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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL

The State, Respondent
v.
Timothy Crosby, Appellant

Appellant Case No. 2015-000325

Appeal From Anderson County
Alexander S. Macaulary Circuit Court Judge

Petitions for Rehearing
No. 2017-UP-080

On February 15, 2017 Court Of Appeal dismissed Appellate Case No. 2015-000323. Appellant Timothy Crosby is filing a petition for rehearing with the Court Appeal Appellant Timothy Crosby was indicted on November 13, 2013 with six other William Johnson, Clifton Garrett, Demetrice Degan, Bernard Freeman Talous Simpson on the charge of conspiracy to traffic cocaine one hundred grams or more but less than two hundred. Appellant also was indicted for trafficking cocaine base ten to twenty-eight grams. On the charge on cocaine base ten to twenty-eight grams the CI Anthony Bernard said he did a deal with Timothy Crosby appellant. At trial played a recording without a expert present to determine who voice made the deal with othe talking in the back ground someone spoke Timothy Crosby Appellant on the recording and the jury accused Timothy Crosby doing the deal with CI Anthony Bernard not realizing it wasnt him it was William Johnson voice on the recording, doing the deal with Anthony Bernard. On the charge conspiracy to traffic cocaine one hundred grams or more but less than two hundred grams. William Johnson and Jeffery Parker testify against Appellant Timothy Crosby Jeffery Parker admitted never seen Timothy Crosby Appellant Sale anything to anyone he just think Timothy Crosby appellant sell drugs. As far William Johnson admitted at trial he was on drugs and atkehol a very alot can't remember dates or who he bought drugs from. Their wasnt no agreement or evidence of conspiracy to traffic cocaine one hundred grams or more but less than two hundred grams. The judge gave the jury the verdict forms on a lesser include offense if they had

reasonable doubt that Timothy Crosby sold hundred grams or more but less than two hundred grams to convict him on the twenty-eight grams or more but less than one hundred grams which he wasn't indicted for. Giving the charge on the lesser wasn't a charge that the Appellant Timothy Crosby indicted for nor waive presentment to a Grand Jury and the Court had no jurisdiction to convict Timothy Crosby to such a charge and should be reverse. The Appellant also submitted a pro se brief on lack of subject matter jurisdiction. That was never rule upon.

Respectfully Submitted,

** Timothy Crosby*

Timothy Crosby
Appellant.

