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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

AUG 09 2018

APPEAL FROM YORK COUNTY
CIRCUIT COURT

S.C. SUPREME COURT

DANIEL D. HALL
CHIEF ADMINISTRATIVE JUDGE

APPELLATE CASE NO. 2018-001318

JEFFREY CHRONISTER PETITIONER

v.

STATE OF SOUTH CAROLINA RESPONDENT

PETITION FOR WRIT OF CERTIORARI

pro se, JEFFREY LYNN CHRONISTER

I/M # 189827

KIRKLAND R+E CTR. B-II, #63

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

OTHER COUNSEL OF RECORD

ALAN M. WILSON, ATTORNEY GENERAL

POST OFFICE BOX 11549

COLUMBIA, S.C., 29211

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(1) QUESTION PRESENTED

DID JUDGE HALL ERROR IN DENYING THE APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS TO A POST-CONVICTION RELIEF APPLICATION?

(2) STATEMENT OF THE CASE

THIS MATTER COMES BEFORE THE COURT PURSUANT TO S.C. CODE ANN. 14-3-330 (2), (a)

THE MATTER AROSE FROM PETITIONER'S pro se MOTION FOR AFTER NEWLY DISCOVERED EVIDENCE DATED NOVEMBER 12, 2014, THAT RAISES STATUTORY AFFIRMATIVE LEGAL DUTY TO ACT, AND CONSTITUTIONAL VIOLATIONS. THE QUESTIONS PRESENTED:

(A) "WAS THE DIRECTED VERDICT PRODUCED BY PROSECUTORIAL MISCONDUCT AND MISREPRESENTATION BY COUNSEL?" INCLUDING

(a) THE MISCONDUCTS PRODUCING FRAUD ON THE COURT, AND

(b) MISCONDUCT BY THE PRIMARY OFFICER (DETECTIVE IN OBTAINING THE ARREST WARRANT WITHOUT PROBABLE CAUSE.

(B) "WAS THE ARREST MADE WITHOUT PROBABLE CAUSE VIOLATING THE CONSTITUTION OF THIS STATE, THE 4TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION?"

(C) "WAS THE CIRCUIT COURT PROPERLY VESTED WITH SUBJECT MATTER JURISDICTION TO HAVE OBTAINED THE CONVICTIONS?"

THE INDICTMENT FOR MURDER IS SUBJECT OF ISSUE BECAUSE OF:

(1) NO PRESENTMENT OF INDICTMENT OR WAIVER OF PRESENTMENT FOR THE FIREARMS CHARGE "COUNT TWO" (2) NO INDICATION OF FORMALLY STAMPED "TRUE BILL", (3) NOR BEING PUBLISHED, WRITTEN BY THE CLERK OF COURT, AND A FACIAL IRREGULARITY OF INITIALED "T. BILL"

PETITIONER APPEALING JUDGE LEE S. ALFORD'S LETTER ORDER

DATED NOVEMBER 21, 2014. THAT STATED:

"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" AND BY ORDER OF THIS COURT, DATED FEBRUARY 1, 2018, PETITIONER'S "PETITION FOR A WRIT OF CERTIORARI" ON THE APPEAL WAS DENIED. "APPELLATE CASE NO. 2017-001374, LOWER COURT CASE NO. 1992-GS-46-1224".

NOW COMES THE MATTER BEFORE THE COURT:

PETITIONER RESUBMITTING AN POST CONVICTION RELIEF APPLICATION ON MAY 22, 2018 (SEE FORM FROM YORK COUNTY CLERK OF COURT, APPENDIX p 7), AND IN THE APPLICATION REFERRING TO THE GROUNDS OF THE MOTION IN ANSWERING QUESTIONS OF APPLICATION.

IN LETTER ORDER, DATED JUNE 4, 2018, CHIEF ADMINISTRATIVE JUDGE OF THE SIXTEENTH JUDICIAL CIRCUIT, DANIEL D. HALL STATED:

"THIS IS THE THIRD PCR APPLICATION THAT YOU HAVE FILED IN THIS MATTER. THE TWO PRIOR APPLICATIONS WERE DISMISSED BY THE CIRCUIT COURTS. YOUR APPLICATION TO PROCEED WITHOUT PAYMENT FOR THIS FILING IS DENIED" (APPENDIX p.8)

PETITIONER RECEIVED ON JULY 20, 2018, A LETTER FROM THE CLERK OF THIS COURT DATED JULY 18, 2018, AND SERVED AS REQUESTED ON JULY 26TH, 2018. ALSO PROVIDING A COPY OF THE APPLICATION FOR POST CONVICTION RELIEF THAT INCLUDES A COPY OF JUDGE ALPORD'S FORGOING LETTER ORDER AND THE ORDER BY THIS COURT AT p. 17-18. ALSO A COPY OF THE MOTION WAS SENT TO THIS COURT (SEE APPENDIX p.9-12)

(3) ARGUMENT

PETITIONER RESPECTFULLY CONTENDS THAT JUDGE HALL ERRED IN DENYING THE APPLICATION BY FAILURE TO MAKE FACIAL FINDINGS TO SHOW THAT THE APPLICATION ROSE TO THE LEVEL OF REPETITIVE AND ABUSIVE FILINGS WOULD EFFECTIVELY DISCONTIN-

UED THE ACTION. WHICH WAS SIMILAR TO THE CIRCUMSTANCES IN LAKES V STATE 510 SE2d 228, (S.C. APP. 1998) WHEN PETITIONING FOR A WRIT OF HABEAS CORPUS INMATE LAKES MOVED FOR ORDER TO PROCEED in forma pauperis, ~~AND~~ THE CIRCUIT COURT JUDGE DENIED THE MOTION. LAKES APPEALED, AND THE COURT OF APPEALS HELD THAT "[2] INMATE WAS ENTITLED TO PROCEED IN FORMA PAUPERIS WITH PETITION FOR WRIT OF HABEAS CORPUS DESPITE NUMEROUS PREVIOUS REQUESTS FOR RELIEF, IN ABSENCE OF FACTUAL FINDINGS THAT REQUEST ROSE TO THE LEVEL OF REPETITIVE AND ABUSIVE FILINGS. CODE 1976^s 17-27-60." LAKES HAD ALSO SUBMITTED THREE (3) POST CONVICTION RELIEF APPLICATIONS AMONG HIS REQUESTS. THE COURT ALSO STATES "[1] AN APPELLATE COURT HAS JURISDICTION TO REVIEW AN ORDER AFFECTING A SUBSTANTIAL RIGHT WHEN THE ORDER HAS THE EFFECT OF DISCONTINUING THE ACTION OR PREVENTING AN APPEALABLE JUDGMENT. S.C. CODE ANN. 14-3-330 (2) (a) (SUPP. 1997). THE TRIAL JUDGE'S ORDER DENYING LAKES REQUEST TO PROCEED IN FORMA PAUPERIS EFFECTIVELY DISCONTINUED THE ACTION BECAUSE LAKES ONLY MEANS OF BRINGING THE ACTION WAS IN FORMA PAUPERIS. THEREFORE, THIS COURT HAS JURISDICTION TO REVERSE THE DENIAL OF THE MOTION." FURTHERMORE;

UNDER S.C. CODE 17-27-60 (1) "POST CONVICTION RELIEF APPLICATION MAY BE INSTITUTED WITHOUT THE PAYMENT OF FILING FEE, REGARDLESS OF A PERSON'S FINANCIAL STATUS" LAKES V STATE, (S.C. APP. 1998) 333 S.C. 382, 510 SE2d 228 REHEARING DENIED, CERT. DENIED.; WADE V STATE 559 SE2d 843 (S.C. 2002) [9], "A POST-CONVICTION RELIEF APPLICANT IS NOT REQUIRED TO PAY A FILING FEE OR MEET THE COMPLEX PAYMENT STRUCTURE OF THE INMATE LITIGATION ACT (I.L.A), CODE 1976^s 24-27-100 et. seq.": THOMPSON V STATE 479 SE2d 808, 325 S.C. 58 (1997) "IN THIS CASE, S.C. CODE ANN 17-27-20 (1985)" SPECIFICALLY STATES THAT

AN ACTION FOR POST-CONVICTION RELIEF MAY BE INSTITUTED WITHOUT PAYMENT OF FILING FEE, REGARDLESS OF A PERSON'S FINANCIAL STATUS, ACCORDINGLY THERE IS NO FILING FEE REQUIRED BY LAW". AND EX PARTE MARTIN 491 SE 2d AT 135 (S.C. 1995) " (FURTHER WHERE CERTAIN FUNDAMENTAL RIGHTS ARE INVOLVED, THE CONSTITUTION REQUIRED THAT AN INDIGENT BE ALLOWED ACCESS TO THE COURTS) COMPARE BODIE V CONNECTICUT 401 U.S. 371, 91 S. Ct. 780, 28 LE 2d 113 (1971).

CONCLUSION

FOR THE FOREGOING REASONS PETITIONER ASKS THIS COURT TO GRANT THE PETITION.

RESPECTFULLY SUBMITTED;

Jeffrey Lynn Chronister

JEFFREY LYNN CHRONISTER, 189827

KIRKLAND R+E CTR. B-II, 63

4344 BROAD RIVER ROAD

COLUMBIA, S.C. 29210

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY
CIRCUIT COURT

DANIEL D. HALL
CHIEF ADMINISTRATIVE JUDGE

APPELLATE CASE NO. 2018-001318

JEFFREY CHRONISTER _____ PETITIONER

STATE OF SOUTH CAROLINA _____ RESPONDENT

APPENDIX

pro se, JEFFREY LYNN CHRONISTER, #189827

KIRKLAND RYE CTR., B-II, #63

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

ALAN M. WILSON, ATTORNEY GENERAL

POST OFFICE BOX 11549

COLUMBIA, S.C., 29211

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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. 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.



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

Daniel D. Hall
Judge

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

June 4, 2018

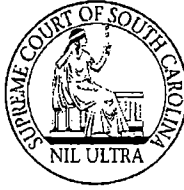
Jeff Chronister # 189827
Kirkland R & E Ctr., B-II #63
4344 Broad River Road
Columbia, SC 29210

Mr. Chronister:

I received your Application for Post-Conviction Relief with your Application to Proceed Without Payment. This is the third PCR Application that you have filed in this matter. The two prior applications were dismissed by the circuit courts. Your Application to Proceed Without Payment for this filing is denied.

Daniel D. Hall
Chief Administrative Judge
of the Sixteenth Judicial Circuit

DDH:rgb



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
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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. 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. 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,



CLERK

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

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JUL 26 2018

IRKLAND R&E CENTER
MAILROOM

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. SNEAROUSE, 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 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

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, #189829

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 CHRONISTER, CERTIFY THAT I HAVE SERVED THE PETITION FOR A WRIT OF CERTIORARI WITH APPENDIX ON THE OFFICE OF THE ATTORNEY GENERAL, ALAN WILSON, POST OFFICE BOX 11549, COLUMBIA, S.C., 29211 BY DEPOSITING COPIES OF SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID ON THIS 31ST DAY OF JULY, 2018.

Jeffrey Chronister
JEFFREY CHRONISTER, #189817

JEFF CHRONISTER, #189827

KIRKLAND R+E CTR., B-II, #63

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

LEGAL
MAIL
ONLY

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JUL 31 2008

KIRKLAND R&E CENTER

THE SUPREME COURT

DANIELLE SHEARSON

POST OFFICE BOX 1

COLUMBIA, S.C.