

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY

EUGENE C. GRIFFITH, JR., CIRCUIT COURT JUDGE

Appellate Case No. 2014-000050

State,

Respondent,

vs.

Timothy Cromer,

Appellant.

TO: Salley W. Elliott  
POB 11549  
Columbia, S.C. 29211

PRO SE INFORMAL BRIEF

Timothy Cromer, 279323 makes and submits this pro se informal brief in response to 8-25-14, letter from Ms. Jenny A. Kitchings' Office by Ms. V. C. Allen and he set forth:

ISSUE(S)

- I. Whether the second circuit court judge erred denying the motion to dismiss for the denial of speedy trial (tr. p. 90 ll. 1-10 and 11. 14-15)?
- II. Has the lower court erred denying the motion to suppress based on the unduly suggestive out-of-court identification? (tr. p. 45 ll. 18-19) (pp. 88-89)

1. The Court of General Sessions for Newberry County erred denying Cromer's motion to dismiss for denial of speedy trial.

There was a timely motion for speedy trial which was filed by appellant's attorney (Mr. O'Neil) in 2013 so the matter and trial came before Judge

ISSUED TO JUDGE

Keesley in November 2013. (tr. p. 91 l. 24) Specifically, the motion was submitted on or about September 11, 2013 (tr. p. 89 l. 25); this caused the case to be set for November 13, 2013 (tr. p. 90 l. 2). Because the "issue that came up as it relates to the State's service of life without parole" (tr. p. 90 ll. 3-4). The court "continued the case" (tr. p. 91 l. 24). *State v. Standard*, 569 S.E.2d 325 (2002)

And the trial counsel had to "renew" the motion to dismiss (tr. p. 90 l. 24) before the lower court who mentioned, "Your motion for speedy trial is noted and I don't have anything to consider". (tr. p. 91 l. 18) *State v. Robinson*, 518 S.E.2d 269 (S.C. App. 1999)

2. The lower court erred denying the motion to suppress out-of-court identification based on unduly suggestive (show-up) procedure.

Trial counsel posed the question "Okay. Now when you got to the feed station, Mr. Cromer is the only civilian person they showed you that day, correct? A. That they showed me, yes, but there were more civilians standing behind him. (tr. p. 33 ll. 3-7) As. D. Williams responded during the Jackson v. Denno hearing or proceeding. Trial counsel made the motion to suppress the said identification (tr. p. 45 ll. 18-19). The trial judge denied the motion. (tr. p. 89 ll. 18-19)

This 4th day of October 2014.

Respectfully submitted,

s/ *Timothy Cromer*

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OCT 10 2014

**SC Court of Appeals**

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