

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APPEAL FROM YORK COUNTY

LEE S. ALFORD, CIRCUIT COURT JUDGE

SC COURT OF APPEALS CHRONISTER #189827
PETITIONER

RE: AFFIRMED, UNPUBLISHED

OPINION NO. 2017-UP-139,

SUBMITTED JANUARY 1, 2017

FILED - APRIL 5, 2017

THE STATE OF SOUTH CAROLINA

RESPONDENT

PETITION FOR REHEARING

THIS MATTER COMES IN THE ABOVE REFERENCED OPINION, AND PURSUANT TO RULE 221 (a) SCACR

THE MATTER AROSE FROM PETITIONER'S prose MOTION FOR AFTER NEWLY DISCOVERED EVIDENCE, DATED NOVEMBER 11, 2014, IN THE YORK COUNTY COURT OF GENERAL SESSIONS, AND APPEALING THE HONORABLE LEE S. ALFORD'S STATING IN LETTER ORDER, DATED NOVEMBER 21, 2014 THAT;

"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 MOTION."

PETITIONER NOW COMES BEFORE THE COURT REQUESTING LENIENCY BECAUSE OF THE APPARENT, prose ERROR IN PRESENTING THE MOTION UNDER RULE 29(b) SCACRIM.P., AND ASKING FOR CONSIDERATION THAT IT WAS ALSO PRESENTED "PURSUANT TO RULE 60(b) SCACR" WHICH THE ARGUMENTS ARE IN COMPLIANCE WITH, ACCORDING TO AND THE FACTS OF THEM SHOW EXCEPTIONAL CIRCUMSTANCES THAT WOULD WARRANT AN REHEARING ON PURSUANT TO THE RULE. THEY ALSO SHOW MISTAKE BY THE JUDGE IN THAT THE MOTION WAS NOT "TIMELY MADE" THE ARGUMENTS RAISE THE TWO POTENTIAL INDEPENDENT ACTIONS

ATTACKS ON A JUDGMENT, ORDER, OR PROCEEDING: (1) ONE BASED ON SUCH RARE, SPECIAL, EXCEPTIONAL, OR UNUSUAL CIRCUMSTANCES THAT MAY WARRANT EQUITABLE RELIEF, INCLUDING ACCIDENT, OR MISTAKE OR (2) ONE BASED IN EQUITY FOR FRAUD UPON THE COURT. MRTV MS. T (S.C. APP. 2008) 378 S.C. 127, 662 SE2d 409 RULE 60(1).

ARGUMENT A - RAISES FRAUD ON THE COURT BY MISCONDUCT OF THE ADVERSE PARTIES, MISREPRESENTATION AND EXTRINSIC FRAUD IN SUBORGNATION OF FALSE TESTIMONY BY COUNSEL. "THE SUBORGNATION OF PERJURY BY AN ATTORNEY AND OR INTENTIONAL CONCEALMENT OF DOCUMENT BY ATTORNEY ARE ACTIONS WHICH CONSTITUTE EXTRINSIC FRAUD AMOUNTING TO FRAUD ON THE COURT" ALSO "THERE IS NO STATUTE OF LIMITATION WHEN A PARTY SEEKS TO SET ASIDE JUDGMENT DUE TO FRAUD ON THE COURT. RULE CIV. PROC. RULE 60 (b)" CHEWDING v FORD MOTOR CO. (S.C. 2003) 354 S.C. 72, 80, 82, 84, 579 SE2d AT 610-11. USCA CONST AMEND 6, 14 (b) DIRECT VERDICT; US v McDONALD 161 F3d 4 (TABLE) C.A. 4 (N.C. 1998) "A DECISION PRODUCED BY FRAUD ON THE COURT IS IN ESSENCE NOT A DECISION AT ALL AND NEVER BECOMES FINAL": USCA CONST AMEND 14

ARGUMENT B - PROBABLE CAUSE: THE FACTS OF ARGUMENT A SHOW THAT THE EXTRADITION AND ARREST WERE MALICIOUSLY MADE FOR THE REASON OF LACK OF PROBABLE CAUSE. USCA CONST. AMEND 4, 14

ARGUMENT C - SUBJECT MATTER JURISDICTION: STATUTORY AND DUE PROCESS VIOLATIONS BY PETITIONER BEING PERMITTED CONVICTED WHERE INDICTMENT SHOWED NO INDICATION BEING FORMALLY STAMPED TRUE BILL, NOR PROCEDURALLY WRITTEN AND PUBLISHED BY CLERK. BELLS v MANAN TO CORP. 577 SE2d 325 (S.C. 2003) "THIS ISSUE CAN BE RAISED AT ANYTIME, CANNOT BE WAIVED BY THE MOVANT, AND THE COURT SHALL NOT FAIL TO TAKE NOTICE". BROWN v STATE, 343 S.C. 342, 540 SE2d 846 (2001)

CONCLUSION

FOR THE FOREGOING REASONS PETITIONER RESPECTFULLY REQUEST GRANTING THIS PETITION

APRIL 14, 2017

Jeffrey Lynn Chronister
JEFFREY LYNN CHRONISTER, 189827

**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

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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.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF APPEALS

RE: JEFFREY LYNN CHRONISTER, #189827, PETITIONER v THE STATE OF
SOUTH CAROLINA, RESPONDENT. UNPUBLISHED OP. NO. 2017-UP-139

APPLICATION TO WAIVE FEES,

AND AFFIDAVIT IN SUPPORT THEREOF

I, JEFFREY LYNN CHRONISTER, HEREBY APPLY TO WAIVE THE FEES
FOR FILING OF THE PETITION FOR REHEARING. RULE 240(a), (d)
SCACR. IN SUPPORT OF MY APPLICATION I DECLARE UNDER
PENALTY OF PERJURY THE FOLLOWING FACTS ARE TRUE

- (1) I FILED THE PETITION FOR REHEARING *pro se* IN THE COURT
OF APPEALS, AND BELIEVE I AM ENTITLED TO REDRESS
- (2) BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE FILING
FEES FOR PETITION OR GIVE SECURITY THEREFOR

APRIL 17, 2017

Jeffrey Lynn Chronister

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JEFFREY LYNN CHRONISTER, 189827

KIRKLAND R+E, B-II, 39

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

SUBSCRIBED AND SWORN TO BEFORE ME

ON THIS 17 DAY OF APRIL, 2017

Melissa Spigner

NOTARY PUBLIC, SOUTH CAROLINA

MY COMMISSION EXPIRES Dec. 1, 2025

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APR 20 2017

SC Court of Appeals

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

UNPUBLISHED OPINION NO. 2017-UP-139

JEFFREY LYNN CHRONISTER, #189827

PETITIONER

THE STATE OF SOUTH CAROLINA

RESPONDENT

PROOF OF SERVICE

I, CERTIFY THAT I HAVE SERVED THE PETITION FOR REHEARING
BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, WITH
POSTAGE PREPAID, ON APRIL 18, 2017 ADDRESSED TO THE BELOW
PARTIES

Jeffrey Lynn Chronister
JEFFREY LYNN CHRONISTER

ALAN WILSON, ATTORNEY GENERAL

KIRKLAND RFE, BII 39

JOHN W. MCINTOSH, CHIEF DEPUTY

4344 BROAD RIVER ROAD

ATTORNEY GENERAL, AND

COLUMBIA S.C. 29210

DONALD J. ZELENYKA, SENIOR ASSISTANT

ATTORNEY GENERAL

KEVIN S. BRACKETT, SOLICITOR

OFFICE OF THE ATTORNEY GENERAL

1675-1A YORK HWY.

P.O. BOX 11549

YORK S.C. 29745

COLUMBIA, S.C. 29211

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S. C. 29211

RE: JEFFREY LYNN CHRONISTER, #189829, PETITIONER v THE STATE
UNPUBLISHED OPINION No. 2017-UP-139

DEAR Ms. KITCHINGS;

ATTACHED IS A COPY OF THE PETITION FOR REHEARING. PLEASE
STAMP DATE RECEIVED AND RETURN IT TO ME.

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

APRIL 14, 2017

RESPECTFULLY;

Jeffrey Lynn Chronister, #189829

JEFFREY LYNN CHRONISTER

KIRKLAND Rte. B-II, #39

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

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THE HONORABLE JENNY ABBOTT KITCHINGS

CLERK OF COURT, SOUTH CAROLINA COURT OF APPEALS SC Court of Appeals

POST OFFICE BOX 11629

COLUMBIA, S.C., 29211

RE: JEFFREY LYNN CHRONISTER, #189827, PETITIONER v THE STATE OF SOUTH CAROLINA, RESPONDENT, APPELLATE CASE NO 2014-002630.

UNPUBLISHED OPINION NO. 2017-UP-139, SUBMITTED JANUARY 1, 2017-
FILED APRIL 5, 2017

DEAR MS. KITCHINGS:

ENCLOSED FOR FILING IS THE PETITION FOR REHEARING
TO RULE 221(a) SCACR

- (1) PROOF OF SERVICE OF THE PETITION ON THE RESPONDENT PURSUANT
- (2) A COPY OF THE OPINION
- (3) A APPLICATION TO WAIVE FEES AND AFFIDAVIT IN SUPPORT

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER

APRIL 14, 2017

Jeffrey Lynn Chronister
JEFFREY LYNN CHRONISTER
KIRKLAND R.E, B-II, 39
4344 BROAD RIVER RD.
COLUMBIA, S.C. 29210

JEFF CHRONISTER, #189827
KIRKLAND R+E, B-II, #39
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LEGAL
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THE SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA, 29211