

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM PICKENS COUNTY  
Court of General Sessions

Jessica A. Salvini, Circuit Judge

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Case No. 2025-GS-39-2391

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**RECEIVED**

**Nov 19 2025**

**S.C. SUPREME COURT**

The State of South Carolina,

Respondent,

v.

Benjamin Allen Wemp,

Appellant.

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**PROOF OF SERVICE**

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I, Willie H. McAbee, III, as attorney for the Appellant above-named certify that on November 19, 2025, I served a copy of Appellant's Notice of Appeal upon the Respondent, The State of South Carolina, by mailing a copy to the Thirteenth Circuit Solicitor's Office and the South Carolina Attorney General's Office addressed as follows:

Thirteenth Circuit Solicitor's Office  
**Attn: Hunter Z. Dunn, Esq.**  
214 East Main Street  
Pickens, South Carolina 29671

The Honorable Alan Wilson  
South Carolina Attorney General  
**Attn: Criminal Appeal**  
Post Office Box 11549  
Columbia, South Carolina 29211

Respectfully Submitted,

s/ W.H. McAbee III

Samuel B. Tooker (S.C. Bar #78999)  
Willie H. McAbee III (S.C. Bar #103662)

**DAVID R. PRICE, JR., P.A.**

1001 East Washington Street (29601)

Post Office Box 2446

Greenville, South Carolina 29602

(864) 271-2636 – Telephone

(864) 271-2637 – Facsimile

Sam@GreenvilleLegal.com

Will@GreenvilleLegal.com

Attorney for the Appellants

Date: November 19, 2025  
Greenville, South Carolina

Other Counsel of Record:

Morgan Cancel (S.C. Bar #103008)  
Hunter Z. Dunn (S.C. Bar #106315)  
Thirteenth Circuit Solicitor's Office  
214 E. Main Street  
Pickens, South Carolina 29671

The Honorable Alan Wilson  
South Carolina Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211



**DAVID R. PRICE, JR., P.A.**  
ATTORNEYS AT LAW

DAVID R. PRICE, JR.  
SAMUEL B. TOOKER

WILLIE H. McABEE, III

November 19, 2025

**VIA U.S. MAIL**

The Honorable Harold "Pat" Welborn, Jr.  
Pickens County Clerk of Court  
Post Office Box 215  
Pickens, South Carolina 29671

**RE:** *The State of South Carolina v. Benjamin Allen Wemp*  
**Warrant No.:** 2024A3920300078  
**Indictment No.:** 2025-GS-39-2391

Dear Clerk Welborn:

Please find enclosed for filing a copy of the Defendant's Notice of Appeal from his conviction and sentence issued by the Honorable Jessica A. Salvini, Circuit Judge, on November 18, 2025. This Notice of Appeal is being filed with your office pursuant to Rule 203 of the *South Carolina Appellate Court Rules*. Should anything further be required please do not hesitate to contact me.

Sincerely,

Willie H. McAbee III

Enclosure

CC: Client (via U.S. Mail)  
Supreme Court of South Carolina (via e-filing)  
Thirteenth Circuit Solicitor's Office (via U.S. Mail)  
South Carolina Attorney General's Office (via U.S. Mail)

Mailing Address:  
POST OFFICE BOX 2446  
GREENVILLE, SC 29602

1001 EAST WASHINGTON STREET  
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29601

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THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM PICKENS COUNTY  
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Jessica A. Salvini, Circuit Judge

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Case No. 2025-GS-39-2391

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The State of South Carolina,

Respondent,

v.

Benjamin Allen Wemp,

Appellant.


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**NOTICE OF APPEAL**

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Benjamin Allen Wemp appeals his conviction and sentence for Possession of a Firearm on School Property in violation of S.C. Code Ann. § 16-23-420. Sentence was imposed by the Honorable Jessica A. Salvini, Circuit Judge, on November 18, 2025. The Supreme Court's appellate jurisdiction is invoked pursuant to S.C. Code Ann. § 14-8-200(3) and Rule 203(d)(1)(A)(ii) as the final judgment is one involving a challenge on state and federal grounds to the constitutionality of a state law.

Respectfully submitted,



Samuel B. Tooker (S.C. Bar # 78999)

Willie H. McAbee III (S.C. Bar #103662)

**DAVID R. PRICE, JR., P.A.**

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(864) 271-2637 – Facsimile

[Will@GreenvilleLegal.com](mailto:Will@GreenvilleLegal.com)

Attorney for the Appellants

Date: November 18, 2025  
Greenville, South Carolina

Other Counsel of Record:

Morgan Cancel (S.C. Bar #103008)  
Hunter Z. Dunn (S.C. Bar #106315)  
Thirteenth Circuit Solicitor's Office  
214 E. Main Street  
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Post Office Box 11549  
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SAMUEL B. TOOKER

WILLIE H. McABEE, III

November 19, 2025

**VIA U.S. MAIL**

The Honorable Alan Wilson  
South Carolina Attorney General  
**Attn: Criminal Appeal**  
Post Office Box 11549  
Columbia, South Carolina 29211

**RE:**                    *The State of South Carolina v. Benjamin Allen Wemp*  
**Warrant No.:**        **2024A3920300078**  
**Indictment No.:**    **2025-GS-39-2391**

Dear General Wilson:

Please find enclosed a copy of the Notice of Appeal in the above-entitled action. The Defendant/Appellant, Benjamin Allen Wemp, is appealing his conviction and sentence for Possession of a Firearm on School Property. I am serving your office pursuant to Rule 203, *SCACR*. Sentence was imposed after a jury verdict of guilty by the Honorable Jessica A. Salvini, Circuit Judge, on November 18, 2025. This Notice of Appeal is being filed with the Supreme Court of South Carolina pursuant to Rule 203(d)(1)(A)(ii), *SCACR*, as it involves a challenge on both state and federal grounds to the constitutionality of a state statute.

Please also find enclosed a copy of our letter sent with this Notice of Appeal to the Honorable Harold "Pat" Welborn, Jr., Pickens County Clerk of Court, for filing the Notice of Appeal with the Court of General Sessions. Please also find enclosed a copy of our letter serving this Notice of Appeal upon Hunter Z. Dunn, Esq., Assistant Solicitor for the Thirteenth Circuit Solicitor's Office.

Please do not hesitate to contact me should your office require anything further.

Sincerely,

Willie H. McAbee III

Enclosures

CC: Client (via U.S. Mail)

Mailing Address:  
POST OFFICE BOX 2446  
GREENVILLE, SC 29602

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GREENVILLE, SOUTH CAROLINA  
29601

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GREENVILLELEGAL.COM

Supreme Court of South Carolina (via e-filing)  
Morgan Cancel, Esq., Assistant Solicitor (via e-mail only)  
Hunter Z. Dunn, Esq., Assistant Solicitor (via e-mail only)

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Respectfully submitted,



Samuel B. Tooker (S.C. Bar # 78999)

Willie H. McAbee III (S.C. Bar #103662)

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[Will@GreenvilleLegal.com](mailto:Will@GreenvilleLegal.com)

Attorney for the Appellants

Date: November 18, 2025  
Greenville, South Carolina

Other Counsel of Record:

Morgan Cancel (S.C. Bar #103008)

Hunter Z. Dunn (S.C. Bar #106315)

Thirteenth Circuit Solicitor's Office

214 E. Main Street

Pickens, South Carolina 29671

The Honorable Alan Wilson

South Carolina Attorney General

Post Office Box 11549

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ATTORNEYS AT LAW

DAVID R. PRICE, JR.  
SAMUEL B. TOOKER

WILLIE H. McABEE, III

November 19, 2025

**VIA U.S. MAIL & E-MAIL (hudunn@greenvillecounty.org)**

Thirteenth Circuit Solicitor's Office

**Attn: Hunter Z. Dunn, Esq**

214 East Main Street

Pickens, South Carolina 29671

**RE:            *The State of South Carolina v. Benjamin Allen Wemp***  
**Warrant No.:       2024A3920300078**  
**Indictment No.:    2025-GS-39-2391**

Dear Assistant Solicitor Dunn:

Please find enclosed, and hereby served upon you as Assistant Solicitor for the Thirteenth Circuit Solicitor's Office, a copy of the Defendant/Appellant's Notice of Appeal from his conviction and sentence in the above-entitled action issued by the Honorable Jessica A. Salvini, Circuit Judge, on November 18, 2025. This is being served upon you pursuant to Rule 203 of the *South Carolina Appellate Court Rules*. I am also serving a copy of this Notice of Appeal upon the South Carolina Attorney General's Office so that the Criminal Appeals Division is also aware of this appeal. Please also find enclosed a copy of our letter filing the same Notice of Appeal with the Pickens County Clerk of Court's Office.

Should you require anything further please do not hesitate to contact me.

Sincerely,

Willie H. McAbee III

Enclosures

CC: Client (via U.S. Mail)

Supreme Court of South Carolina (via e-filing)

The Honorable Alan Wilson, Attorney General for South Carolina (via U.S. Mail)

Morgan Cancel, Esq., Assistant Solicitor for the Thirteenth Circuit Solicitor's Office (via e-mail)

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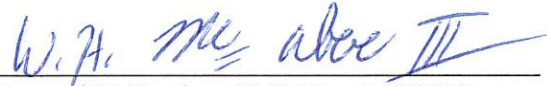
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Respectfully submitted,



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Attorney for the Appellants

Date: November 18, 2025  
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