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Nov 19 2025

S.C. SUPREME COURT

From: Willie H. McAbee, III <will@greenvillelegal.com>
Sent: Wednesday, November 19, 2025 3:43 PM
To: Supreme Court Filings
Cc: Cara Geloni; Sam Tooker; Dunn, Hunter; Cancel, Morgan
Subject: The State of South Carolina v. Benjamin Allen Wemp; 2025-GS-39-2391
Attachments: SIGNED_Notice of Appeal.pdf; Sentencing Sheet and Indictment.pdf; Proof of Service for NOA.pdf; Cover Letter to Supreme Court.pdf; SIGNED_Ltr. to Solicitors Office w. NOA.pdf; SIGNED_Ltr. to Pickens CofC.pdf; SIGNED_Ltr. to SCAG.pdf

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Dear Sir or Madam:

Please find attached for filing a signed copy of the Appellant's Notice of Appeal from his conviction, after trial, for Possession of a Firearm on School Property, S.C. Code Ann. Section 16-23-420. Sentence was imposed by the Honorable Jessica A. Salvini, Circuit Judge, on November 18, 2025, in open court. Please also find attached a copy of the Appellant's cover letter, sentencing sheet, indictment, and Proof of Service. Our office is also mailing paper copies of these documents to the Court. I have copied the Assistant Solicitors who handled this matter for the Thirteenth Circuit Solicitor's Office to this e-mail, and I am forwarding a copy of all documents to the South Carolina Attorney General's Office via regular mail. This Notice of Appeal is being filed with the Supreme Court pursuant to S.C. Code Ann. Section 14-8-200(3) and Rule 203(d)(1)(A)(ii), SCACR, as Appellant challenged the constitutionality of a state statute in the lower court on federal and state grounds.

Please also find attached copies of our firm's letters to the Thirteenth Circuit Solicitor's Office and the South Carolina Attorney General's Office serving copies of the Notice of Appeal upon them. Please also find a copy of our letter to the Pickens County Clerk of Court forwarding a copy of the Notice of Appeal to be filed with the trial court.

Appellant is aware that a copy of the transcript must be ordered within thirty (30) days from the date the Notice of Appeal was served. Accordingly, I believe the deadline to order the transcript is December 19, 2025, pursuant to Rule 207(a)(1), SCACR. At this time, trial counsel has not yet been retained for appellate purposes and is perfecting appeal solely at the instruction of the Appellant. See *Kinard v. State*, 418 S.C. 478, 481, 795 S.E.2d 15, 16 (2016) ("A lawyer who disregards specific instructions from the defendant to file a notice of appeal acts in a manner that is professionally unreasonable regardless of whether the appeal would have had merit."). However, undersigned counsel expects to be retained to handle the appeal in this matter and will inform the Court immediately upon being retained.

Should anything further be required please do not hesitate to contact me. I appreciate your time and attention to this matter.

Sincerely,

Will McAbee

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