

STATE OF SOUTH CAROLINA
DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

LYNN JEFFREY CHRONISTER, #189827
- PETITIONER -

Vs.
SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE, AND PARDON
SERVICES - RESPONDENT

PETITION FOR
REHEARING

THIS MATTER AROSE FROM THE SOUTH CAROLINA PAROLE BOARD'S FINAL DECISION DATED JANUARY 24, 2019, AND RECEIVED ON JANUARY 29, 2019 (COPY ENCLOSED). THE GROUNDS FOR THIS ACTION IS THE BOARD'S VIOLATING RIGHT TO DUE PROCESS UNDER ART. I (3), (22) OF THE SOUTH CAROLINA CONSTITUTION, STATUTORY RIGHTS, AND DUE PROCESS AFFORDED UNDER US CA CONST AMEND. 14. AS UNDER COOPER V S.C. DEPT. OF PROBATION AND PARDON, 661 SE2d 106, AT 107 (S.C. 2003); (8) CONSTITUTIONAL LAW 4833:

"IF A PAROLE BOARD DEVIATES FROM, OR RENDERS ITS DECISION WITHOUT CONSIDERATION OF THE APPROPRIATE CRITERIA, IT ESSENTIALLY ABROGATES AN INMATE'S RIGHT TO PAROLE ELIGIBILITY, AND THUS INFRINGES ON A STATE CREATED LIBERTY INTEREST."

U.S. CA. CONST. AMEND. 14: S.C. CODE 1976^S 24-21-640

FACTS: PRIOR TO THE PAROLE HEARING (8) MINUTES WAS TIMED TO PRESENT EVIDENCE ON "THE CIRCUMSTANCES SURROUNDING THE OPPE-
NCE" OF THE "CRITERIA FOR PAROLE CONSIDERATION" FORM. THE BOARD GRANTED THE MINUTES AT THE HEARING, AND DEVIATION OCCURRED BY QUESTIONS FROM BOARD MEMBER APPROXIMATELY (1) MINUTE INTO THE PRESENTATION ON OTHER FACTORS OF CRITERIA.

THE EVIDENCE ATTEMPTED TO PRESENT SHOWED MITIGATING CIRCUM-
STANCES SURROUNDING THE TRAGEDY BY THAT OF COPIES OF TRIAL RECO-
RD'S IN CAMERA TESTIMONY OF AN FORENSIC'S PSYCHIATRIST WITH THE
STATE'S PSYCHIATRIC INSTITUTE. HIS TESTIMONY SHOWING DIAGNOSIS OF
EMOTIONAL DISORDERS "CONNECTED WITH ALCOHOL ABUSE" IN EXISTENCE

"ON THAT DATE" OF TRAGEDY. ALSO IN DESCRIBING THE EMOTIONAL REACTIONS AND CONDITIONS FROM THE DISORDERS AS BEING "ABOVE AND BEYOND", MORE SEVERE, AND MORE DYSFUNCTIONAL" THAN EXPECTED. HIS FURTHER DIAGNOSIS SHOWING "THE SEPARATION ENDURED" WITH WIFE WAS "THE ESSENCE" OF THE DISORDERS.

THE OTHER EVIDENCE WAS COPY OF THE INSTITUTE'S "PATIENT ADMISSIONS INFORMATION" FORM WITH DIAGNOSIS OF "MAJOR DEPRESSION" ON THE FOLLOWING MORNING OF TRAGEDY, AND COPY OF THE STATE'S "REQUEST FOR NOTICE OF INSANITY DEFENSE" WHICH SHOWED THE STATE WAS AWARE OF SERIOUSNESS OF THE DISORDER. ALSO IN RELATION TO IS NO PRIOR CRIMINAL RECORD THAT IS SHOWN BY THE SOLICITOR STATING AT TRIAL: "YOUR HONOR, MY UNDERSTANDING, HE HAS NO RECORD OF MORAL TURPITUDE." S.C. CODE 16-3-20(b) (1)(2)

THE EVIDENCE WAS SIGNIFICANT TO THE BOARD'S AUTHORITY IN DETERMINING PAROLE ELIGIBILITY, SEPARATE, AND APART FROM THE COURT'S SENTENCE. PARDON AND PAROLE, 45.1. BECAUSE OF EVIDENCE FAILING TO GO BEFORE THE JURY DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL, AND IT BEING MATERIAL TO THE BOARD'S CONSIDERATION OF THE "CHARACTERISTICS" OF CURRENT OFFENSE IN THE NOTICE OF REJECTION. BECAUSE OF REDUCING ITS NATURE AND SERIOUSNESS.

ENDING PRESENTATION WITH STATEMENT TAKING RESPONSIBILITY, REGRET, AND FOR FORGIVENESS FROM THOSE MY ACTION HAS HURT THROUGH PRAYER.

CONCLUSION

FOR THE FOREGOING REASONS A REHEARING SHOULD BE GRANTED

FEBRUARY 11, 2019

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