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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM RALPH KING ANDERSON III

CHIEF ADMINISTRATIVE LAW JUDGE

APPELLATE CASE NO. 2021-000785

LYND CHRONISTER, #189827 APPELLANT

v

S.C. DEPARTMENT OF PROBATION,

PAROLE AND PARDON SERVICES RESPONDENT

INITIAL BRIEF OF APPELLANT

prose LYNDIS JEFFREY CHRONISTER, #189827

KIRKLAND REE, B-II, #60

4344 BROAD RIVER ROAD

COLUMBIA, S.C., 29210

ATTORNEY FOR RESPONDENT

MATTHEW C. BUCHANAN, ESQUIRE

293 GREYSTONE BLVD.

Post Office Box 207

COLUMBIA, S.C., 29202

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STATEMENT OF THE CASE

APPELLANT WAS CONVICTED ON SEPTEMBER 21, 1992 OF MURDER, POSSESSION OF WEAPON DURING A VIOLENT CRIME, AND SENTENCED TO LIFE PLUS FIVE YEARS. PROJECTED PAROLE DATE WAS IN FEBRUARY 2012, AND SINCE THEN THERE HAS BEEN FIVE BIENNIAL PAROLE HEARINGS.

THIS MATTER AROSE FROM APPELLANT FOUND "ELIGIBLE" FOR MEDICAL PAROLE, AN HEARING HELD ON JANUARY 13, 2021, AND REASONS FOR DENIAL OF THE PAROLE THAT'S CITED IN THE "NOTICE OF REJECTION" DATED JANUARY 14, 2021 (COPY PG. 9) WHICH ARE THE "NATURE AND SERIOUSNESS OF CURRENT OFFENSE" AND "USE OF DEADLY WEAPON IN THIS OR PREVIOUS OFFENSE". A "NOTICE OF APPEAL" WAS SERVERED TO THE ADMINISTRATIVE LAW COURT, AND THE HONORABLE JUDGE ANDERSON'S ORDER AFFIRMING THE BOARD'S DECISION, DATED JUNE 22, 2021, WAS RECEIVED ON JUNE 25, 2021. APPELLANT SERVING AN "NOTICE OF APPEAL" TO THIS COURT ON JULY 20, 2021.

ARGUMENT

(I) GROUND #1 OF NOTICE OF APPEAL TO ADMINISTRATIVE LAW COURT:
"FAILURE TO RECEIVE DUE NOTICE PRIOR TO JANUARY 13TH HEARING THAT WAS FOUND TO HAVE BEEN ON MEDICAL PAROLE"
IN RESPONSE TO THE JUDGE'S INITIAL CONCLUSION PG. 4 OF THE ORDER THAT: "APPELLANT RECEIVED PROPER NOTICE OF THE HEARING. THE RECORD SHOWS THE NOTICE OF APPELLANT'S MEDICAL PAROLE

HEARING WAS MAILED ON DECEMBER 9, 2020, WHICH WAS MORE THAN THIRTY DAYS PRIOR TO THE SCHEDULED HEARING."

PRIOR TO THE JANUARY HEARING THERE WAS TWO HEARINGS TO BE SCHEDULED. FOR THE PREVIOUS BIENNIAL HEARING WAS HELD IN JANUARY OF 2019, AND APPELLANT HAD BEEN INFORMED IN OCTOBER OF 2020 THAT "PAPERS" WERE SUBMITTED TO THE PAROLE BOARD FOR AN HEARING ON MEDICAL PAROLE. WHICH THE HEARING WAS FOUND TO HAVE BEEN CONSIDERED FOR" BY THE REPLY FROM "NETTIE JACOBS TO LORIE EVANS" DATED JAN. 14 at 8:49 A.M. (PG. 10). MS. JACOBS IS WITH THE PAROLE BOARD'S SUPPORT SERVICES." (PG. 9) AND MRS. EVANS IS APPELLANT'S OLDEST DAUGHTER.

APPELLANT RESPECTFULLY CONTENTS THAT THE HEARING'S NOTICE DATED "DECEMBER 9, 2020" (PG. 11) WAS NOT RECEIVED UNTIL "02/21/2021", AND WHICH IS SHOWN BY THE SCDC'S RECEIPT OF LEGAL CORRESPONDENCE "VERIFICATION" (PG. 12). THE FAILURE TO RECEIVE TIMELY DUE NOTICE DEPRIVED PROCEDURAL DUE PROCESS OPPORTUNITIES OF PREPARATION THAT INCLUDED WITNESS EVIDENCE RELEVANT TO APPROVAL OF APPELLANT'S LIVING RESIDENCE (OLDEST DAUGHTER AND HER HUSBAND) S.C. CODE ANN. 24-21-915(D); USCA CONST. AMEND. 14, AND OR TO FACTOR 10 OF THE BOARD'S "CRITERIA FOR PAROLE CONSIDERATION" (PG. 13) THE ADEQUACY OF OVERALL PAROLE PLAN, LIVING ARRANGEMENTS, AND CHARACTER OF THOSE TO ASSOCIATE WITH. ALSO FACTOR 4 "ATTITUDE TOWARDS FAMILY, AND FACTOR 12 SHOWING THE WILLINGNESS OF FAMILY TO ALLOW RETURN

TO THE FAMILY CIRCLE.

II GROUND ⁽²⁾ THE PAROLE BOARD'S JANUARY 14TH 2021 "NOTICE OF REJECTION" FAILS TO SHOW CONSIDERATION OF MEDICAL PAROLE AND REJECTING BY USE OF SAME REASONS AS IN THE PRIOR REGULAR PAROLE REJECTIONS"

STATEMENT: APPELLANT'S ELIGIBILITY FOR THE PAROLE AROSE FROM DIAGNOSIS OF HEART DAMAGED BY A PREVIOUS HEART ATTACK, AND THE EXTENT OF DISCOVERED BLOCKAGE THAT THE DOCTOR MENTIONED WAS "BEYOND STENTS" AND "OPEN HEART SURGERY." THE DIAGNOSIS WAS MADE BY DR. ROBERT SCHULZE, CARDIOLOGIST WITH COLUMBIA HEART HOSPITAL (SEE MESSAGE PG. 14 FROM JULIA HESS RN/MANAGER WITH SCDC COA GERIATRICS. MS. HESS INFORMING OF THE ELIGIBILITY, AND THAT APPELLANT BEING OVER THE AGE OF 70 YEARS OLD AT TIME OF PAPERS BEING SUBMITTED WAS ALSO A CRITERIA FOR ELIGIBILITY. UNDER 24-21-715(A)(2) "GERIATRIC MEANS AN INMATE WHO IS SEVENTY YEARS OF AGE OR OLDER AND SUFFERS FROM CHRONIC INFIRMITY, ILLNESS OR DISEASE RELATED TO AGING WHICH HAS PROGRESSED SO THE INMATE IS INCAPACITATED AS DETERMINED BY A LICENSED PHYSICIAN TO THE EXTENT THAT THE INMATE DOES NOT POSE A PUBLIC SAFETY RISK."

APPELLANT SIGNED A FORM ON OCTOBER 15, 2020 (PG. 15) TO CONSENT RELEASE OF MEDICAL INFORMATION, AND ON OCTOBER 26, 2020 AN "PETITION FOR MEDICAL PAROLE PURSUANT TO S.C. CODE § 24-21-715(B) SIGNED BY SCDC DIRECTOR BRYAN P. STIRLING WAS SERVED TO THE PAROLE BOARD. (SEE PG. 2 OF ORDER)

THE JUDGE'S FINDINGS PG. 7 OF ORDER:

"THEREFORE, ALTHOUGH APPELLANT IS CORRECT THAT THE BOARD DENIED HIS MEDICAL PAROLE FOR THE SAME REASONS IT DENIED HIS BIENNIAL PAROLE AND DID NOT MAKE ANY FINDINGS AS TO APPELLANT'S MEDICAL CONDITION(S), SECTION 24-21-715 DOES NOT REQUIRE THE BOARD TO MAKE ANY SPECIFIC FINDINGS OF FACT FOR A DENIAL. BASED ON THE BOARD'S CITED GROUNDS FOR DENIAL IT IS REASONABLE TO ASSUME THE BOARD FOUND APPELLANT STILL POSES A THREAT TO SOCIETY DESPITE HIS MEDICAL CONDITIONS, AND APPELLANT WAS DENIED MEDICAL PAROLE FOR THIS REASON. ACCORDINGLY, BECAUSE THE BOARD'S DECISION COMPLIES WITH SECTION 24-21-715, I FIND THE DEPARTMENT'S DECISION MUST BE AFFIRMED."

ARGUMENT: APPELLANT RESPECTFULLY CONTENTS THAT (1) DEPRIVATION OF RIGHT TO MEDICAL PAROLE ELIGIBILITY WAS BY THE BOARD'S PROCEDURE IN USE OF THE REASONS/NOTICE OF REJECTION TO DENY; (2) THE JUDGE ERRED IN THE FINDINGS AND (3) ASSUMPTION INSUFFICIENT AS A REASON.

(1) THE NOTICE FAILING TO SHOW CONSIDERATION OF THE CRITERIA OF APPELLANT'S RIGHT TO THE PAROLE ELIGIBILITY / DID NOT MAKE ANY FINDINGS AS TO MEDICAL CONDITION(S) WAS CONTRARY TO THE ADMINISTRATIVE PROCEDURE ACT (APA) AND S.C. CODE ANN. 1-23-350 (2005):

1-23-350(2) NECESSITY OF FINDING OF FACT: "BECAUSE OF THE LIMITED APPEAL OF PAROLE DECISIONS IS GOVERNED BY THE ADMIN-

ADMINISTRATIVE PROCEDURE ACT (APA). THE PAROLE BOARD AND THE ADMINISTRATIVE LAW COURT (ALC) MUST COMPLY WITH THE PROVISIONS TO WHICH A FINAL DECISION IN AN AGENCY ADJUDICATION OR A CONTESTED CASE SHALL INCLUDE FINDING OF FACT AND CONCLUSION OF LAW" COOPER v S.C. DEPT. OF PROBATION, PAROLE, AND PARDON SERVICES (SC 2008) 377 SC 489, 661 SE2d 869. S.C. CODE ANN. 1-23-350(2005) PROVIDES THAT UNDER THE APA A FINAL DECISION OR ORDER ADVERSE TO A PARTY IN A CONTESTED CASE SHALL BE IN WRITING OR STATED IN THE RECORD. A FINAL DECISION SHALL INCLUDE FINDINGS OF FACT AND CONCLUSION OF LAW SEPARATELY STATED. UNDER 1-23-310(3), A CONTESTED CASE IS ANY PROCEEDING IN WHICH THE LEGAL RIGHTS, DUTIES, OR PRIVILEGES OF A PARTY ARE REQUIRED BY LAW TO BE DETERMINED BY AN AGENCY AFTER AN OPPORTUNITY FOR HEARING. COOPER 661 SE2d 107 HOLDS, "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" USCA CONST. AMEND. 14; FRANKLIN v SHIELDS 569 F.2d 789, (4TH CIR 1979) "AS A GENERAL MATTER PAROLE PROCEEDINGS ARE SUBJECT TO THE DUE PROCESS CLAUSE, BECAUSE FAIR PAROLE CONSIDERATION INVOLVES A PRISONER'S LIBERTY"

(3) THE ASSUMPTION INSUFFICIENT: BECAUSE OF BEING "BASED ON THE BOARD'S CITED GROUNDS FOR DENIAL" WITH: NO FINDINGS AS TO THE MEDICAL CONDITIONS MADE, WHEREAS IN THE CASE OF COOPER THE ARGUMENT WAS DENIAL OF BIENNIAL PAROLE THE CITED GROUNDS/REASONS

IN COOPER 661 SE2d at 108 ARE SAME IN APPELLANT'S CASE, AND THE COURT STATED IN COOPER at 111⁽⁵⁾ THAT, "THESE REASONS WOULD BE SUFFICIENT TO DENY PAROLE IN THE BOARD'S DISCRETION IF THE BOARD'S DECISION EVINCED CONSIDERATION OF SECTION 24-21-640 AND ITS OWN CRITERIA." WHICH AS IN APPELLANT'S CASE THE BOARD NOT MAKING ANY FINDINGS AS TO THE MEDICAL CONDITIONS, AND THE JUDGE BASING ASSUMPTION ON THE CITED GROUNDS WOULD RENDER IT INSUFFICIENT.

WITH ALL DUE RESPECT TO THE BOARD AND JUDGE APPELLANT RESPECTFULLY CONTENTS THAT "STILL BEING A THREAT TO SOCIETY" IS WITHOUT REASON, BECAUSE "ALCOHOL ABUSE," AND "SEVERE" EMOTIONAL DISORDERS WERE INVOLVED IN TRAGEDY OCCURRING, AND APPELLANT'S WARDEN'S JACKET SHOWS PROGRAMS, COUNSELING, AND THERAPY TAKEN. BUT MAINLY IT'S APPELLANT'S WILL, FAMILY, AND A SECOND CHANCE.

THE EVIDENCE OF ABUSE, AND THE DISORDERS WOULD REDUCE NATURE AND SERIOUSNESS OF OFFENSE/MURDER WHERE THE RESPONDEE'S ATTORNEY STATED IN HIS BRIEF THAT, "TO COMPLY WITH SOUTH CAROLINA LAW, THE BOARD MUST EVALUATE THE CIRCUMSTANCES OF APPELLANT'S OFFENSE IN LIGHT OF HIS MEDICAL CONDITION WHEN EVALUATING APPELLANT'S REQUEST FOR MEDICAL PAROLE" (P.16-17) ALSO CITING SAME REASONS AS IN "NOTICE OF REJECTION"

THE EVIDENCE WAS PRESENTED IN-CAMERA AT THE TRIAL'S BLAIR HEARING BY PSYCHIATRIST/DOCTOR THOMAS BEHRMAN WITH WILLIAM S. HALL INSTITUTE. (P.18, L.16; P.19 L.4+9; P.20 L.1) HE DIAGNOSED, "AN ADJUSTMENT DISORDER WITH MIXED EMOTIONAL FEATURES" AND THAT

THE ADJUSTMENT DISORDER WAS CONNECTED WITH ALCOHOL ABUSE (P. 20-L. 24; P. 22, L. 25-TO-P. 23). ALSO THAT THE ESSENCE OF THE DISORDER "WAS A DOMESTIC ARGUMENT OR AN ON-GOING STRIFE IN THE MARRIAGE" AND NOTABLY:

(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. 24, L. 5-20). ALSO (A) "IT'S NOT ONLY THAT, BUT HIS RESPONSE TO THE SITUATION WAS MALADAPTIVE IN THAT IT WAS MORE SEVERE AND MORE DYSFUNCTIONAL THAN WHAT WE WOULD NORMALLY EXPECT FOR THE AVERAGE PERSON"; (Q) "HIS EMOTIONAL RESPONSE TO THE STRESS OF THE DIVORSE SITUATION?"

(A) "WELL, YES" (P. 25, L. 23-TO-P. 26, L. 4) ALSO:

(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. 26 L. 16-22)

COUNSEL STATED TO THE JUDGE THAT HE HAD "THE DOCTOR UNDER SUBPOENA" AND WOULD "NOTIFY HIM" IF HE "NEEDED HIM BACK" THE DOCTOR SHOWING WILLING AND ABLE TO RETURN BY ANSWER OF "WE'LL WORK IT OUT" (P. 27 L. 12-17). APPELLANT RESPECTFULLY CONTENTS THAT THE EVIDENCE WAS WITHHELD FROM THE JURY BY APPARENTLY THE DOCTOR WAS NOT NOTIFIED TO RETURN. ALSO THE OTHER EVIDENCE NOT GOING TO THE JURY, AND WOULD SUPPORT THE SEVERITY OF THE DISORDERS IS THE INSTITUTE'S "PATIENT ADMISSION'S INFORMATION" (P. 28)

AND THE STATE'S REQUEST FOR "NOTICE OF INSANITY DEFENSE" (P.29).
THE INFORMATION SHOWING DIAGNOSIS OF "MAJOR DEPRESSION" UPON
ADMITTANCE ON THE FOLLOWING MORNING OF THE TRAGEDY, FEBRUARY
15, 1992, AND APPARENTLY BY THE DEFENSE THE STATE BECAME AWARE
OF SEVERITY OF THE DISORDERS AND CIRCUMSTANCES. THE DEFENSE NOR
INFORMATION ENTERED IN TRANSCRIPT OF RECORD AS EVIDENCE, AND APPEL-
LANT ONLY BECAME AWARE OF THEM IN RECEIVING CASE COPIES FOR PCR.

ERROR OF LAW WAS BY THE JUDGE INCLUDING IN HIS RULING ON REQUEST
FOR CHARGE ON MANSLAUGHTER THAT "THE ONLY TESTIMONY IS THAT
HE WAS EMOTIONAL AFTERWARDS" (P.30, L.14-15). UNDER S.C. CODE 16-3-50
"TO WARRANT A COURT'S ELIMINATING THE OFFENSE OF MANSLAUGHTER
IN A MURDER PROSECUTION IT SHOULD VERY CLEARLY APPEAR THAT THERE
IS NO EVIDENCE WHATSOEVER TENDING TO REDUCE THE CRIME FROM
MURDER TO MANSLAUGHTER" STATE V CASE S.C.2004 338 S.C.90, 525 SE2D 515

ALSO APPELLANT HAD NO PRIOR CRIMINAL RECORD / ARREST, AND THE
SOLICITOR STATED, "YOUR HONOR, MY UNDERSTANDING, HE HAS NO RECORD
OF CRIME OF MORAL TURPITUDE" [T.R. P. 58, L. 24] THIS WITH THE PSYCHIA-
TRIST EVIDENCE WOULD SHOW MITIGATING CIRCUMSTANCES AS UNDER
16-3-20(b) (1) & (2): BLACKS LAW DICTIONARY - MITIGATION OF PUNISHMENT.
"A REDUCTION IN PUNISHMENT DUE TO MITIGATING CIRCUMSTANCES THAT
REDUCE THE CRIMINAL LEVEL OF CULPABILITY SUCH AS EXISTENCE OF NO
PRIOR RECORD. --

OUTSIDE OF THE TRIAL RECORD'S EVIDENCE APPELLANT IS UNAWARE OF THE
BOARD'S USE IN CONSIDERATION OF CIRCUMSTANCES OF THE OFFENSE,
AND RESPECTFULLY CONTENTS THAT CITING THE "NATURE AND SERIOUSNESS"
OF OFFENSE WAS ALSO IMPROPER BECAUSE OF PSYCHIATRIST EVIDENCE.

CONCLUSION

FOR THE REASONS STATED, THE JUDGE'S ORDER SHOULD BE REVERSED

AUGUST 6, 2021

RESPECTFULLY SUBMITTED:

Lynn Jeffrey Chrouster

LYNN JEFFREY CHROUSTER #189829

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

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

January 14, 2021

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
Use Of Deadly Weapon In This Or Previous Offense
Vote Count: Unanimous To Reject

Sincerely,

A handwritten signature in cursive script, appearing to read "Nettie C. Jacobs".

Nettie C. Jacobs
Board Support Services

(19 OF 32)



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Marcie Lawrence (C05... Jan 14



RE: Jeff Chronister
I really hate this for you. I am s...

• **INFINITI of Charlotte** Jan 14



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INFINITI of Charlotte 9103 E In...

• **Nettie Jacobs** Jan 14



RE: Jeffrey Lynn Chronister par...
Good Morning Ms. Evans, I apo...

• **South Carolina HiBid ...** Jan 14



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• **PennyMac Loan Serv...** Jan 14



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• **Marcie Lawrence (C05...** Jan 13



RE: Jeff Chronister
Ms. Evans, I am so sorry to hea...

• **PennyMac Loan Serv...** Jan 13



Lorie, Your Monthly Payment R...
This is a reminder that a great ...

Julia Hess (C057168) Jan 13



Re: Jeff Chronister
Yes, we will! Sent from my iPho...

• **Julia Hess (C057168)** Jan 13



RE: Jeff Chronister
I know it is. And, I am so sorry f...

Julia Hess (C057168) Jan 13



RE: Jeff Chronister



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RE: Jeffrey Lynn Chronister parole hearing
January 13



Nettie Jacobs

To Lorie Evans

Jan 14 at 8:49 AM

Good Morning Ms. Evans,

I apologize for the delay in responding as we were in hearings yesterday. Mr. Chronister was considered for medical parole yesterday.

Mr. Chronister has been scheduled for his parole hearing. He will be sent notice thirty days prior to his hearing. Once the notice is sent, the date may be made public.

Thank you,

Nettie

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

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 Greystone Boulevard
Post Office Box 207
Columbia, South Carolina 29202
Telephone: (803) 734-9220
Fax: (803) 734-9440
www.dppps.sc.gov

December 9, 2020

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

RE: NOTICE OF HEARING

Hearing Date: Wednesday, January 13, 2021 Arrival Time: 7:45 AM
Location: Broad River Correctional Institution
4460 Broad River Rd.
Columbia, SC 29210

Dear Mr. Chronister:

This is to inform you that your parole hearing is scheduled for the above date. Your hearing will be held at the above location. Family members or supporters should report at the above noted time. Your hearing will be by way of videoconference, which means that the Board will review your case on a television monitor.

You can have a total of three (3) visitors or family members appear with you and you may retain an attorney at your own expense. It is your responsibility to notify visitors or family members of the date and time they will need to be at your hearing. Also, you must notify your attorney if he or she has not requested in writing such notifications from this agency.

Please find enclosed parole hearing information sheet. It may be necessary to provide your family members or visitors a copy.

Sincerely,

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

Nettie C. Jacobs
Board Support Services

(11 OF 32)

1/13/2021

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

State of SC Probation, Parole and Pardon Services
293 Greystone Blvd., P O Box 207
Columbia, SC 29202

Addressed to (Inmate Name, SCDC#, and Address):

Lynn Chronister 189827 B2-63
Kirkland Reception and Evaluation Center
4344 Broad River Road
Columbia, SC 29210

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the
Kirkland _____ Correctional Mailroom on (Date) 12/11/2020 _____.

On (Date) 02/21/2021 _____, the above referenced correspondence was delivered to
Inmate Lynn Chronister _____, SCDC # 189827 _____, and his signature
was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

Mailroom personnel shortage



Postal Director/Institution

SCDC

FEB 21 2021

MAIL ROOM

Date

(12 of 32)

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

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

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

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.

UBE
 3/15

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 postpones a parole hearing, 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
--------------------	------	---------	------

X Julia Hess (C057... Add keyw...



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Julia Hess (C057168) Jan 6

RE: Jeff Chronister
Hi Lorie, The petition was sub...

2020

Julia Hess (C0571... 10/21/2020

Jeffrey Chronister
Hi Lorie! I moved the packet fo...

Julia Hess (C05716... 10/9/2020

RE: Jeffrey Chronister
Thank you, Lorie! From: Lorie E...

Julia Hess (C05... 10/8/2020

Jeffrey Chronister
Hi Lorie, Will you please reach ...

Julia Hess (C05... 10/7/2020

Jeffrey Chronister
Good evening, Lorie, I have att...

Julia Hess (C057168) 7/8/2020

Re: Thank you for contacting t...
haven't gotten it back signed....

Julia Hess (C05716... 6/29/2020

Jeffrey Chronister



Julia Hess (C057168)

To Lorie Evans
Oct 21, 2020 at 10:25 AM

Hi Lorie!

I moved the packet forward to legal today! I was able to get a referral from Dr. Schulze (his current cardiologist) to the practice you sent the information on to me! The referral will last for 90 days, so hopefully, Jeff will be granted medical parole, and he will already have a cardiologist in Rock hill!

Now, we wait, prayerfully.



Expand



Delete



Move to



Forward



Reply



More

(140F32)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 Division of Health Services
CONSENT TO RELEASE MEDICAL INFORMATION

Your medical information is confidential and will not be released to unauthorized persons or entities without your consent.

DO YOU WANT TO DESIGNATE A FAMILY MEMBER OR OTHER INDIVIDUAL WITH WHOM THE PROVIDER MAY DISCUSS YOUR MEDICAL CONDITION? YES X NO

IF YES, WHOM? Solicitor, Law Enforcement, victim or victim's witness, hospice companies, medical providers
 Relationship: inside and outside of SCDC, Probation, Parole, and Pardon, Inmate Chronister's family, friends,
 Address, phone # and/or e-mail warden/legal representa-
tives, SCDC Wardens. Photographs may be taken of
Inmate Chronister and shared.
 You may list here any limitations you wish to have on the information to be disclosed. (Please understand that it is generally your responsibility to keep family members up to date on your medical condition.)

No limitations.

According to SC A39, R45, S117:
 (D) A health care provider who in good faith discloses information in accordance with an authorization signed by a patient pursuant to this section is not subject to civil liability, criminal liability, or disciplinary sanctions because of this disclosure.
 (E) Nothing in this section may be construed to:
 (1) require a health care provider to disclose information that he otherwise may withhold or limit;
 (2) limit or prevent a provider from disclosing information without written authorization from the patient if this disclosure is otherwise lawful or permissible;
 (3) prohibit a provider from receiving and using information relevant to the safe and effective treatment of the patient from family members; and
 (4) conflict with an individual's health care power of attorney as provided for in the South Carolina Probate Code.

INMATE AGREEMENT

I, (Print Name) Lynn Jeffrey Chronister, SCDC # 189827, do herein give the South Carolina Department of Corrections permission to release medical/mental information about my care and treatment to the person indicated above and as provided by SC Public Law Section 44-66-75. Treatment means "the broad range of emergency, outpatient, intermediate, and inpatient services and care that may be extended to a patient to diagnose and treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin. Treatment includes, but is not limited to, psychiatric, psychological, substance abuse, and counseling services."

- I understand that this is for verbal information only, not for copies of medical records.
- I understand that I may revoke or modify this consent at any time by notifying the medical staff in writing.

(If a revocation is received, the staff member should write "REVOKED" and the date across the face of this sheet and file it with the revocation in the correspondence section of the medical record. A note of this action should be made in the medical record.)

Inmate Signature: X *Lynn Jeffrey Chronister*

Date: X OCTOBER 13, 2020

Employee Witness: X *[Signature]*

Date: X 10/15/20

This consent is valid (unless limited above) until revoked by the inmate or until his/her release.

(This section for use as needed or on institutional transfer)

I reconfirm that the above information is still valid:

Date	Initials	Date	Initials	Date	Initials	Date	Initials
Date	Initials	Date	Initials	Date	Initials	Date	Initials
Date	Initials	Date	Initials	Date	Initials	Date	Initials

715 requires the Board to evaluate Appellant's medical conditions in conjunction with the threat Appellant poses to society or himself as part of their evaluation.

To comply with South Carolina law, the Board must evaluate the circumstances of Appellant's offense in light of his medical conditions when evaluating Appellant's request for medical parole. The Board did not commit an error of law by citing the nature and seriousness of Appellant's offense and this use of a deadly weapon in their notice of rejection for Appellant's medical parole – it stands to reason that based on their grounds for rejection that the Board found the Appellant still poses a threat to society.

The Respondent therefore submits that Appellant's claim that the Board failed to properly address his medical conditions during their evaluation of his medical parole is meritless. The sole purpose of the medical parole hearing is to consider the inmate's medical condition or conditions against the threat that the inmate may pose to society or himself. The Board is only required to state its medical findings upon the *granting* of parole pursuant to §24-21-715. It strains credulity to presume that the Board did not consider the inmate's medical condition at a hearing specifically for inmates who are terminally ill, geriatric, or permanently incapacitated simply because the Board did not say so in its letter of rejection. As the Board's sole focus during this hearing is evaluating Appellant's medical parole request in accordance with §24-21-715, Appellant's claim that his medical conditions were not properly evaluated by the Board prior to their rejection is meritless.

CONCLUSION

The Board's rejection of Appellant's medical parole based on the nature and seriousness of his offense and the use of a deadly weapon was proper as Appellant's threat to society is properly considered during a medical parole hearing pursuant to South Carolina law. Since there exists no

error or violation of law in the denial of Appellant's request for medical parole, Respondent respectfully request this Court to affirm the decision of Respondent.

Respectfully submitted,



Matthew C. Buchanan
General Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 207
Columbia, South Carolina 29201
(803) 734-9220

Attorney for Respondent

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

STATE V. CHRONISTER

-(180f32)

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.

STATE V. CHRONISTER

(19 of 32)

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

(2003)

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 WOULD INTERFERE WITH HIS ABILITY TO ASSIST HIS ATTORNEY IN
2 WHAT'S GOING ON AND UNDERSTAND THE NATURE OF THE CHARGES?

3 A THE DEFENDANT REPORTS TO ME THAT HE IS CURRENTLY BEING
4 TREATED WITH PROZAC, AN ANTI-DEPRESSANT, AND HE'S ALSO BEING
5 GIVEN A MEDICATION FOR SLEEP AT NIGHT.² HE WAS STARTED ON THE
6 PROZAC WHILE HE WAS STILL WITH US AT THE HOSPITAL.

7 I WOULD NOT EXPECT EITHER OF THESE MEDICATIONS TO
8 INTERFERE WITH HIS ABILITY TO PARTICIPATE WITH HIS ATTORNEY IN
9 HIS OWN DEFENSE.

10 Q DOCTOR, AS HIS DOCTOR, HAVING SEEN HIM, WOULD YOU WANT TO
11 CONTINUE ON HIS REGULAR MEDICATION?

12 A I WOULD RECOMMEND THAT HE WOULD CONTINUE ON THOSE
13 MEDICATIONS FOR THE TIME BEING, YES, SIR.

14 Q AND, DOCTOR, FROM TALKING TO HIM BOTH THIS MORNING AND
15 BACK IN FEBRUARY, DID YOU SEE ANY LIKELIHOOD OF A
16 DETERIORATION IN THE NEXT TWO OR THREE DAYS OF HIS CONDITION
17 OF MENTAL ABILITIES?

18 A IN MY OPINION I DON'T FEEL THAT HE WOULD BE LIKELY TO
19 DECOMPENSATE OVER THE NEXT SEVERAL DAYS, NO, SIR.

20 MR. GRANT: PLEASE ANSWER ANY QUESTIONS MR. SMITH MAY
21 HAVE.

22 CROSS EXAMINATION

23 BY MR. SMITH:

24 Q ~~DOCTOR, YOU DID DIAGNOSE AN ADJUSTMENT DISORDER WITH~~
25 ~~MIXED EMOTIONAL FEATURES?~~

STATE V. CHRONISTER

(21 of 32)

1 A YES, SIR.

2 Q AND BASICALLY THIS PARTICULAR DISORDER, THIS WOULD BE A
3 MAL-ADAPTIVE RESPONSE TO CERTAIN STRESSORS?

4 A THAT'S CORRECT.

5 Q AND THAT MAL-ADAPTIVE RESPONSE MANIFESTS ITSELF BY
6 IMPAIRMENT IN VARIOUS AREAS OF FUNCTIONING, CORRECT, SIR?

7 A THE MAL-ADAPTIVE RESPONSE IN MR. CHRONISTER'S CASE WAS A
8 MIXTURE OF BOTH SYMPTOMS OF DEPRESSION AND ANXIETY, HENCE THE
9 MIXED EMOTIONAL FEATURE.

10 Q AND THIS PARTICULAR DISORDER -- ONE OF THE CRITERIA FOR
11 THIS PARTICULAR DISORDER IS THAT THERE IS IMPAIRMENT IN THE
12 SOCIAL RELATIONSHIPS, PERHAPS IMPAIRMENT AT WORK, IMPAIRMENT
13 IN THAT ---

14 A YES, SIR. THE TYPICAL FEATURES WOULD BE IMPAIRMENT IN
15 USUAL SOCIAL RELATIONSHIPS, WORK RESPONSIBILITIES, THAT SORT
16 OF THING.

17 Q AND ONE OF THE OTHER CRITERIA IS THAT THE DISTURBANCE
18 THAT YOU FOUND DOESN'T FIT ANY CRITERIA FOR ANY KIND OF MENTAL
19 DISORDER OR ILLNESS?

20 A THAT'S TRUE.

21 Q AND BASICALLY, IN YOUR EVALUATION OF HIM AND CERTAINLY
22 BASED UPON YOUR DIAGNOSIS YOU HAVE, THERE IS AN EMOTIONAL
23 ASPECT TO HIS CHARACTER WHEN REACTING TO SITUATIONS?

24 A YES, SIR.

25 Q ~~YOU ALSO DIAGNOSED THAT THE ADJUSTMENT DISORDER WAS~~

STATE V. CHRONISTER

(22 of 32)

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 AN
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:

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~~

STATE V. CHRONISTER

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.

STATE V. CHRONISTER

(26 of 32)

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 AN
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

Patient Admissions Information
(MHC to Hospital)

TO: WSH 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 Wednesday we
don't have any way of telling if he was a pt... he seems ok contact.

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 TR

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

1 CLIENT WHEN -- BY THE POLICE. I THINK THAT WOULD SHOW HEAT
2 AND PASSION.

3 THERE HAS BEEN NO TESTIMONY, YOUR HONOR, IN TERMS OF WHAT
4 OCCURRED DURING THIS PERIOD OF TIME AT THE POWER STATION.
5 THERE WAS NO WITNESS, BUT I BELIEVE THAT THE TESTIMONY AS TO
6 THE EMOTIONAL CONDITION CERTAINLY WOULD GIVE HEAT AND PASSION
7 AND I WOULD ASK FOR A MANSLAUGHTER CHARGE ON THAT BASIS.

8 THE COURT: THERE'S NO TESTIMONY IN THE RECORD OF THIS
9 THAT WOULD SUPPORT A CHARGE ON VOLUNTARILY MANSLAUGHTER, MR.
10 SMITH. VOLUNTARY MANSLAUGHTER REQUIRES THERE BE SOME
11 TESTIMONY AND EVIDENCE AS TO THE KILLING OF A HUMAN BEING UPON
12 A LEGAL SUFFICIENT PROVOCATION.

13 THERE'S JUST NO TESTIMONY OUT THERE. IN THE HEAT
14 PASSION -- THERE'S NO TESTIMONY OF THAT. ~~THE ONLY TESTIMONY~~
15 ~~IS THAT HE WAS EMOTIONAL AFTERWARDS,~~ BUT THERE'S NO TESTIMONY
16 THAT HE KILLED THE PERSON IN A SUDDEN HEAT AND PASSION FIRST;
17 AND SECONDLY, THAT IT WAS UPON ANY SUFFICIENT LEGAL
18 PROVOCATION. THERE'S NO TESTIMONY IN THE RECORD THAT SUPPORT
19 THAT.

20 I CANNOT CHARGE A PRINCIPLE THAT'S NOT SUPPORTED BY SOME
21 EVIDENCE. ONCE AGAIN, I'M NOT CONCERNED WITH WHETHER YOU
22 BELIEVE TESTIMONY AND EVIDENCE. I NEVER AM. I'M CONCERNED
23 ONLY WITH ITS EXISTENCE. THERE IS A TOTAL LACK OF EXISTENCE
24 OF ANY EVIDENCE THAT WOULD SUPPORT A CHARGE ON VOLUNTARY
25 MANSLAUGHTER. I CANNOT GIVE YOU A CHARGE ON THAT.

1 ~~ANYTHING ELSE?~~

2 MR. SMITH: I BELIEVE THAT -- I BELIEVE THAT THAT IS ALL.

3 THE COURT: TWO POSSIBLE FORMS OF VERDICT WOULD BE EITHER
4 GUILTY OR NOT GUILTY.

5 ANYTHING ELSE? SOLICITOR, ANY REQUEST TO CHARGE BY THE
6 STATE?

7 MR. GRANT: NONE, YOUR HONOR.

8 THE COURT: ALL RIGHT.

9 MR. GRANT: WOULD YOU RECONSIDER ARGUING AND CHARGING
10 CONTINUOUSLY? I JUST ASK IF WE ARGUE, WOULD YOU GO AHEAD AND
11 CHARGE THEM BEFORE LUNCH?

12 THE COURT: WELL, SOLICITOR, THE PROBLEM WITH THAT IS WE
13 DON'T HAVE ENOUGH TIME TO DO THAT. WE COULD GET BOTH YOUR
14 ARGUMENTS IN. WE CAN GIVE THEM LUNCH. AND THEN I CAN CHARGE
15 THEM.

16 MR. GRANT: ALL RIGHT, SIR.

17 THE COURT: THE CASE IS DECIDED NOT BY ARGUMENTS AND
18 CHARGE. THE CHARGE IS TELLING THEM THE LAW. THE CASE OUGHT
19 TO BE DECIDED BASED ON THE TESTIMONY AND EVIDENCE, NOT BY WHAT
20 YOU AND MR. SMITH SAY. AND THE PRINCIPLE OF LAW IS TO TELL
21 THEM WHAT THE LAW IS. THE CHARGE IS SIMPLY TO OUTLINE THAT.
22 THIS IS A BETTER PROCEDURE TO DO.

23 ANYTHING ELSE?

24 MR. SMITH: NOTHING.

25 MR. GRANT: NO, SIR.

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPELLATE CASE NO. 2021-000785

LYNN CHRONISTER, 189827

APPELLANT

S. C. DEPT. OF PROBATION, PAROLE,

AND PARDON SERVICES

RESPONDENT

CERTIFICATE OF SERVICE

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LYNN J. CHRONISTER, 189827

ATTORNEY FOR RESPONDENT

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