

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
S. Jackson Kimball, Special Circuit Court Judge

---

Appellate Case No. 2017-000668  
Case No. 2016-CP-46-2952

---

**RECEIVED**

MAY 01 2017  
SC Court of Appeals

Jeffrey Lynn Chronister, #189827, ..... Appellant,

v.

State of South Carolina, York County Public Defender's Office,  
the Sheriff of York County, and the  
Commission on Judicial Conduct..... Respondents.

---

**RESPONDENTS' RETURN TO  
APPELLANT'S MOTION FOR EXTENSION  
AND MOTION TO WAIVE FILING FEES**

---

The Appellant has filed a motion requesting that the Court grant him an extension of time to order the transcript from the motion hearing held in the Circuit Court. The Appellant also asks the Court to waive the \$25 filing fee for that motion. The Respondents do not oppose the requested extension. However, the Court has

already denied a prior request for waiver of filing fees. Specifically, the Court issued an Order filed April 14, 2017, denying a motion to proceed in forma pauperis and requiring that the \$100 filing fee be paid by April 29, 2017. Therefore, the Respondents do oppose the request that the \$25 filing fee for the motion for extension be waived.

Moreover, to the extent that the Court treats this motion as a second request for in forma pauperis status, which is how the motion has been docketed in the Appellate Case Management System, the Respondents oppose that motion. The Court's ruling in the April 14, 2017 Order is a correct one based on such authority as *Ex Parte: Martin v. State*, 321 S.C. 533, 471 S.E.2d 134 (1995), where the Supreme Court held that "[i]n the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions." 471 S.E.2d at 134-135. Similarly, in *Martin v. South Carolina Department of Corrections*, 350 S.C. 196, 565 S.E.2d 756 (2001), the Supreme Court required full payment of appellate filing fees by an indigent prisoner. The Court concluded that the statutes allowing a partial payment of the filing fees when an indigent prisoner brings a civil action do not apply to appellate filing fees incurred at either the Supreme Court or the Court of Appeals. *See also, Sullivan v. South Carolina Department of Corrections*, 355 S.C. 437, 586 S.E.2d 124 (2003).

Moreover, this issue has been fully determined by the Court's April 14, 2017 Order, which is not subject to a rehearing or reconsideration or a second duplicative motion. Rule 240(i), SCACR, provides that "[t]he court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." *See*, Rule 240(i), SCACR.

For the foregoing reasons, the Respondents have no objection to the requested extension to order the transcript, but they do oppose the Appellant's second request to proceed in forma pauperis as well as any waiver of filing fees. The Court is respectfully requested to require the Appellant to pay all filing fees before this appeal proceeds any further.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN  
ROBERT D. GARFIELD  
1611 Devonshire Drive  
Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Respondents*

Columbia, South Carolina

April 27, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM YORK COUNTY  
S. Jackson Kimball, Special Circuit Court Judge

---

Appellate Case No. 2017-000668  
Case No. 2016-CP-46-2952

---

**RECEIVED**

MAY 01 2017

**SC Court of Appeals**

Jeffrey Lynn Chronister, #189827, ..... Appellant,

v.

State of South Carolina, York County Public Defender's Office,  
the Sheriff of York County, and the  
Commission on Judicial Conduct..... Respondents.

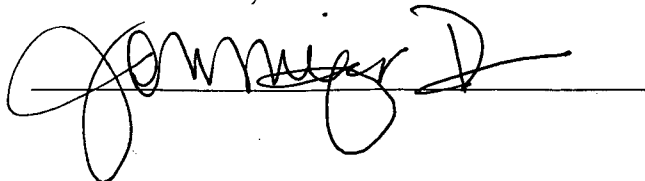
---

**CERTIFICATE OF SERVICE**

---

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents does hereby certify that service of **Respondents' Return to Appellant's Motion for Extension and Motion to Waive Filing Fees** in the above-captioned matter was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 27th day of April 2017:

Jeffrey Lynn Chronister, #189827  
Kirkland Correctional Institute  
4344 Broad River Road  
Columbia, South Carolina 29210



DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II  
Andrew F. Lindemann\*  
James M. Davis, Jr.†  
Robert D. Garfield  
Michael B. Wren

1611 Devonshire Drive, Second Floor  
Post Office Box 8568  
Columbia, South Carolina 29202-8568  
Telephone: (803) 806-8222  
Facsimile: (803) 806-8855  
www.dml-law.com

Daniel C. Plyler  
Joel S. Hughes  
David A. DeMasters  
Steven R. Spreeuwiers  
Brandøn M. Briggs  
Jasmine D. Wyman

\*Also Admitted In North Carolina  
†Certified Mediator

April 27, 2017

Of Counsel  
Kenneth P. Woodington

**RECEIVED**

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

MAY 01 2017

**SC Court of Appeals**

RE: Jeffrey Lynn Chronister, #189827 v. State of South Carolina, York County Public Defender's Office, the Sheriff of York County, and the Commission on Judicial Conduct  
Appellate Case Number: 2017-000668  
Civil Action Number: 2016-CP-46-2952  
Claim Numbers: 12957 (Sheriff); 12960 (Judicial Department)  
Our File Number: 103.10078

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of **Respondents' Return to Appellant's Motion for Extension and Motion to Waive Filing Fees** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving copies on the *pro se* Appellant. Thank you for your assistance in this matter.

Sincerely,

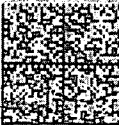
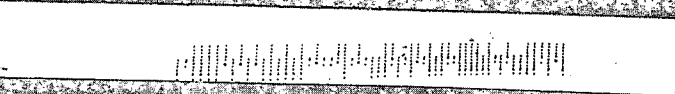
DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: Jeffrey Lynn Chronister, #189827 (w/ Enclosure)



U.S. POSTAGE PITNEY BOWES



ZIP 29204 \$002.24<sup>0</sup>  
02 11  
0001400565 APR 27 2017

COLUMBIA SC 292  
SAT 05 APR 2017 11 AM

Davidson & Lindemann, P.A.  
Post Office Box 8568  
Columbia, South Carolina 29202-8568

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

MAY 01 2017

**SC Court of Appeals**