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November 19, 2025

VIA U.S. MAIL & ELECTRONIC FILING (supctfilings@sccourts.org)

Supreme Court of South Carolina

Attn: The Honorable Patricia A. Howard, Clerk of Court

Post Office Box 11330

Columbia, South Carolina 29211

RECEIVED

Nov 19 2025

S.C. SUPREME COURT

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

Dear Madam Clerk:

Please find enclosed for filing the Defendant/Appellant's Notice of Appeal from his conviction and sentence for Possession of a Firearm on School Property, S.C. Code Ann. § 16-23-420. Sentence was imposed by the Honorable Jessica A. Salvini, Circuit Judge, in the Court of General Sessions for Pickens County, on November 18, 2025. Defendant/Appellant was sentenced to an indeterminate sentence not to exceed five (5) years' incarceration suspended upon the service of eighteen (18) months' probation under the terms of the "Judge William R. Byars Youthful Offender Act ("YOA")," S.C. Code Ann. § 24-19-5, *et seq.*

Please also find enclosed Defendant/Appellant's Proof of Service pursuant to Rule 262(b), *SCACR*, showing that service has been made upon the State of South Carolina, Respondent. Service was made by mailing a copy of the Notice of Appeal to the Honorable Alan Wilson, Attorney General for South Carolina. Additionally, a copy of the Notice of Appeal was served upon the Thirteenth Circuit Solicitor's Office by both e-mail and U.S. Mail. Finally, please also find enclosed a copy of our letter to the Honorable Harold "Pat" Welborn, Jr., Pickens County Clerk of Court, requesting the enclosed Notice of Appeal be filed with the lower court.

Defendant/Appellant files this Notice of Appeal with the Supreme Court pursuant to S.C. Code Ann. § 14-8-200(3) and Rule 203(d)(1)(A)(ii), *SCACR*, as Defendant/Appellant challenged the constitutionality of S.C. Code Ann. § 16-23-420 in the lower court on the grounds that such statute was in violation of the Second Amendment to the United States Constitution under *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, and S.C. Const. art. I, § 20 ("A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.").

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Finally, please find enclosed a copy of the indictment and sentencing sheet for this matter pursuant to Rule 203(d)(1)(B)(ii), *SCACR*.

At this time a transcript of the proceedings has not yet been ordered. However, Defendant/Appellant will make arrangements to order the transcript within thirty (30) days of the date of service of the Notice of Appeal upon the Respondent pursuant to Rule 207(a)(1), *SCACR*.

Please do not hesitate to contact me should anything further is required or if I may otherwise be of any assistance.

Sincerely,



Willie H. McAbee III

Enclosures

CC: Client (via U.S. Mail w/out enclosures)

Thirteenth Circuit Solicitor's Office (via e-mail only w/out enclosures)

South Carolina Attorney General's Office (via U.S. Mail w/out enclosures)