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**SC Court of Appeals**

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July 15, 2024

Catherine Harrison, Chief Deputy Clerk  
By electronic mailing to ctappfilings@sccourts.org  
Attn: Tonisha Fuller, Senior Appeals Specialist

RE: The State v. Gregory L. Benjamin, Appellate Case No. 2024-001017

Dear Madam Clerk,

I have received your correspondence of July 9, 2024 wherein the court requests a written explanation showing an appealable issue because this is an appeal from a guilty plea. I had thought I had made a sufficient showing in my original filing in which I stated, "Mr. Benjamin plead guilty to Indecent Exposure and was ordered to be placed on the Sex Offender Registry pursuant to S.C. Code § 23-3-430. Mr. Benjamin contends that the circuit court judge did not make a specific finding of fact on the record that, based on the circumstances of the case, warranted registry as a sex offender."

Mr. Benjamin plead guilty to Indecent Exposure. "It is unlawful for a person to willfully, maliciously, and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway." S.C. Code § 16-15-130. A person who pleads guilty to indecent exposure is required to register as a sex offender "if the court makes a specific finding on the record that, based on the circumstances of the case, the convicted person should register as a sex offender." S.C. Code § 23-3-430(C)(1)(f).

When Judge Cothran heard the plea and sentenced Mr. Benjamin on June 10, 2024, the State's recommended sentencing was a "time served" sentence of 540 days. The Defense asked the Court to follow this recommendation from the State. The individual to whom Mr. Benjamin had exposed his person was Marianna White, nee Stephenson, who is a Darlington County Public Defender. This incident occurred during a meeting Mrs. White had with Mr. Benjamin because she was his attorney at that time. As the victim, Mrs. White had the right to attend the hearing and address the Court. She requested that the Court place Mr. Benjamin on the registry. The State's attorney did not take a position on registry. The Defense argued against registry. After a brief recess, Judge Cothran sentenced Mr. Benjamin to "time served" but also decided to place him on the registry. His stated reasoning was that the victim in the case was an attorney. The Defense had argued that was an insufficient basis for requiring registry as a sex offender.

Please let me know if the Court requires anything further to perfect this appeal.

Sincerely,



Ashley N. Berry

cc: Robert Michael Dudek, Esquire  
Jason Edward Bridges, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire