MAXTON 325 S.C. 3, "INMATE SUBMITTED pro se PETITION TO SUPREME COURT ATTEMPTING TO INVOLVE LIKE ITS ORIGINAL JURISDICTION THE SUPREME COURT HELD THAT, BECAUSE INMATE HAD SUBMITTED 64 FRIVOLOUS pro se PETITIONS OVER PREVIOUS 3 YEARS IT WOULD REQUIRE INMATE TO PAY \$25 FILING FEE AND REQUIRE AFFIDAVIT OF GOOD FAITH FROM PETITIONER BEFORE CONSIDERING FUTURE FILINGS.

I CERTIFY THE FOREGOING TO BE TRUE AND TO THE BEST OF MY KNOWLEDGE

Jeffrey Lynn Chronister
JEFFREY LYNN CHRONISTER #189827
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CC: ZACHARY W. JONES, A.A.G.

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