

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

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APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

Perry H. Gravely, Circuit Court Judge

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RECEIVED  
JAN 17 2024  
SC Court of Appeals

Case No(s): 2019GS2305452; 2017A2310100426

The State,

Respondent.

v.

James O. Gregory,

Appellant.

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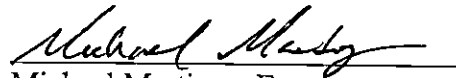
**Rule 203(d)(1)(B) Explanation**

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James Gregory entered the plea pursuant to *North Carolina v. Alford*, on December 6, 2023. The State had advocated for Mr. Gregory to be placed on the registry based on the facts underlying its indictment of Mr. Gregory, and Mr. Gregory had requested the Court delay its determination until after the completion of a psychological evaluation that would assess Mr. Gregory's risk of committing any sex offenses. The Honorable Perry H. Gravely ordered Mr. Gregory to the sex offender registry, relying solely on the facts underlying the State's indictment.

On December 13, 2023, Mr. Gregory moved for reconsideration of the circuit court's order requiring him to be placed on the sex offender registry, arguing the sole reliance on the facts underlying the indictment when the plea was entered pursuant to *Alford* was insufficient to establish "good cause." The circuit court denied that motion in an Order filed on January 3, 2024. Undersigned counsel received notice of the Order on January 8, 2024. A copy of the Order is enclosed.

Date: January 12, 2024

  
Michael Martinez, Esq.  
305 East North Street, Suite 123  
Greenville, SC 29601  
Attorney for Appellant

Other Counsel of Record:  
Christy Kednocker Sustakovich  
13th Circuit Solicitor Office

**WITNESSES**

Cheri H Lyda

Greenville County Sheriffs Office

4/4/2018

**ARREST WARRANT NUMBER**  
2017A2310100426

**ACTION OF GRAND JURY**

**TRUE BILL**



**FOREMAN GRAND JURY**

*Foreperson of Grand Jury*

**VERDICT**

DOCKET NO. 2019-GS-23-

KBH

005452

**The State of South Carolina**

**County of Greenville**

**COURT OF GENERAL SESSIONS**

**July**

**TERM 2019**

**THE STATE**

**vs.**

**JAMES ORIAN GREGORY**

**Indictment for**

0385

**CRIMINAL SEXUAL CONDUCT WITH A MINOR  
FIRST DEGREE**

**VIOLATION § 16-03-0655**

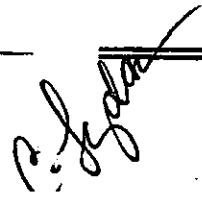
**ENTERED ACCT**

*GAN*

**RECEIVED**

**JAN 17 2024**

**SC Court of Appeals**



*Foreperson of Petit Jury*  
Date:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

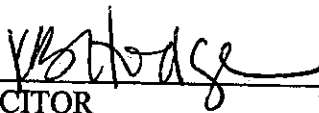
JUL 30 2019

the Grand Jurors of Greenville

County present upon their oath:

That JAMES ORIAN GREGORY did in Greenville County, between the 4th day of July, 2014 and the 4th day of July, 2016, commit a sexual battery on B.S., who was less than eleven years of age. This is in violation of §16-03-0655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
SOLICITOR BAR # 8245

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

RECEIVED

IN THE COURT OF GENERAL SESSIONS

JAN 17 2024

SC Court of Appeals

INDICTMENT/CASE#: 2019 - GS - 23 - 05452

James Orian Gregory

AKA: \_\_\_\_\_  
Race: BLACK Sex: M Age: 34  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL#: \_\_\_\_\_ SID#: \_\_\_\_\_

A/W#: 2017A2310100426  
Date of Offense: 7/4/2014  
S.C. Code § 16-03-0655(A)(1)  
CDR Code #: 0385

SENTENCE SHEET

*N.C. v. Alfred Pley*

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

In disposition of the above indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Assault/Assault and Battery in the First Degree (0-10)

in violation of § 16-03-0600(C) of the S.C. Code of Laws, bearing CDR Code # 3412

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: *[Signature]* 79325 Sustakovitch, Christy SC Bar # Defendant *[Signature]* 101800 MARTINEZ, MICHAEL SC Bar# Attorney for Defendant

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

for a determinate term of 7 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. 1398 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.

**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: Permanent Restraining Order

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	\$	_____	_____
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100		\$ <u>100.00</u>
§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		\$ <u>25.00</u>
§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		\$ <u>3.75</u>
<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: *Grice Coates*  
 Court Reporter: *Jeakins*

Presiding Judge: *Debra H. Muly* **AW**  
 Judge Code: 2755  
 Sentence Date: 12-6-23

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GREENVILLE ) THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,

RECEIVED

vs.

JAN 17 2024

ORDER

SC Court of Appeals

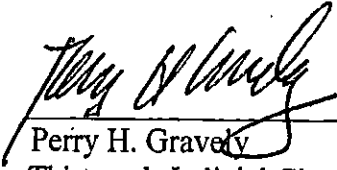
Warrant/ Indictment No(s):  
2017A2310100426-428

James Orian Gregory,

Defendant.

The Court has reviewed the Defendant's Motion to Reconsider the sentence imposed on December 6, 2023, specifically contesting the requirement to register as a sex offender. The plea was taken pursuant to *N.C. v. Alford*. The Defendant argues that a plea pursuant to *Alford* does not support a basis for "good cause" required to place a defendant on the Sex Offender Registry pursuant to S.C. Code Ann. § 23-3-430(1). As held by the S.C. Supreme Court, an *Alford* plea is treated the same as a guilty plea. *See State v. Herndon*, 403 S.C. 84 (S.C. Sup. Ct. 2013) (addressing an Order requiring a Defendant to register as a sex offender under an *Alford* plea). The Court finds that good cause was presented by the prosecution to require the Defendant to be placed on the Sex Offender Registry and Defendant's Motion to Reconsider is denied.

It is so Ordered.

  
Perry H. Graves  
Thirteenth Judicial Circuit

December 29, 2023  
Greenville, South Carolina

24 JAN 3 PM 4:48  
Brice Garrett CJC GUL SC