

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

AUG 21 2017

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

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S.C. SUPREME COURT

Appellate Case No. 2017-001596  
Case No. 2016-CP-46-2952

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

*Petitioner,*  
~~Appellant,~~

v.

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

Respondents.

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**RESPONDENTS' RETURN TO  
~~APPELLANT'S~~ PETITION FOR REHEARING**  
*Petitioner's*

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The Appellant previously filed a motion to proceed *in forma pauperis*. By Order filed July 27, 2017, the Court denied that motion and directed the Appellant to pay the filing fee within ten days. Instead of complying with that Order, the Appellant filed a petition for rehearing asking this Court to reconsider the denial of

the motion to proceed *in forma pauperis*. Rule 240(i), SCACR, however, provides that "[t]he court will not entertain petitions for rehearing on a motion ... unless the action of the court on the motion ... has the effect of dismissing or finally deciding a party's appeal." Rule 240(i), SCACR. In effect, no motions for reconsideration of a previous ruling are permitted, except where the order dismisses or finally decides the appeal. The Court's Order filed July 27, 2017 does neither – it does not dismiss or finally decide the merits of the Appellant's appeal. Therefore, the petition for rehearing is in contravention of Rule 240(i).

Moreover, even if the Court is inclined to reach the merits of the petition for rehearing, the petition should be denied and the Order filed July 27, 2017 should be affirmed. The Court's earlier ruling 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 this 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), this Court required full payment of appellate filing fees by an indigent prisoner. This 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).

For the foregoing reasons, the Appellant's current petition for rehearing is clearly in violation of Rule 240(i), SCACR, and respectfully should be denied on that basis. At any rate, the Respondents oppose the Appellant's 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, including the filing fee for the petition for rehearing.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY:  \_\_\_\_\_

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August 17, 2017

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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S.C. SUPREME COURT

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

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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.

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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Return to Petitioner's Petition for Rehearing** in the above-captioned matter was made upon the *pro se* Petitioner 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 17th day of August 2017:

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



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