

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

RE: JEFFREY CHRONISTER v STATE  
APPELLATE CASE No. 2018-001318

**RECEIVED**

AUG 02 2018

**S.C. SUPREME COURT**

HONORABLE CLERK:

THE FOLLOWING IS ENCLOSED, AND IN RESPONSE TO YOUR LETTER OF JULY 18, 2018 (COPY ENCLOSED) THAT WAS RECEIVED ON JULY 20, 2018.

(1)- A COPY OF THE POST-CONVICTION RELIEF APPLICATION, AND PLEASE BE ADVISED THAT A COPY OF ITS REFERRED TO "MOTION FOR AFTER NEWLY DISCOVERED EVIDENCE" WAS INCLUDED IN A "SUPPLEMENTAL RECORD ON APPEAL" THAT WAS PREPARED BY THE STATE'S ATTORNEY GENERAL'S OFFICE FOR PLEADINGS IN THE COURT OF APPEALS. (APPELLATE CASE No. 2014-002630). THE RECORD ALSO INCLUDES OTHER DOCUMENTS ASSOCIATED TO THE APPLICATION, AND AFTER THE PLEADINGS I PROVIDED MY COPY OF IT TO THIS COURT IN THE MATTER OF THE "PETITION FOR A WRIT OF CERTIORARI", (APPELLATE CASE No. 2017-001374), AND DENIED ON FEBRUARY 1, 2018 (ITS ORDER AT p. 18 OF APPLICATION)

(2)- JUDGE HALL'S LETTER OF JUNE 4, 2018 WAS RECEIVED ON JUNE 6, 2018

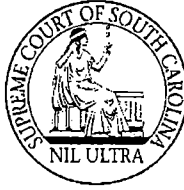
(3)- THE ENCLOSED "PROOFS OF SERVICE" SHOWING THAT THE REQUESTED ABOVE TO THIS COURT, AND THE NOTICE OF APPEAL SERVED ON THE OFFICE OF THE ATTORNEY GENERAL WERE SERVED ON JULY 26, 2018 WHICH IS WITHIN THE FIFTEEN (15) DAYS ALLOTTED

THANK YOU FOR YOUR TIME, AND RESPONSE IN THIS MATTER.

JULY 23, 2018

RESPECTFULLY:

*Jeffrey Lynn Chronister*  
JEFFREY LYNN CHRONISTER, #189827



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

[www.sccourts.org](http://www.sccourts.org)

July 18, 2018

Mr. Jeffrey Lynn Chronister #189827  
Kirkland R & E, B-II,39  
4344 Broad River Road  
Columbia SC 29210

Re: Jeffrey Chronister v. State  
Appellate Case No. 2018-001318  
No Lower Court Case Number Assigned

Dear Mr. Chronister:

This Court has received your document entitled "initial brief of appellant." Since review in a post-conviction relief case is commenced by serving and filing a notice of appeal under Rule 243 of the South Carolina Appellate Court Rules (SCACR), this document has been construed as a notice of appeal from Judge Hall's letter denying your motion to proceed in forma pauperis.

This case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this case.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267, SCACR. The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

For this matter to proceed, you will need to provide this Court with a proof of service showing that a copy of the notice of appeal has been served on the Office of the Attorney General. Further, you will need to provide this Court with the date on which you received the letter from Judge Hall. This proof of service and date must be provided within fifteen (15) days of the date of this letter.

Finally, I would ask that you please provide a copy of the post-conviction relief application that you attempted to file in this case. This document should also be provided within fifteen (15) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. R. ...", with a long horizontal stroke extending to the right.

CLERK

~~cc: Office of the Attorney General (with copy of letter by Judge Hall dated June 4, 2018)~~

JEFFREY LYNN CHRONISTER #189827  
KIRKLAND R+E CTR., R-II, #63  
4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210

HONORABLE CLERK:

THIS MATTER SUBMITTED UNDER S.C. CODE 17-27-20(a), (1), (2), (4), (5), (6).  
PLEASE FIND ENCLOSED COPIES OF THE FOLLOWING WITH  
THE RESUBMITTED APPLICATION FOR POST CONVICTION BELIEF:

(SEE COPY OF YOUR LETTER AT PAGE 20)

(1) PAGE 17 - LETTER BY THE HONORABLE CEE S. ALFORD DATED  
NOVEMBER 21, 2014 ON MOTION FOR AFTER NEWLY  
DISCOVERED EVIDENCE.

(2) PAGE 18 - STATE'S SUPREME COURT'S FINAL ORDER  
DATED FEBRUARY 1, 2018 DENYING WRIT OF CERTIORARI  
ON THE JUDGE'S DECISION.

(3) PAGE 19 - RULE 71.1 (d) SCRPC MOTION FOR APPOINTMENT  
OF COUNSEL

(4) THE APPLICATION THAT APPLICANT REQUEST TO BE  
STAMP DATED RECEIVED AND RETURNED TO THE ABOVE  
ADDRESS

THANKING YOU FOR YOUR ATTENTION AND ASSISTANCE IN  
THIS MATTER.

RESPECTFULLY:

MAY 17, 2018

*Jeffrey Lynn Chronister*  
JEFFREY LYNN CHRONISTER

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
County of YORK )

IN THE COURT OF COMMON PLEAS

pro se, JEFFREY LYNN CHRONISTER )  
Full name and prison number (if any) of Applicant )  
IIM# 189827 )  
v. )

State of South Carolina )  
 )  
 )  
 )  
 )

APPLICATION FOR  
POST-CONVICTION RELIEF

YORK COUNTY SC  
DANIEL WILKINSON  
2018 MAR 23 PM 1:18  
FILED & RECEIVED  
CLOCK IN TIME  
CANCELLED

**INSTRUCTIONS B READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention KIRKLAND B+E CENTER, 4344 BROAD RIVER ROAD  
COLUMBIA, SOUTH CAROLINA, 29210
2. Name and location of Court which imposed sentence YORK COUNTY COURT OF  
GENERAL SESSIONS
3. Name(s) of co-defendant(s) (if any) NONE
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
(a) 1992-GS-46-1224

4. The date upon which sentence was imposed and the terms of the sentence

(a) SEPTEMBER 22, 1992

(b) MURDER - LIFE

(c) FIREARMS - FIVE YEARS CONSECUTIVE

5. Check whether a finding of guilty was made

(a) after a plea of guilty \_\_\_\_\_

(b) after a plea of not guilty  PLEA ENTERED AT TRIAL BY COUNSEL (SEE 16a)

(c) after a plea of nolo contendere \_\_\_\_\_

6. Did you appeal from the judgment of conviction or the imposition of sentence?  
YES

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. STATE'S OFFICE OF APPELLATE DEFENSE

ii. STATE'S SUPREME COURT

iii. \_\_\_\_\_

(b) the result in each such Court to which you appealed:

i. \_\_\_\_\_

ii. SUPREME COURT AFFIRMED CONVICTIONS

iii. \_\_\_\_\_

(c) the date of each such result:

i. \_\_\_\_\_

ii. SEPTEMBER 1, 1994

iii. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. \_\_\_\_\_
- ii. OPINION NO. 94-MO-226
- iii. \_\_\_\_\_

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a)
- (b)
- (c)

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: SEE LETTER AT PAGE 17

- (a) PROSECUTORIAL MISCONDUCT AND MISREPRESENTATION + FRAUD ON THE COURT
- (b) ARREST WITHOUT PROBABLE CAUSE
- (c) SUBJECT MATTER JURISDICTION

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) MOTION PAGE 2-16
- (b) MOTION PAGE 16-17
- (c) MOTION PAGE 17-21, AND REVERSE SIDE OF THIS PAGE

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? PAGE 8-13
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? PAGE 8-13
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? PAGE 8-13
- (d) any other petitions, motions or applications in this or any other Court? PAGE 8-13

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application: PAGE 8-13

THE INDICTMENT FOR MURDER UNDER S.C. CODE 16-3-10, CDR  
CODE 116, MOTION EXHIBIT-B, p. 23] IS THE SUBJECT OF ISSUE,  
FOR THERE IS NO EVIDENCE OF PRESENTMENT OF INDICTMENT  
UNDER S.C. CODE 16-23-490 (1976 AND SUPP. 1997) FOR THE FIRE-  
ARM'S CHARGE "COUNT TWO" OF THE MURDER INDICTMENT WHICH  
IS SUPPORTED BY THE ONLY INDICTMENT INTRODUCED BY SOLICITOR  
IN COURT WAS THE INDICTMENT FOR MURDER (SEE PAGE 14-16)  
ALSO THE RECORD FAILS TO REFLECT AN WAIVER OF PRESENTMENT  
S.C. CODE 17-19-10

(a) the specific nature thereof:

- i. PAGE 8-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(b) the name and location of the Court in which each was filed:

- i. PAGE 8-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(c) the disposition thereof:

- i. PAGE 8-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the data of each such disposition:

- i. PAGE 8-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. PAGE 8-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? :

No

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) NEWLY DISCOVERED

(b) NEWLY DISCOVERED

(c) NEWLY DISCOVERED

16. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? NO ARRAIGNMENT OR BOND HEARING HELD

(b) your trial, if any? YES

(c) your sentencing? YES

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YES

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you:

- i. GERALD W. SMITH, YORK COUNTY PUBLIC DEFENDERS  
OFFICE, 1675 I-E YORK HWY., YORK S.C., 29745
- ii. TARA DAWN SHURLING, SOUTH CAROLINA OFFICE OF  
APPELLATE DEFENSE 1122 LADY STREET COLUMBIA S.C.
- iii. DAVID G. GUYTON, P.O. BOX 11746, ROCK HILL, S.C.  
29731

(b) the proceedings at which each such attorney represented you:

- i. TRIAL AND SENTENCING
- ii. DIRECT APPEAL
- iii. POST CONVICTION RELIEF HEARING

18. State clearly the relief you seek in filing this application.

VACATE CONVICTIONS AND SENTENCES

19. Are you now under sentence from any other court that you have not challenged?  
NO

STATE OF SOUTH CAROLINA )  
COUNTY OF Richland )

VERIFICATION

I, JEFFREY LYNN CHRONISTER, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jeffrey Lynn Chronister

SWORN to and subscribed  
before me this 17  
day of May, 2018.

Melissa Spiz (L.S.)  
Notary Public

My Commission Expires: Dec. 1, 2025

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, JEFFREY LYNN CHRONISTER, HEREBY APPLY FOR LEAVE  
TO PROCEED IN THIS ACTION WITHOUT PREPAYMENT OF FEES  
OR COSTS OR SECURITY THEREFOR. IN SUPPORT OF MY APPLICATION  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING  
FACTS ARE TRUE.

- (1) I AM THE APPLICANT IN THIS ACTION AND I BELIEVE  
I AM ENTITLED TO REDRESS
- (2) BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS  
OF SAID PROCEEDING OR GIVE SECURITY THEREOF

*Jeffrey Lynn Chronister*

SWORN OR AFFIRMED TO AND SUBSCRIBED  
BEFORE ME THIS 17 DAY OF May, 2018

*Melissa Spigner*

NOTARY PUBLIC

MY COMMISSION EXPIRES: Dec. 1, 2025

FILED & RECEIVED  
2018 MAY 18 PM 1:18  
DANIEL J. AMILTON  
CLERK OF SUPERIOR COURT  
YORK COUNTY, SC  
**CLOCK IN TIME  
CANCELLED**

2. The lower court erred in failing to issue a jury instruction concerning the proper standard for the use of statements attributed to the Appellant.
3. The lower court erred in denying the Appellant's request for a jury instruction on the lesser included offense of manslaughter where under one reasonable interpretation of the evidence as presented at trial, the jury might logically have found the Appellant not guilty of that lesser charge.

State v. Jeffrey Lynn Chronister, Final Brief of Appellant, November 4, 1993. Supp R. 332-357, PCR App.p. 303-328. The Respondent, through Assistant Attorney General Mark Rapoport made a *Final Brief of Respondent* on November 8, 1993. Supp R. 387-88, PCR App.p. 329-357.

On September 1, 1994, the South Carolina Supreme Court affirmed Petitioner's convictions in a memorandum opinion. State v. Jeffrey Lynn Chronister, Memo. Op. No. 94-MO-226 (S.C.S.Ct. September 1, 1994). PCR App. 358-259.

#### **C. FIRST PCR PROCEEDING - 1995-CP-46-1109)**

On August 28, 1995, Petitioner filed an Application for Post-Conviction Relief (95-CP-46-1109) alleging that his confinement was unlawful because he received ineffective assistance of counsel. On September 16, 1996, Petitioner filed an Amended Application alleging that his confinement was unlawful on the following grounds:

1. Ineffective assistance of counsel.
2. Applicant was denied Due Process of Law in violation of the Sixth Amendment and Fourteenth Amendments.

In attachments to the Application, Petitioner made specific allegations, which, construed broadly, include the following:

1. Counsel failed to investigate Petitioner's competency;
2. Counsel failed to put up an insanity defense;

3. Counsel failed to investigate mitigating circumstances;
4. Counsel allowed a mandatory presumption of malice charge to be charged to the jury without objection;
5. Counsel failed to advise Petitioner of important laws, cases, and defenses;
6. Counsel failed to make an objection during trial (citing p. 91, line 5 of the trial transcript);
7. Counsel failed to request a specific jury instruction (citing page 163, line 15 of the trial transcript);
8. Counsel failed to adequately investigate the case or call witnesses;
9. Counsel failed to raise issues on appeal concerning the mishandling of evidence by police (citing page 9, line 15 of the trial transcript);
10. Counsel committed procedural errors (citing page 114, lines 7-13, page 158, lines 20-23, page 214, lines 8-25 and page 215, lines 1-3);
11. The trial court failed to hold an additional hearing on applicant's criminal responsibility and competence to stand trial.

A hearing on Petitioner's allegations was held September 18, 1996 before the Honorable John C. Hayes, III. Petitioner was the only witness. Supp R. 422-58, PCR App.p. 393-429. By Order dated October 21, 1996, Judge Hayes dismissed the application. Supp R. 459-466, PCR App. 430-437.

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#### **D. Appeal from Denial of First Post-Conviction Relief Action**

On November 11, 1996, Petitioner, through counsel, served a Notice of Appeal from the order dismissing his post-conviction relief action. On October 13, 1997, M. Anne Pearce, Esquire, of the South Carolina Office of Appellate Defense, filed a Johnson Petition for Writ of Certiorari that presented the following issue:

1. Whether the lower court erred in granting the state's motion for directed verdict on the ground that petitioner had failed to carry his burden of proof?

Petitioner also filed a document entitled "Amended Johnson Petition for Writ of Certiorari"

raising the following issues:

1. Whether the lower court erred in granting the state's motion for directed verdict on the ground that petitioner had failed to carry his burden of proof?
2. Whether the lower court's decision to grant the state's motion for directed verdict violated the Petitioner's right to confront witnesses and of Due Process?

By Order dated May 28, 1998, the South Carolina Supreme Court granted counsel's motion to withdraw and denied the petition for certiorari. The remittitur was returned to the lower court on June 15, 1998.

#### **E. 1998 Federal Habeas Petition.**

In the pro se Petition for Writ of Habeas Corpus dated October 17, 1998, Petitioner alleged the following:

1. Conviction obtained in violation of Petitioner's U.S.C.A. 5 right against compulsory self-incrimination. Petitioner was subjected to interrogation by police without being properly warned of his rights against self-incrimination.
2. Conviction was obtained in violation of U.S.C.A. 5 right to have counsel present during interrogation. Petitioner twice stated that he wanted his counsel present, that he did not want to talk to police without counsel being present. Despite this request Petitioner was subjected to the psychological ploys and interrogation tactics of Officer John Dean Shillinglaw.
3. Conviction obtained in violation of Petitioner's rights to due process of law under U.S.C.A. 5 and 14. The trial court erred and violated Petitioner's rights when it allowed into evidence an illegally obtained statement.
4. Conviction obtained in violation of Petitioner's U.S.C.A. 6 right to the effective assistance of counsel. Trial counsel was ineffective and prejudiced Petitioner by failing to adequately investigate and present a defense based on Petitioner's sanity at the time of the crime. (Petitioner's lack of criminal responsibility).
5. Conviction obtained in violation of Petitioner's U.S.C.A. 6 right to the effective assistance of counsel. Trial counsel was ineffective and prejudiced

Petitioner by failing to request a change of venue on the grounds of pretrial publicity where voir dire showed jury to be both knowledgeable about the case and biased against Petitioner. Petitioner could not obtain a fair trial by impartial jury in York County and counsel should have moved for a change of venue or to have the jury picked in another county.

The Federal habeas corpus petition was dismissed on January 28, 2000. Chronister v. Warden, 4:98-3372-17BF.

#### F. SECOND PCR ACTION – 2001-CP-1338

In the Petitioner's second PCR action, he filed an application on June 19, 2001. Supp R. 489-494, PCR App. 457-462. In the application, Chronister essentially raised the following claims:

1. ineffective assistance of trial counsel. (7 separate specifications) (Supp R. 490-92, PCR App. 458-460)
2. ineffective assistance of PCR counsel. (Supp R. 491-92, PCR App. 459-460).
3. Conviction obtained in violation of applicant's USCA 5 right against compulsory self-incrimination.
4. Conviction obtained in violation of applicant's USCA 5 right to have counsel present during interrogation.
5. Conviction obtained in violation of applicant's USCA 5 right to due process of law.

Supp R. 491-92, PCR App.p. 459-460. The Respondent made a return and motion to dismiss dated January 9, 2002. Supp R. 495-99, PCR App.p. 465-467. A conditional order of dismissal in rule to show cause why the applicant's application should not be dismissed was issued by the Hon. Lee S. Alford, circuit court judge, on January 14, 2002. Supp R. 501-06, PCR App. 469-474. The Applicant, through counsel David L. Little made a reply to the conditional order. Supp R. 507-13, PCR App.p. 475-481. On April 19, 2002, Judge Alford entered the final order of dismissal of April 18, 2002. Supp R. 514-16, PCR App.p. 482-484.

## G. SECOND PCR APPEAL.

Chronister made in appeal the denial of the application for post-conviction relief to the South Carolina Supreme Court. In the appeal the petitioner was represented by Daniel T. Stacey of the South Carolina office of appellate defense. On November 21, 2002, counsel made a Johnson petition for writ of certiorari asserting as the sole arguable issue: "whether the court erred in dismissing the instant application as successive?" Chronister made a *pro se* response asserting:

1. Defective indictment.
2. Ineffective assistance of trial counsel.
3. Ineffective assistance of appellate counsel.
4. Ineffective assistance of PCR hearing counsel.
5. Ineffective assistance of 2<sup>nd</sup> PCR counsel.
6. Violations of U.S.C.A. amendments 14<sup>th</sup>, 6<sup>th</sup>, 5<sup>th</sup>.
7. Violations of South Carolina Constitution.

*Brief in Support of Pro Se Response to Petition for Writ of Certiorari.* On January 2, 2003 the petitioner made an amended pro se response asserting "*newly discovered issues*". On February 21, 2003, the Supreme Court of South Carolina denied the petition for writ of certiorari and granted counsel's request to be relieved. Chronister v. State, Order (S.C.S.Ct. February 21, 2003). The remittitur was issued on March 10, 2003.

## H. STATE HABEAS CORPUS – 2005-CP-46-2212

The Applicant subsequently filed a Petition for Writ of Habeas Corpus on September 26, 2005 (2005-CP-46-2212). By Order dated August 29, 2005, Judge Hayes denied and dismissed the Applicant's petition.

## I. THIRD PCR ACTION – 2006-CP-46-348

The petitioner next filed an application for post-conviction relief filed February 9, 2006.

In this application, Chronister alleged:

1. Subject matter jurisdiction
2. Violations of the U.S. and the S.C. Constitution.
3. Professional Misconduct by Defense counsel.
4. Ineffective assistance of trial counsel.

On July 6, 2006, Judge Alford entered a conditional order of dismissal to dismiss the application as successive and untimely. Chronister filed a motion for relief of judgment, a motion in opposition, and a motion to appeal in the South Carolina Supreme Court. By order dated August 9, 2006, the Supreme Court of South Carolina dismissed the appeal because a conditional order of dismissal is not an appealable order. On November 22, 2006, Judge Alford entered a final order of dismissal.

The petitioner filed a notice of appeal in the South Carolina Supreme Court. On January 22, 2007, the South Carolina Supreme Court entered an order of dismissal of the appeal concluding "in the explanation required by Rule 227 (C), SCACR, petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper." The remittitur was issued in the matter on February 7, 2007.

1 THEN COUNSEL FOR DEFENSE WILL MAKE THEIR OPENING STATEMENT.

2 THE STATE WILL THEN PROCEED BY PUTTING UP ITS EVIDENCE  
3 AFTER WHICH THE SAME OPPORTUNITY WILL BE AFFORDED MR. SMITH.  
4 AFTER THAT WE'LL HAVE CLOSING ARGUMENTS AND THEN I'LL CHARGE  
5 THE JURY ON THE LAW.

6 I IMPRESS UPON YOU AND REMIND YOU ONCE AGAIN, NO  
7 DISCUSSION OF THIS CASE AMONG YOURSELVES AND CERTAINLY NOT  
8 WITH ANYONE ELSE. AND YOU'RE NOT TO OBSERVE, LISTEN TO, READ,  
9 DISCUSS ANY NEWS MEDIA AS WELL, ANY NEWS MEDIA ACCOUNTS OF IT  
10 IF THERE BE ANY UNTIL THIS CASE IS OVER.

11 THANK YOU VERY MUCH.

12 MR. SOLICITOR, ON BEHALF OF THE STATE YOU MAY MAKE YOUR  
13 OPENING STATEMENT.

14 MR. GRANT: MAY IT PLEASE THE COURT.  
15 OPENING STATEMENT BY MR. GRANT  
16 ON BEHALF OF THE STATE:

17 MR. FOREMAN AND LADIES AND GENTLEMEN OF THE JURY, I'M  
18 LARRY GRANT, SOLICITOR FOR THE SIXTEENTH CIRCUIT, YORK AND  
19 UNION COUNTIES. I REPRESENT THE STATE OF SOUTH CAROLINA IN  
20 THE PROSECUTION AND PRESENTATION OF CRIMINAL CASES.

21 YOU HAVE BEEN DRAWN TO TRY THE CASE OF THE STATE VERSUS  
22 JEFFERY CHRONISTER, WHO IS SEATED HERE BETWEEN HIS COUNSEL,  
23 MR. GERALD SMITH WHO YOU HAVE ALREADY INTRODUCED TO, AND MR.  
24 HARRY DEST OF THE PUBLIC DEFENDER'S OFFICE.

25 THIS WHITE PIECE OF PAPER I HAVE IS SIMPLY AN INDICTMENT.

1 IT IS NOT EVIDENCE. YOU MAY OR MAY NOT HAVE IT WITH YOU IN  
2 THE JURY ROOM. BUT IT IS SIMPLY A FORMAL STATEMENT OF THE  
3 CHARGE. THIS INFORMS ANYBODY WHO NEEDS TO KNOW, THE COURT,  
4 THE DEFENDANT, ANYBODY ELSE WHO HAS A NEED TO KNOW OF THE  
5 FORMAL STATEMENT OF THE CHARGE.

6 THIS INDICTMENT CHARGES JEFFERY CHRONISTER WITH MURDER,  
7 WITH THE MURDER OF HIS WIFE, MARIE CHRONISTER.

8 YOU WILL HEAR THE FACTS FROM THE WITNESS STAND. YOUR  
9 JOB, AS HIS HONOR HAS ALREADY TOLD YOU -- AND I WON'T REPEAT  
10 THAT -- IS TO FIND THE TRUE FACTS OF THE MATTER, AND THEN  
11 APPLY THOSE FACTS TO THE LAW AS HIS HONOR CHARGES YOU. AND  
12 HIS HONOR IS IN CHARGE OF THE LAW OF THIS CASE. AND YOU DO  
13 NOT KNOW WHAT THE LAW IN THIS CASE IS AND YOU WILL NOT KNOW  
14 UNTIL HIS HONOR CHARGES YOU THE LAW AT THE END OF THE CASE.

15 BUT AT THE END OF THE CASE WHEN HE CHARGES YOU THE LAW,  
16 THEN YOU TAKE THE FACTS AS YOU FOUND THEM TO BE, APPLY THE LAW  
17 AS HIS HONOR CHARGES YOU, AND RENDER A VERDICT WHICH SPEAKS  
18 THE TRUTH.

19 THAT'S AS EASILY AS I CAN SAY IT. IT'S NOT AN EASY JOB.  
20 JURY DUTY IS CALLED A DUTY BECAUSE IT IS A DUTY. IT'S A DUTY  
21 THAT YOU HAVE TO YOUR COUNTRY, TO MR. CHRONISTER, TO THE STATE  
22 OF SOUTH CAROLINA TO WELL AND FAIRLY TRY AND A TRUE  
23 DELIVERANCE MAKE, A VERDICT WHICH SIMPLY SPEAKS THE TRUTH.

24 AND I ASK YOU TO KEEP AN OPEN MIND THROUGHOUT THIS CASE  
25 AND TO THE VERY END, UNTIL YOU'VE HEARD IT ALL, ALL OF THE

1       FACTS AND ALL OF THE LAW, AND THEN THROUGH YOUR DELIBERATIONS,  
2       RENDER A VERDICT WHICH SPEAKS THE TRUTH.

3               NOW, THE STATE HAS CHARGED JEFFERY CHRONISTER BY THIS  
4       INDICTMENT WITH THE FORMAL CHARGE OF MURDER. I WILL PUBLISH  
5       THAT TO YOU: STATE OF SOUTH CAROLINA, COUNTY OF YORK,  
6       INDICTMENT FOR MURDER AND USE OF A FIREARM DURING THE  
7       COMMISSION OF A VIOLENT CRIME AT A COURT OF GENERAL SESSIONS  
8       CONVENED ON APRIL THE 6TH, 1992, THE GRAND JURORS OF YORK  
9       COUNTY PRESENT UPON THEIR OATH: COUNT ONE, THAT JEFFERY  
10      CHRONISTER DID IN YORK COUNTY ON OR ABOUT FEBRUARY 14, 1992  
11      WILFULLY, FELONIOUSLY, AND WITH MALICE AFORETHOUGHT KILL ONE  
12      MARIE GAIL CHRONISTER BY MEANS OF SHOOTING HER, AND THAT THE  
13      SAID VICTIM DIED AS A PROXIMATE RESULT THEREOF.

14             COUNT TWO CHARGES THAT JEFFERY LYNN CHRONISTER DID COMMIT  
15      THE CRIME OF MURDER WHILE USING A FIREARM AGAINST THE PEACE  
16      AND DIGNITY OF THE STATE AND CONTRARY TO THE STATUTE AND SUCH  
17      CASE MADE AND PROVIDED.

18             SIGNED, LARRY F. GRANT, SOLICITOR.

19             HIS HONOR HAS ALREADY CHARGED YOU VERY BRIEFLY EARLIER ON  
20      ABOUT THE DEFINITION OF MURDER. YOU HOLD YOUR MIND OPEN UNTIL  
21      HE CHARGES YOU AT THE END OF THIS CASE AS TO WHAT THE LAW THAT  
22      APPLIES TO THIS CASE IS.

23             I SUBMIT TO YOU AGAIN, IF I MISSTATE ANY OF THE LAW OR  
24      MR. SMITH, YOU TAKE THE LAW AS HIS HONOR CHARGES IT TO BE.

25             MURDER IS THE UNLAWFUL KILLING, I UNDERSTAND, OF A HUMAN

STATE V. CHRONISTER

1 BEING WITH MALICE AFORETHOUGHT. HIS HONOR WILL CHARGE YOU AS  
2 TO THOSE TERMS. THEY HAVE BASICALLY THEIR COMMON-SENSE  
3 MEANING. UNLAWFUL KILLING OF A HUMAN BEING WITH MALICE  
4 AFORETHOUGHT. MALICE BEING A MALICIOUS ACT OR AN EVIL STATE  
5 ~~OF MIND OR A HEART BENT ON MISCHIEF OR DEVOID OF GOOD.~~ AND  
6 AFORETHOUGHT, MEANING A THOUGHT, A PERIOD OF TIME. IT DOESN'T  
7 HAVE TO BE A MEASURABLE PERIOD OF TIME, BUT IT'S AN  
8 AFORETHOUGHT, A THOUGHT EITHER AT OR BEFORE THE TIME OF THE  
9 FATAL ACT.

10 THE STATE IS REQUIRED AND THE STATE ACCEPTS THE BURDEN --  
11 THE STATE THAT I REPRESENT AND THE STATE THAT MR. SMITH  
12 REPRESENTS AS PUBLIC DEFENDER -- WOULD NOT PRESUME ANY ONE OF  
13 ITS DEFENDANTS TO BE GUILTY OF ANY CHARGE, ANY ONE OF ITS  
14 CITIZENS TO BE GUILTY OF ANY CHARGE. AND THE STATE AGREES  
15 WITH THAT AND WELCOMES THAT BURDEN.

16 THE STATE HAS CHARGED MR. CHRONISTER WITH THE CHARGE OF  
17 MURDER BY KILLING HIS WIFE WITH MALICE AFORETHOUGHT.  
18 PREMEDITATION IS NOT REQUIRED IN SOUTH CAROLINA. IT MAY BE A  
19 PART OF THE AFORETHOUGHT FROM YOUR FINDING OF THE FACTS;  
20 THAT'LL BE UP TO YOU.

21 MOTIVE IS NOT REQUIRED IN A MURDER CASE IN SOUTH  
22 CAROLINA. THERE MAY BE FROM YOUR FINDING OF THE FACTS A  
23 MOTIVE, BUT IT'S NOT REQUIRED THAT THE STATE PROVE  
24 PREMEDITATION OR MOTIVE, BUT SIMPLY UNLAWFUL KILLING OF A  
25 PERSON WITH MALICE AFORETHOUGHT. AND THE AFORETHOUGHT CAN BE

DEC 18 2014



State of South Carolina  
The Circuit Court of the Sixteenth Judicial Circuit

Lee S. Alford  
Judge

Moss Justice Center  
1675-1J York Highway  
York, SC 29745-7434  
Phone: (803) 628-3048  
Fax: (803) 628-3139  
lalfordj@sccourts.org

November 21, 2014

Jeff Chronister, #189827  
Kirkland C.I., B-II, 34  
4344 Broad River Road  
Columbia, S. C. 29210

Dear Mr. Chronister:

This will acknowledge receipt of your motion and correspondence. This Court cannot grant relief on a motion unless timely made. You would need to file a Post-Conviction Relief Action in order for the Court to consider your motion.

With kind regards, I am

Yours Very Truly,

*Lee S. Alford /s/*

Lee S. Alford  
Resident Judge  
of the Sixteenth Judicial Circuit

LSA:rgb

# The Supreme Court of South Carolina

The State, Respondent,

v.

Jeffrey Lynn Chronister, Petitioner.

Appellate Case No. 2017-001374

Lower Court Case No. 1992-GS-46-01224

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## ORDER

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Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Beatty, C.J., not participating.

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Columbia, South Carolina

February 1, 2018

cc:

Alan McCrory Wilson, Esquire

Donald J. Zelenka, Esquire

John W. McIntosh, Esquire

Kevin Scott Brackett, Esquire

Jeffrey L. Chronister, 189827

The Honorable Jenny Abbott Kitchings

The Honorable David Hamilton

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS

pro se, JEFFREY LYNN CHRONISTER  
APPLICANT

RE: APPLICATION FOR  
POST CONVICTION RELIEF

STATE OF SOUTH CAROLINA

MOTION FOR APPOINTMENT  
OF COUNSEL

FILED-RECEIVED  
2018 MAY 17 PM 1:11  
DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, S.C.  
~~CLOCK IN TIME~~  
~~CANCELLED~~

APPLICANT MOVES FOR APPOINTMENT OF COUNSEL UNDER  
RULE 71.1(d) FOR THE FOLLOWING REASONS:

- (1) THE APPLICATION PRESENTS QUESTIONS OF LAW AND  
FACTS, AND
- (2) APPLICANT HAS NO FORMAL TRAINING IN LAW
- (3) INDIGENCY
- (4) THE CONSTITUTIONAL ISSUES INVOLVED
- (5) IN THE INTEREST OF JUSTICE S.C. CODE 17-27-20

MAY 17, 2018

*Jeffrey Lynn Chronister*  
JEFFREY LYNN CHRONISTER



## CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649

Date: 5/7/2018 4:52:05 PM  
TO: Jeffrey L. Chronister  
FROM: DAVID HAMILTON, YORK COUNTY CLERK OF COURT  
RE: Post-Conviction Relief Application

The above referenced document is being returned for the following reason(s):

1. \_\_\_ Requires address, phone number if filing Pro Se.
2. \_\_\_ Not dated
3. \_\_\_ Not signed
4. \_\_\_ Not notarized
5. \_\_\_ Incorrect filing fee, Correct amount due: \_\_\_\_\_
6. \_\_\_ Requires original signature
7. \_\_\_ Requires a Civil Action Cover Sheet
8. \_\_\_ Requires Civil Action Cover Sheet filled out in its entirety  
(state nature of action, Jury/Nonjury, Signed by attorney/pro-se)
9. \_\_\_ Requires a Motion Cover Sheet
10. \_\_\_ Requires a Motion Cover Sheet & \$25
11. \_\_\_ This is not a York County Common Pleas Case
12. \_\_\_ Check/money order must be payable to Clerk of Court
13. \_\_\_ Document is a copy, must file original signature
14. \_\_\_ Judge denied Motion to Proceed in Forma Pauperis  
*Original lawsuit is being returned to you and if you wish to pursue you will need to pay the \$150.00 filing fee.*

15. XXX Other

Mr. Chronister,

I am in receipt of your letter regarding your PCR application. I do not see where our office has received your application. Please re-submit.

Thank you,  
Clerk of Court's Office

Please make the necessary correction(s) and return for recording.  
Thank you for your assistance.

IN THE COURT OF COMMON PLEAS

JEFFREY LYNN CHROUISTER

APPLICANT

v

STATE OF SOUTH CAROLINA

PROOF OF SERVICE

I, JEFFREY LYNN CHROUISTER, DECLARE THAT ON THIS DATE OF MAY 22<sup>ND</sup>, 2018, RESUBMITTED APPLICATION FOR POST CONVICTION RELIEF ON DAVID HAMILTON, CLERK OF COURT, POST OFFICE BOX 649, YORK, S. C. 29745-0649 BY DEPOSITING IN THE UNITED STATES MAIL, POSTAGE PREPAID.

MAY 17, 2018

*Jeffrey Lynn Chrouister*  
JEFFREY LYNN CHROUISTER  
I/M #189829

RECEIVED  
2018 MAY 17 PM 1:19  
DAVID HAMILTON  
CLERK OF COURT  
COURT HOUSE  
YORK COUNTY, SC  
CANCELLER  
CLOCK IN TIME

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY  
CIRCUIT COURT

DANIEL D. HALL  
CHIEF ADMINISTRATIVE JUDGE

RE: JEFFREY CHRONISTER V STATE  
APPELLATE CASE No. 2018-001318

PROOF OF SERVICE

I, JEFFREY LYNN CHRONISTER, CERTIFY THAT I HAVE SERVED  
A COPY OF THE NOTICE OF APPEAL ON THE OFFICE OF THE  
ATTORNEY GENERAL FOR THE STATE, POST OFFICE BOX 11549,  
COLUMBIA, SOUTH CAROLINA, 29211, BY DEPOSITING IT IN  
THE UNITED STATES MAIL, POSTAGE PREPAID ON THIS  
26TH DAY OF JULY, 2018.

JULY 26, 2018

Jeffrey Lynn Chronister, #1898207  
JEFFREY LYNN CHRONISTER

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY  
CIRCUIT COURT

DANIEL D. HALL  
CHIEF ADMINISTRATIVE JUDGE

RE: JEFFREY CHRONISTER v STATE  
APPELLATE CASE No. 2018-001318

PROOF OF SERVICE

I, JEFFREY LYNN CHRONISTER, CERTIFY THAT I HAVE SERVED THE FOLLOWING IN ACCORDANCE TO LETTER FROM DANIEL E. SHEAROUSE, CLERK OF COURT, DATED JULY 18, 2018 BY DEPOSITING IN THE UNITED STATES MAIL, POSTAGE PREPAID ON THIS 26TH DAY OF JULY, 2018.

(1) PROOF OF SERVICE SHOWING A COPY OF THE NOTICE OF APPEAL WAS ALSO SERVED ON THIS DATE TO OFFICE OF THE STATE'S ATTORNEY GENERAL.

(2) LETTER TO THE CLERK WITH THE DATE THAT JUDGE HALL'S LETTER WAS RECEIVED.

(3) A TRUE COPY OF THE POST-CONVICTION RELIEF APPLICATION THAT WAS ATTEMPTED TO BE FILED IN THIS CASE.

JULY 26, 2018

Jeffrey Lynn Chronister  
JEFFREY LYNN CHRONISTER, #189827

THE SUPREME COURT  
CLERK OF COURT'S OFFICE  
POST OFFICE BOX 1  
COLUMBIA, S. C.

RECEIVED

JUL 26 2008

KIRKLAND R&E CENTER  
MAILROOM

LEGAL  
MAIL  
ONLY

ATTN: DANIEL E. SHEAROUSE