

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

Perry H. Gravely, Circuit Court Judge

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MAR 30 2026

SC Court of Appeals

Indictment No(s): 2025-GS-23-2563  
Warrant No(s): 2024A2330205199

The State,

Respondent.

v.

Timothy Shayne Aspray,

Appellant.

Rule 203 Explanation of Issue

As required by Rule 203(d)(1)(B)(iv), SCACR, undersigned counsel submits the following explanation of the issue that may be raised on appeal. Mr. Aspray contends that the circuit court erred in denying him credit for time served prior to sentencing pursuant to Section 24-13-40(3) of the South Carolina Code, which provides that "credit for time served prior to trial and sentencing shall not be given . . . when the prisoner commits a subsequent crime while out on bond." Mr. Aspray was not out on bond, but out on a conditional discharge at the time when he was subsequently re-arrested and detained pre-trial. The statute does not have any language that directly contemplates pre-trial credit to be given on a conditional discharge violation.

Mr. Aspray argues that the statute violates the Double Jeopardy and Due Process Clauses of both the United States and South Carolina Constitutions. By depriving Mr. Aspray of credit for pretrial detention toward his sentence, the statute constitutes multiple punishments for the same offense.

Date: March 25, 2026



Rachel A. Kepley, Esq.  
Greenville County Public Defender  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Other Counsel of Record:  
Cindy S. Crick, Solicitor  
Thirteenth Circuit Solicitor Office  
305 E. North Street, Suite 325  
Greenville, SC 29601  
Attorney for Respondent

**WITNESSES**

Greenville County Sheriff's Office

6/4/2024

**ARREST WARRANT NUMBER**

2024A2330205199

**ACTION OF GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2025-GS-23-

**2563**

KAF

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

TERM 2025

THE STATE

vs.

TIMOTHY SHAYNE ASPRAY

Indictment for

✓3009

POSSESSION OF METHAMPHETAMINE

VIOLATION § 44-53-0375

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I certify this and any attachments to be complete, exact, and true copy(s) of the original document(s).

*J.A. Young*

Clerk of Court C.P. & G.S.  
Greenville, SC

Dated **3-25-26**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
POSSESSION OF METHAMPHETAMINE

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

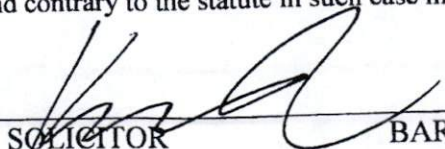
That TIMOTHY SHAYNE ASPRAY did in Greenville County, on or about the 4th day of June, 2024, willfully and unlawfully have in his possession a quantity of Methamphetamine, a schedule II-controlled substance. This is in violation of § 44-53-0375 of the South Carolina Code of Laws (1976) as amended.

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
SOLICITOR

BAR # 106321

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STATE OF SOUTH CAROLINA

MAR 30 2025 SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENVILLE

SC Court of Appeals

INDICTMENT/CASE #: 2025GS2302563

STATE VS. TIMOTHY SHAYNE ASPRAY

AW#: 2024A2330205199

Date of Offense: June 4, 2024

AKA: Race: W Sex: M SSN/ DOB

S.C. Code §: 44-53-0375 (A)

CDR Code #: 3009

Range of Offense: 0-3 years

In disposition of the above indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Possession Meth 1st Range of Offense Pled 0-3 years

In violation of § 44-53-0375 (A) Of the S.C. Code of Laws, bearing CDR Code # 3009

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is w/o Rec/Negotiations Negotiated Recommendation

Jack Jopling 107085 Solicitor SC Bar #

Attorney for Defendant 61957 SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program for a determinate term of 3 Days/ Months/ Years/Time served YOA NTE years and/or shall pay a fine of \$ ; provided that upon the service of 75 days/months/years/Time Served and or payment of \$ plus costs and assessments as applicable\* ; balance is suspended with probation for 2 months years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on:

The defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.

10 days/months To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- PTUP No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment Sex Offender Registry pursuant to S.C. Code§ 23-3-430 SAC/MHC if necessary Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135. RDAT Other:

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

- §14-1-206 (Assessments 107.5%) §14-1-211 (A)(1)(Conv. Surcharge) §14-1-211 (A)(2)(DUI Surcharge) §56-5-2995 (DUI Assessment) §56-1-286 (DUI Breath Test) §14-1-212 (Law Enforcement Funding) §14-1-213 (Drug Court Surcharge) §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) §50-21-114 (BUI Breath Test Fee) §56-5-2942(J) (Vehicle Assessment) 3% to County (if paid in installments)

Fine/Costs and Assessments are to be paid to the Clerk of Court within days/months

Table with columns: Description, Amount, Total. Includes Restitution, FINE, and various assessment fees.

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

§ 17-530(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/Deputy Clerk:

D. Cassio Court Reporter

2755 Judge Code

3-17-26 Sentence Date

Presiding Judge

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE  
STATE

V.

TIMOTHY SHAYNE ASPRAY

RACE: W SEX: M AGE: 48

DOB: SS

ADDRESS

CITY, STATE, ZIP:

DL: 007228131 SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE # 25-2563

AW# 2024A2330205199

Date of Offense: 6/4/2024

S.C. Code §: 44-53-0375 (A)

CDR Code #: 3009

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SC Court of Appeals

CONDITIONAL DISCHARGE

(§44-53-450, SC Code)

Defendant Represented by PD/Appointed Counsel  Defendant paid the \$500 PD fee  Defendant paid the \$350.00 CD Fee  
The charge is:  As Indicted,  Defendant Waives Presentment to Grand Jury ISA (defendant's initials).

**OFFENSE: DRUGS/POSSESSION OF LESS THAN ONE GRAM OF METH. (1st)** as set forth in § of the South Carolina Code of Laws, bearing the CDR Code # 3009. This Court finds that this offense qualifies for a conditional discharge because: (1) the Defendant has not previously been convicted of any offense under this article or any offense under any State or Federal statute relating to marijuana or stimulant, depressant or hallucinogenic drugs, and (2) the current offense is possession of a controlled substance under either Sections 44-53-370(c) and (d), or Section 44-53-375 (A), SC Code.

WHEREFORE, the Court, without entering a judgment of guilt and with the consent of the Defendant, hereby defers further proceedings and places the Defendant on probation upon the terms and conditions hereinafter required. Upon fulfillment of the terms and conditions, and payment of the \$350 fee described in Section 44-53-450(C), the Court shall discharge the Defendant and dismiss the proceedings against him. Upon violation of a term or condition, the Court may enter an adjudication of guilt and proceed as otherwise provided by law.

The Defendant is hereby placed on probation for a period of 12 days/months/years, under the supervision of the South Carolina Department of Probation, Parole and Pardon Services and its Agents, subject to the provisions of the laws of South Carolina, and subject to the Department's standard conditions of probation, which are incorporated by reference, and any other conditions set forth below.

ADDITIONAL CONDITIONS: hours community service, random D & A testing, sub. abuse counseling as deemed necessary,

and Report to FAVOR  
for assessment

Follow and successfully complete program  
as set forth after assessment

The conditions of probation begin today. The Sheriff or other law enforcement officer who has custody of the Defendant is hereby ordered to deliver said Defendant to the Probation Office of this County, or if the Defendant is under bond, then such bond shall remain in full force until the Defendant reports to the Probation Office. It is further ordered that the Clerk of Court file this Order in his or her office and forthwith provide a copy to the county office of the Department.

J. S. Jenkins  
Clerk of Court/Deputy Clerk

PRESIDING JUDGE: [Signature]

Judge Code: 2773

Court Reporter: Jenkins

Proceeding Date: 4-8-25

The defendant is advised that upon violation of a term or condition of this probation, the Court may enter an adjudication of guilt and proceed as otherwise provided by law. The Defendant shall be subject to arrest upon the order of the Court, or upon a warrant issued by the probation agent pursuant to § 24-21-450, SC Code, or alternatively may be served with a citation issued by the probation agent pursuant to § 24-21-300, SC Code.

By signing below, the Defendant certifies that he has read, or had read to him, this Conditional Discharge Order and the conditions set out herein. He further agrees to comply with each condition during the period of probation, and consents to a Conditional Discharge under § 44-53-450, SC Code.

[Signature]  
Solicitor

Timothy Shayne Aspray  
Defendant

[Signature]  
Attorney for Defendant

104432  
SC Bar #

prob begins today