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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APR 25 2019

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
DEBORAH B. DURDEN, ADMINISTRATIVE LAW JUDGE

CASE No. 2019-000515

pro se, LYNN JEFFREY CHRONISTER

APPELLANT

-Vs-

SOUTH CAROLINA DEPARTMENT OF  
PROBATION, PAROLE, AND PARDON  
SERVICES

RESPONDENT

BRIEF OF APPELLANT

LYNN JEFFREY CHRONISTER, #189827  
KIRKLAND CORR. INST., B-II, #68  
4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210

ATTORNEY FOR RESPONDENT  
MATTHEW C. BUCHANAN, ESQUIRE  
POST OFFICE BOX 50666  
COLUMBIA, S.C., 29250

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## STATEMENT OF ISSUES

THE PAROLE BOARD'S DECISION ON THE "PETITION FOR REHEARING" IS IN ERROR. AS IS THE ADMINISTRATIVE LAW JUDGE'S DECISION TO DISMISS "NOTICE OF APPEAL" IN THAT APPELLANT'S CASE IS "A ROUTINE DENIAL OF PAROLE" (SEE P. 8-9) WHERE THE PETITION AND NOTICE RAISES VIOLATION OF CONSTITUTIONAL DUE PROCESS AND STATUTES BY DEVIATION FROM PRESENTATION OF MATERIAL EVIDENCE ON RELEVANT FACTOR(S) AT PAROLE HEARING (SEE P. 10-11) (COPY OF PETITION INCLUDED WITH "NOTICE OF APPEAL" TO THIS COURT)

## STATEMENT OF THE CASE

THIS MATTER AROSE FROM APPELLANT'S PAROLE HEARING HELD ON JANUARY 23, 2019, AND THE PAROLE BOARD'S "NOTICE OF REJECTION" DATED JANUARY 24, 2019 WAS RECEIVED ON JANUARY 29, 2019. APPELLANT SUBMITTING A "PETITION FOR REHEARING" TO THE BOARD, DATED FEBRUARY 11, 2019, AND THE RESPONSE WAS "PLEASE BE ADVISED THAT THERE IS NO REHEARING/APPEAL PROCESS FOR THE ROUTINE DENIAL OF PAROLE. THEREFORE NO ACTION WILL BE TAKEN ON YOUR REQUEST."

APPELLANT SUBMITTING A "NOTICE OF APPEAL" TO THE ADMINISTRATIVE LAW COURT THAT WAS FILED BY THE COURT ON "2/15/19", AND BY ORDER OF THE HONORABLE JUDGE DEBORAH BROOKS DURDEN WAS DISMISSED ON MARCH 12, 2019. THE ORDER WAS RECEIVED ON FEBRUARY 15, 2019, AND APPELLANT SUBMITTING A "NOTICE OF APPEAL" TO THIS COURT ON "MARCH 27, 2019".

## INDICTMENT AND TRIAL

THE ARREST OCCURRED ON SAME MORNING OF TRAGEDY FEBRUARY 14, 1992, AN INDICTMENT, (YORK COUNTY SOUTH CAROLINA), OF APRIL 6

CHARGED, MURDER, AND UNLAWFUL POSSESSION OF FIREARM OR KNIFE DURING THE COMMISSION OF A VIOLENT CRIME." A JURY TRIAL OF SEPTEMBER 21-22, 1992 RESULTED IN VERDICT OF GUILTY (92-GS-46-1224) AND HONORABLE DON S. RUSHING IMPOSING A LIFE (20 YEAR) SENTENCE PLUS CONSECUTIVE 5 YEARS FOR POSSESSION OF FIREARM. DEFENSE COUNSEL WAS GERALD W. SMITH OF THE YORK COUNTY PUBLIC DEFENDERS OFFICE.

## ARGUMENT

THE ADMINISTRATIVE LAW JUDGE'S DISMISSAL OF THE NOTICE OF APPEAL IS IN ERROR. BECAUSE THE NOTICE RAISES "ABROGATION OF RIGHT TO PAROLE ELIGIBILITY WAS BY THE PAROLE BOARD'S FINDINGS, INFERENCES, AND CONCLUSIONS VIOLATING U.S.C.A. CONST. AMEND 14, ART 3 + 22 OF THE SOUTH CAROLINA CONSTITUTION AND STATE STATUTES." THAT IS SHOWN DUE TO BOARD'S PROCEDURE OF DEVIATION FROM MATERIAL EVIDENCE. (SEE P10-11). COOPER V SC DEPT. OF PROBATION + PARDON 661 S.E2d 106 (S.C. 2000). HOLDINGS: THE SUPREME COURT, BEATTY J., HELD THAT: (1) PROCEDURE EMPLOYED BY PAROLE BOARD DEPRIVED INMATE OF STATE-CREATED LIBERTY INTEREST AND TRIGGERED DUE PROCESS REQUIREMENTS, INCLUDING ENTITLEMENT TO REVIEW BY A JUDGE, AND--

FACTS: AS APPELLANT'S "NOTICE OF APPEAL" RAISES (8) EIGHT MINUTES WAS GRANTED FOR PRESENTATION THAT SHOWED EVIDENCE OF MITIGATING CIRCUMSTANCES SURROUNDED THE TRAGEDY, AND THE DEVIATION DNTO OTHER FACTORS OF "CRITERIA FOR PAROLE CONSIDERATION" OCCURRING AROUND (U) ONE MINUTE INTO PRESENTATION. THE FACTORS NOT LISTED UNDER "FINDINGS OF FACT" OF THE BOARD'S "NOTICE OF REJECTION", (P.12) THE EVIDENCE WOULD HAVE REDUCED THE COURT'S SENTENCE. THUS MATERIAL TO THE BOARD'S "CONSIDERATION" IN THE NOTICE OF (1) THE CHARACTERISTICS OF YOUR CURRENT OFFENSE(S) AND TO ITS "NATURE AND SERIOUSNESS" UNDER THE FINDINGS. THE DEVIATION ALSO DENYING A FAIR HEARING. BECAUSE OF BEING CONTRARY TO THE PROVISION OF THE CRITERIA'S "RIGHT TO PRESENT EVIDENCE ON OWN BEHALF (P.13) FRANKLIN V SHIELD 569 F.2d 784-790 (4TH CIR. 1979) "AS A GENERAL MATTER, PAROLE PROCEEDINGS ARE SUBJECT TO THE DUE PROCESS CLAUSE BECAUSE FAIR PAROLE CONSIDERATION INVOLVES PRISO

NER'S LIBERTY": "IF A PAROLE BOARD DEVIATES FROM OR REWINDS ITS DECISION WITHOUT CONSIDERATION OF APPROPRIATE CRITERIA IT ESSENTIALLY ABROGATES INMATE'S RIGHT TO PAROLE ELIGIBILITY, AND THUS INFRINGES ON A STATE CREATED LIBERTY INTEREST." USCA CONST AMEND 14: S. C. CODE § 24-21-640, Id. COOPER: S. C. CONST. ART. I, § 3, PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION OF LAWS (STATE + FEDERAL); "THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF STATE AND OF THE UNITED STATES UNDER THIS CONSTITUTION SHALL NOT BE ABRIDGED, NOR SHALL ANY PERSON BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR SHALL ANY PERSON DENIED THE EQUAL PROTECTION OF LAWS", AND ART. I § 22 PROVIDES IN PART THAT "NO PERSON SHALL BE FINALLY BOUND BY A JUDICIAL OR QUASI JUDICIAL DECISION OF AN ADMINISTRATIVE AGENCY AFFECTING PRIVATE RIGHTS EXCEPT ON DUE NOTICE AND OPPORTUNITY TO BE HEARD; NOR SHALL HE BE SUBJECT TO THE SAME PERSON FOR BOTH PROSECUTION AND ADJUDICATION; AND HE SHALL HAVE IN ALL SUCH INSTANCES THE RIGHT TO JUDICIAL REVIEW"

THE FOLLOWING IS MITIGATING EVIDENCE THAT WAS PROPER FOR THE BOARD'S AUTHORITY TO HAVE "DETERMINED PAROLE ELIGIBILITY, SEPARATE AND APART" FROM THE COURT'S SENTENCE Id. COOPER. FOR IT WAS RAISED AT THE TRIAL'S IN-CAMERA BLAIR HEARING, BUT FAILED TO GO TO JURY TO DETERMINE DUE TO COUNSEL'S INEFFECTIVENESS AND/OR THE STATE IN FAILURE TO ENSURE RETURN FOR NEXT DAY. [P. 11 L. 1 - P. 15]

PSYCHIATRIST THOMAS BEHRMAN'S TESTIMONY SHOWS, (1) AFFILIATED WITH WILLIAM S. HALL INSTITUTE (2) PART OF DUTIES IS EVALUATIONS FOR COURT IN COMPETENCY, INSANITY, AND GUILTY BUT MENTALLY ILL AND (3) HAVING EVALUATED APPELLANT FROM FEBRUARY 15, 1992 UNTIL APRIL 14, 1992 [P. 17 L. 4 - P. 18, L. 23] TESTIMONY:

1-(A) "AS A RESULT OF OUR EVALUATION WE DIAGNOSED MR. CHRONISTER WITH AN ADJUSTMENT DISORDER WITH MIXED EMOTIONAL FEATURES, AND ALSO DIAGNOSED HIM WITH ALCOHOL ABUSE [P. 20, L. 23]

2-(A) "WELL, OUR OPINION OF HIM WAS HE WAS NOT REACTING IN A WAY THAT WOULD ORDINARILY BE EXPECTED FROM AN AVERAGE PERSON IN HIS SITUATION, IT WAS ABOVE AND BEYOND WHAT WE

WOULD NORMALLY EXPECT"; (Q) "IT WOULD HAVE BEEN AN ABNORMAL EMOTIONAL REACTION?", (A) "YES, SIR." [P.23 L.15-20]

B-(A) "IT'S NOT ONLY THAT, BUT HIS EMOTIONAL RESPONSE TO THE SITUATION WAS MORE MAL-ADAPTIVE IN THAT IT WAS MORE SEVERE AND MORE DYSFUNCTIONAL THAN WE WOULD EXPECT FOR THE AVERAGE PERSON"; (Q) "HIS EMOTIONAL RESPONSE TO THE STRESS OF DIVORCE?", (A) "WELL, YES" (Q) "AND THAT IS SEPARATE FROM THE RESPONSE OF BEING CHARGED WITH MURDER, AND BEING IN JAIL FOR MURDER FACING THAT CHARGE, AND KNOWING HIS WIFE HAD BEEN KILLED?", (A) "WELL, WHAT WE INTERPRETED AS THE STRESSFUL SITUATION IN HIS DIAGNOSIS WAS THE SEPARATION AND ESTRANGEMENT FROM HIS WIFE. THAT WAS WHAT WE INTERPRETED AS BEING THE INCITING EMOTIONAL STRESSOR, IF YOU WILL, THAT HE WAS RESPONDING TO" [P.24 L.23 - TO - P.25 L.11]

#-(Q) "DOCTOR, WHAT YOU HAVE JUST TOLD THE SOLICITOR IN TERMS OF HIS REACTION, HIS CONDITION, THAT WOULD HAVE BEEN THE CONDITION ON THE 14TH OF FEBRUARY THE ADJUSTMENT DISORDER WITH MIXED EMOTIONAL FEATURES?", (A) "TO THE BEST OF MY KNOWLEDGE AND GIVEN THE INFORMATION THAT WE HAVE AVAILABLE THAT WOULD HAVE BEEN MY DIAGNOSIS OF HIM ON THAT DATE" [P.25, L.16-22]

COUNSEL/MR. SMITH: "YOUR HONOR, I HAVE THE DOCTOR UNDER SUBPOENA. I'VE ALREADY TOLD HIM THAT HE CAN GO TODAY AND I WILL NOTIFY HIM IF I NEEDED HIM BACK" THE COURT: "VERY GOOD, DEPENDING ON HIS SCHEDULE, IF HE CALLS YOU BACK, YOU NEED TO BE BACK TOMORROW" THE DOCTOR/WITNESS: "WE'LL WORK IT OUT." [P.29, L.12-17]

ALSO RELATING, AND TO HAVE BEEN PRESENTED WAS THE SOLICITOR'S STATEMENT OF: "YOUR HONOR, MY UNDERSTANDING HE HAS NO RECORD OF CRIMES OF MORAL TURPITUDE" [P.28, L.24-25] APPELLANT HAD NO PRIOR CRIMINAL RECORD. A COPY OF THE INSTITUTE'S "PATIENT ADMISSIONS INFORMATION" FORM THAT SHOWS THE DIAGNOSIS OF "MAJOR DEPRESSION" ON THE FOLLOWING MORNING OF THE TRAGEDY

FEBRUARY 15, 1992, AND A COPY OF STATE'S "REQUEST FOR NOTICE OF INSANITY DEFENSE" WHICH SHOWS THAT THE STATE WAS AWARE OF THE SERIOUSNESS OF THE DISORDER(S) [P.29 - 30] APPELLANT ONLY BECAME AWARE OF THE DEFENSE AND PATIENT FORM IN RECEIVING COPIES OF CASE DOCUMENTS TO FILE POST CONVICTION APPLICATION. AS UNDER:

S.C. CODE 16-3-20(b) MITIGATING CIRCUMSTANCES; (1) THE DEFENDANT HAS NO SIGNIFICANT HISTORY OF PRIOR CONVICTION INVOLVING THE USE OF VIOLENCE AGAINST ANOTHER PERSON; (2) THE MURDER WAS COMMITTED WHILE THE DEFENDANT WAS UNDER THE INFLUENCE OF MENTAL OR EMOTIONAL DISTURBANCE": UNDER STATE V CALDWELL 300 S.C. 494, 389 SE2d 816 (1990) "BECAUSE THIS EVIDENCE RAISED THE INFERENCE THAT CALDWELL WAS SUFFERING FROM A MENTAL DISORDER AT THE TIME THE MURDER WAS COMMITTED THE TRIAL JUDGE ERRED IN FAILING TO INSTRUCT THE STATUTORY MITIGATING CIRCUMSTANCES PURSUANT TO SECTION 16-3-20 (C) (6) (L) AND (7)": STATE V GARDNER 219 S.C. 97, 645 SE2d 130 (1995) "TO WARRANT COURT IN ELIMINATING OFFENSE OF MANSLAUGHTER IN MURDER PROSECUTION IT SHOULD VERY CLEARLY APPEAR THAT THERE IS NO EVIDENCE WHATSOEVER TENDING TO REDUCE CRIME FROM MURDER TO MANSLAUGHTER WHERE DEATH IS CAUSED BY USE OF A DEADLY WEAPON": DAVENPORT V STATE 389 SE2d 649 (1990) COUNSEL WAS INEFFECTIVE IN FAILURE TO ADVISE CLIENT OF THE INSANITY DEFENSE WHICH IF ESTABLISHED HERE THROUGH THE STATE'S OWN EVIDENCE WOULD HAVE RELIEVED CLIENT OF CRIMINAL RESPONSIBILITY: U.S. V BARFIELD 969 F. 2d 1554 (4TH CIR. 1992) "UNDER PRE INSANITY DEFENSE REFORM ACT LAW, ONCE A DEFENDANT PRODUCES SLIGHT EVIDENCE TO WEAKEN THE PRESUMPTION OF SANITY, THE BURDEN IS UPON THE GOVERNMENT TO PROVE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS LEGALLY RESPONSIBLE FOR HIS ACTION": U.S. V BROWN

792 F.2d 466 (4th Cir. 1986); U.S. v MARABLE, 657 F.2d 75 (4th Cir. 1981); S.C. CODE (1976) "MALICE," IF FACTS ARE PROVED SUFFICIENT TO RAISE A PRESUMPTION OF MALICE, SUCH A PRESUMPTION WOULD BE REBUTTABLE, AND IT IS ALWAYS FOR THE JURY TO DETERMINE FROM ALL OF THE EVIDENCE IN THE CASE WHETHER OR NOT MALICE HAS BEEN PROVED BEYOND A REASONABLE DOUBT" STATE v FULLER (S.C. 1956) 229 S.C. 439, 93 SE2d 463; "MALICE IS AN ESSENTIAL INGREDIENT OF MURDER" STATE v HARVEY, (S.C. 1951), 220 S.C. 506, 68 SE2d 409.

APPELLANT RESPECTFULLY CONTENTS THE DENIAL OF PAROLE WAS NOT ROUTINE, AND CASE IS PROPER FOR REVIEW BY THE ADMINISTRATIVE LAW COURT BECAUSE THE FOREGOING FACTS SHOW THAT THE PAROLE BOARD'S FINDINGS OF FACT, INFERENCES AND CONCLUSIONS WERE ARBITRARY AND CAPRICIOUS. DUE TO: (1) THE IMPROPER PROCEDURE OF DEVIATION FROM THE PRESENTATION VIOLATING DUE PROCESS TO A FAIR HEARING BY DENIAL OF RIGHT TO PRESENT THE EVIDENCE WHICH ALSO DEWED CONSIDERATION OF MATERIAL EVIDENCE ON THE RELEVANT FACTOR OF "NATURE AND SERIOUSNESS OF CURRENT OFFENSE" U.S.C.A. CONST. AMEND. 14; S.C. CONST. AMEND I § 3 AND 22; Id. v FRANKLIN; COMPTON v S.C. DEPT. OF PROBATION, PARDON AND PAROLE SERVICES 385 S.C. 476, 685 SE2d 175 (2009), AND (2) AS TO THE OTHER TWO FACTORS OF "INDICATION OF VIOLENCE IN THIS OR PREVIOUS OFFENSE", AND "USE OF DEADLY WEAPON IN THIS OR PREVIOUS OFFENSE" WHICH WERE ALSO USED IN THE REJECTION OF COOPER'S PAROLE Id. 661 SE2d AT 108. CITING (IN-PARD) SECTION (7) CONSTITUTIONAL LAW 4833, PARDON AND PAROLE 62, Id. 661 SE2d AT 107;

"EACH (FACTOR) OF WHICH WAS FIXED AS OF DATE OF INMATE'S OFFENSE, AND COULD NOT BE AFFECTED BY INMATE'S ACTION WHILE INCARCERATED, WITHOUT ADDRESSING ANY OF THE

OTHER ENUMERATED FACTORS, AND WITHOUT REGARD TO ITS  
OWN CRITERIA FOR PAROLE" U.S. CONST. AMEND. 14, CODE  
1976 § 94-21-640.

CONCLUSION

FOR THE REASONS STATED, THIS COURT SHOULD REVERSE THE  
ORDER OF DISMISSAL OF THE ADMINISTRATIVE LAW JUDGE

APRIL 23, 2019

RESPECTFULLY:

Lynn Jeffrey Chronister

LYNN JEFFREY CHRONISTER #189827

KIRKLAND R+E CENTER, B-II #23

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

Lynn Jeffrey Chronister, #189827,

Appellant,

vs.

South Carolina Department of Probation,  
Parole and Pardon Services,

Respondent.

Docket No. 19-ALJ-15-0004-AP

**ORDER OF DISMISSAL**

**STATEMENT OF THE CASE**

This case is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Lynn Jeffrey Chronister (Appellant), an individual incarcerated with the South Carolina Department of Corrections. On January 24, 2019, the South Carolina Department of Probation, Parole and Pardon Services (Department) notified Appellant of its determination that he was denied parole. On February 11, 2019, Appellant submitted to the Department a request a rehearing. On February 15, 2019, the Department responded to Appellant advising that there is no rehearing/appeal process for the routine denial of parole; therefore, no action will be taken on his request. Appellant filed an appeal with the ALC on February 25, 2019. Appellant challenges the Board's denial of parole on the grounds that findings of fact in the Board's decision are not supported by the evidence.

S.C. Code Ann. § 1-23-600(D) (Supp. 2018) provides, "An administrative law judge shall not hear...an appeal involving the denial of parole to a potentially eligible inmate by the Department of Probation, Parole and Pardon Services." Thus, this Court's authority to review a decision of the Board is limited to determining if the Board followed the proper procedure and considered the relevant factors. Compton v. S.C. Dept. of Probation Pardon and Parole Services, 385 S.C. 476, 685 S.E.2d 175 (2009). If that procedure was followed, any decision of the Board constitutes a routine denial of parole which this Court has no jurisdiction to hear.

The Notice of Rejection dated January 24, 2019, states that the parole board considered the relevant factors in reaching its decision. Thus, this is a routine denial of parole, and the ALC has no authority to consider this appeal. Cooper v. S.C. Dept. of Probation Pardon and Parole Services, 377 S.C. 489, 66 S.E.2d 106 (2008).

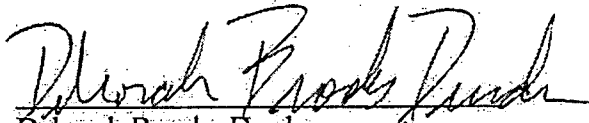
**FILED**

MAR 12 2019

SC ADMIN. LAW COURT

**ORDER**

**IT IS THEREFORE ORDERED** that this appeal is **DISMISSED**, with prejudice.  
**AND IT IS SO ORDERED.**

  
Deborah Brooks Durden  
Administrative Law Judge

March 12, 2019  
Columbia, South Carolina

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

This 12<sup>th</sup> day of March 2019  
By: R. E. Tol  
Judicial Law Clerk

STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT

RECEIVED

FEB 26 2019

KIRKLAND R&E CENTER  
MAIL ROOM  
NOTICE OF APPEAL

LYNN JEFFREY CHRONISTER, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
South Carolina Department of PROBATION, )  
CORRECTIONS, )  
PAROLE, AND PARDON SERVICES )  
Respondent. )

DOCKET NO. -ALJ-04-  
GRIEVANCE NO.: N/A

Notice is hereby given that LYNN JEFFREY CHRONISTER, pro se does hereby appeal the final decision of the South Carolina Department of Corrections dated JANUARY 24, 2019 and received on JANUARY 29, 2019, a copy of which is attached. A general statement of the grounds for appeal is (See S.C. Code Ann. § 1-23-380(A)(6)):

ABROGATION OF RIGHT TO PAROLE ELIGIBILITY WAS BY THE PAROLE BOARD'S FINDINGS, INFERENCES, AND CONCLUSIONS VIOLATING USCA CONST. AMEND 14, ART. 3 + 22 OF SOUTH CAROLINA CONSTITUTION, AND STATE STATUTES. BECAUSE AT THE HEARING (8) MINUTES WAS GRANTED TO PRESENT EVIDENCE THAT WAS ON "THE CIRCUMSTANCES SURROUNDING THE OFFENSE" OF FACTOR 2 OF "CRITERIA FOR PAROLE CONSIDERATION" DEVIATION OCCURRED AROUND (1) MINUTE INTO PRESENTATION BY BOARD'S QUESTIONS ON OTHER FACTORS. THE EVIDENCE WAS MATERIAL TO THE FINDINGS AND CONCLUSIONS BY THAT OF SHOWING MITIGATING CIRCUMSTANCES SURROUNDING TRAGEDY AND SHOWN BY IN-CAMERA TRIAL TESTIMONY/DIAGNOSIS BY FORENSIC PSYCHIATRIST OF "SEVER" EMOTIONAL DISORDERS (SEE OTHER SIDE)

LYNN JEFFREY CHRONISTER  
Appellant's Name

Lynn Jeffrey Chronister  
Signed

KIRKLAND RECEPTION + EVALUATION CENTER  
Mailing Address 4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210  
City, State, Zip Code

FEBRUARY 22, 2019  
Dated

CERTIFICATE OF SERVICE

I hereby certify that I, LYNN J. CHRONISTER (your name), on the 26 day of FEBRUARY 2019, in COLUMBIA S.C. (city), South Carolina, served a copy of the foregoing Notice of Appeal on all parties to this matter by depositing the same in the United States Mail, postage paid, or in the mail room of the undersigned's institution and addressed as follows:

Name of person/Agency served: SOUTH CAROLINA DEPARTMENT PROBATION, PAROLE + PARDON SVS.  
Address: 2221 DEWINE STREET, SUITE 600, P.O. BOX 50666  
City, State, Zip Code: COLUMBIA, S.C., 29250

LYNN JEFFREY CHRONISTER  
Print your name Sign your name  
(See reverse side for instructions)

Lynn Jeffrey Chronister

Instructions for filing an appeal of the final agency decision from the South Carolina Department of Corrections:-

- 1) You must complete the **Notice of Appeal** on the reverse side of these instructions and mail it to the Administrative Law Court at the following address:

Clerk's Office  
South Carolina Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, SC 29201

A copy of the Notice of Appeal must also be forwarded to the Office of General Counsel at the Department of Corrections.

- 2) In order for your case to be processed by the ALC, a copy of the final decision from the Department of Corrections must be attached to the Notice of Appeal.

"ON THAT DATE" OF TRAGEDY. ALSO BY TWO OTHER STATE DOCUMENTS. RELATING TO AND SHOWING NO PRIOR CRIMINAL RECORD IS THE IN-COURT STATEMENT BY SOLICITOR OF "YOUR HONOR, MY UNDERSTANDING, HE HAS NO RECORD OF CRIMES OF MORAL TURPITUDE."

THE MITIGATING EVIDENCE WAS MATERIAL FOR THE BOARD TO HAVE DETERMINED PAROLE ELIGIBILITY SEPARATE AND APART FROM THE COURT'S SENTENCING. BECAUSE OF (1) FAILURE TO GO BEFORE THE JURY FOR CONSIDERATION ON A LESSER CHARGE DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL AND (2) WOULD HAVE REDUCED THE COURT'S SENTENCE OF MURDER THAT THE BOARD CONSIDERED THE CHARACTERISTICS OF "AND THE NATURE AND SERIOUSNESS OF". IN DENYING PAROLE, <sup>(SEE)</sup> NOTICE OF REJECTION'S "FINDINGS OF FACT" AS TO THE OTHER TWO FACTORS UNDER THE FINDINGS THEY ARE FIXED, AND CAN NOT BE AFFECTED BY APPELLANT'S ACTIONS WHILE INCARCERATED WITHOUT THE BOARD ADDRESSING ANY OF THE OTHER ENUMERATED FACTORS, AND WITHOUT REGARD TO ITS CRITERIA FOR PAROLE IS ARBITRARY AND CAPRICIOUS. WHICH ALSO APPLIES TO FACTOR OF "NATURE AND SERIOUSNESS OF CURRENT OFFENSE" WITHOUT DETERMINATION ON THE MITIGATING EVIDENCE.

State of South Carolina  
Department of Probation, Parole and Pardon Services

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

January 24, 2019

Mr. Lynn Chronister #00189827  
Kirkland Reception And Evaluation Center  
4344 Broad River Rd.  
Columbia, SC 29210

RE: NOTICE OF REJECTION

Dear Mr. Chronister:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history; prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense  
Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in cursive script that reads "Nettie C. Jacobs".

Nettie C. Jacobs  
Board Support Services

**South Carolina Department of Probation, Parole and Pardon Services  
Criteria For Parole Consideration**

SC Board of Probation, Parole and Pardon Services  
P. O. Box 50666  
Columbia, SC 29250

Inmate Name	SCDC #
-------------	--------

**Criteria For Parole Consideration**

The South Carolina parole law creates no right to be released on parole. Parole in South Carolina is strictly a matter of privilege or grace. The South Carolina Board of Probation, Parole and Pardon Services has absolute discretion to grant or deny parole. As such, the publication of these parole criteria in no way creates an expectancy of release; nor does it bind the Parole Board in any way to a favorable parole decision or establish any presumptions of entitlement to parole.

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. These files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some error or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.

Inmates do, however, enjoy certain rights in the parole process. The inmate has the right to appear at his parole hearing. If the inmate fails to appear, the Board may decide his/her case in absence. The inmate has the right to be represented by an attorney; however, he/she has no right to have an attorney appointed if he/she cannot afford one. At the hearing, the inmate has the right to present witnesses and evidence on his/her own behalf, but an inmate does not have a right to confront witnesses.

In deciding whether or not an inmate should be granted parole, the Board or Panel of the Board exercises its absolute discretion to the limits allowed by state and federal law. The discretion of the Board or panel aims at protecting the best interest of both society and the inmate being considered for parole. In its concern for the protection of society's and the inmate's best interests, the Board or Panel deliberates upon the "reasonable probability" that an inmate will not again violate the law, if parole is granted. When deliberating upon the reasonable probability that an inmate will not again violate the law, the Board or Panel weighs the factors listed below. The Board or Panel, in its absolute discretion, also considers any other factors not listed below which it considers relevant in a particular case.

1. The risk the inmate poses to the community;
2. The nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude toward it;
3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision;
4. The inmate's attitude toward his/her family, the victim, and authority in general;
5. The inmate's adjustment while in confinement, including his/her progress in counseling, therapy, and other similar programs designed to encourage the inmate to improve himself/herself;
6. The inmate's employment history, including his/her job training and skills and his/her stability in the work place;
7. The inmate's physical, mental and emotional health;
8. The inmate's understanding of the cause of his/her past criminal conduct;
9. The inmate's efforts to solve his/her problems, such as seeking treatment for substance abuse, enrolling in academic and vocational education courses, and in general using whatever resources the Department of Corrections has made available to inmates to help with their problems;
10. The adequacy of the inmate's overall parole plan. This includes inmates living arrangements, where he/she will live and who he will live with; the character of those with whom the inmate plans to associate in both his/her working hours and his/her off-work hours; the inmate's plans for gainful employment;
11. The willingness of the community into which the inmate will be released to receive the inmate;
12. The willingness of the inmate's family to allow him/her to return to the family circle;
13. The attitudes of the sentencing judge, the solicitor, and local law enforcement officers respecting the inmate's parole;
14. The feelings of the victim's family, and any witnesses to the crime about the release of the inmate;
15. Other factors considered relevant in a particular case by the Board.

**Reservation of Discretionary Power of the Parole Board**

These criteria in no way limit the absolute discretion of the Parole Board or Panel to make parole decisions on a case-by-case basis and to grant or deny parole as it determines to be in the best interest of society and the inmate under review.

In some cases, the Board may decide that an inmate should be granted parole if the inmate completes one or more stated conditions. When this is the case, the Board may grant a parole that becomes effective when the inmate completes one or more stated conditions. Should the inmate disobey any rule or regulation of the South Carolina Department of Corrections before satisfying the stated conditions to make his parole effective, the Board may rescind the inmate's parole and treat the case as though parole had been rejected. In other cases, the Board may feel it needs more time to form its decision. In such cases, the Board may simply take the parole consideration under advisement and reschedule it at a later date. Similarly, the Board may postpone a parole hearing in order to dispose of detainers or pending charges.

If the Board rejects an inmate for parole, the inmate will be given written notice of rejection stating the reasons for rejection. Decisions of the Board have no precedential effect whatever and in no way limit the Board's absolute discretion at later parole hearings.

After rejection for parole, the procedure of scheduling of rehearing is as follows:

1. An individual serving time for a violent offense defined in §16-1-60 of the South Carolina Code of Laws 1976 will be reheard for parole two years following the date of parole rejections. Applicable legal exceptions may allow for a one year hearing.
2. An individual serving time for a nonviolent offense defined in §16-1-70 of the South Carolina Code of Laws 1976 will be reheard for parole one-year following the date of parole rejections.

**I certify that the above material has been explained to me, and I have received a copy.**

Inmate's Signature	Date	Witness	Date
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1 THE COURT: YES, SIR. WHICHEVER. SOLICITOR, SINCE  
2 YOU'RE GOING FIRST, HAVE SOMEBODY FROM YOUR STAFF, SOMEONE --  
3 WE DON'T HAVE TO SIT AND WAIT FOR 5 MINUTES FOR EVERY WITNESS  
4 TO COME IN, OKAY?

5 MR. GRANT: YES, SIR. MR. RUSHING, MY INVESTIGATOR, WILL  
6 WITH THE COURT'S PERMISSION, GO OUT TO MAKE SURE THEY'RE  
7 READY.

8 THE COURT: THAT'S PERFECTLY FINE. IF YOU WILL, BRING  
9 THEM THROUGH THIS DOOR OVER HERE. BRING THEM THAT WAY. HAVE  
10 THE NEXT ONE ALWAYS READY. OKAY?

11 MR. RUSHING: YES, SIR.

12 THE COURT: I BELIEVE THAT COVERS THEM, DOESN'T IT?

13 MR. SMITH: YES, YOUR HONOR.

14 THE COURT: ANYTHING ELSE?

15 MR. GRANT: NO, SIR, NOT AS FAR AS MOTIONS GO.

16 THE COURT: READY TO MOVE INTO THE BLAIR HEARING?

17 MR. GRANT: YES, SIR.

18 THE COURT: LET THE RECORD REFLECT THE PURPOSE OF THIS  
19 HEARING IS FOR THE COURT TO DETERMINE WHETHER OR NOT THE  
20 DEFENDANT IS COMPETENT TO STAND TRIAL, WHICH IS THE MOTION  
21 MADE BY COUNSEL FOR DEFENSE. THE COURT AT THIS TIME WILL NOW  
22 PROCEED TO CONDUCT WHAT IS COMMONLY REFERRED TO AS A BLAIR  
23 HEARING, B-L-A-I-R, BLAIR, FOR THE PURPOSES OF DETERMINING  
24 WHETHER OR NOT THE DEFENDANT IS COMPETENT TO STAND TRIAL AND  
25 ABLE TO ASSIST HIS COUNSEL IN THE REPRESENTATION OF HIM IN

1 THIS CASE.

2 READY TO PROCEED. SOLICITOR.

3 MR. GRANT: YOUR HONOR, WE WOULD CALL DR. BEHRMAN.

4 THOMAS WILLIAM BEHRMAN,

5 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 THE COURT: SOLICITOR, DO YOU HAVE THE INDICTMENT NUMBER  
7 ON IT? I KNOW 92-GS-46, WHAT?

8 MR. GRANT: 1224.

9 THE COURT: THANK YOU, SOLICITOR. I'M SORRY. YOU MAY  
10 PROCEED.

11 DIRECT EXAMINATION

12 BY MR. GRANT:

13 Q DOCTOR, IF YOU WOULD, STATE YOUR FULL NAME FOR THE COURT?

14 A MY NAME IS THOMAS WILLIAM BEHRMAN.

15 Q BY WHOM ARE YOU EMPLOYED?

16 A I'M CURRENTLY EMPLOYED BY THE UNIVERSITY OF SOUTH  
17 CAROLINA MEDICAL SCHOOL IN COLUMBIA, SOUTH CAROLINA.

18 Q AND WHAT IS YOUR PROFESSION PLEASE, SIR?

19 A I AM A PSYCHIATRIST WITH A SPECIAL INTEREST IN FORENSIC  
20 PSYCHIATRY.

21 Q AND HOW LONG HAVE YOU BEEN IN THE AREA OF PSYCHIATRY?

22 A I'M BEEN INVOLVED IN THE TRAINING AND THE PRACTICE OF  
23 PSYCHIATRY SINCE 1988.

24 Q AND ARE YOU A MEDICAL DOCTOR?

25 A YES, SIR.

1 Q AND ARE YOU AFFILIATED WITH THE WILLIAM S. HALL  
2 INSTITUTE?

3 A YES, SIR, I'M A MEMBER OF THE MEDICAL STAFF FOR THE  
4 WILLIAM S. HALL INSTITUTE.

5 Q AND ARE PART OF YOUR DUTIES EVALUATING PEOPLE FOR COURT,  
6 THE PURPOSE OF DETERMINING COMPETENCY, INSANITY, GUILT BUT  
7 MENTALLY ILL, DO YOU PERFORM THOSE TYPE OF THINGS?

8 A YES, SIR.

9 Q HOW LONG HAVE YOU BEEN INVOLVED IN THAT TYPE OF WORK?

10 A FOR APPROXIMATELY A YEAR AND A HALF?

11 Q AND HAVE YOU ---

12 MR. SMITH: YOUR HONOR, I WILL STIPULATE THE DOCTOR'S  
13 QUALIFICATION.

14 THE COURT: HE'S QUALIFIED AS A PSYCHIATRIST AND  
15 AUTHORIZED TO RENDER AN OPINION IN THOSE FIELDS?

16 MR. SMITH: YES, SIR, I WILL STIPULATE TO THAT.

17 THE COURT: WITHOUT OBJECTION, THE WITNESS IS SO  
18 QUALIFIED. YOU MAY RENDER AN OPINION.

19 Q DR. BEHRMAN, I WILL ASK YOU IF YOU HAD AN OCCASION TO SEE  
20 AND EVALUATE JEFFERY CHRONISTER BY ORDER OF THIS COURT?

21 A YES, SIR. MR. CHRONISTER WAS AT THE FORENSIC SERVICES OF  
22 THE WILLIAM S. HALL INSTITUTE FROM FEBRUARY 15, 1992 UNTIL  
23 APRIL 14, 1992. IN ADDITION, I ALSO HAD THE OPPORTUNITY TO  
24 SEE MR. CHRONISTER AGAIN THIS MORNING.

25 Q AND AS A RESULT OF YOUR EVALUATION OR SEEING HIM BACK IN

1 FEBRUARY -- BEFORE -- OF 1992 DID YOU RENDER A WRITTEN REPORT  
2 TO THE COURT CONCERNING YOUR FINDINGS?

3 A YES, SIR.

4 Q I SHOW YOU THIS, DOCTOR, AND ASK YOU TO IDENTIFY THAT?

5 A ~~THIS IS THE REPORT THAT WAS SUBMITTED.~~

6 Q ALL RIGHT.

7 MR. GRANT: FOR THE PURPOSE OF THIS HEARING WE WOULD  
8 OFFER THE REPORT.

9 THE COURT: ANY OBJECTION?

10 MR. SMITH: NO OBJECTION.

11 THE COURT: HAND IT TO THE COURT REPORTER AND HAVE IT  
12 MARKED AS A COURT'S EXHIBIT FOR THE PURPOSE OF THIS HEARING,  
13 COURT'S EXHIBIT NO. 1. AFTER SHE'S MARKED IT, HAND IT UP TO  
14 THE COURT. YOU WILL RETAIN IT, MADAM COURT REPORTER. IT WILL  
15 NOT GO WITH ANY OTHER EXHIBITS PLEASE.

16 (REPORT OF FINDING MENTAL CAPACITY, 3 PAGES, MARKED FOR  
17 IDENTIFICATION AS COURT'S EXHIBIT NO. 1.)

18 Q DOCTOR, IN SEEING MR. CHRONISTER BACK IN FEBRUARY  
19 THEREABOUTS IN 1992 DID YOU EVALUATE HIM AS TO HIS CAPABILITY  
20 TO UNDERSTAND THE NATURE OF THE CHARGES AGAINST HIM?

21 A YES, SIR.

22 Q ALL RIGHT. WHAT WAS YOUR DETERMINATION PLEASE, SIR?

23 A IT WAS OUR DETERMINATION AT THAT TIME THAT MR. CHRONIST  
24 DID HAVE A RATIONAL AND FACTUAL UNDERSTANDING OF THE CHARGES  
25 AGAINST HIM.

1 Q AND IN SEEING HIM THIS MORNING AND TALKING TO HIM THIS  
2 MORNING DO YOU HAVE AN OPINION OF EVALUATION AS TO HIS ABILITY  
3 TO UNDERSTAND THE NATURE OF THE CHARGES AGAINST HIM?

4 A MY OPINION REMAINS THE SAME, THAT HE STILL HAS THAT  
5 RATIONAL AND FACTUAL UNDERSTANDING.

6 Q AND IN SEEING HIM BACK IN FEBRUARY, DOCTOR, DID YOU MAKE  
7 AN EVALUATION CONCERNING HIS ABILITY TO ASSIST COUNSEL IN HIS  
8 OWN DEFENSE, AS TO WHETHER OR NOT HE WAS CAPABLE OF DOING  
9 THAT?

10 A YES, SIR. IT WAS OUR OPINION THAT HE WAS ABLE TO ASSIST  
11 COUNSEL IN HIS OWN DEFENSE.

12 Q AND FROM SEEING HIM THIS MORNING AND SPENDING TIME WITH  
13 HIM THIS MORNING, ARE YOU STILL OF THAT OPINION?

14 A YES, SIR.

15 Q AND AS HE SITS HERE TODAY IS HE CAPABLE OF ASSISTING  
16 COUNSEL IN THE TRIAL PREPARATION OF HIS CASE?

17 A IN MY OPINION HE IS.

18 Q DOCTOR, DID YOU FURTHER EVALUATE MR. CHRONISTER AS TO  
19 WHETHER OR NOT HE WAS SUFFERING FROM ANY MENTAL DISEASE OR  
20 DEFECT?

21 A YES, SIR.

22 Q WHAT WERE YOUR FINDINGS IN THAT AREA PLEASE, SIR?

23 A AS A RESULT OF OUR EVALUATION WE DIAGNOSED MR. CHRONISTER  
24 WITH AN ADJUSTMENT ORDER WITH MIXED EMOTIONAL FEATURES, AND WE  
25 ALSO DIAGNOSED HIM WITH ALCOHOL ABUSE.

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1 Q AND DID YOU DETERMINE WHETHER OR NOT HE AS A RESULT OF  
2 THAT ON THE DATE OF THIS ALLEGED OCCURRENCE WAS ABLE TO  
3 DETERMINE RIGHT FROM WRONG -- THIS ALLEGED OCCURRENCE HAVING  
4 BEEN FEBRUARY 14, 1992?

5 A IT WAS OUR OPINION THAT ON THE DATE OF THE ALLEGED  
6 OFFENSE MR. CHRONISTER DID POSSESS THE ABILITY TO  
7 DIFFERENTIATE RIGHT FROM WRONG.

8 Q AND UNDER WHAT WE COMMONLY CALL THE MCNAGHTEN STANDARD,  
9 WOULD HE HAVE BEEN SANE OR INSANE?

10 A UNDER THE MCNAGHTEN STANDARD HE WOULD HAVE BEEN SANE.

11 Q DID YOU FURTHER EVALUATE HIM AS TO WHETHER OR NOT HE HAD  
12 A MENTAL DISEASE OR DEFECT THAT WOULD RENDER HIM INCAPABLE OF  
13 CONFORMING HIS CONDUCT TO THE REQUIREMENTS OF LAW?

14 A ONCE AGAIN, WE DIAGNOSED HIM WITH THE TWO DIAGNOSES THAT  
15 I'VE ALREADY MENTIONED. HOWEVER, WE DID NOT FEEL THAT THERE  
16 WAS ANY EVIDENCE OF A MENTAL DISEASE OR DEFECT WHICH WOULD  
17 HAVE PREVENTED HIM FROM CONTROLLING HIS BEHAVIOR AND COMPLYING  
18 WITH THE REQUIREMENTS OF THE LAW AT THAT TIME.

19 Q AND FROM THAT HE WOULD NOT FIT UNDER WHAT WE CALL GUILTY  
20 BUT MENTALLY ILL STANDARD?

21 A NO, SIR.

22 Q AND YOUR OPINION AS YOU TALKED TO HIM TODAY ON THOSE TWO  
23 ISSUES, HAS IT CHANGED AT ALL?

24 A MY OPINION HAS NOT CHANGED AT THIS TIME, NO, SIR.

25 Q AND IS THE DEFENDANT UNDER ANY TYPE OF MEDICATION THAT

1 CONNECTED WITH ALCOHOL ABUSE?

2 A YES, SIR.

3 Q IN TERMS OF YOUR EVALUATION OF HIM DID YOU RATE THE  
4 STRESSORS THAT HE WOULD HAVE BEEN UNDER DURING THIS PERIOD OF  
5 TIME?

6 A WE RATED HIS STRESSORS AS BEING FAIRLY SEVERE AT THE TIME  
7 THAT WE SAW HIM BECAUSE OF THE SEPARATION HE'D ENDURED WITH  
8 HIS WIFE, BECAUSE OF THE CHARGES AGAINST HIM, AND ALSO BECAUSE  
9 OF HIS INCARCERATION AT THAT TIME. ALL THREE OF THOSE THINGS  
10 I THINK COMBINE TO PLACE HIM UNDER A SEVERE LEVEL OF STRESS.

11 Q AND A DOMESTIC SITUATION OR DIVORCE, THAT TYPE OF  
12 SITUATION, THAT IS A FAIRLY SEVERE STRESSOR FOR MOST PEOPLE?

13 A YES, FOR THE AVERAGE PERSON THAT IS A SEVERE STRESSOR.

14 Q IS THIS PARTICULAR DISORDER, THIS IS A FAIRLY COMMON  
15 DISORDER?

16 A YES, SIR.

17 Q THE EMOTIONAL ASPECT OF THIS DISORDER AND THE RESPONSES  
18 OR THE MAL-ADAPTIVE RESPONSE TO CERTAIN STRESSORS, DOCTOR,  
19 THAT HAS TO DO WITH A PERSON'S STATE OF MIND, CORRECT?

20 A YES, SIR.

21 Q IN LAYMAN'S TERMS, WHAT YOU'RE SAYING IS THAT IT WOULD  
22 HAVE HAD AN AFFECT UPON HIS ABILITY TO THINK PROPERLY OR  
23 THINK, SAY IN SOMEONE WHO IS NOT SUFFERING FROM SUCH A  
24 DISORDER?

25 A IT WOULD HAVE AN EFFECT IN TERMS OF HOW HE MIGHT HAVE

1 RESPONDED TO CERTAIN KINDS OF SITUATIONS. WE DID NOT FIND ANY  
2 EVIDENCE THAT IT WOULD HAVE AFFECTED HIS ABILITY TO KNOW THE  
3 THINGS THAT AN AVERAGE PERSON WOULD KNOW.

4 Q) BUT IN TERMS OF THE RESPONSE TO CERTAIN OF THE STRESSORS,  
5 A DOMESTIC ARGUMENT OR AN ON-GOING STRIFE IN THE MARRIAGE, HE  
6 WOULD REACT EMOTIONALLY RELATED TO THAT?

7 (A) WELL, THAT'S -- THAT'S THE ESSENCE OF THE DISORDER. AND  
8 IT'S SOMETHING THAT VARIES FROM PERSON TO PERSON DEPENDING ON  
9 THEIR OWN EMOTIONAL MAKEUP.

10 (Q) AND HE WOULD NOT REACT TO THOSE AS PERHAPS, SAY, A PERSON  
11 -- A PERSON WHO DIDN'T HAVE THE DISORDER OR A PERSON WHO  
12 PERHAPS THINKING WAS NOT -- WOULD NOT REACT IN A NORMAL WAY,  
13 PERHAPS TO STRESSORS OR ARGUMENTS OR SITUATIONS THAT AROSE  
14 AROUND THE STRESSOR?

15 (A) WELL, OUR OPINION OF HIM WAS HE WAS NOT REACTING IN A WAY  
16 THAT WOULD ORDINARILY BE EXPECTED FROM AN AVERAGE PERSON IN  
17 HIS SITUATION. IT WAS ABOVE AND BEYOND WHAT WE WOULD NORMALLY  
18 EXPECT.

19 Q IT WOULD HAVE BEEN AN ABNORMAL EMOTIONAL REACTION?

20 A YES, SIR.

21 MR. SMITH: THANK YOU, DOCTOR.

22 THE COURT: SOLICITOR.

23 MR. GRANT: YOUR HONOR, I'M SORRY.

24 REDIRECT EXAMINATION

25 BY MR. GRANT:

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1 Q I DIDN'T UNDERSTAND, DOCTOR. WHAT ABNORMAL EMOTIONAL  
2 REACTION WAS HE JUST REFERRING TO? I'M SORRY.

3 A WELL, MY UNDERSTANDING OF THE QUESTION IS: WOULD HE  
4 RESPOND TO EMOTIONAL SITUATIONS IN A NORMAL MANNER? AND THE  
5 ESSENCE OF THE DIAGNOSIS THAT HE HAS IS THAT HE WAS REACTING  
6 TO THE CIRCUMSTANCES IN A WAY WHICH WAS IN EXCESS OR GREATER  
7 THAN OR MORE MAL-ADAPTIVE THAN WHAT WE WOULD NORMALLY EXPECT  
8 FROM THE AVERAGE PERSON GIVEN THE SAME SITUATION.

9 NOW, I DON'T KNOW SPECIFICALLY WHAT MAL-ADAPTIVE RESPONSE  
10 WE'RE TALKING ABOUT. I'M SPEAKING IN GENERAL TERMS FOR A  
11 PATIENT WHO IS GIVEN A DIAGNOSIS SUCH AS THE ONE WE GAVE TO  
12 MR. CHRONISTER.

13 Q OKAY. THE PERSON GOING THROUGH THESE STRESSORS OF  
14 DIVORCE ---

15 A YES, SIR.

16 Q --- AM I FOLLOWING YOU, WOULD NOT NORMALLY SHOOT AND KILL  
17 HIS WIFE; IS THAT WHAT MAKES IT MAL-ADAPTIVE? IF I FOLLOW  
18 YOU.

19 A WELL, CERTAINLY, WE WOULDN'T EXPECT THE AVERAGE PERSON  
20 GOING THROUGH DIVORCE TO SHOOT AND KILL HIS WIFE, NO, SIR.

21 Q OKAY. IS THAT BEHAVIOR YOU'RE TALKING ABOUT, MAL-  
22 ADAPTIVE, THE STRESSOR?

23 A IT'S NOT ONLY THAT, BUT HIS EMOTIONAL RESPONSE TO THE  
24 SITUATION WAS MAL-ADAPTIVE IN THAT IT WAS MORE SEVERE AND MORE  
25 DYSFUNCTIONAL THAN WHAT WE WOULD EXPECT FOR THE AVERAGE

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1 PERSON.

2 Q HIS EMOTIONAL RESPONSE TO THE STRESS OF THE DIVORCE  
3 SITUATION?

4 A WELL, YES.

5 Q AND THAT IS SEPARATE FROM THE RESPONSE TO BEING CHARGED  
6 WITH MURDER AND BEING IN JAIL FOR MURDER, FACING THAT CHARGE,  
7 AND KNOWING HIS WIFE HAD BEEN KILLED?

8 A WELL, WHAT WE INTERPRETED AS THE STRESSFUL SITUATION IN  
9 HIS DIAGNOSIS WAS THE SEPARATION AND ESTRANGEMENT FROM HIS  
10 WIFE; THAT WAS WHAT WE INTERPRETED AS BEING THE INCITING  
11 EMOTIONAL STRESSOR, IF YOU WILL, THAT HE WAS RESPONDING TO.

12 MR. GRANT: THANK YOU, SIR.

13 MR. SMITH: JUST A COUPLE OF BRIEF QUESTIONS.

14 RE-CROSS EXAMINATION

15 BY MR. SMITH:

16 Q DOCTOR, WHAT YOU HAVE JUST TOLD THE SOLICITOR IN TERMS OF  
17 HIS REACTION, HIS CONDITION, THAT WOULD HAVE BEEN THE  
18 CONDITION ON THE 14TH OF FEBRUARY, THE ADJUSTMENT DISORDER  
19 WITH MIXED EMOTIONAL FEATURES?

20 A TO THE BEST OF MY KNOWLEDGE AND GIVEN THE INFORMATION  
21 THAT WE HAVE AVAILABLE, THAT WOULD HAVE BEEN MY DIAGNOSIS OF  
22 HIM ON THAT DATE.

23 Q AND I BELIEVE HE FIRST ACTUALLY CAME INTO THE HOSPITAL ON  
24 THE 15TH OF FEBRUARY?

25 A THE FOLLOWING DAY, YES, SIR.

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1 WITNESS: YES, SIR.

2 THE COURT: AND IN HIS OPINION DOES HE UNDERSTAND THE  
3 ROLE AND FUNCTION OF THE SOLICITOR?

4 WITNESS: I BELIEVE HE DOES.

5 THE COURT: DOES HE UNDERSTAND THE ROLE AND FUNCTION OF  
6 THE COURT, THE JUDGE OF THE CASE?

7 WITNESS: I BELIEVE HE DOES.

8 THE COURT: AND DID YOU DISCUSS THAT WITH HIM AS WELL?

9 WITNESS: YES, SIR.

10 THE COURT: DID YOU ALSO EXPLAIN TO HIM THE ROLE AND  
11 FUNCTION OF THE JURY?

12 WITNESS: YES, SIR, WE DID TALK ABOUT THAT.

13 THE COURT: DOES HE UNDERSTAND THE ROLE AND FUNCTION OF  
14 THE JURY?

15 WITNESS: I BELIEVE HE DOES.

16 THE COURT: AND BASED ON THOSE EVALUATIONS IT'S YOUR  
17 OPINION THAT HE'S COMPETENT TO ASSIST HIS COUNSEL IN THE TRIAL  
18 AND THE DEFENSE OF THIS CASE?

19 WITNESS: YES, SIR, IN MY OPINION HE IS COMPETENT.

20 THE COURT: THANK YOU. ANY FURTHER QUESTIONS?

21 MR. GRANT: NONE BY THE STATE, YOUR HONOR.

22 MR. SMITH: NONE, YOUR HONOR.

23 THE COURT: THANK YOU. YOU MAY STEP DOWN.

24 CALL YOUR NEXT WITNESS, SOLICITOR.

25 MR. GRANT: YOUR HONOR, THAT WOULD BE THE STATE'S OFFER

1 OF PROOF ON COMPETENCY. WE'D ASK THAT DR. BEHRMAN BE EXCUSED.

2 THE COURT: YOU MAY STEP DOWN, DOCTOR.

3 (THE WITNESS LEAVES THE WITNESS STAND.)

4 THE COURT: DO YOU WISH TO OFFER ANY TESTIMONY AND  
5 EVIDENCE ON THE ISSUE OF COMPETENCY? YOU HAVE THE RIGHT, MR.  
6 SMITH, TO PUT UP TESTIMONY AND EVIDENCE THROUGH OTHER EXPERTS,  
7 THE INDIVIDUAL HIMSELF, OR OTHERWISE.

8 MR. SMITH: YOUR HONOR, WE HAVE NOTHING TO OFFER ON THE  
9 ISSUE OF COMPETENCY.

10 THE COURT: HIS REQUEST OF DR. BEHRMAN -- DO YOU HAVE ANY  
11 OBJECTION TO HIM BEING EXCUSED?

12 MR. SMITH: YOUR HONOR, I HAVE THE DOCTOR UNDER SUBPOENA.  
13 I'VE ALREADY TOLD HIM THAT HE CAN GO TODAY AND I WOULD NOTIFY  
14 HIM IF I NEEDED HIM BACK.

15 THE COURT: VERY GOOD. DEPENDING ON HIS SCHEDULE, IF HE  
16 CALLS YOU, YOU NEED TO BE BACK HERE TOMORROW.

17 WITNESS: WE'LL WORK IT OUT.

18 THE COURT: THANK YOU. YOU MAY GO.

19 ANY ARGUMENTS ON THE ISSUE?

20 MR. GRANT: NO, SIR.

21 MR. SMITH: I DON'T HAVE ANY, YOUR HONOR.

22 THE COURT: FOR THE RECORD, THERE'S A THREE-PAGE COURT  
23 EXHIBIT, THAT BEING THE REPORT GIVEN INITIALLY BY THE STATE  
24 HOSPITAL. IT'S DATED THE 25TH OF APRIL, 1992.

25 I'M SORRY. MR. SMITH, DO YOU WISH TO MAKE ANY ARGUMENTS

1 THE PREMISES AND/OR VEHICLES OF THE DEFENDANT.

2 THE STATE REPRESENTS AS I UNDERSTAND THAT THERE WOULD BE  
3 NO OFFER OF EVIDENCE OF SUCH ITEMS; IS THAT CORRECT?

4 MR. GRANT: THAT IS CORRECT, YOUR HONOR. WE'RE GOING TO  
5 OFFER A PHOTOGRAPH OF THE VEHICLE, BUT THAT'S NOT EVIDENCE  
6 THAT WAS SEIZED.

7 THE COURT: ALL RIGHT. THE NEXT ONE, THE FIFTH ONE, IS A  
8 MOTION TO SUPPRESS ANY AND ALL STATEMENTS, WHETHER WRITTEN OR  
9 ORAL, MADE BY THE DEFENDANT TO NON-LAW ENFORCEMENT PERSONS.  
10 WE'LL TREAT THAT AS AN IN-CAMERA HEARING TOO.

11 I UNDERSTAND THE STATE'S POSITION IS IT DOES NOT APPLY  
12 TO MIRANDA, OF COURSE, AND IT'S ADMISSIBLE AS A DECLARATION  
13 AGAINST INTEREST, PENAL.

14 THE SIXTH ONE IS THE MOTION TO DETERMINE THE  
15 ADMISSIBILITY OF ANY AUDIO OR VIDEO RECORDINGS.

16 AS I UNDERSTAND THE STATE DOES NOT SEEK TO OFFER ANY OF  
17 THOSE?

18 MR. GRANT: THAT'S CORRECT, YOUR HONOR.

19 THE COURT: THE SEVENTH WAS TO DETERMINE WHAT CRIMES IF  
20 ANY AND THE PRIOR RECORD THE DEFENDANT MAY HAVE AS TO CRIMES  
21 OF MORAL TURPITUDE FOR PURPOSES OF IMPEACHMENT.

22 THE STATE HAS REPRESENTED THEY HAVE NO RECORD WHICH THEY  
23 WOULD SEEK TO IMPEACH ON.

24 MR. GRANT: YOUR HONOR, MY UNDERSTANDING, HE HAS NO  
25 RECORD OF CRIMES OF MORAL TURPITUDE.

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1 (THE FOLLOWING WAS TAKEN IN CAMERA.)

2 MOTIONS:

3 THE COURT: ALL RIGHT. WE'RE NOW GOING TO RETURN TO THE  
4 CASE OF THE TRIAL, THE CASE OF STATE VERSUS JEFFERY L.  
5 CHRONISTER. COUNSEL FOR THE STATE IS PRESENT. COUNSEL FOR  
6 DEFENSE AND DEFENDANT ARE PRESENT.

7 STATE READY TO PROCEED?

8 MR. GRANT: STATE IS, YOUR HONOR.

9 THE COURT: DEFENDANT READY TO PROCEED?

10 MR. SMITH: YES, YOUR HONOR. I BELIEVE AT THIS TIME YOU  
11 WERE GOING TO PUT ON THE RECORD THE MOTIONS.

12 THE COURT: I AM. I'M GOING TO COVER THEM RIGHT NOW.

13 MR. SMITH: ALL RIGHT, SIR.

14 THE COURT: YOU LISTEN, MR. SMITH. THEY MADE WRITTEN  
15 MOTIONS, THE FIRST ONE WAS TO DETERMINE WHETHER OR NOT THE  
16 STATE HAS COMPLIED WITH RULE 5 DISCOVERY AND BRADY.

17 THE STATE HAS REPRESENTED TO THE COURT AND TO MR. SMITH  
18 IN CHAMBERS THAT HE HAS COMPLIED; IS THAT CORRECT, SOLICITOR?

19 MR. GRANT: THAT'S CORRECT, YOUR HONOR.

20 THE COURT: THE SECOND IS THE QUESTION IN ESSENCE, A  
21 JACKSON VERSUS DENNO HEARING. THAT WILL BE HELD IN CAMERA.

22 THE THIRD WAS A MOTION TO DETERMINE COMPETENCY OF THE  
23 DEFENDANT TO STAND TRIAL, A BLAIR HEARING. WE'RE GOING TO  
24 PROCEED WITH THAT NEXT.

25 THE FOURTH WAS TO SUPPRESS PHYSICAL EVIDENCE SEIZED FROM

Patient Admissions Information  
(MHC to Hospital)

TO: WSHI I - forensic unit DATE: 2-15-92  
\_\_\_\_\_ Hospital

RE: Jeffery Christopher DOB: 8-22-49 RACE: W SEX: M

ADDRESS: York County, Ga PHONE#: \_\_\_\_\_

DATE LAST SEEN: \_\_\_\_\_ NOT KNOWN  
Name of MHC staff member who participated  
Relative or other resource person for

**EXHIBIT-B** -30-

ADDRESS: \_\_\_\_\_ PHONE#: WORK ?  
HOME 0

Living Situation:  
 Unknown  Lives in Community Care Home  
 Lives Alone  Lives on Streets/Shelter  
 Lives w/Family  Other: \_\_\_\_\_  
 Lives w/Friends \_\_\_\_\_

History: (Summary of contacts, including frequency of appointments, mental status, interests, family situation, progress. Use back page if necessary.)

pt shot & killed his wife yesterday & since it is the weekend we  
don't have any way of talking if he was a pt... he seems agitated.

Diagnosis: Major Depression  
Medications: \_\_\_\_\_

Medical Problems/Reaction to meds: \_\_\_\_\_  
If injectible meds, date of last injection: \_\_\_\_\_

Recommendations/Specific Goals of hospitalization: \_\_\_\_\_  
suicidal potential - one-on-one

Pay source/#: un. Unknown: \_\_\_\_\_

Case Mgr/Contact Person \_\_\_\_\_ Signature-Staff Completing Form  
Chris Bushing M.S. MHC III

Catawba Mental Health Center Telephone: 329-2012  
Mental Health Center - Office

STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

IN THE COURT OF  
GENERAL SESSIONS  
SIXTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )

-VS-

JEFFERY LYNN CHRONISTER )  
DEFENDANT, )

REQUEST FOR NOTICE  
OF INSANITY DEFENSE

ROD REHFELD  
CLERK OF COURT  
YORK COUNTY, S.C.

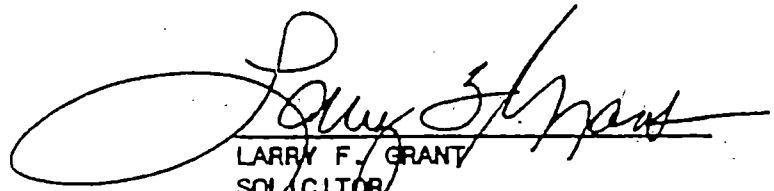
*Clara J. Smith*  
SEP 12 9 12 AM '95

CERTIFIED TRUE COPY

TO: Gerald Smith, Attorney for Jeffery Lynn Chronister;

Pursuant to Criminal Procedure Rule 5(f) the State hereby requests that the defendant notify the State in writing of defendant's intention to rely upon the defense of insanity at the time of the crime or to enter a plea of Guilty But Mentally III.

August 31, 1992



LARRY F. GRANT  
SOLICITOR  
SIXTEENTH JUDICIAL CIRCUIT

Service Accepted and a Copy Retained this 31<sup>st</sup> day of  
August, 1992.

H.I. CARROLL, JR.  
C.C.P. & G.S.  
YORK COUNTY, S.C.

FILED-RECEIVED  
BOOK 1 PAGE 1  
Aug 31 12 03 PM '92

*Gerald W. Smith*

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
APR 25 2019  
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
DEBORAH B. DURDEN, ADMINISTRATIVE LAW JUDGE

CASE No. 2019-000515

LYNN JEFFREY CHRONISTER, <sup>4</sup>189827

APPELLANT

-V-

SOUTH CAROLINA DEPARTMENT OF  
PROBATION, PAROLE, AND PARDON  
SERVICES

RESPONDENT

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE APPEAL BRIEF ON BELOW  
PARTIES BY DEPOSITING A COPY OF IT ADDRESSED TO EACH SEPARAT-  
ELY IN THE UNITED STATES MAIL, POSTAGE PREPAID ON APRIL 14, 2019

Lynn Jeffrey Chronister  
LYNN JEFFREY CHRONISTER

SOUTH CAROLINA DEPARTMENT  
OF PROBATION, PAROLE, AND  
PARDON SERVICES.  
MATTHEW C. BUCHANAN ESQUIRE  
POST OFFICE BOX 50666  
COLUMBIA, S.C., 29250

ADMINISTRATIVE LAW COURT  
JANA E. SHEALY, CLERK  
EDGAR A. BROWN BUILDING, STE 224  
1305 PENDLETON STREET  
COLUMBIA, S.C., 29201

LYNN CHRONISTER, #189829  
KIRKLAND C.T., B-II, #63  
4344 BROAD RIVER ROAD  
COLUMBIA, S.C., 29210

**RECEIVED**  
APR 25 2019  
SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, S.C., 29211

LEGAL  
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APR 24 2019

KIRKLAND R&E CENTER  
MAILROOM