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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

July 23, 2024

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: State v. Gregory Lamont Benjamin – Appellate Case No. 2024-001017

Dear Ms. Kitchings:

On July 15, 2024, the State moved to dismiss the above-referenced criminal appeal initiated by the appellant, Gregory Lamont Benjamin, without prejudice because a timely-filed post-sentencing motion remained pending in the circuit court. At present, the State's motion to dismiss is currently pending in this Court.

Please be advised that, on today's date, the attached order resolving the pending post-sentencing motion referenced in the State's motion to dismiss was filed in the Darlington County Court of General Sessions. In light of that, the proper time for initiating an appeal in Mr. Benjamin's case will now begin to run upon his receipt of written notice of the entry of that order. Rule 203(b)(2), SCACR; see Hudson v. Hudson, 290 S.C. 215, 216, 349 S.E.2d 341, 341-342 (1986) (“[I]n the event timely post-trial motions are filed under Rule 59, simultaneously with or subsequent to the filing of a Notice of Appeal, the appellant shall notify the Clerk of this Court in writing. Upon receipt of such notice, the appeal shall be dismissed without prejudice. *Any party can appeal within ten (10) days after the order disposing of the post-trial motions.* A second filing fee will not be collected from a party who previously appealed.” (emphasis added and footnote omitted)).

Accordingly, the State respectfully requests this Court refrain from ruling on the State's motion to dismiss until Mr. Benjamin has been afforded an opportunity to either timely file a new notice of appeal in accordance with the procedure set out in Hudson or move to amend his previously-filed notice of appeal. Thank you very much, and, if you have any questions or concerns or need anything further from the State at this time, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark R. Farthing', with a stylized flourish at the end.

Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

Enclosure

cc: Ashley N. Berry, Esq.
Robert M. Dudek, Esq.
Victim Advocacy Division

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
THE STATE OF SOUTH CAROLINA,)
)
 v.)
)
GREGORY LAMONT BENJAMIN,)
)
)
DEFENDANT.)
_____)

IN THE COURT OF GENERAL SESSIONS
FOURTH JUDICIAL CIRCUIT

**ORDER FINDING DEFENDANT
TO BE PLACED ON SEX OFFENDER
REGISTRY PER §23-3-340**

2024-GS-16-01477

The Defendant, Gregory Lamont Benjamin, pled guilty before the Hon. R. Ferrell Cothran, Jr., on June 10, 2024, in Sumter County to the indictment listed above. The Defendant waived venue on the record and proceeded with the guilty plea in Sumter County. The Defendant pled guilty to one count of Indecent Exposure and the Court sentenced him to 540 days with 540 days of time credit. The Court, after hearing from the parties, also ordered that the Defendant be placed on the sex offender registry pursuant to S.C. Code §23-3-340.

During the plea hearing, the Court heard the factual background of this offense and the Court heard a detailed impact statement from the victim. The Court also heard the Defendant's prior criminal record. After considering the matter, the Court made a specific finding of fact on the record that, based on the circumstance of this case, it was warranted that the Defendant be required to register as a sex offender.

The Court made this finding of fact on the record during the June 10, 2024 guilty plea. The Court also documented this finding, by indicating on the Defendant's sentencing sheet that sex offender registry was a required condition of the sentence.

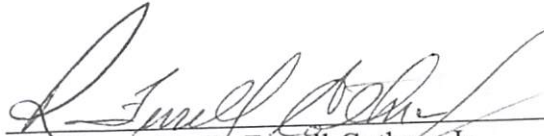


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DARLINGTON COUNTY, SC

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NOW THEREFORE IT IS ORDERED that during the Defendant's June 10, 2024, guilty plea, the Court made findings on the record that the specific facts and circumstances of this case warranted the Defendant to register as a sex offender pursuant to S.C. Code §23-3-340.

AND IT IS SO ORDERED.


The Honorable R. Ferrell Cothran Jr.
Chief Administrative Judge
Third Judicial Circuit
Court of General Sessions

July 17, 2024
Manning, South Carolina

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