

Former Catoosa sheriff's deputy's lesser sentence upheld in Court of Appeals

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On Tuesday, July 22, the Georgia Court of Appeals issued a ruling upholding a lesser sentence for a former Catoosa County sheriff's deputy convicted of numerous child sex crimes in 2013.

In March 2013, the now-40-year-old William Stephen Crossen pleaded guilty to 14 child sex charges that took place in 2012 involving a teenage girl. The charges included sexual exploitation of a child, dissemination of computer pornography, interference with custody, and sodomy.

In late June 2013, Catoosa County Superior Court judge Ralph Van Pelt, Jr. issued Crossen a seven-year sentence that was lessened to a five-year sentence just two weeks later after a reassessment of the sentencing guidelines.

Following the re-sentencing on July 10, 2013, Lookout Mountain Judicial Circuit district attorney Herbert E. "Buzz" Franklin and defense attorney McCracken Poston of Ringgold explained that the change in the sentence stemmed from a wrong interpretation of the code provision involving the sentencing guidelines.

"There was a misinterpretation of the sentencing guidelines, and we would have appealed the matter, but judge (Ralph) Van Pelt spoke to judge Bo Wood regarding the statute, and ultimately issued a new sentence," Poston said following the hearing. "The judge used his discretion in the case and was pro-active."

The error in the sentencing guidelines simply wasn't addressed during the first hearing.

"It was just a misinterpretation of the mandatory code provisions for those specific charges," Franklin said at the time. "Mr. Crossen is still going to serve his time in jail, and him pleading guilty will spare the victim and her family of dealing with a trial."

According to Tuesday's ruling, the Court of Appeals affirmed that the lighter sentence of five years, with two of the years to be served behind bars, would now be upheld.

"The Court of Appeals was correct in its ruling," Poston said Wednesday morning. "Issues in the law, if not made clear by the legislature that wrote the law, must be decided in the favor of the individual and not the government. The legislature can clear it up, or leave this case as precedent for future courts to consider."

Poston says the case also caught the eye of other defense lawyers, given the special circumstances surrounding the sentencing.

"The case was important enough to draw the attention to the Georgia Association of Criminal Defense Lawyers (GACDL), who filed an amicus brief in support of our position," Poston said.

Background

Crossen was fired from the Catoosa County Sheriff's Office in February 2012 following a Georgia Bureau of Investigation probe into allegations that he was involved in an inappropriate sexual relationship with a 16-year-old girl.

The crimes took place over a 10-day span in February 2012, which included Crossen picking up the teen, enticing her into a sexual encounter in a parking lot, taking photos of her, and distributing the photos, authorities said.

Crossen turned himself in to authorities in November 2012 following a grand jury indictment in the case. He pleaded guilty to the charges on March 7.

Crossen began serving his time after the initial sentencing on June 27, 2013.

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