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THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

AUG 10 2017

S.C. SUPREME COURT

APPELLATE CASE NO. 2017-001596

RE: JEFFREY LYNN CHRONISTER, #189827, PETITIONER v STATE OF  
SOUTH CAROLINA, YORK COUNTY PUBLIC DEFENDERS' OFFICE, THE SHERIFF  
OF YORK COUNTY, AND THE COMMISSION ON JUDICIAL CONDUCT

PETITION FOR REHEARING

prose, JEFFREY LYNN CHRONISTER, #189827  
KIRKLAND C.I., B-II, #39  
4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210

ROBERT D. GARFIELD, ESQUIRE AND  
ANDREW F. LINDEMANN, ESQUIRE OF  
DAVIDSON + LINDEMANN, P.A.  
POST OFFICE BOX 8568  
COLUMBIA, S.C., 29202-8568  
ATTORNEYS FOR RESPONDENTS

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AUG 10 2017

S.C. SUPREME COURT

THE HONORABLE DANIEL E. SHEAROUSE  
CLERK, THE SUPREME COURT OF SOUTH CAROLINA  
POST OFFICE BOX 11330  
COLUMBIA, S. C., 29211

RE: JEFFREY LYNN CHRONISTER, #189827, PETITIONER v STATE OF SOUTH  
CAROLINA, YORK COUNTY PUBLIC DEFENDERS' OFFICE, THE SHERIFF OF  
YORK COUNTY AND THE COMMISSION ON JUDICIAL CONDUCT, RESPONDENTS  
APPELLATE CASE NO. 2017-001596

HONORABLE CLERK:

ENCLOSED FOR FILING IS THE PETITION FOR REHEARING IN THE ABOVE  
CASE, ALSO ENCLOSED ARE THE FOLLOWING

(1) PROOF OF SERVICE OF THE PETITION ON THE PARTIES

(2) MOTION TO PROCEED IN FORMA PAUPERIS

(3) COPY OF ORDER WHICH IS TO BE CHALLENGED

(4) THIS PETITION IS BEING FILED PURSUANT TO RULE 221<sup>(AND 240)</sup> (a)(j) SCACR

THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

AUGUST 4, 2017

RESPECTFULLY,

Jeffrey Lynn Chronister #189827  
JEFFREY LYNN CHRONISTER

ROBERT D. GARFIELD, ESQUIRE  
ANDREW F. LINDEMANN, ESQUIRE  
ATTORNEYS FOR THE RESPONDENTS

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TABLE OF AUTHORITIES

BODIE v CONNECTICUT, 401 U.S. 371, 91 S.Ct. 780, 28 LEd 113 (1971)	2
DARWIN v WAINWRIGHT, 479 U.S. 168, 181, 106 S.Ct. 2464 91 LEd 144 (1968)	2
STATE v WHITE 525 SE2d 263 (S.C. App. 1999)	2
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THIS MATTER COMES BEFORE THE COURT PURSUANT TO RULE 221(a), AND 240(b) SCRPC, "ANY REVIEW OF AN ORDER ISSUED BY AN INDIVIDUAL JUDGE OR JUSTICE SHALL BE BY PETITION FOR REHEARING".

STATEMENT OF THE CASE

THE MATTER AROSE FROM PETITIONER'S APPEALING THE HONORABLE S. JACKSON KIMBALL'S DISMISSAL OF PROSE CIVIL ACTION (CASE No 2016-CP-46-02952) AT THE JANUARY 19TH 2017 HEARING THAT WAS HELD IN THE YORK COUNTY COURT OF COMMON PLEAS. A PETITION TO REINSTATE WAS RULED ON BY THE COURT OF APPEALS, AND A PROSE PETITION FOR A WRIT OF CERTIORARI WAS SERVED BY MAIL TO THIS COURT ON JULY 21, 2017. THE PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS WAS DENIED BY THE HONORABLE JUDGE BEATTY IN HIS ORDER OF JULY 27, 2017 (COPY AT P. 5) AND WAS RECEIVED ON AUGUST 1, 2017 BY PETITIONER

PETITIONER NOW RESPECTFULLY SUBMITS THE FOLLOWING POINTS OF THE MOTION AND PETITION THAT COULD HAVE BEEN OVERLOOKED AND MISAPPREHENDED BY JUDGE BEATTY.

THE MOTION WAS SUBMITTED PURSUANT TO RULE 3(b)(1) SCRPC, AND UNDER S.C. CODE ANN. 20-7-1440 (PETITION, p. 41) BECAUSE, OUTSIDE OF INDIGENCY, THE FACTS OF THE PETITION SHOW MALICIOUS PROSECUTION WITH INSTANCE OF ACTUAL MALICE BY GROSS NEGLIGENCE OF COUNSEL'S SUBORNATION OF FALSE TESTIMONY. THE TESTIMONY BEING MATERIAL BECAUSE OF MADE BY THE PRIMARY INVESTIGATING OFFICER / DETECTIVE ON PROBABLE CAUSE, AND IT SHOWING THE LACK OF FORT ARREST. VIOLATIONS OF STATUTES AND FUNDAMENTAL CONSTITUTIONAL RIGHTS. UNDER WEST'S 19, SCD 2d-243 (14) "GROSS NEGLIGENCE" IS THE INTENTIONAL CONSCIOUS

FAILURE TO DO A THING THAT IS INCUMBANT UPON ONE TO DO, OR THE DOING OF A THING INTENTIONALLY THAT ONE OUGHT NOT TO DO" PILOT INDUSTRIES v SOUTHERN BELL TEL & TEL CO., 495 F. SUPP. 356, AND ALSO 19 SCD2d-61, IV, CA 4 SC 1998: "UNDER SOUTH CAROLINA NEGLIGENCE LAW, BREACH OF DUTY EXISTS WHEN IT IS FORESEEABLE THAT ONE'S CONDUCT MAY LIKELY INJURE PERSON WHOM THE DUTY IS OWED" TALKINGTON v ATRIA RECLAIMILUCFER FABRICKEN, 152 F3d 254, 119 S. Ct. 634, 525 U.S. 1062 142 LEd2d 653; DARDIN v WAINWRIGHT, 479 U.S. 168, 181, 106 S. Ct. 2464, 91 LEd 144 (1968) "VIOLATIONS OF THE FOURTEENTH AMENDMENT OCCURS WHEN SOMETHING "SO INFECTS THE TRIAL WITH UNFAIRNESS AS TO MAKING THE RESULTING CONVICTION A DENIAL OF DUE PROCESS" AND "WHERE CERTAIN FUNDAMENTAL RIGHTS ARE INVOLVED, THE CONSTITUTION REQUIRES THAT AN INDIGENT BE ALLOWED ACCESS TO THE COURT" BODIE v CONNECTICUT, 401 U.S. 371, 91 S. Ct. 780, 28 LEd 113 (1971) UNDER STATE v WHITE 525 SE2d 263 (S.C. App. 1999) "A STATUTE MUST BE TAKEN AS FOUND, GIVING EFFECT TO THE LEGISLATIVE INTENT AS EXPRESSED IN ITS LANGUAGE" AND CODE 20-7-1440 REQUIRES WAIVER OF FILING FEES BECAUSE OF STATING:

"IN DELINQUENCY, DEPENDENCY, AND NEGLECT ACTIONS NO COURT FEE SHALL BE CHARGED AGAINST, AND NO WITNESS FEE SHALL BE ALLOWED TO ANY PARTY TO A PETITION."

THE PETITION'S ARGUMENT (P. 4-6) SHOWS THE GROSS NEGLIGENCE WAS BY COUNSEL'S IMPROPER USE OF LEADING QUESTIONS BECAUSE OF THE USE WAS TO MISLEAD TO FALSELY ESTABLISH THE INVESTIGATOR HAD INTERVIEWED THE STATE'S KEY WITNESS ON

THAT MORNING OF THE TRAGEDY WHEREAS THE ONLY EVIDENCE OF INVOLVEMENT IS PRESENTING OF AN PHOTO LINE UP. WHICH OUTSIDE OF MALICIOUS PROSECUTION WITH ACTUAL MALICE IT ALSO SHOWS ABUSE OF PROCESS, FALSE IMPRISONMENT, AND ALL ARE GROUNDS OF THE CIVIL ACTION.

THE FURTHER VIOLATIONS OF CLEARLY ESTABLISHED STATUTORY, AND CONSTITUTIONAL RIGHTS SHOWN BY THE JUDGE'S ABUSE OF DISCRETION (P. 5-6). BECAUSE OF PERMITTING THE MISCONDUCTS IN NEGLECTING THE INCUMBANT DUTY OF CONTROLLING OBSERVANCE OF "THE STANDARD OF FIDELITY AND DILIGENCE" THAT APPLY TO JUDGES. ALSO IN VIOLATION OF THE INCUMBANT DUTY TO "INFORM THE APPROPRIATE AUTHORITY" OF COUNSEL'S VIOLATING THE RULES OF PROFESSIONAL CONDUCT THAT RAISED A SUBSTANTIAL QUESTION AS TO HONESTY, TRUSTWORTHINESS, AND FITNESS AS A DEFENSE COUNSEL.

SUBJECT MATTER JURISDICTION (P. 6-8). SHOWS FURTHER VIOLATIONS OF CLEARLY ESTABLISHED STATUTES, AND CONSTITUTIONAL RIGHTS, AND ALSO THAT THE INVESTIGATOR'S TESTIMONY WAS CONSIDERED "FALSE" BY LAW. BECAUSE OF THE COURT LACKING JURISDICTION FOR THE REASONS OF; <sup>(1)</sup> THE LACK OF EVIDENCE OF PRESENTMENT OR OF A VALID WAIVER FOR THE FIREARM'S CHARGE WHICH IS "COUNT TWO" OF THE INDICTMENT FOR MURDER THAT WOULD ALSO BY LAW DEEM THE INDICTMENT INVALID. <sup>(2)</sup> THE INDICTMENT'S FAILURE TO SHOW ANY INDICATION OF BEING FORMALLY STAMPED AS A TRUE BILL NOR PROCEDURALLY WRITTEN AND PUBLISHED BY THE CLERK THUS MALICIOUS PROSECUTION WAS ALSO HAD BY; <sup>(a)</sup> COUNSEL'S VIOLATION OF DUTY TO EVALUATE "LEGAL DRAFTING"; AND OR THE DUTY TO OBJECT BEFORE THE JURY WAS SWORN; <sup>(b)</sup> PROSECUTOR.

IAL MISCONDUCT BY THE SOLICITOR IN PERMITTING THE INJUSTICE. BECAUSE OF HIS KNOWLEDGE OF LACK OF PRESENTMENT AND THE DEFECTIVENESS OF THE INDICTMENT THROUGH HIS INVOLVEMENT OF PREPARING OF "FORMAL INDICTMENT(S)" BY STATUTES, AND (c) THE ABUSE OF DISCRETION BY THE JUDGE'S KNOWLEDGE THAT AN PRESENTMENT WOULD HAVE BEEN MANDATED FOR THE VALIDITY OF THE INDICTMENT, AND WHICH IS SHOWN BY QUOTING HIS STATEMENT TO THE JURY FROM THE RECORD (P. 9).

CONCLUSION

FOR THE REASONS STATED, PETITIONER ASKS THE COURT TO GRANT THE PETITION FOR REHEARING.

AUGUST 4, 2017

RESPECTFULLY SUBMITTED:

*Jeffrey Lynn Chronister*  
JEFFREY LYNN CHRONISTER

I/M# 189827

KIRKLAND C.I., B-II, #39  
4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210

# The Supreme Court of South Carolina

Jeffrey Lynn Chronister #189827, Petitioner,

v.

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

Appellate Case No. 2017-001596

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## ORDER

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The motion to proceed *in forma pauperis* is denied. If petitioner fails to pay the filing fee required by Rule 242(c) of the South Carolina Appellate Court Rules within ten (10) days of the date of this order, this matter will be dismissed.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

July 27, 2017

cc: Robert David Garfield, Esquire  
Andrew F. Lindemann, Esquire  
Mr. Jeffrey Lynn Chronister #189827

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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

AUG 10 2017

S.C. SUPREME COURT

APPELLATE CASE NO. 2017-001596

MOTION TO PROCEED  
IN FORMA PAUPERIS

I, JEFFREY LYNN CHRONISTER, MOVE TO PROCEED IN FORMA PAUPERIS PURSUANT TO RULE 3(b)(1) SCRPC, AND UNDER S.C. CODE 20-7-1440 (SUPP. 1997). IN SUPPORT OF MY MOTION I DECLARE UNDER PENALTY OF PERJURY THE FOLLOWING FACTS ARE TRUE.

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

AUGUST 6<sup>th</sup>, 2017

Jeffrey Lynn Chronister #189829  
JEFFREY LYNN CHRONISTER

SWORN, OR AFFIRMED TO, AND SUBSCRIBED  
BEFORE ME ON THIS 6<sup>th</sup> DAY OF AUGUST, 2017

John Webber

NOTARY PUBLIC, SOUTH CAROLINA

MY COMMISSION EXPIRES: Dec 5, 2024

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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

RE: JEFFREY LYNN CHRONISTER<sup>#</sup>189827, PETITIONER v STATE OF  
SOUTH CAROLINA, YORK COUNTY PUBLIC DEFENDER'S OFFICE, THE  
SHERIFF OF YORK COUNTY, AND THE COMMISSION ON JUDICIAL  
CONDUCT, APPELLATE CASE NO. 2017-001596

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE PETITION FOR REHEARING ON  
THE PARTIES BELOW BY DEPOSITING A COPY OF IT TO THE ADDRESS IN  
THE UNITED STATES MAIL POSTAGE PREPAID ON AUGUST 7, 2017

Jeffrey Lynn Chronister<sup>#</sup>189827  
JEFFREY LYNN CHRONISTER

ROBERT D. GARFIELD, ESQUIRE, AND  
ANDREW F. LINDEMANN, ESQUIRE WITH  
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JEFF CHRONISTER, #189829

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4344 BROAD RIVER RD.

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*T. Wilson - 1847*

**RECEIVED**

AUG 07 2017

KIRKLAND R&E CENTER  
MAILROOM

THE SUPREME COURT OF SOUTH CAROLINA

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330

COLUMBIA, S.C., 29211

RE DEPARTMENT OF COMMERCE HAS NOT  
RECEIVED ORDER FROM THE PERSONS THE  
DEPARTMENT DOES NOT HAVE JURISDICTION FOR  
SHEETS 21