

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Jun 19 2025
SC Court of Appeals

Appeal from Darlington County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY LAMONT BENJAMIN,

APPELLANT

APPELLATE CASE NO. 2024-001017

RECORD ON APPEAL

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State of South Carolina)
) Court of General Sessions
 County of Darlington)
 2022-GS-16-01477

State of South Carolina)
) vs.) Transcript of Record
))
))
 Gregory L. Benjamin)
))
 _____ Defendant)

June 10, 2024
 Darlington, South Carolina
 (Plea heard in Sumter, S.C.)

B E F O R E:

Honorable R. Ferrell Cothran, Judge

A P P E A R A N C E S:

Jason E. Bridges, Assistant Attorney General
 Attorney for the State

Ashley N. Berry, Esq.
 Attorney for the Defendant

DCRP

Joy E. Holston
 Official Court Reporter

1 (There were no exhibits introduced.)

2 MR. BRIDGES: Your Honor, the State calls Gregory
3 Lamont Benjamin.

4 THE COURT: Okay.

5 MR. BRIDGES: Your Honor, standing before you is Mr.
6 Gregory Lamont Benjamin. He is here on a Darlington
7 indictment, 2022-GS-16-1477, it is one count of indecent
8 exposure. He was transported from SCDC, SCDC is here, and
9 with his attorney, Ms. Ashley Berry. It is my
10 understanding that he wishes to waive venue so that he can
11 plead guilty to this indictment as charged for
12 recommendation of a time served sentence. I have the
13 sentencing sheets ready, Your Honor.

14 THE COURT: Okay.

15 Gregory Lamont Benjamin, being
16 first duly sworn, testified as follows:

17 THE COURT: Mr. Benjamin, you want to plead guilty?

18 MR. BENJAMIN: Yes, sir.

19 THE COURT: Have you had enough time to talk to your
20 lawyer?

21 MR. BENJAMIN: Yes, sir.

22 THE COURT: Are you satisfied with her?

23 MR. BENJAMIN: Yes, sir.

24 THE COURT: You understand this is a Darlington Case.
25 You want to waive venue and have me hear it here today?

1 MR. BENJAMIN: Yes, sir.

2 THE COURT: Okay. Has anybody promised you anything
3 or threatened you in any way to get you to plead guilty?

4 MR. BENJAMIN: No, sir.

5 THE COURT: So you are pleading freely and
6 voluntarily?

7 MR. BENJAMIN: Yes, sir.

8 THE COURT: Are you under the influence of alcohol or
9 drugs today?

10 MR. BENJAMIN: No, sir.

11 THE COURT: You got any mental diseases that would
12 keep you from understanding what you are doing here today?

13 MR. BENJAMIN: No, sir.

14 THE COURT: You understand this crime carries up to
15 three years in prison?

16 MR. BENJAMIN: Yes, sir.

17 THE COURT: By pleading you are giving up certain
18 constitutional rights. You have a constitutional right to
19 remain silent. When you plead guilty you give that up.
20 Do you understand?

21 MR. BENJAMIN: Yes, sir.

22 THE COURT: You also have a constitutional right to a
23 jury trial where you would be presumed innocent. The
24 State would have the burden of proving you guilty beyond a
25 reasonable doubt to all twelve jurors. You would be able

1 to sit in the courtroom and confront each witness that
2 would testify against you. Your lawyer could
3 cross-examine the State's witnesses, she could subpoena
4 witnesses to testify in your behalf, she could put up any
5 defenses you have. If you plead guilty you give all of
6 that up. Do you understand?

7 MR. BENJAMIN: Yes, sir.

8 THE COURT: If you want to appeal this guilty plea
9 today you and your lawyer must file it with the Clerk's
10 office within 10 days or you give that up as well. Do you
11 understand?

12 MR. BENJAMIN: Yes, sir.

13 THE COURT: The Attorney General is going to tell me
14 what happened.

15 MR. BRIDGES: Thank you, Your Honor. This incident
16 occurred on August 1st of 2022. At the time Gregory
17 Benjamin was incarcerated at Darlington County Detention
18 Center which is located in Darlington County. He was
19 being held on a probation violation. On that day his
20 assigned Public Defender, Ms. M.W. [REDACTED], now
21 M.W. [REDACTED] went to meet with him about this probation
22 violation, it was about 10:30 in the morning. During the
23 meeting Ms. M.W. [REDACTED] and Mr. Benjamin were seated across from
24 each other at a small rectangular table. After about ten
25 to fifteen minutes Ms. M.W. [REDACTED] noticed that Gregory Benjamin

1 was moving his arm in an up and down motion. Ms.
2 M.W. stood up and moved to exit the interview room
3 and as she did she saw that Mr. Benjamin had continued to
4 move his hands in an up and down motion like he was
5 masturbating. And when she turned and looked at him he,
6 his penis was visible. Ms. M.W. exited the room and
7 stood in the vestibule waiting to leave because it was, at
8 that jail you have to get the guards to buzz you out.
9 While she was waiting Mr. Benjamin continued to expose
10 himself and he also spoke to Ms. M.W. to try to get her
11 to come back into the room. Ms. M.W. was then released
12 from the room and she reported to the Darlington County
13 Sheriffs Deputies that were there at the jail. The
14 following day she gave a statement to Investigator Charles
15 Cusack and she described what had happened. He obtained
16 an arrest warrant for indecent exposure. That was served
17 on him on August 2nd, 2022. He has remained in custody
18 ever since. Ms. M.W. is here, she would like to address
19 the Court at the appropriate time about the potential for
20 sex offender registry. He has not bonded out so he has
21 540 days time credit, that is why the State is
22 recommending time served. I have his prior record too if
23 you would like me to read later, Your Honor.

24 THE COURT: Are those facts correct, Mr. Benjamin?

25 MR. BENJAMIN: Not all but yeah.

1 THE COURT: Okay. Has this been true billed by the
2 Darlington County Grand Jury?

3 MR. BRIDGES: Yes, it has, Your Honor. There should
4 be a copy of that indictment on the, on the other page
5 right there, the sentencing sheet.

6 THE COURT: Here?

7 MR. BRIDGES: Yes, it should be indicated there.

8 THE COURT: Show me that.

9 MR. BRIDGES: Right here.

10 THE COURT: Where is that?

11 MR. BENJAMIN: I don't know what it is, Your Honor,
12 it is not an official indictment. It don't even have true
13 billed on it, it has TB on it, sir. It don't even, it is
14 not even a true bill. It is not even stamped. I only see
15 a TB.

16 THE COURT: This indictment has not been signed by
17 the Foreman of the Grand Jury. Do you want to waive the
18 indictment if it hadn't. I am not sure this indictment is
19 officially correct.

20 MR. BENJAMIN: It is not official, sir.

21 THE COURT: So do you want to waive it and plead
22 guilty today or do you want me to send you back to the
23 Grand Jury in Darlington and redo this. You are going to
24 be sitting in jail until they finish.

25 MS. BERRY: Judge, may I just have a moment.

1 THE COURT: Okay. And it may be legal but I have to
2 check the record.

3 MR. BENJAMIN: It is not.

4 THE COURT: But you can clearly waive an indictment
5 if you want to and plead. It is up to you.

6 (Whereupon, Mr. Benjamin and Ms. Berry have a
7 conversation off the record.)

8 MS. BERRY: Your Honor, my client wishes to withdraw
9 his guilty plea since there is some uncertainty with
10 regard to the indictment. He has also asked me to make a
11 motion for the case to be dismissed on the basis that the
12 case is almost two years old and has not been properly
13 indicted.

14 THE COURT: Okay. Well it appears that it was true
15 billed and actually presented to the Grand Jury. And so
16 what will normally happen, if I send it back then the
17 Clerk's office will go back and look at the sheet that was
18 submitted to the Court. I am just not in Darlington, I
19 don't have the Clerk here. But in each term of General
20 Sessions Court the Foreman of the Grand Jury comes
21 forward, presents to the Court the true billed indictments
22 that they considered, those that were true billed and
23 those that were no bill. And assuming that that has taken
24 place you may have been legally indicted. The only
25 difference is, normally the Foreman, person of the Grand

1 Jury signs the indictment when they write true billed on
2 it and date it. That is not present on the document that
3 I have so that is why I brought that up.

4 MR. BENJAMIN: The whole true bill, it is suppose to
5 be true billed on it. It says TB, it has nothing on
6 there.

7 THE COURT: I understand.

8 MR. BENJAMIN: TB could mean anything, Your Honor.

9 THE COURT: I understand but I have many people who
10 plead before me waive presentment to the Grand Jury. They
11 are facing the charges, they waive that presentment and
12 plead. I just simply ask you whether you wanted to do
13 that or not. Because they are making a recommendation of
14 time served here.

15 MR. BENJAMIN: Yes, sir. I am willing to take that
16 time served but I am not willing to go with all of this
17 other extra stuff they are talking about, Your Honor.

18 THE COURT: Okay. Well, I mean the other option is
19 it goes back, they correct the indictment. You are
20 sitting in jail until they get it back to some Court and
21 plead guilty. That is up to you. I just simply ask you
22 that question.

23 MR. BRIDGES: Your Honor, I do have the public index
24 pulled up for this case and if I can approach.

25 THE COURT: Sure.

1 MR. BRIDGES: It does have a true billed date on the
2 public index that corresponds with the numbers. And I
3 know it is --

4 THE COURT: -- Right. And I understand that and I
5 assume the fact that it was on here that he probably was
6 indicted. He just, he inadvertently didn't sign it.

7 MR. BRIDGES: The Foreperson, yes.

8 THE COURT: I am just, it is up to him. I am just
9 covering his rights.

10 MR. BENJAMIN: Your Honor, let's proceed, Your Honor.

11 THE COURT: So you want me to accept your plea?

12 MR. BENJAMIN: Yes sir, just accept this plea.

13 THE COURT: Okay. Then I find there is a factual
14 basis. Your plea is freely and voluntarily entered into
15 and you have had advice of competent counsel whom you tell
16 me you are satisfied. I will accept it. Now, I will be
17 glad to hear from the victim and any potential record he
18 has.

19 MR. BRIDGES: Ms. M.W. is coming up.

20 MS. M.W. Hello.

21 THE COURT: Hey.

22 MS. M.W. : M.W. . As they said, I am a
23 Public Defender in Darlington. So you know, I understand
24 that my job comes with a certain level of expecting bad
25 things to happen. But this shouldn't be one of them, you

1 know. I was trapped in a tiny little vestibule, didn't
2 have anywhere to go. This wasn't something, you know,
3 this was sexually motivated. This is something that a
4 predator would do. He belongs on the registry, Your
5 Honor. If he hasn't done this or worse to somebody
6 outside of a controlled setting like a jail I would be
7 shocked. And he has a history of doing this. We pulled
8 his SCDC disciplinary, that is what he does, Your Honor.
9 You know, I don't think that this should be a job hazard.
10 And I was asked, oh, this is the first time this has
11 happened to you? That shouldn't, that shouldn't happen to
12 anybody. You know, I just, I think that he needs to be
13 monitored for a significant period, if not the rest of his
14 life. He belongs on the registry. Again, I know he has
15 already satisfied his time, I am not asking for time, I am
16 asking for somebody to watch this man because he needs to
17 be monitored. It is not an isolated incident, it will
18 happen again.

19 THE COURT: Thank you. Tell me about his record.

20 MR. BRIDGES: Thank you, Your Honor. He has a 2007
21 possession of cocaine, first offense. He has a 2012
22 giving false information to the police; he has a 2014
23 assault and battery third degree. He has a 2018
24 possession of meth, I believe that was second offense. He
25 got a three year sentence for that. His probation

1 violation was for a 2018 breach of peace of a high and
2 aggravated nature. And he currently with that, he is
3 serving a 2022 sentence for a strong armed robbery, a
4 possession of meth and a resisting arrest. And as Ms.
5 **M.W.** mentioned, I have his SCDC, if you would like to
6 see.

7 THE COURT: Okay.

8 MR. BRIDGES: As far as his time served, he is not
9 bonded out for this because he went from the Detention
10 Center to SCDC so we are receiving a time served sentence.

11 THE COURT: Okay. Anything you want to tell me?

12 MS. BERRY: Yes, Your Honor. Thank you, Your Honor.
13 So this case has been a little bit strange for me because
14 like Ms. **M.W.**, Ms. **M.W.**, I am also a female
15 attorney. I was a Public Defender for the first four
16 years of my practice, now I am a private attorney. And I
17 can tell you that this kind of thing happens all the time.
18 Whenever I was a Public Defender this sort of thing
19 happened to me, I would say at least once a month, once
20 every other month. I don't even remember all of their
21 names anymore, I don't even remember all of the
22 circumstances in which this happened to me. And whenever
23 we are having, you know, the attorney and equivalent of
24 water cooler discussions with other female attorneys such
25 as at the Public Defender Conference that we have once a

1 year in Myrtle Beach, this is something that we talk
2 about. And one of the eternal questions that the female
3 attorneys discuss with each other is how do you handle it.
4 And over my years serving as a Public Defender I found
5 ways of handling it, I found ways of telling clients that
6 that was not appropriate and I am shutting it down. I
7 will say that while I have been representing Mr. Benjamin
8 I have had several in-person interactions with him and
9 have never had him be aggressive towards me, I have never
10 had him make a comment that I consider to be derogatory or
11 sexual and he has certainly never masturbated at me during
12 one of our meetings. I understand the fact, you know,
13 that he did do this with Ms. M.W. and he does have a
14 history of doing it while in SCDC as you can see from his
15 disciplinary record. But he does not have anything of the
16 sort on his record outside of SCDC, outside of a place
17 where he is confined. And I find that that has been true
18 not only for Mr. Benjamin but also for most of the other
19 clients with him, I have had these sort of experiences.
20 They don't happen with my clients that are charged with
21 sex crimes, like they tend to happen frankly most
22 frequently with my clients that are charged with very low
23 non-serious crimes who have been in jails for a month or
24 more. They seem to be the ones who struggle the most
25 with, you know, not doing this very inappropriate thing.

1 Since I have personal experience with it I have actually
2 had a long conversation. I went up to visit Mr. Benjamin
3 in the SCDC prison where he is currently being housed, up
4 near the border of North Carolina. And I had a long
5 conversation with him about, you know, the inappropriate
6 nature of doing those sorts of things and in particular it
7 doesn't really make your attorney want to work very hard
8 for you whenever the person that you are doing that at is
9 your lawyer who is suppose to be helping defend you on a
10 probation violation or on pending charges. I think that
11 he understands that, think that he just kind of had a
12 lapse in judgment due to confinement. You do see that
13 happen with men sometimes but outside of confinement he
14 has no record. I mean, Ms. M.W.'s argument for putting
15 him on the record is essentially, well, what if he has
16 done this before or he is probably done this before. But
17 that is not what Your Honor has in front of you. Your
18 Honor has to make a decision based on the facts as we know
19 them to be which is that, yes, he did commit this crime
20 but he has no sexual priors and he does not show any
21 inclination towards predatory behavior. I mean, none of
22 these are assaults. Even his SCDC disciplinary record, my
23 memory is that they are exposures. I mean these are
24 things where people have seen him pleasuring himself, not
25 incidents where he has gone after another person or

1 attacked another person or forced himself on another
2 person. I do not think that this is the kind of person
3 that needs to be on our sex offender registry. The
4 purpose of the registry is to notify the community of
5 predators, to notify the community of people that are
6 dangerous. I do not believe that Mr. Benjamin falls into
7 that category. I would also just bring out for the Court
8 the fact that Mr. Benjamin has alerted to me that the fact
9 that he does have minor children but because he was never
10 married to their mothers he doesn't have any custody of
11 those children. So if Your Honor were to put him on the
12 registry he is not going to be able to see those children
13 either until they turn 18 or best case scenario if he gets
14 let off of the registry 15 years from now. That is when
15 he would be able to see his children again. He told me
16 just this morning that apparently one of his children and
17 her nine-month old daughter was involved in a shooting in
18 Bishopville and they buried his grandson and his daughter
19 is still in the hospital. He wants to be able to interact
20 with his children and his grandchildren. He doesn't want
21 to be separated from them because of this. I think that,
22 you know, this has been, I also just want to remark, I
23 know that Your Honor has seen him show some reluctance to
24 plead guilty this morning. It is not because he disputes
25 the underlying facts of the case, he agrees that he

1 masturbated in front of Ms. M.W. He is terrified of
2 being on the registry, he is terrified of having that mark
3 him for the rest of his life. It is not, it is not that
4 he is unwilling to plead guilty to this offense and take
5 responsibility for it. And I think that this has told him
6 something about, you know, things that are appropriate and
7 things that are not. So I would ask that you not put him
8 on the registry. My client has stated that he doesn't
9 want to make any statements to the Court but he does wish
10 me to apologize to Ms. M.W. on his behalf which I will
11 do.

12 THE COURT: Okay. I am going to stop this a minute,
13 I will be back in just a minute, I want to go think about
14 this.

15 MS. BERRY: Thank you, Your Honor.

16 (Whereupon, a short break was taken.)

17 THE COURT: After listening to the facts in this case
18 and I understand you made a compelling argument about him
19 not having any sexual crimes in the past. But he has got
20 at least two issues in the Department of Corrections, even
21 with public masturbation. And it is, you know, a scenario
22 that is, somebody will do that with their lawyer who is a
23 court appointed official, I just think that is a grievance
24 situation. I am going to put him on the registry, he can
25 apply. If he can make it without getting in any more

1 trouble he can petition the Court to get off. Okay. And
2 the sentence is, you are committed to the State Department
3 of Corrections for the term of 540 days, time served.

4 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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RECEIVED**Jun 17 2024****SC Court of Appeals**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions
R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2022-GS-16-1477

The State,

Respondent,

v.

Gregory Lamont Benjamin,


Appellant.

NOTICE OF APPEAL

Gregory Lamont Benjamin appeals his conviction and sentence in this case. The sentence was imposed by the Honorable R. Ferrell Cothran, Jr. on June 10, 2024. Appellant received written notice of entry of the sentencing order on June 11, 2024.

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.

June 16, 2024


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Jun 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions
R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2022-GS-16-1477

The State, Respondent,


v.

Gregory Lamont Benjamin, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Jason E. Bridges by emailing a copy to his primary e-mail address listed in the Attorney Information System (AIS), which is jasonbridges@scag.gov, on June 16, 2024.

June 16, 2024



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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

**MOTION FOR
 POST-SENTENCING ORDER**

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.

On June 17, 2024, the Defendant filed a timely Notice of Appeal, which contends the Court, “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.” Contrary to that contention, the State believes the Court did, in fact, make the requisite finding on the record during the Defendant’s guilty plea hearing when ordering him to register as a sex offender.

However, to ensure there is no confusion as to the Court’s ruling for appellate purposes, the State now moves pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure for this Court to issue a written order confirming its finding that, based on the circumstances of the Defendant’s case, the Defendant should register as a sex offender following his conviction for

2024 JUN 19 11:31
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Scott B. Suggs
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 DARLINGTON COUNTY, S.C.

Indecent Exposure. Consistent with the requirements of Rule 29, the State is timely making this motion within ten days of the imposition of Benjamin’s sentence. See Rule 29(a), SCRCrimP (“Except for motions for new trials based on after-discovered evidence, post-trial motions shall be made within ten (10) days after the imposition of the sentence. . . . The time for appeal for all parties shall be stayed by a timely post-trial motion and shall run from receipt of written notice of entry of the order granting or denying such motion.”).

I SO MOVE

Jason Bridges

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DARLINGTON COUNTY, S.C.

Jul 30 2024

60 Court of Appeals

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.

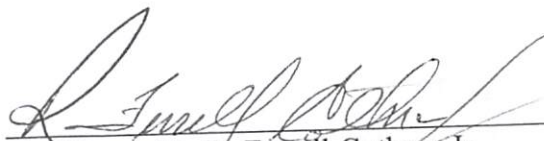


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 CLERK OF COURT/RMC
 DARLINGTON COUNTY, SC

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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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions
R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2022-GS-16-1477

The State,

Respondent,

v.

Gregory Lamont Benjamin,

Appellant.


NOTICE OF APPEAL

Gregory Lamont Benjamin appeals his conviction and sentence in this case. The sentence was imposed by the Honorable R. Ferrell Cothran, Jr. on June 10, 2024. This appeal is taken from the order of the Honorable R. Ferrell Cothran, Jr., dated July 17, 2024 and filed July 23, 2024. Appellant received written notice of entry of the sentencing order on June 23, 2024.

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.

July 30, 2024

Other Counsel of Record:
Jason E. Bridges Assistant
Attorney General South
Carolina Attorney
General's Office
P.O. Box 11549 Columbia,
SC 29211
jasonbridges@scag.gov
Attorney for Respondent


Ashley N. Berry
Berry Law Office, Inc.
926 Carolina Drive
Lugoff, South Carolina 29078
(803)602-4052
Attorney for Appellant

25
RECEIVED

Jul 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions
R. Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2022-GS-16-1477

The State, Respondent,


v.

Gregory Lamont Benjamin, Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Jason E. Bridges by emailing a copy to his primary e-mail address listed in the Attorney Information System (AIS), which is jasonbridges@scag.gov, on July 30, 2024.

July 30, 2024



Ashley N. Berry
Berry Law Office, Inc.
926 Carolina Drive
Lugoff, South Carolina 29078
(803)602-4052
Attorney for Appellant

26 ARREST WARRANT
2022A1610200080

STATE OF SOUTH CAROLINA
County/ Municipality of
Darlington

THE STATE 202208-0099
Gregory Lamont Benjamin
against

Address: Hartsville, SC 29550-9346

Phone: [redacted] SSN: [redacted]
Sex: M Race: B Height: 5 8 Weight: 200
DL State: SC DL #: [redacted]
DOB: [redacted] 1985 Agency ORI #: SC0160000

Prosecuting Agency: Darlington County Sheriff
Prosecuting Officer: Charles N Cusack - S00061
Offense: Sex / Indecent exposure

Offense Code: 0091
Code/Ordinance Sec: 16-15-0130

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality of
is to be arrested and brought before me to be
dealt with according to the law. The accused
(L.S.)

Date: _____
Signature of Judge

RETURN
A copy of this arrest warrant was delivered to
defendant on 8-2-2022
Signature of Constable/Deputy Enforcement Officer
General Sessions:
1 Public Square 5Th Floor
Darlington, SC 29532

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
County/ Municipality of
Darlington

Personally appeared before me the affiant Charles N Cusack
being duly sworn deposes and says that defendant Gregory Lamont Benjamin
did within this county and state on or about 8/2/2022 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Darlington)
in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
THAT THE DEFENDANT DID IN THE DARLINGTON AREA OF DARLINGTON COUNTY, ON THE 1ST DAY OF AUGUST
2022, DID COMMIT THE OFFENSE OF INDECENT EXPOSURE (SC CODE OF LAW 16-15-130) TO WIT: THAT THE
DEFENDANT, WHILE IN CUSTODY AT THE DARLINGTON COUNTY DETENTION CENTER, DID WILLFULLY AND
MALICIOUSLY EXPOSE HIMSELF AND BEGAN MASTERBATING TOWARDS THE VICTIM DURING A CASE MEETING
IN THE INTERVIEW ROOM AT THE DETENTION CENTER. THE VICTIM GOT UP TO LEAVE AND THE DEFENDENT
FOLLOWED HER TO THE DOOR MASTERBATING TOWARDS HER.

Signature of Affiant
STATE OF SOUTH CAROLINA
County/ Municipality of
Darlington
Affiant's Address P O Box 783
Darlington, SC 29540- AUG 15 2022
Affiant's Telephone
ARREST WARRANT
Darlington County
Clerk of Court

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 8/2/2022 defendant Gregory Lamont Benjamin
did violate the criminal laws of the State of South Carolina (or ordinance of
County/ Municipality of Darlington)
DESCRIPTION OF OFFENSE: Sex / Indecent exposure
Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me on 8/2/2022
Signature of Issuing Judge (L.S.)
Craig Larden La Cross
Judge Code: 7342
Judge's Address 404 South Fourth Street
Hartsville, SC 29551-1765
Judge's Telephone (843)332-9661
Issuing Court: [X] Magistrate [] Municipal [] Circuit
RECEIVED
AUG 22 2022

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Sherrine S. Curtis
on August 3, 2022
Type and Amount: \$5000.00
Name of Surety: _____

PRELIMINARY HEARING held by _____
Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before _____
Judge _____
on _____
by _____

(indicate jury trial, bench trial, plea, noi, pros., etc.)
Disposition: _____
Sentence: _____

JURORS _____

CODEFENDANTS _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____



WITNESSES

Charles N Cusack

Darlington County Sheriff

Law Enforcement Case #: 202208-0099
836

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2022A1610200080

ARRESTED ON: 2022-08-02

ACTION OF GRAND JURY

TB 10/6/22

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2022-GS-16-1477

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
October 2022

THE STATE

vs.

Gregory Lamont Benjamin

INDICTMENT FOR

Sex / Indecent exposure

§16-15-0130

CDR Code: 0091

COPIY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
COUNTY OF Darlington)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)

INDICTMENT/CASE#: 2022-GS-16 - 1477

Gregory Lamont Benjamin)

A/W#: 2022A1610200080

AKA: _____)

Date of Offense: 09/02/2022

Race: Black Sex: Male Age: 38)

S.C. Code §: 16-15-0130

DOB: ██████/1985 SS#: ██████)

CDR Code #: 0091

Address: ████████████████████)

City, State, Zip: _____)

DL#* ██████████ SID# _____)

*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET
*0-3 years and/or online
probation for sex offender
registry*

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Sex/ Indecent Exposure

In violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Jean Budge 102009 Muel Riv [Signature]
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 540 days/months/years Time Served Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$____; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. _____ days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
2022 JUN 11 P 2:57
COTT B. SIEGGER
CLERK OF COURT/PO.D.
DARLINGTON COUNTY, S.C.
TRUE CERTIFIED COPY,
[Signature]
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

STATE VS. Gregory Lamont Benjamin INDICTMENT/CASE#: 2022 -GS- 16 - 1477

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program

Mental Health Counseling May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____ Beginning _____ \$ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	_____	\$ _____
§14-1-206 (Assessments 107.5%)				\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)			\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)			\$100	\$ _____
§56-5-2995 (DUI Assessment)			\$12	\$ _____
§56-1-286 (DUI Breath Test)			\$25	\$ _____
§14-1-212 (Law Enforce. Funding)			\$25	\$ 25
§14-1-213 (Drug Court Surcharge)			\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)			\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)			\$40/ea	\$ _____
3% to County (if paid in installments)			TBD	\$ 3.75
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees			\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund			TBD	\$ _____

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Michelle Winburn
Court Reporter: Sherri Jones

Presiding Judge: [Signature]
Judge Code: 21414
Sentence Date: June 10, 2024

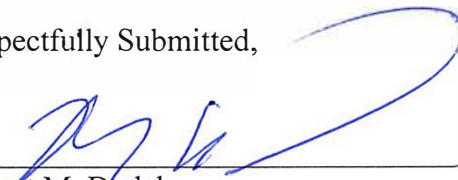
FILED
 2024 JUN 11 P 12:57
 SCOTT B. SUGGS
 CLERK OF COURT/R.M.C.
 DARLINGTON COUNTY, S.C.

TRUE CERTIFIED COPY
Page 2 of 2
Scott B Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of June, 2025.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY LAMONT BENJAMIN,

APPELLANT

RECEIVED


Jun 19 2025

APPELLATE CASE NO. 2024-001017

SC Court of Appeals

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 19th day of June, 2025.


Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT