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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

JUN 28 2017
SC Court of Appeals

THE HONORABLE S. JACKSON KIMBALL III
YORK COUNTY
CIVIL ACTION CS. NO. 2016-CP-46-02952

RE: STATE OF SOUTH CAROLINA, YORK COUNTY PUBLIC DEFENDERS OFFICE,
THE SHERIFF OF YORK COUNTY, AND THE COMMISSION ON JUDICIAL CONDUCT,
RESPONDENTS v pro se JEFFREY LYNN CHRODISIER, 189827, PETITIONER.
APPELLATE CASE No. 2017-000668

MOTION TO AMEND
PETITION FOR REHEARING

JEFFREY L. CHRODISIER[#] 189827
KIRKLAND R+ E CTR. B-II, 39
4344 BROAD RIVER ROAD
COLUMBIA, S.C., 29210

OTHER COUNSELS OF RECORD
ROBERT D. GARFIELD, AND
ANDREW F. LINDEMAN OF
DAVISON & LINDEMAN, P.A.
P.O. BOX 8568
COLUMBIA, S.C. 29202-8568

PETITIONER SERVING A pro se PETITION FOR REHEARING BY MAIL ON MAY 25, 2017, AND COMES BEFORE THE COURT PURSUANT TO RULE 15 (a), (b) SCRPC TO AMEND IT IN ORDER TO CONFORM TO THE EVIDENCE OF THE CIVIL ACTION.

AMENDMENT

THE MATTER CONCERNS PAGE 1 OF THE PETITION THAT WOULD BE MORE APPROPRIATE IN STATING THAT: BECAUSE NEGLIGENCE IS SHOWN BY THE TRIAL JUDGE'S ABUSE OF DISCRETION IN VIOLATING RULE 501, C.J.C., CANNON 3, C, (2) BY PERMITTING MALICIOUS PROSECUTION WITH ACTUAL MALICE. BECAUSE THE GROUNDS OF "INTERVIEW" AND "PHOTO LINE-UP" IN THE ACTION SHOW UNLAWFUL ACT OF SUBORNATION OF FALSE TESTIMONY. S.C. CODE ANN. 16-9-10, (A), (1) THAT IS ALSO "GROSS NEGLIGENCE" UNDER WEST'S 19 SC D 2d, 241 (U). THE PROSECUTION HAD BY THE ABUSE, WILFUL AND WANTON MISCONDUCT OF COUNSEL, INVESTIGATOR, AND SOLICITOR THAT VIOLATED "CLEARLY ESTABLISHED STATUTORY AND CONSTITUTIONAL RIGHTS" MARLOW v FERGALD 457 US 800, 818, 102 S. Ct. 2727, 2738, 71 LEd 2d 396 (1982). UNDERWOOD v COPOVEN 625 SE 2d 236, 367 S.C. 214 (S.C. APP. 2006) "TO PREVAIL ON A THEORY OF NEGLIGENCE THE PLAINTIFF MUST ESTABLISH THREE ELEMENTS: (1) THAT THE DEFENDANT OWED A PLAINTIFF A DUTY OF CARE: (2) THAT BY SOME ACT OR OMISSION DEFENDANT BREACHED THAT DUTY AND (3) THAT, AS A PROXIMATE RESULT OF THE BREACH THE PLAINTIFF SUFFERED DAMAGE" WEST'S 19 SC D 2d - 48.

THE INSTANCE OF MISCONDUCTS PERMITTED WAS COUNSEL'S INTENTIONAL MISREPRESENTATION OR INDUCEMENT OF FALSE TESTIMONY WHICH WAS MATERIAL TO THE ARREST AND EXTRADITION. BECAUSE THE TESTIMONY WAS MADE BY THE PRIMARY INVESTIGATOR ON INTER-

VIEWING THE STATE'S KEY WITNESS ON THAT MORNING OF TRAGEDY, AND RAISING THE LACK OF PROBABLE CAUSE FOR OBTAINING THE ARREST WARRANT. THAT SHOWED ABUSE OF PROCESS AND FALSE IMPRISONMENT. BECAUSE OF THE INVESTIGATOR BEING THE ARREST WARRANT'S AFFIANT, AND WARRANT STATES "PROBABLE CAUSE BASED ON WITNESS'S". RULE 8.4 (a), (b), (c), (d), (e), (g) RPC, RULE 407, SCACR; RULE 2; (a) RLDE, RULE 413, SCACR; RULE 611 (c) SCRE; USCA CONST AM. 4, 6, 14

GROUND II SUBJECT MATTER JURISDICTION (P. 22-26) NOT ONLY SHOWS THAT THE INVESTIGATOR'S TESTIMONY WOULD BE CONSIDERED "FALSE" S.C. CODE 16-9-10 (1) STATE V JEWKINS FOR THE COURT LACKING JURISDICTION, IT ALSO SHOWS THE PROSECUTION WAS FURTHERED BY THE MISCONDUCT OF COUNSEL, SOLICITOR, AND THE JUDGE. BECAUSE OF:

(1) THE LACK OF PRESENTMENT FOR THE FIREARM'S CHARGE UNDER S.C. CODE ANN. 16-23-490. THE CHARGE IS "COUNT TWO" OF THE INDICTMENT FOR MURDER, AND THERE IS NO EVIDENCE OF AN WAIVER FOR PRESENTMENT EXECUTED BY PETITIONER PURSUANT TO S.C. CODE 17-19-10 (1976); S.C. CONST. ART. 2 (11); USCA CONST AMEND. 5, 14.

THE LACK OF PRESENTMENT WOULD ALSO DEEM THE INDICTMENT INVALID UNDER 16-23-490 (c), (e); WEST'S 26 A, SCD 2d 287-194 (1), U.S. V KERNEY; (2) IT APPEARS THAT THE GRAND JURY FAILED TO FIND PROBABLE CAUSE FOR PROSECUTION, BECAUSE THE INDICTMENT FOR MURDER FAILS TO SHOW ANY INDICATION OF BEING FORMALLY STAMPED "TRUE BILL", WEST'S 18 SCD 2d 53 "MALICIOUS PROSECUTION" 24 (7) DC SC 1967 WHITE V COLEMAN. NOR DOES IT SHOW PROCEDURALLY WRITTEN AND PUBLISHED BY THE CLERK OF COURT. WEST'S 14 A SCD 2d, 290 33 (3) PRINGLE V STATE. MISCONDUCTS BY:

(1) COUNSEL VIOLATION OF RULE 1.1 [2] RPC, RULE 407 SCACR IN

FAILURE TO EVALUATE "LEGAL DRAFTING" AS THE RULE REQUIRES, AND OR FAILING TO OBJECT BEFORE THE JURY WAS SWORN AS REQUIRED BY 17-19-20, 17-19-90, WHICH ALSO DEPRIVED DUE PROCESS TO EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL USCA CONST AMEND 6, 14.

(5) PROSECUTORIAL MISCONDUCT BY SOLICITOR, BECAUSE THE ONLY INDICTMENT HE INTRODUCED IN COURT WAS FOR MURDER, AND 17-23-130 AND ALSO 17-23-120 SHOWS HIS INVOLVEMENT IN PREPARING OF "FORMAL INDICTMENTS", THUS SHOWING KNOWLEDGE⁽³⁾ WHICH WAS ALSO SHOWN BY THE JUDGE THAT THE PRESENTMENT WAS MANDATED FOR VALIDITY OF THE INDICTMENT BY THE FOLLOWING STATEMENT TO JURY:

"SO IN ORDER FOR YOU TO FIND THE DEFENDANT GUILTY OF THAT SECTION, YOU WOULD HAVE TO FIRST FIND THE DEFENDANT HAD COMMITTED A VIOLENT CRIME, AND IN THIS CASE IT IS ALLEGED TO BE THE CRIME OF MURDER"

CONCLUSION

FOR THE FORGOING PETITIONER REQUEST GRANTING OF THIS MOTION, AND A REHEARING.

JUNE 22, 2017

RESPECTFULLY SUBMITTED,
Jeffrey Lynn Chronister #189827
JEFFREY LYNN CHRONISTER
KIRKLAND B&E CENTER BII, 39
4344 BROAD RIVER ROAD
COLUMBIA S.C., 29210

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF APPEALS

RE: STATE OF SOUTH CAROLINA, YORK COUNTY PUBLIC DEFENDER'S OFFICE,
THE SHERIFF OF YORK COUNTY, AND THE COMMISSION ON JUDICIAL CONDUCT,
RESPONDENTS v JEFFREY LYNN CHRONISTER, #189827, PETITIONER
APPELLATE CS. NO. 2017-000668; CIVIL CASE NO. 2016-CP-46-2952

MOTION TO PROCEED

IN FORMA PAUPERIS

I, JEFFREY LYNN CHRONISTER, HEREBY MOVES TO PROCEED IN FORMA
PAUPERIS PURSUANT TO RULE 3(b)(1) SCRPC, AND UNDER 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 MOTION TO AMEND PETITION FOR REHEARING
pro se, AND BELIEVE I AM ENTITLED TO REDRESS
- (2) BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF
FILING FEES OR GIVE SECURITY THERE FOR.

JUNE 23, 2017

Jeffrey Lynn Chronister, #189827
JEFFREY LYNN CHRONISTER

THE STATE OF SOUTH CAROLINA

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SC Court of Appeals

THE HONORABLE S. JACKSON KIMBALL III

YORK COUNTY

CIVIL ACTION CS. No. 2016-CP-46-02952

APPELLATE CASE No. 2017-000668

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE AMENDMENT MOTION TO THE PETITION FOR REHEARING ON THE ATTORNEYS FOR RESPONDENTS ROBERT D. GARFIELD, AND ANDREW F. LINDEMANN, POST OFFICE BOX 8568, COLUMBIA, S.C., 29202-8568 BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, POSTAGE PREPAID ON JUNE 25 2017

Jeffrey Lynn Chronister

JEFFREY LYNN CHRONISTER #189827

KIRKLAND B+E CIR. B-II, #39

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK, SOUTH CAROLINA COURT OF APPEALS

POST OFFICE BOX 11629
COLUMBIA, S. C., 29211

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RE: STATE OF SOUTH CAROLINA, YORK COUNTY PUBLIC DEFENDER'S OFFICE,
THE SHERIFF OF YORK COUNTY, AND THE COMMISSION ON JUDICIAL CONDUCT,
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APPELLATE CASE NO. 2017-000668; CIVIL ACTION NO. 2016-CP-46-2952

HONORABLE CLERK:

ENCLOSED FOR FILING IS AN MOTION TO AMEND PETITION FOR REHEAR-
ING IN THE ABOVE CASE. ALSO ENCLOSED ARE THE FOLLOWING:

- (1) PROOF OF SERVICE OF THE MOTION ON THE RESPONDENTS ATTORNEYS
- (2) MOTION TO PROCEED IN FORMA PAUPERIS PURSUANT TO RULE 3, (b) (1)
AND UNDER S.C. CODE ANN 20-7-1440 (SUPP. 1994)
- (3) THIS AMENDMENT IS BEING FILED WITH THE COURT FOR CAUSE TO CON-
FORM TO THE EVIDENCE OF THE CIVIL ACTION RULE 15 (a), (b) SERCP

JUNE 22, 2017

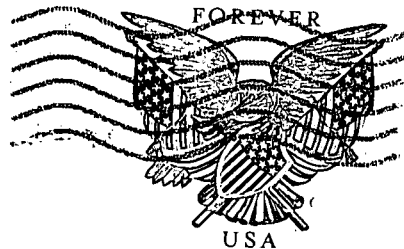
RESPECTFULLY:

ATTORNEYS FOR RESPONDENTS
OTHER COUNSELS OF RECORD
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COLUMBIA SC 292
25 JUN 2017 PM 4 T



JEFFREY LYNN CHRONISTER #189827 B-II, 39
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