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MAY 20 2019

THE STATE OF SOUTH CAROLINA SC Court of Appeals
IN THE COURT OF APPEALS

APPELLATE CASE NO. 2019-000515

pro se LYNN JEFFREY CHRONISTER

PETITIONER

v.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE, AND PARDON
SERVICES

RESPONDENT

PETITION FOR REHEARING

LYNN JEFFREY CHRONISTER #189827
KIRKLAND C.T., B-II #63
4344 BROAD RIVER ROAD
COLUMBIA, S.C., 29210

ATTORNEY FOR RESPONDENT
MATTHEW C. BUCHANAN

ADMINISTRATIVE LAW COURT
JANA E. SHEALY, CLERK

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPELLATE CASE No. 2019-000515

LYNN JEFFREY CHRONISTER, #189829
PETITIONER

v

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

PETITION FOR
REHEARING

THIS MATTER PRESENTED PURSUANT TO RULE 221(a), SCACR, AND CONCERNS THE COURT'S ORDER FILED ON "5/3/19" DENYING MOTION TO PROCEED in forma pauperis (COPY AT P.6)

THE MATTER AROSE FROM THE PAROLE BOARD'S PROCEDURE IN DENIAL OF PAROLE, AND ITS "FINDINGS OF FACT" IN THE "NOTICE OF REJECTION" OF JANUARY 24, 2019. THE BOARD'S RESPONSE OF FEBRUARY 25, 2019 TO A TIMELY "PETITION FOR REHEARING" WAS "THERE IS NO REHEARING / APPEAL PROCESS FOR THE ROUTINE DENIAL OF PAROLE," AND A TIMELY "NOTICE OF APPEAL" WAS FILED TO THE ADMINISTRATIVE LAW COURT THAT WAS DISMISSED ON MARCH 12, 2019. NOW COMES AN "NOTICE OF APPEAL" WAS SERVED TO THIS COURT ON MARCH 26, 2019 THAT ALSO INCLUDED AN APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS WITH A SWORN AFFIDAVIT IN SUPPORT OF / THE ORDER'S MOTION TO PROCEED in forma pauperis. AFTER ASSIGNMENT OF THE ABOVE APPELLATE CASE NUMBER, DEPUTY CLERK'S LETTER OF APRIL 01, 2019, AN INITIAL BRIEF WAS SERVED ON APRIL 24, 2019. THE DEFICIENCY OF NOT ACCOMPANYING THE BRIEF WITH A "DESIGNATION OF MATTER", PER LETTER OF APRIL 30, 2019, WAS CORRECTED IN SERVING AN DESIGNATION OF MATTER ON MAY 7, 2019. WHICH LEADS UP TO THE COURT'S ORDER THAT WAS RECEIVED ON MAY 7, 2019.

INDICTMENT-TRIAL: THE ARREST OCCURRED ON MORNING OF THE TRAGEDY, FEBRUARY 14, 1992. AN INDICTMENT OF APRIL 6, 1992 CHARGED "MURDER AND UNLAWFUL POSSESSION OF FIREARM OR KNIFE DURING COMMISSION OF A VIOLENT CRIME". A JURY TRIAL OF SEPTEMBER 21-22, 1992 RESULTED IN GUILTY (92-GS-46-1224) AND JUDGE DON S. RUSHING IMPOSING A LIFE (20 YEAR) SENTENCE PLUS 5 CONSECUTIVE YEARS FOR FIREARM'S CHARGE. DEFENSE COUNSEL WAS GERALD W. SMITH OF THE YORK COUNTY PUBLIC DEFENDERS OFFICE, LARRY GRANT, SOLICITOR

ARGUMENT: PETITIONER RESPECTFULLY CONTENDS THAT AN MISAPPREHENSION OCCURRED BY THE COURT IN DENYING THE APPLICATION TO PROCEED WITHOUT PAYMENT. FOR IN Ex parte MARTIN 471 S.E2d 134 INMATE MARTIN'S MOTION TO PROCEED WITHOUT COSTS IN THE CIRCUIT COURT DID NOT FIT WITHIN ON OF THE STATUTORY OR CONSTITUTIONAL EXCEPTIONS TO THE REQUIREMENT OF A FILING FEE. WHERE PETITIONER'S CASE BEFORE THE COURT WOULD FIT UNDER S.C. CODE ANN. 20-7-1440 (SUPP. 1994) ("NO COURT FEE MAY BE CHARGED IN DELINQUENCY AND NEGLECT ACTION") Id. MARTIN 471 S.E2d At 135. BECAUSE OCCURRING AT THE PAROLE HEARING WAS VIOLATIONS OF CONSTITUTIONAL DUE PROCESS, STATE STATUTES AND THE PROVISIONS OF THE BOARD'S "CRITERIA FOR PAROLE CONSIDERATION" WHERE "AT THE HEARING, THE INMATE HAS THE RIGHT TO PRESENT WITNESSES AND EVIDENCE ON HIS/HER OWN BEHALF" (COPY AT P. 7): ADAM v HUNTER 471 F2d 648 (CA4 SC) "VIOLATIONS OF A STATUTE IN SOUTH CAROLINA CONSTITUTES NEGLIGENCE AND ARE EVIDENCE OF RECKLESSNESS": S.C. CONST. SUPP. 1976 VOL 21, USCA AMEND. 14(B) "AT A MINIMUM CERTAIN ELEMENTS MUST BE PRESENT IN ORDER TO COMPLY WITH PROCEDURAL DUE PROCESS, INCLUDING (1) ADEQUATE NOTICE (2) ADEQUATE OPPORTUNITY FOR A HEARING (3) THE RIGHT TO INTRODUCE EVIDENCE. IN re VORA (S.C. 2008) 359 S.C. 540, 582 S.E2d 413 CONST. LAW 251.5

THE VIOLATIONS OCCURRING AT THE HEARING BECAUSE EIGHT MINUTES WAS GRANTED TO PRESENT EVIDENCE THAT SHOWED MITIGATING CIRCUMSTANCES SURROUNDED THE TRAGEDY

AND APPROXIMATELY ONE MINUTE INTO THE PRESENTATION DEVIATED BY THE BOARD ONTO OTHER FACTORS THAT ARE NOT REASONS LISTED UNDER THE "FINDINGS OF FACT" IN THE "NOTICE OF REJECTION" REASONS GIVEN (1) "NATURE AND SERIOUSNESS OF CURRENT OFFENSE" (2) "INDICATION OF VIOLENCE IN THIS OR PREVIOUS OFFENSE" AND (3) "USE OF DEADLY WEAPON IN THIS OR PREVIOUS OFFENSE" (COPY OF NOTICE P. 8)

THE FOLLOWING IS THE MITIGATING EVIDENCE IN EXISTENCE ON THAT DATE OF TRAGEDY THAT WAS PROPER FOR THE BOARD'S AUTHORITY TO HAVE DETERMINED PAROLE ELIGIBILITY, SEPARATE AND APART FROM THE COURT'S SENTENCE "COOPER V. S.C. DEPT. OF PROBATION + PARDON 661 SE 2d 106 A109 (S.C. 2008). BECAUSE OF BEING RAISED AT THE TRIAL'S IN-CAMERA BLAIR HEARING BY PSYCHIATRIST THOMAS BEHRMAN BUT FAILED TO GO TO JURY FOR CONSIDERATION DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL IN FAILURE TO ENSURE HIS RETURN [P. 9 L. 1 - P. 10]

DOCTOR BEHRMAN'S TESTIMONY SHOWS, (1) AFFILIATED WITH THE STATE'S WILLIAM S. HALL INSTITUTE (2) PART OF DUTIES ARE EVALUATIONS FOR THE COURT IN COMPETENCY, INSANITY, AND GUILTY BUT MENTALLY ILL AND (3) HAVING EVACUATED PETITIONER FROM FEBRUARY 15, 1992 UNTIL APRIL 14, 1992 [P. 12, L. 4 - P. 13, 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. 14 L. 23-25]

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. 17 L. 15-20]

3 - (A) "ITS 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.18 L. 23-TO-P.19 L. 11] AND

(4) (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.19 L. 16-22]

COUNSEL: "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. 20, L. 12-17]

ALSO FAILING TO GO TO THE JURY AND PETITIONER DISCOVERED AFTER THE TRIAL IS THE INSTITUTE'S "PATIENT ADMISSIONS INFORMATION" SHOWING THE DIAGNOSIS OF "MAJOR DEPRESSION" UPON ADMITTANCE ON FOLLOWING DAY OF TRAGEDY, AND APPARENTLY THE STATE BECAME AWARE OF THE SERIOUSNESS OF THE DISORDERS FOR HANDING DOWN ITS "REQUEST FOR NOTICE OF INSANITY DEFENSE" (COPIES P.23-24). ALSO PETITIONER HAD NO PRIOR CRIMINAL RECORD, AND SOLICITOR STATED IN CAMERA: "YOUR HONOR, MY UNDERSTANDING, HE HAS NO RECORD OF CRIMES OF MORAL TURPITUDE [P.21, L.1- AND P.22, L.24-25]

THE EVIDENCE WOULD HAVE BEEN RELEVANT FOR THE BOARD'S "CONSIDERATION OF: (1) THE CHARACTERISTICS OF YOUR CURRENT OFFENSE(S), PRIOR OFFENSE(S)" OF THE "NOTICE OF REJECTION", AND ITS "NATURE AND SERIOUSNESS OF CURRENT OFFENSE" IN THAT OF REDUCING THE CHARACTERISTICS, NATURE, AND SERIOUSNESS: 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."

CONSTITUTIONAL: COOPER V S.C. DEPT. OF PROBATION + PAROLE (4838) "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, CODE 1976§ 24-21-640: 22B, FPD 4TH-45, 252.5; CA 4 (S.C. 2000)" STATE HAS THE AUTHORITY TO CREATE, OR NOT, LIBERTY OR PROPERTY RIGHTS PROTECTED BY DUE PROCESS, HOWEVER, ONCE CREATED THE DUE PROCESS CLAUSE GUARANTEES THAT THE STATE CREATED RIGHT IS NOT ARBITRARILY ABROGATED" U.S. CA. CONST. AMEND. 14, GREEN V CATO 220 F3d 220 CERT. DEN. 1215 Ct. 2002, 532 U.S. 1039, 149 LEd 2d 1004; OGBURN MATTHEWS V TOBIOLLY PARTURS 505 SE2d 599 (S. C. APP. 1998) "DUE PROCESS INCOMPASSES ALL RIGHTS WHICH ARE OF SUCH FUNDAMENTAL IMPORTANCE AS TO REQUIRE COMPLIANCE WITH DUE PROCESS STANDARDS OF FAIRNESS AND JUSTICE AND INCLUDES PROCEDURAL RIGHTS OF CITIZENS AGAINST GOVERNMENT ACTIONS THAT THREATEN THE DENIAL OF LIFE, LIBERTY, OR PROPERTY, U.S. CA. CONST. AMEND. 5, 14; S. C. CONST. ART. 1§ 22: AND Id. MARTIN, "WHERE CERTAIN FUNDAMENTAL RIGHTS ARE INVOLVED, THE CONSTITUTION REQUIRES THAT AN INDIGENT BE ALLOWED ACCESS TO THE COURTS." COMPARE BODIE V CONNECTICUT, 401 U.S. 371, 91 S. Ct. 780, 28 LEd 2d 113, (1971): FRANKLIN V SHIELDS, 569 F2d 784-790 (4TH CIR. 1979) "AS A GENERAL MATTER, PAROLE PROCEEDINGS ARE SUBJECT TO THE DUE PROCESS CLAUSE BECAUSE FAIR PAROLE CONSIDERATION INVOLVES PRISONER'S LIBERTY"

PETITIONER RESPECTFULLY CONTENDS THAT THE PROCEDURE OF DEVIATION DEPRIVED A STATE-CREATED INTEREST AND AS TO REASONS 2 AND 3 OF THE "FINDINGS OF FACT" THEY WERE ALSO USED AS REASONS FOR DENIAL OF PAROLE IN COOPER 661 SE2d 108 AND WERE FIXED AS OF DATE OF OFFENSE

CANNOT BE AFFECTED BY PETITIONER'S ACTIONS WHILE INCARCERATED WITHOUT ADDRESSING ANY OF THE OTHER ENUMERATED FACTOR, AND WITHOUT REGARD TO THE CRITERIA FOR PAROLE. USCA CONST. AMEND. 14; CODE 1976§ 24-21-640; Id. COOPER 661562d 107(7)

CONCLUSION

FOR THE REASONS STATED PETITIONER ASKS THIS COURT TO GRANT THE PETITION FOR REHEARING

MAY 13, 2019

Lynn Jeffrey Chronister
LYNN JEFFREY CHRONISTER 189829
KIRKLAND C.I, B-II, 63
4344 BROAD RIVER ROAD
COLUMBIA, S.C., 29210

The South Carolina Court of Appeals

Lynn Jeffrey Chronister, #189827, Appellant,

v.

South Carolina Department of Probation, Parole, and
Pardon Services, Respondent.

Appellate Case No. 2019-000515

ORDER

The motion to proceed *in forma pauperis* is denied pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). The filing fee must be paid within fifteen days of the date of this order.



FOR THE COURT

Columbia, South Carolina

cc:

Lynn Jeffrey Chronister, 189827

Matthew C. Buchanan, Esquire

Jana E. Shealy

FILED

5/3/19

**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
--------------------	------	---------	------



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

HENRY McMASTER
Governor



JERRY B. ADGER
Director

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Fax: (803) 734-9440
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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,

Nettie C. Jacobs
Board Support Services

I N D E X

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STATE V. CHRONISTER

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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

STATE V. CHRONISTER

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. CHRONISTER
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.

STATE V. CHRONISTER

-14-

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

STATE V. CHRONISTER

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

STATE V. CHRONISTER

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:

STATE V. CHRONISTER

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 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 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 (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

STATE V. CHRONISTER

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.

Patient Admissions Information
(MHC to Hospital)

TO: WASH I - forensic unit DATE: 2-15-92

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

ADDRESS: Yr. County, Ga PHONE#: _____

DATE LAST SEEN: _____ NOT KNOWN TO CENTER:
Name of MHC staff member who participated in admissions: _____

Relative or other resource person for discharge planning: _____

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 anyone of talk; if he was a pt... he seems agitated.

Diagnosis: Major Depressive
Medications: _____

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

Recommendations/Specific Goals of hospitalization: _____
suicidal precautions - one-on-one

Pay source/#: unl. Unknown: _____

Case Mgr/Contact Person _____ Signature-Staff Completing Form

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

EXHIBIT-E

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

STATE OF SOUTH CAROLINA)

-VS-

JEFFERY LYNN CHRONISTER)

DEFENDANT,)

IN THE COURT OF
GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

REQUEST FOR NOTICE
OF INSANITY DEFENSE

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

SEP 12 9 12 AM '95

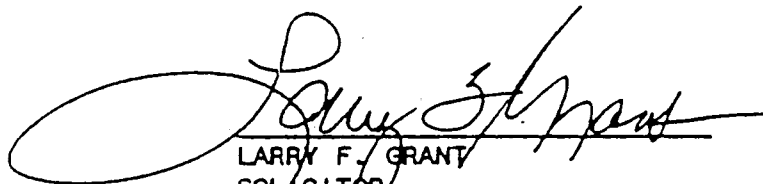
Quincy Smith

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

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

Aug 31 12 03 PM '92

FILED-RECEIVED
BOOK PAGE

Service Accepted and a Copy Retained this 31st day of

August, 1992.

Gerald W. Smith

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 20 2019

SC Court of Appeals

CASE NO. 2019-000515

LYNN JEFFREY CHRONISTER #189827

PETITIONER

v

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE, AND PARDON
SERVICES

RESPONDENT

CERTIFICATION

I CERTIFY THAT I HAVE SERVED COPIES OF THE SAME DOCUMENTS AND PAGES OF TRIAL TRANSCRIPT WITH THE COMPLAINT IN THIS PETITION FOR REHEARING ON EACH OF THE PARTIES BELOW BY WAY OF THEIR COPIES OF THE INITIAL "BRIEF OF APPELLANT" THAT WAS SERVED ON APRIL 24, 2019 (P. 7-24)

MAY 13, 2019

Lynn Jeffrey Chronister

LYNN JEFFREY CHRONISTER #189827

ATTORNEY FOR RESPONDENT
MATTHEW C. BUCHANAN

ADMINISTRATIVE LAW COURT
JANA E. SHEALY, CLERK

THE STATE OF SOUTH CAROLINA **RECEIVED**
IN THE COURT OF APPEALS MAY 20 2019
APPELLATE CASE NO 2019-000515 SC Court of Appeals

LYNN JEFFREY CHRONISTER, 189827

PETITIONER

v

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE, AND PARDON
SERVICES

RESPONDENT

CERTIFICATE OF SERVICE

I CERTIFY THAT I HAVE SERVED THE "PETITION FOR REHEARING" ON THE
BELOW PARTIES BY SEPARATELY DEPOSITING COPIES OF IT IN THE UNITED
STATES MAIL, POSTAGE PREPAID ON MAY 17, 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 BLD. STE. 214
1205 PENDLETON STREET
COLUMBIA, S.C., 29201