

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM YORK COUNTY

JUN 19 2017

LEE S. ALFORD, CIRCUIT COURT JUDGE
TRIAL AND CASE No. 92-GS-46-1224

SC Court of Appeals

APPELLATE CASE No. 2014-002630

UNPUBLISHED OPINION No. 2017-UP-139

SUBMITTED JANUARY 1, 2017, FILED APRIL 5, 2017

Prose, JEFFREY LYNN CHRONISTER #189827

PETITIONER

v.

THE STATE

RESPONDENT

PETITION FOR WRIT OF CERTIORARI

JEFFREY LYNN CHRONISTER #189827
KIRKLAND R#E, B-D #39
4344 BROAD RIVER ROAD
COLUMBIA, S.C., 29210

OTHER COUNSEL OF RECORD

JENNY A. KITCHINGS, CLERK OF
THE SOUTH CAROLINA COURT OF APPEALS
KEVIN S. BRACKETT, SOLICITOR OF YORK S.C.
ALAN M. WILSON, ATTORNEY GENERAL
JOHN W. MCINTOSH CHIEF DEPUTY AND
DONALD J. ZELENKA SENIOR ASSISTANT
DEPUTY ATTORNEY GENERAL

CASE AUTHORITIES

ANDERSON v STATE, 529 SE2d 398, 338 S.E. 629

BERGER v U.S. 295 U.S. 98, 88 (1985)

BROWN v STATE 343 S.C. 342, 540 SE2d 846, 848 (2001)

ERICKSON v PARDUS, 75 U.S. 3643, 167 LE2d 1081, 127 S.Ct 2197
(U.S. JUNE 4, 2007) PERCURIAM

STATE v ANDERSON, 422 SE2d 161 (S.C. App. 1992)

STATE v GRIM 533 SE2d 329 (S.C. 2000)

STATE v NORTH CUTT 372 S.C. 207, 641 SE2d 873 (S.C. 2007)

U.S. v GRAY 137 F.3d 756 (4TH CIR. 1998)

U.S. v McDONALD, 161 F.3d 4 (TABLE) C.A. 4 (N.C. 1998)

U.S. v WADE, 875 S.Ct. 1926 (1987)

STATUTORY AND CONSTITUTIONAL

RULE 60 (b) NOTE 10, 11

RULE 2 (a) RLDE, RULE 413 SCACR

RULE 8, 4 RPC, RULE 407, SCACR

RULE 1.1(2) RPC, RULE 407 SCACR

RULE 242 (a) (b) (1) (4) SCACR

RULE 611 (e) SCRE

RULE 801 (d) (1) SCRE

S.C. CONST. VOL. 21 SUPP. STATE v LYONS

USC AMEND. VI (20); STATE v LYONS

WEST'S SCD2d VOL. 14, 14A, 18

SC CODE ANN. 16-9-10; 17-19-10; 17-23-190; 17-23-120

USCA CONST AMEND. 4, 6, 8, 14

-1-

THIS MATTER COMES BEFORE THE COURT FOR REVIEW PURSUANT TO RULE 242 (a), (b), (1), (4) SCACR

- CERTIFICATE OF PETITIONER

PETITIONER CERTIFIES THAT THE PETITION FOR REHEARING WAS MADE, AND FINALLY RULED ON BY THE COURT OF APPEALS ON MAY 19, 2017

QUESTIONS

- (1) DID THE CIRCUIT COURT JUDGE ERROR IN LETTER ORDER?
- (2) SHOULD THE COURT OF APPEALS ADDRESSED RULE 60 SCACR IN ITS OPINION? AND
- (3) WAS IT PROPER FOR THE COURT NOT TO ENTERTAIN THE PETITION?

STATEMENT OF THE CASE

THE MATTER AROSE FROM PETITIONER'S pro se MOTION FOR AFTER NEWLY DISCOVERED EVIDENCE IN THE YORK COUNTY COURT OF GENERAL SESSIONS, AND APPEALING THE CIRCUIT COURT JUDGE LEE S. ALFORD'S LETTER ORDER, DATED NOVEMBER 21, 2014, STATING:

"THIS COURT CANNOT GRANT RELIEF ON A MOTION UNLESS TIMELY MADE, YOU WILL NEED TO FILE A POST-CONVICTION RELIEF ACTION IN ORDER FOR THE COURT TO CONSIDER YOUR ACTION" [R p. 27]

BY THE COURT OF APPEALS LETTER ORDER THE PETITION FOR REHEARING WOULD NOT BE ENTERTAINED PURSUANT TO RULE 221(c) SCACR, AND PETITIONER FILING A PETITION FOR REHEARING ON THE COURT'S AFFIRMED OPINION NO. 2017-UP-139 (COPY AT P. 17)

ARGUMENT

REGARDING THE QUESTIONS, PETITIONER SUBMITTED THE MOTION "UNDER RULE 29(b) SCR CRIM. P" AND "PURSUANT TO RULE 60(b) SCACR", AND TO PETITIONER'S UNDERSTANDING OF RULE 60

THE MOTION IS AN PROPER ACTION TO RAISE THE ARGUMENTS TO AN COURT FOR CONSIDERATION FOR IT STATES: "THE MOTION SHALL BE MADE--", "A MOTION UNDER THIS SUBDIVISION (b) --", "AND THIS RULE DOES NOT LIMIT THE POWER OF A COURT TO ENTERTAIN AN INDEPENDENT ACTION TO RELIEVE A PARTY FROM A JUDGMENT, ORDER, OR PROCEEDING, OR TO SET ASIDE A JUDGMENT FOR FRAUD UPON THE COURT." ALSO PETITIONER FAILS TO SEE IN RULE 60 WHERE A POST-CONVICTION ACTION IS TO BE FILED WITH THE MOTION, AND UNDER THE RULE (10) "THERE IS NO STATUTE OF LIMITATIONS WHEN A PARTY SEEKS TO SET ASIDE A JUDGMENT DUE TO FRAUD UPON THE COURT" CHEWNING v FORD MOTOR CO. (S.C. 2003) 354 S.C. 72, 570 SE2d 605. THE FACTS OF THE MOTION'S ARGUMENTS SHOW:

(1) FRAUD UPON THE COURT THAT INCLUDES EXTRINSIC FRAUD BY THE DEFENSE COUNSEL'S SUBORDINATION OF FALSE TESTIMONY, AND IT BEING MATERIAL TO CASE. FOR IT WAS ON PROBABLE CAUSE FOR ARREST. RULE 60 (11)

(2) THE DIRECT VERDICT ALSO PRODUCED BY FRAUD UPON THE COURT. U.S. v McDONALD 161 F3d 4 (TABLE) CA. 4 (N.C. 1998) "A DECISION PRODUCED BY FRAUD ON THE COURT IS IN ESSENCE NOT A DECISION AT ALL AND NEVER BECOMES FINAL"

(3) THE COURT LACKED SUBJECT MATTER JURISDICTION AND THIS IS- SUE "CAN BE RAISED AT ANYTIME" BROWN v STATE 343 S.C. 342, 346, 540 SE2d 846, 848-49 (2001)

IN THE PETITION FOR REHEARING ON THE APPEAL COURT'S OPINION, PETITIONER REQUESTED "LENIENCY" BECAUSE OF THE APPARENT PRO SE ERROR IN PRESENTING THE MOTION "UNDER RULE 29(b) SCR CRIM P.", AND ASKING FOR CONSIDERATION THAT IT WAS PRESENTED

"PURSUANT TO RULE 60 (b) SCACR" ERICKSON V PAROUS, 75 U.S. L.W. 3643, 167 LED 2d 1081, 129 S. Ct. 2197 (U.S. JUNE 2001), PER CURIAM, "AS THE PETITIONER IS A PRO SE LITIGANT HIS PLEADINGS ARE ACCORDED LIBERAL CONSTRUCTION"

STATEMENT: PETITIONER RECEIVED A COPY OF THE SUPPLEMENTAL RECORD ON APPEAL TO THE COURT OF APPEALS THAT WAS PREPARED BY THE S.E. ATTORNEY GENERAL'S OFFICE. THE RECORD INCLUDING COPY OF MOTION FOR A FETER NEWLY DISCOVERED EVIDENCE WITH EXHIBITS AND A ORIGINAL COPY OF THE TRANSCRIPT OF RECORD ALSO WITH ITS EXHIBITS. PAGE NUMBER 1, ONE OF THE RECORD STARTS WITH PAGE 1, ONE OF THE MOTION AND IT ENDS WITH PAGE 522. PLEASE BE ADVISED THAT "R.P." OF THIS PETITION DIRECTS TO THE RECORD'S PAGE NUMBERS. WHICH SHOULD BE

PETITIONER ARRESTED ON FEBRUARY 14, 1992, AND INDICTED ON APRIL 6, 1992 FOR MURDER AND UNLAWFULL POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF VIOLENT CRIME. AN JURY TRIAL HELD ON SEPTEMBER 21-22, 1992 RESULTED IN GUILTY AS CHARGED (92-GS-46-1224). COUNSEL OF THE CASE, AND CROSS EXAMINING AT TRIAL WAS GERALD W. SMITH OF THE YORK COUNTY PUBLIC DEFENDERS OFFICE, LARRY F. GRANT SOLICITOR, AND THE HONORABLE DON S. RUSHING SENTENCING PETITIONER TO LIFE PLUS FIVE CONSECUTIVE YEARS.

AT TRIAL THE TESTIMONY BY OTIS J. WHITLINE SHOWING HE WAS WITH THE YORK COUNTY SHERIFF'S DEPARTMENT, AND INVOLVED IN AN INVESTIGATION OF TRAGEDY ON THE DATE IT OCCURRED, FEBRUARY 14, 1992 (R.P. 162, LINE 12-23). HE WAS ADDRESSED AS "OFFICER" AND OR "DETECTIVE", AND WAS THE PRIMARY INVESTIGATOR THROUGHOUT THE CASE, BECAUSE OF BEING THE "AFFIANT" OF ARREST WARRANT, SOLE WITNESS ON THE

INDICTMENT FOR MURDER [R.p. 22 - AND - p. 467], AND THE ONLY LAW OFFICIAL TO TESTIFY TALKING WITH OR INTERVIEWING WITNESS TOMMY AUTEW ON THE MORNING OF TRAGEDY. SOLICITOR ADDRESSING THE WITNESS AS "THE EYEWITNESS IDENTIFICATION AND LINE-UP" [R.p. 148, LINE 19-20] AND THE WARRANT STATES: "PROBABLE CAUSE BASED ON WITNESS'S"

ARGUMENT - A OF THE MOTION: "WAS THE DIRECTED VERDICT PRODUCED BY PROSECUTORIAL MISCONDUCT, AND MISREPRESENTATION BY COUNSEL?" [R.p. 1 - 7] CONCERNS THE INVESTIGATOR INTERVIEWING WITNESS, AND RAISES FRAUD ON THE COURT, SHOWS THE EXTRINSIC FRAUD, ALSO THE WILLFUL AND WANTON MISCONDUCT OF FALSE TESTIMONY. RULE 8.4 (a), (b), (c), (d), (e), (9) RPC, RULE 407 SCACR; RULE 2(a) RLDE, RULE 413, SCACR; S. C. CODE ANN. 16-9-10 (A), (D)

THE RECORD FAILS TO SHOW ANY INITIAL DIRECT EXAMINING OF THE INVESTIGATOR AS TO TALKING WITH OR INTERVIEWING WITNESS ON THAT MORNING [R.p. 162, LINE 12 - p. 166, LINE 9] AND THE FOLLOWING SECOND DAY CROSS EXAMINING SHOWS COUNSEL'S VIOLATING RULE 611 (C) SCRE BY THE USE OF LEADING QUESTIONS TO MISLEAD TO FALSELY APPEAR THE INTERVIEW OCCURRED:

INITIAL CROSS: (Q) "NOW, WHEN YOU TALKED WITH HIM; DID YOU TALK WITH HIM EARLIER IN THE MORNING THAT DAY?", (A) "I DON'T RECALL BUT ITS POSSIBLE THAT I DID" [R.p. 166, LINE 19-21]

SECOND DAY DIRECT: (Q) "AND WHERE DID YOU TALK TO HIM PLEASE?", (A) "THE FIRST TIME I BELIEVE WAS AT DUKE POWER CATAWBA NUCLEAR STATION, AND THE SECOND TIME WAS AT HIS RESIDENCE [R.p. 234 (LINE 10-12)]

SECOND DAY CROSS: (Q) "DETECTIVE, YOU SAY THAT YOU HAD TALKED WITH MR. AUTEW OUT AT THE CATAWBA STATION EARLY IN THE MORNING, CORRECT SIR?", (A) "YES SIR. DOING INTERVIEWS.", (Q) "AND

THAT THAT WOULD HAVE BEEN ABOUT 8:00--7:30, 8:00 O'CLOCK, CORRECT SIR?", (A) "I ASSUME, IT WAS EARLY IN THE MORNING."

[R.p. 236, LINE 10-17]

THE MISCONDUCTS BEING COMMITTED IS SUPPORTED BY THE WITNESS'S TESTIMONY OF THE INVESTIGATOR HAVING TO INTRODUCE AND IDENTIFY HIMSELF UPON ARRIVAL AT THE RESIDENCE TO PRESENT A PHOTO LINE UP. FOR HE TESTIFIED THAT; "HE TOLD ME WHO HE WAS IDENTIFIED HIMSELF" [R.p. 230, LINE 13-16]. ALSO THE RECORD SHOWING THAT THE ONLY TIME THAT WITNESS AUTEN MENTIONED INVESTIGATOR WHITSTONE'S NAME IS DURING HIS TESTIMONY ON THE LINE-UP [R.p. 149, - TO - p. 162; p. 218^(TO) - p. 233] PLUS THERE IS NO PHYSICAL EVIDENCE SUCH AS COPY OF NOTES OR OF AN INCIDENT REPORT ENTERED INTO THE TRANSCRIPT OF RECORD EXHIBITS. INCIDENT REPORT: THE ONLY COPY OF AN INCIDENT REPORT FROM THE YORK COUNTY SHERIFF'S DEPARTMENT THAT'S BEEN ENTERED INTO THE TRANSCRIPT OF RECORD'S EXHIBITS SHOWS WITNESS AUTEN AS THE REPORT'S COMPLAINANT. BUT DUE TO IT BEING ENTERED WITHOUT SHOWING OF THE REPORTING OFFICER'S NAME [R.p. 483] PETITIONER ASKED FAMILY MEMBER TO REQUEST ANY AND ALL COPIES OF INCIDENT REPORTS OF THE TRAGEDY THAT THE SHERIFF'S DEPARTMENT HAD ON FILE. THE ONLY COPY OF AN INCIDENT REPORT PROVIDED WAS OF THE SAME REPORT THAT ITS COPY WAS ENTERED INTO THE RECORD'S EXHIBITS [COPY AT R.p. 25], AND IT NOT ONLY SUPPORTS LACK OF PHYSICAL EVIDENCE INVESTIGATOR INTERVIEWING WITNESS ON THAT MORNING IT ALSO SUPPORT THE LACK OF ANY PHYSICAL EVIDENCE OF ANY WITNESS ALSO BEING INTERVIEWED. BECAUSE OUTSIDE OF ITS SHOWING OF OFFICER T. B. SMITH AS THE REPORTING OFFICER THERE ALSO IS NO EVIDENCE HE WAS INVOLVED IN THE INVESTIGATION / INTERVIEWING WHATSOEVER AND THE REPORT IS FABRICATED FROM OUTSIDE SOURCES, OTHER

WITNESSES AND FALSE STATEMENTS, WHICH IS "UNLAWFUL" UNDER S. C. CODE ANN. 16-9-10 (A) (2), AND SHOWN BY THE FOLLOWING PRESENTMENTS OF THE REPORT ALSO TESTIMONY BY WITNESS AULEN AND THE LACK OF:

REPORT: "R/P STATED AS HE WAS EXITING THE VEHICLE HE DROVE TO WORK THAT HE HEARD APPROXIMATELY 5 RAPID GUN SHOTS"

WITNESS: "AS I PARKED MY VEHICLE I DID HEAR SOMETHING THAT WAS A LITTLE STRANGE. I HEARD WHAT I THOUGHT WAS A SMALL PACK OF FIRE CRACKERS BEING DISCHARGED OVER IN THE ADMINISTRATION'S PARKING LOT" (Q) "ALL RIGHT SIR WHERE WERE YOU WHEN YOU HEARD THAT?"

(A) "I WAS IN MY VEHICLE, IN MY PICK-UP TRUCK" [R.p. 219, LINE 23 - TO - p. 220 AND p. 149, LINE 24 - TO - p. 150 LINE 13]

WITNESS DANNY WILSON'S TESTIMONY SHOWS HE HEARD "AT LEAST 5 SHOTS" THAT WERE IN "FAIRLY RAPID SUCCESSION" [R.p. 138, LINE 2-6], AND ALSO THAT THE PRESENTMENT OF THE "N. C. PARTIAL REGISTRATION DRL" WAS GIVEN TO LAW ENFORCEMENT BY WITNESS SIDNEY BALLANGER [R.p. 130, LINE 12-14: p. 139, LINE 1-5: p. 215, LINE 5 AND p. 217 LINE 7-9] WHEREAS WITNESS AULEN TESTIMONY FAILS TO SHOW GOT ANY REGISTRATION [R.p. 154, LINE 13 - TO - p. 162: p. 224 - TO - p. 233]

REPORT: "R/P SAW A W/M SUBJECT FITTING THE ABOVE DESCRIPTION CARRYING A RIFLE". THE PRESENTMENTS OF SUBJECT "UNKNOWN", NOT IDENTIFIED "NOT LOCATED", AND THE CASE STILL "ACTIVE" SHOWS USE OF OUTSIDE SOURCES SUCH AS DRIVER'S LICENSE: BECAUSE OF THE SUBJECT'S IDENTITY "AGE 38/42", WITH "BROWN HAIR AND BROWN EYES." FOR THE RECORD FAILS TO SHOW ANY WITNESS TESTIMONY ALSO THESE PRESENTMENTS AND PETITIONER WAS 42 YEARS OF AGE, WITH BROWN HAIR, AND BROWN EYES. WHEREAS WITNESS AULEN TESTIFIED "DARK HAIR AND RED BEARD" AND ONLY TO SUBJECT'S "EYE AREA" [R.p. 153 LINE 10 - TO - p. 154: p.

229 LINE 1-TO-P. 230 LINE 2]; WITNESS BALLANGER "SORT OF DARK HAIR WITH MUSTACH" AND "HIS HAIR LOOKED DARK" [Rp. 216, LINE 10-17]; WITNESS JOEL SMITH TESTIFIED TO NOT SEEING OR HEARING ANYTHING, AND WAS RELEASED [Rp. 128, LINE 10-20]; AND WITNESS WILSON. NO IDENTITY GOTTEN OF SUBJECT [Rp. 134, LINE 24-TO-P. 135]

THE ONLY IDENTITY PRESENTMENT THATS CORROBORATED BY WITNESS AUTEN IS "MALE", AND THE PRESENTMENTS OF SUBJECTS "HEIGHT 5'9", AND ALSO "WEIGHT 160" SHOWS THE MISCONDUCT OF COUNSEL'S MISLEADING EFFORTS TO APPEAR THAT THE WITNESS HAD BEEN INTERVIEWED. BECAUSE UNDER PRIOR DIRECT EXAMINING WITNESS TESTIFIED THE SUBJECT'S HEIGHT WAS "5'10" TO 6 FOOT", "PROBABLY 170, 180 POUNDS", AND THE FOLLOWING CROSS EXAMINING SHOWS COUNSEL ATTEMPTING TO INDUCE FALSE TESTIMONY IN ORDER TO CORROBORATE THE PRESENTMENTS. PETITIONER ALSO RESPECTFULLY CONTENDS THAT THE EXAMINING SHOWS PRIOR KNOWLEDGE TO THE TRIAL BY COUNSEL AND THE SOLICITOR THAT THE REPORT WAS FALSE. BECAUSE OF THE RECORD FAILING TO SHOW ANY PRIOR DIRECT EXAMINING AS TO WITNESS TALKING WITH OR GIVING OF A DESCRIPTION ON THAT MORNING [Rp. 149-TO-P. 159, IDENTITY AT p. 153 LINE 24-TO-P. 154]

THE MISCONDUCT BY COUNSEL IS ALSO SHOWN BY NOT SEEKING THE NAME OF OFFICER, WAS THERE AN REPORT TAKEN, AND WHEN HAD HE TOLD THE SOLICITOR?

COUNSEL: (Q) "DID YOU GIVE A DESCRIPTION TO ANY OFFICER AT THE SCENE?"; (A) "YES SIR, I DID"; (Q) "AND THAT DESCRIPTION WAS APPROXIMATELY 5'9", 160, 170 POUNDS?"; (A) "YES SIR, THAT SOUNDS ABOUT RIGHT, I THINK"; (Q) AND YOU TOLD THE SOLICITOR THAT YOU TALKED WITH THE ORIGINAL. GAVE A DESCRIPTION-- ORIGINALLY GIVEN AT APPROXIMATELY 8:30 OR SO IN THE MORNING VERY EARLY IN THE

MORNING RIGHT AFTER THIS HAPPENED?"; (A) "YES SIR." [Rp. 160 LN. 20-TO-161] WITNESS AULEN NEVER USED THE TERM "RIFLE" IN DESCRIBING THE WEAPON [Rp. 151 LINE 7-TO-P. 153: P. 221, LINE 16-18]. THOUGH WITNESS BALLAWBER TESTIFIED "RIFLE" [Rp. 213, LINE 2-3], AND WITNESS WILSON "A LONG RIFLE TYPE WEAPON" [Rp. 133, LINE 14]

PETITIONER RESPECTFULLY CONTENDS THAT WITNESS AULEN'S TESTIMONY OF "A WHITE DODGE VAN" [Rp. 154, LINE 13-14] IS INSUFFICIENT TO SUPPORT THE INTERVIEW HAD OCCURRED BECAUSE OF MAJOR DISCREPANCIES OF THE REPORT, ITS USE OF OUTSIDE SOURCES, AND WITNESS WILSON HAD ALSO TESTIFIED "A WHITE DODGE VAN" [Rp. 131, LINE 5]

PETITIONER RESPECTFULLY CONTENDS THAT DUE TO THE FOREGOING SHOWING OF KNOWLEDGE OF THE REPORT BY COUNSEL AND THE SOLICITOR THAT INTENTIONAL MISREPRESENTATION AND PROSECUTORIAL MISCONDUCT RAISED BY THEIR NOT ENSURING OFFICER SMITH'S PRESENCE TO PRESENT THE REPORT, AND TESTIFY AS TO ITS CONSTRUCTION. THE REPORT WAS CRUCIAL EVIDENCE GIVEN WITNESS AULEN WAS THE KEY WITNESS, AND IT BEING THE ONLY KNOWN PHYSICAL EVIDENCE THAT MAY WOULD HAVE SUPPORTED AN INTERVIEW HAD OCCURRED. THE MISCONDUCT BEING COMMITTED BY COUNSEL IS SUPPORTED BY HIS NOT OBJECTING TO THE OFFICER'S ABSENCE, AND ALSO BY HIS QUESTIONING THE WITNESS WITHOUT THE OFFICER'S PRESENCE. BECAUSE OF IT WOULD HAVE FALSELY IMPRESSED AN INTERVIEW OCCURRED. "AN ACT OF PERJURY OR CONCEALMENT OF A DOCUMENT COUPLED WITH AN INTENTIONAL SCHEME TO DEFRAUD THE COURT JUSTIFIES THE SETTING ASIDE OF A JUDGMENT DUE TO EXTRINSIC FRAUD." RAY V RAY (S.C. 2007) 374 S.C. 79, 647 S.E2d 237, RULE 60 NOTE 11.

THE FOREGOING CONTENTION OF THE MISCONDUCT BY COUNSEL COMES FROM COUNSEL'S GOING OVER AN "SUMMARY OF THE INTERVIEW" DURING HIS

EXAMINING OF WITNESS WILSON [Rp. 140, LINE 25- TO - p. 145, LINE 5]
WHERE THE RECORD FAILS TO SHOW ANY MENTIONING OF THE SUMMARY
UNDER PRIOR DIRECT EXAMINING [Rp 129- TO - p. 140 LINE 3]

THE ALLEGED SUMMARY SUPPORTS THE LACK OF ANY LAWFUL PHYSICAL
EVIDENCE OF ANY WITNESS BEEN INTERVIEWED ON THAT MORNING. BECAU-
SE OF WITNESS WILSON'S TESTIMONY SHOWING THAT OFFICER JIM WILLIAMS
TWICE USED HIS OWN INTERPRETATION INSTEAD OF WHAT WITNESS ACTUA-
LTY TOLD HIM, AND ERRED IN WRITING SUMMARY [Rp 141, LINE 12- TO - p. 144]

AS OFFICER T. B SMITH'S NAME WAS CALLED ON THE FIRST DAY OF THE TRIAL
SO WAS OFFICER WILLIAM'S [Rp 49 LINE 49 - p. 50] AND HE ALSO WAS NOT
PRESENT DURING THE PROCEEDINGS. PETITIONER HAS NOT OBTAINED A COPY
OF THE SUMMARY NOR ARE THERE ANY PHYSICAL EVIDENCE AS TO WHEN
AND WHO "THE AUTHORITIES" WERE THAT WITNESS BALLANGER TESTIFIED
GIVING THE PARTIAL REGISTRATION TEE. [Rp. 217, LINE 7 - p. 218

PHOTO LINE-UP: FRAUD UPON THE COURT WAS FURTHERED BY THE MIS-
CONDUCT OF COUNSEL AND THE SOLICITOR IN OBTAINING AN INADMISSI-
BLE IDENTIFICATION OF PETITIONER WHICH WAS MADE BY INVESTIGA-
TOR WHITSTONE. STATE V NORTH CUTT 372 S.C. 202, 222, 641 S.E2d 373, 880
(2007) THE SOLICITOR'S DUTY IS NOT TO CONVICT A DEFENDANT, BUT TO SEE
JUSTICE DONE" ALSO SEE BERGER V U.S. 295 U.S. 78, 88 (1985):

PETITIONER HAS NEVER VIEWED THE SAID LINE UP, ^(NOT) OBTAINED A COPY OF IT
THROUGH MOTIONS OF DISCOVERY, AND PRIOR TO TAKEN OF TESTIMONIES CO-
UNSEL NOTIFIED THE COURT THAT THERE WOULD BE AN IDENTIFICATION BA-
SED ON IT, ALSO MOVING TO QUASH IT AS HAVING TAINTED THE IN-COU-
RT IDENTIFICATION" [Rp 148, LINE 2 - C]. THE FOLLOWING TESTIMONY BY
WITNESS AUTER NOT ONLY SHOWS THE LINE UP WAS THE LINCHPIN IN IDE-
TIFICATION THEY ALSO SHOW HE WAS UNRELIABLE;

(A) "NO SIR WHAT I'M TELLING YOU IS THE PERSON I IDENTIFIED IN THE LINE-UP WAS THE PERSON I SAW IN THE PARKING LOT" [Rp. 159, LINE 1-20] AND "IF THIS MAN IS THE MAN THAT I IDENTIFIED ON THE PHOTOGRAPH THEN HE IS INDEED THE SAME PERSON" [Rp. 233, LINE 3]

THE INVESTIGATOR'S TESTIMONY UNDER INITIAL DIRECT EXAMINING SHOWS HE HAD THE LIST OF SUSPECTS NAME ASSOCIATED TO THE NUMBERS BESIDE OF THEIR PHOTOS IN LINE-UP, AND HAD PREPARED IT PRIOR TO MEETING WITH WITNESS [Rp. 162, LINE 24 - p. 163 LINE 17]. ALSO TESTIFYING "THE LINE-UP WAS MADE BY DETECTIVE JETER IN GASTON COUNTY" [Rp. 164, LINE 15-16] BUT THE ONLY EVIDENCE OF THE DETECTIVE'S INVOLVEMENT IS PREPARING OF THE LINE-UP'S RECORD WITH THE SUSPECTS' PHOTOGRAPHS" [Rp. 239 - To - p. 241 - ATTENTION TO p. 240 LINE 23 - p. 241] THIS INVESTIGATOR'S PREPARING THE NAMES TO THE NUMBER WOULD HAVE RENDERED THE LINE-UP UNDULY SUGGESTIVE AIDING IN IDENTIFICATION. HIS TESTIMONY ALSO SHOWING VIOLATION OF PETITIONER'S CONSTITUTIONAL RIGHT IN PRESENTING THE LINE-UP ALONE USC AMEND VI (20) "AN OUT OF COURT IDENTIFICATION OF AN ACCUSED HAS A CONSTITUTIONAL RIGHT TO ASSISTANCE OF COUNSEL ST. V. LYONS 251 SC. 541, 164 SE 2d 445 [Rp. 166, LINE 4-6]

FRAUD ON THE COURT BY EXTRINSIC FRAUD OF COUNSEL IS ALSO SHOWN BY INITIAL CROSS EXAMINING OF INVESTIGATOR BECAUSE OF (1) ATTEMPTING TO INDUCE TESTIMONY AS TO HAVING NO KNOWLEDGE OF LINE-UP'S PREPARATION THAT IS SUPPORTED BY FAILURE TO QUESTION ABOUT THE LIST OF NAMES AND ITS PREPARATION ALSO QUESTION ABOUT THE TESTIMONY THAT SHOWED HAVING LIST OF NAMES AND PREPARING OF LINE-UP; (2) FAILING TO RENEW THE MOTION TO QUASH AND/OR OBJECTING TO LINE UP WHEN ENTERED AS STATE'S EXHIBIT [Rp. 164, LINE 6-2]

WHICH ALSO DEPRIVED PETITIONER DUE PROCESS TO EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL. USE A CONST AMEND 6, 14

COUNSEL: "NOW YOU DID NOT PREPARE THE LINE-UP, IS THAT CORRECT OFFICER?", (A) "NO SIR", (Q) "AND YOU DON'T KNOW WHERE THE PHOTOGRAPHS CAME FROM OR WHO OBTAINED THEM OR ANYTHING OF THAT NATURE?", (A) "THEY CAME FROM DETECTIVE JETER WITH THE GASTON COUNTY POLICE DEPARTMENT", (Q) "BUT THEY PUT IT TOGETHER?", (A) "YES SIR", (Q) "AND THE PHOTOGRAPHS WERE IN THE FOLDER AS THEY ARE TODAY?", (A) "YES SIR. THE FOLDER WAS COMPLETE AS NOW"

[Rp. 169, LINE 9-19]

PHOTOGRAPH'S NUMBER: FRAUD ON THE COURT WAS FURTHERED BY THE MISCONDUCT OF COUNSEL AND SOLICITOR. BECAUSE GIVEN THEIR KNOWLEDGE OF THE PRESENTING OF LINE UP THE WITNESS'S TESTIMONY WAS NEEDED IN ORDER TO HAVE CORROBORATED THE INVESTIGATOR'S TESTIMONY OF THE NUMBER THAT THE WITNESS TESTIFIED HE GAVE TO INVESTIGATOR AT VIEWING [Rp. 156 LINE 12-13]. THE MISCONDUCTS COMMITTED BECAUSE THE RECORD FAILS TO SHOW ANY FOLLOW-UP QUESTIONING OF WITNESS BY SOLICITOR AS TO WHICH NUMBER HE GAVE THAT WAS ALSO THE CASE IN SECONDARY DIRECT [Rp. 230 LINE 16-TO p. 232]. COUNSEL ALSO NOT QUESTIONING WITNESS [Rp 161, LINE 5-7; p. 232, LINE 18-22] NOW COMES DIRECT AND CROSS EXAMININGS OF INVESTIGATOR [Rp 165, LINE 14-20; p. 235, LINE 5-25] AND [Rp. 236, LINE 22 - p. 237, LINE 6; p. 238 LINE 10-18]

INVESTIGATOR WHITSTINE'S IDENTIFICATION: FRAUD UPON THE COURT WAS FURTHERED BY (1) COUNSEL PARTICIPATING IN THE IDENTIFICATION WITHOUT OBJECTING TO IT AS INADMISSIBLE. FOR HE WAS NOT PRESENT AT THE PRETRIAL LINE-UP; AND THE RECORD CROSS EXAMININGS SHOWS THE IDENTIFICATION WAS BASED ON THE LINE BECAUSE OF TESTIMONY

SHOWING AS TO NOT KNOWING "NO. 3" WHICH IS SUPPORTED BY THE RECORD'S FAILURE TO SHOW ANY EVIDENCE OF PETITIONER AND INVESTIGATOR HAD MET OR HIS OBSERVING PETITIONER PRIOR TO THE TRIAL. ALSO COUNSEL'S KNOWLEDGE OF THE TESTIMONY THAT WOULD HAVE RENDERED LINE-UP UNDULY SUGGESTIVE. U.S. v WADE 87 S. Ct. 1926 (1987) "ABSENCE OF COUNSEL AT PRETRIAL LINE UP RENDERS COURT ROOM IDENTIFICATION INADMISSIBLE UNLESS COURT ROOM IDENTIFICATION IS BASED ON OBSERVATION OF SUSPECT OTHER THAN LINE-UP" USEX CONST AMEND, 5, 6, 14, AND ALSO VIOLATING RULE 801(d), (1), (c) SCRE: SOLICITOR:

(Q) "WAS ANYBODY THERE BESIDES YOU AND HIM?", (A) "NO SIR", (Q) "AND WHO WAS THE PICTURE THAT HE PICKED-OUT?", (A) "JEFFREY LYNN CHRONISTER NO. 3 IN THE LINE-UP", (Q) "AND DOES MR. CHRONISTER APPEAR DIFFERENT TODAY IN COURT?"

COUNSEL: "OBJECTION TO LEADING YOUR HONOR"

SOLICITOR: (Q) "IS THERE ANY DIFFERENCE IN MR. CHRONISTER'S APPEARANCE TODAY IN COURT AS IN THE PICTURE LINE-UP?"

COUNSEL: "YOUR HONOR THE SAME OBJECTION"

THE COURT: "NO SIR, I OVERRULE YOU. GO AHEAD"

INVESTIGATOR: "HE HAS NO BEARD AT THIS TIME" [Rp 235, LINE 22 - p. 236]

RE-CROSS EXAMINING: "AND YOU DIDN'T KNOW NO. 3 FROM ADAM'S HOUSE CAT OF YOUR OWN KNOWLEDGE, DID YOU SIR?" (A) "NO SIR" [Rp 238 LN. 17-19]

THE MISCONDUCT BY SOLICITOR IS BECAUSE OF THE INJUSTICE OF IDENTIFICATION CAME UNDER DIRECT EXAMINING. Id. NORTH CUTT WHERE SOLICITOR ALSO HAD KNOWLEDGE OF SUGGESTIVENESS OF THE LINE-UP AND ITS PRESENTATION FRAUD UPON THE COURT WAS FURTHERED BY THE FOLLOWING EXTRINSIC FRAUD SHOWN BY COUNSEL'S CROSS EXAMINING OF THE INVESTIGATOR THAT TOOK PLACE BEFORE THE JURY. BECAUSE IT SHOWS COUNSEL'S FURTHER MISLEADING

EFFORTS TO FALSELY APPEAR THAT INVESTIGATOR HAD NOTHING TO DO WITH OR ANY KNOWLEDGE OF THE PREPARING OF LINE-UP. WHICH PETITIONER RESPECTFULLY CONTENTS WOULD HAVE FALSELY IMPRESS UPON THE JURY THAT THE IDENTIFICATION WAS REWABLE, AND THE CONTENTION IS SUPPORTED BY THE ACTIVE IMPROPER USE OF LEADING QUESTIONS INSTEAD OF PROPERLY QUESTIONING TO DEVELOPE FACTS. SUCH AS: WHO DID PREPARE THE LINE-UP, AND LIST OF NAMES? WHO DID PREPARE THE LIST OF NAMES ASSOCIATED WITH THE NUMBERS? ALSO AGAIN FAILING TO QUESTION ABOUT THE TESTIMONY OF HAVING HAD THE LIST OF NAMES, AND PREPARING OF LINEUP. THERE TO WHO DID PREPARE THE PHOTOGRAPHS? WHEREAS SHOWING HE KNEW: COUNSEL:

Q "NOW I BELIEVE YOU YOURSELF DID NOT PREPARE THE LINE UP, CORRECT, SIR?" (A) "NO SIR." (Q) "DETECTIVE, YOU DID NOT PREPARE THE PHOTO LINE-UP?" (A) "NO SIR." (Q) "NOR DID YOU PREPARE THE NAMES ASSOCIATED WITH THE NUMBERS DID YOU SIR?" (A) "NO SIR." (Q) "ALL YOU KNOW IS THAT NO. 3 WAS THE PERSON THAT WAS PICKED OUT BY MR. AUTEK?" (A) "ON THE SHEET IT HAS A LIST OF NAMES OF THE PEOPLE IN THE PICTURES, AND MR. CHRONISTER WAS LISTED AS NO. 3." (Q) "BUT YOU DIDNT PREPARE THAT LIST, YOU DIDNT PREPARE THE PHOTOGRAPHS?" (A) "NO SIR"

[Rp 209, LINE 5-19]

DIRECT VERDICT: COUNSEL MOVED FOR A DIRECTION OF VERDICT ON THE GROUNDS OF (1) IDENTIFICATION ISSUE NATURE OF THE TESTIMONY BY THE PEOPLE AS TO IDENTITY. (2) NO WEAPON OR PROJECTILES PRODUCED. (3) PRIMARLY FAILURE BY STATE TO MAKE OUT NECESSARY CASE FOR MALICE THOUGH MALICE MAYBE INFERRED FROM THE USE OF A WEAPON NO WEAPON CONNECTED TO CLIENT AND (4) BASED ON TESTIMONY HAD THE STATE HAS FAILED TO MAKE OUT A CASE FOR MURDER [Rp. 259 LINE 19 - p. 260 LINE 10]

DECISION: "THE TESTIMONY IN THE CASE IS THAT THE DEFENDANT WAS IDENTIFIED AS BEING THE PERSON AT THE SCENE THAT HE WAS IN POSSESSION OF A WEAPON THAT GUNSHOTS WERE HEARD, AND VERY SHORTLY IN SECONDS THEREAFTER VICTIM'S BODY WAS FOUND, SHE WAS DEAD, OF COURSE, THE STATEMENTS MADE BY THE OFFICER-- ALL OF THOSE AND THE USE OF A DEADLY WEAPON, YOU DON'T HAVE TO FIND THE WEAPON IF THERE'S TESTIMONY OF USE OF A WEAPON. USE OF DEADLY WEAPON IS SUFFICIENT FOR AN INFERENCE OF MALICE TO SUPPORT CONVICTION FOR MURDER. MALICE AFORETHOUGHT"

"FOR THOSE REASONS THE MOTION FOR DIRECTED VERDICT AT THIS STAGE IS DENIED" [Rp 260, LINE 16 - p. 261 LINE 2]

PETITIONER RESPECTFULLY CONTENDS THAT HE WAS ENTITLED TO THE VERDICT BECAUSE OF THE FOREGOING SHOWING OF NO POSITIVE IDENTIFICATION MADE BY ANY WITNESS THAT PETITIONER WAS THE PERSON AT THE SCENE. THUS THE JUDGE'S USE OF THE FRAUDULENT TESTIMONY BY THE INVESTIGATOR IS SUPPORTED BY STATING, "THE DEFENDANT WAS IDENTIFIED," AND "THE STATEMENTS MADE BY THE OFFICER."

THE ISSUE WAS FAILED TO BE RAISED ON DIRECT APPEAL BY THE APPELLATE COUNSEL [Rp 332] USCA CONST AMEND. 14

ARGUMENT B: WAS THE ARREST MADE WITHOUT PROBABLE CAUSE VIOLATING THE CONSTITUTION OF THIS STATE, THE 4TH AND 14TH AMENDMENTS TO THE U.S. CONSTITUTION? PETITIONER RESPECTFULLY CONTENDS THAT THE FACTS OF INTERVIEW AND PHOTO LINE UP SHOW THAT ARREST WAS MALICIOUSLY MADE FOR THE REASON OF NO WITNESS TESTIMONY OR LAWFUL PHYSICAL EVIDENCE TO SUPPORT INVESTIGATOR WHITSTONE HAD INTERVIEWED

ANY WITNESS ON THAT MORNING FOR KNOWLEDGE OF THE FACTS AND CIRCUMSTANCES OF THE TRAGEDY IN ORDER TO HAVE WARRANTED PROBABLE CAUSE TO OBTAIN THE ARREST WARRANT, S.C. CONST. 1976 SUPP. VOL. 21, USC CONST AMEND. IV NOTE (10) 'STATE V DUNBAR (S.C. APP.) 354 S.C. 479, 581 S.E.2d 840, 356 S.C. 138, 587 S.E.2d 691, 361 S.C. 240, 603 S.E.2d 615. ARREST 63, 4(2); U.S. V GRAY 137 F.3d 756 (4th CIR. 1998) "TO COMPLY WITH THE FOURTH AND FOURTEENTH AMENDMENT AN ARREST MUST BE PREDICATED ON PROBABLE CAUSE" GIVEN THE INVESTIGATOR'S UNLAWFUL OBTAINING OF THE WARRANTS THE ARREST AND EXTRADITION WAS MALICIOUSLY MADE, BECAUSE SERGEANT JOHNNIE MIMS OF THE GASTON COUNTY ((NORTH CAROLINA) POLICE DEPARTMENT TESTIMONY SHOWS THAT HE TOOK PETITIONER INTO CUSTODY "AFTER FIRST OBSERVING PETITIONER OPERATING VEHICLE "AT 8:01 AM" ON THE MORNING OF THE TRAGEDY [Rp 241-70-P.215], AND OUTSIDE OF THE WARRANT THERE IS NO EVIDENCE OF AN DOCUMENT THATS BEEN EXECUTED BY THIS STATE ON THE EXTRDITION. USEA AMEND 8

ARGUMENT C: WAS THE CIRCUIT COURT PROPERLY VESTED WITH SUBJECT MATTER JURISDICTION: PETITIONER RESPECTFULLY CONTENTS THAT IT APPEARS THAT THE GRAND JURY RETURNED AN NO BILL INDICEMENT, AND THE COURT LACKED SUBJECT MATTER JURISDICTION TO HAVE ACTED IN ACCORDANCE TO THE LAW OVER THE CASE. BECAUSE OF THE INDICEMENT FOR MURDER FAILS TO SHOW ANY INDICATION OF BEING FORMALLY STAMPED "TRUE BILL" [Rp: 468] WEST'S 14A SCD 2d 260 SEC. III "AN TRUE BILL IS OF THE "FORMAL REQUISITES" FOR AN INDICEMENT" AND WEST'S 18 SCD 2d, 53, 24(7) DCSC 1967 "GRAND JURY'S RETURN OF TRUE BILL UPON CHARGE AMOUNTS TO JUDICIAL RECOGNITION OF PROBABLE CAUSE FOR PROSECUTION"

THOUGH UNDER STATE V GRIM 533 SE2d 329 (S. C. 2000) "RELYING ON PRINGLE (339 SE2d 127, 287 S. C. 409) THE COURT OF APPEALS HELD AN INDICTMENT PROPER EVEN THOUGH IT WAS NOT STAMPED "TRUE BILL" WHERE THERE IS EVIDENCE IN THE FORM OF SWORN TESTIMONY FROM THE GRAND JURY'S DOCKET COORDINATOR, A COURT REPORTER, AND A LEGAL SECRETARY THAT THE INDICTMENT WAS IN FACT TRUE BILLED" WHEREAS IN PETITIONER'S CASE BEFORE THE COURT THE TRAWSCRIPT OF RECORD FAILS TO SHOW ANY SUCH TESTIMONY.

PETITIONER RESPECTFULLY CONTENDS THAT THE GRAND JURY'S FOREMAN ONLY INITIATING "T. BILL" IS A FACIAL IRREGULARITY BECAUSE OF NOT COMPLYING WITH THE LEGAL FORMALITY PROCEDURE FOR INDICTMENTS ID. WEST'S 14A; ANDERSON V STATE 529 SE2d 398, 338 S. C. 29 "A FACIAL IRREGULARITY DOES NOT RENDER AN INDICTMENT INVALID WHERE INDICTMENT IS IN WRITING AND PUBLISHED BY THE CLERK." WHICH PETITIONER'S INDICTMENT FAILS TO SHOW THESE PROCEDURES DONE BY THE CLERK.

THE PERMITTING OF PETITIONER BEING CONVICTED ON THE DEFECTIVE INDICTMENT WAS BY (1) MISREPRESENTATION BY COUNSEL'S VIOLATION OF RULE 1.1 [2] RPC RULE 407 THAT REQUIRES EVALUATING "LEGAL DRAFTING" AND OR MAKING OBJECTION BEFORE THE JURY WAS SWORN PURSUANT TO S. C. CODE 17-19-10 (2) THE SOLICITOR'S ALLOWING THE INJUSTICE ID. NORTH CUTT WHEREAS SHOWING HIS INVOLVEMENT WITH PREPARING OF "FORMAL INDICTMENTS" UNDER S. C. CODE 17-23-190 AND 17-23-120.

CONCLUSION

FOR THE REASONS STATED, PETITIONER ASKED THE COURT TO GRANT PETITION:

JUNE 13, 2017

RESPECTFULLY SUBMITTED

Jeffrey Lynn Chonister

JEFFREY LYNN CHONISTER, #199827

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Jeffrey Lynn Chronister, Appellant.

Appellate Case No. 2014-002630

Appeal from York County
Lee S. Alford, Circuit Court Judge

Unpublished Opinion No. 2017-UP-139
Submitted January 1, 2017 – Filed April 5, 2017

AFFIRMED

Jeffrey Lynn Chronister, pro se.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, and Senior
Assistant Deputy Attorney General Donald J. Zelenka, all
of Columbia; and Solicitor Kevin Scott Brackett, of
York, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Taylor*, 348 S.C. 152, 158, 558 S.E.2d 917, 919 (Ct. App.
2001) (providing in the criminal court, the only post-verdict fact-based remedy

available is a motion for a new trial under Rule 29, SCRCrimP), *aff'd*, 355 S.C. 392, 585 S.E.2d 303 (2003); Rule 29(a), SCRCrimP ("Except for motions for new trials based on after-discovered evidence, post-trial motions shall be made within ten (10) days after the imposition of the sentence."); Rule 29(b), SCRCrimP ("A motion for a new trial based on after-discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertained by the exercise of reasonable diligence."); *State v. Felder*, 290 S.C. 521, 522, 351 S.E.2d 852, 852 (1986) (finding post-conviction relief, rather than direct appeal, is the proper avenue for allegations of ineffective assistance of counsel).

AFFIRMED.¹

LOCKEMY, C.J., and KONDUROS and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE SUPREME COURT

RE: JEFFREY LYNN CHRONISTER, #189827, PETITIONER V STATE OF
SOUTH CAROLINA, RESPONDENT: APPELLATE CASE NO 2014-0002630:
UNPUBLISHED OPINION NO. 2017-UP-139, SUBMITTED JANUARY 1,
2017 - FILED APRIL 5, 2017

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

I, JEFFREY LYNN CHRONISTER, HEREBY MOVES FOR LEAVE TO
PROCEED IN FORMA PAUPERIS PURSUANT TO RULE 3 (b) (1) SCRPC, AND
AND S.C. CODE ANN. 20-7-1440 (SUPP. 1994). IN SUPPORT OF MY MOTION
I DECLARE UNDER PENALTY OF PERJURY THE FOLLOWING FACTS
ARE TRUE.

- (1) I HAVE FILED THE PETITION FOR WRIT OF CERTIORARI pro se,
AND BELIEVE I AM ENTITLED TO REDRESS
- (2) BECAUSE OF MY POVERTY I AM UNABLE TO PAY COSTS OF THE
FILING FEES OR GIVE SECURITY THEREFOR

JUNE 13, 2017

Jeffrey Lynn Chronister, 189827
JEFFREY LYNN CHRONISTER

SWORN OR AFFIRMED TO, AND SUBSCRIBED
BEFORE ME ON THIS 13 DAY OF JUNE, 2017

Melissa Spigner

NOTARY PUBLIC, SOUTH CAROLINA

MY COMMISSION EXPIRES, Dec. 1, 2025

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM YORK COUNTY
LEE S. ALFORD, CIRCUIT COURT JUDGE

JUN 19 2017
SC Court of Appeals

UNPUBLISHED OPINION No. 2017-UP-139

JEFFREY LYNN CHRONISTER, #189829

PETITIONER

v.

THE STATE

RESPONDENT

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE PETITION FOR WRIT OF CERTIORARI ON THE PARTIES BELOW BY DEPOSITING A COPY OF IT TO EACH ADDRESS IN THE UNITED STATES MAIL POSTAGE PREPAID ON JUNE 16, 2017

Jeffrey Lynn Chronister

JEFFREY LYNN CHRONISTER, #189829

KEVIN S. BRACKETT, SOLICITOR

1675-1A, YORK HWY.

YORK, S.C., 29745

THE HONORABLE JENNY A. KITCHINGS

CLERK, THE S.C. COURT OF APPEALS

POST OFFICE BOX 11629

COLUMBIA, S.C., 29211

ATTORNEY GENERAL ALAN M.

WILSON, CHIEF DEPUTY ATTORNEY

GENERAL JOHN W. McINTOSH, AND

SENIOR ASSISTANT ATTORNEY

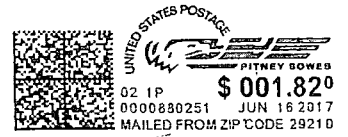
GENERAL DONALD J. ZELENKA AT

OFFICE OF THE ATTORNEY GENERAL

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