

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES ORIAN GREGORY,

PETITIONER

APPELLATE CASE NO. 2026-000484

BRIEF OF PETITIONER

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ISSUE PRESENTED

Whether the Court of Appeals erred in holding the circuit court did not abuse its discretion in placing Petitioner on the sex offender registry where the state failed to make a showing of good cause because there is no evidence in the record showing that Petitioner was at risk to reoffend sexually and where the court denied defense counsel's motion to allow for a psycho-sexual examination prior to Petitioner being placed on the registry to determine Petitioner's risk to reoffend?

STATEMENT OF THE CASE

Petitioner was indicted for one count of criminal sexual conduct with a minor, first degree, during the July 2019 term of the Greenville County grand jury. R. 18-19. On December 6, 2023, Petitioner appeared before the Honorable Perry H. Gravely to enter a negotiated guilty plea to the lesser-included offense of assault and battery, first degree. R. 1-2. The state was represented by Christine K. Sustakovitch. Petitioner was represented by Michael G. Martinez. R. 1.

Under the terms of the plea negotiations, Petitioner pled pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), for seven years' imprisonment with the determination of whether he would be required to register as a sex offender left to the circuit court's discretion. R. 10, l. 21 – 11, l. 2. The court accepted Petitioner's plea pursuant to Alford, and ordered that he register as a sex offender. R. 16, ll. 16-20. Counsel Martinez filed a motion to reconsider the registry requirement on December 13, 2023. R. 22-24. By written order filed on January 3, 2024, the court denied the motion to reconsider. R. 25.

Petitioner timely appealed the order placing him on the sex offender registry. Final briefing was completed in March 2025. App. 1-32. The Court of Appeals issued its opinion on November 26, 2025 affirming the placement of Petitioner on the registry. App. 33-34. A petition for rehearing was filed on December 11, 2025. App. 35-40. The petition for rehearing was denied by order dated January 29, 2026. App. 41. Petitioner filed a petition for writ of certiorari to the Court of Appeals on March 2, 2026. The state filed a return on March 31, 2026. By order dated June 17, 2026, this Court granted the petition for writ of certiorari.

This brief of petitioner follows.

STATEMENT OF THE FACTS

In August 2018, charges were filed against Petitioner accusing him of criminal sexual conduct with a minor, first degree, for incidents alleged to have occurred in July 2014 and July 2016.¹ R. 18-19. On December 6, 2023, Petitioner appeared before Judge Gravely to plead pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to one count of assault and battery, first degree. Under the negotiated terms of the plea, Petitioner would be sentenced to seven years' incarceration.² The question of whether Petitioner would be placed on the sex offender registry (SOR) was left to the discretion of the court. R. 10, l. 24 – 11, l. 2. Petitioner was thirty-four years old at the time he entered the Alford plea. R. 3, ll. 13-19. His prior record consisted of convictions for a 2008 unlawful carrying of a weapon, a 2009 receiving stolen goods, a 2010 domestic violence, first offense, and a 2013 receiving stolen goods. R. 10, ll. 4-7.

In support of the plea, the state alleged that on September 5, 2017, Minor was having a sleepover with her cousins. During the sleepover, the girls read Minor's diary, in which she alleged that Petitioner had put his penis into her rear end. When they returned home from the sleepover, the cousins told their mother about what they read in Minor's diary. Their mother subsequently informed Minor's mother of the allegations against Petitioner contained in Minor's diary. Law enforcement became involved, Minor was taken for a forensic interview, and charges were eventually brought against Petitioner. R. 8, l. 19 – 9, l. 9.

¹ According to the public index, Petitioner was arrested and charged in April 2018. See <https://www2.greenvillecounty.org/SCJD/PublicIndex/PISearch.aspx> (Search Case No: 2017A2310100426); See also Wise v. Wise, 394 S.C. 591, 601, 716 S.E.2d. 117, 122 (Ct. App. 2011) (noting an appellate court can take judicial notice of a fact that was not before the lower court if the fact is indisputable); Freeman v. McBee, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984) (stating a court can take judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records).

² Petitioner received 1,398 days of pre-trial time-served credit.

During the plea, solicitor Sustakovitch informed the court that there were “issues with the case. And that is the only reason, Judge, that this case is being resolved in this manner.” She continued, “[t]here are real concerns based on how old it is that there could be some things that could come up down the road on – on appeal should this Defendant be convicted.” R. 11, ll. 11-16. She also informed the court that “the state has been very clear with Defense Counsel that we believe this Defendant should be on the sex offender registry.” R. 11, ll. 2-5. The state requested a permanent restraining order (PRO) barring Petitioner from any form of contact – direct or indirect – with Minor or her mother for the remainder of Petitioner’s natural life. R. 11, l. 23 – 12, l. 3. Minor’s mother then spoke and requested that Petitioner be placed on the SOR. R. 12, l. 10 – 13, l. 1.

Defense counsel agreed that there were problems with the case which would have been brought out at trial. However, Petitioner had considered the state’s evidence, and he believed the state could probably secure a conviction against him if he went to trial. He had therefore decided that he would plead to a lesser-included offense pursuant to Alford, *supra*, instead of risking a trial on a charge that carried a potential sentence of twenty-five years’ to life imprisonment. Counsel Martinez requested that the court delay any order regarding the SOR until Petitioner could undergo a psycho-sexual evaluation with Dr. Geoffrey McKee to determine Petitioner’s risk, if any, of reoffending sexually. Dr. McKee had informed Counsel Martinez that he could evaluate Petitioner within two months of the December plea. Dr. McKee had also stated that he could potentially evaluate Petitioner within the month of December if his schedule allowed. Counsel Martinez requested that the court sign a funding order for Dr. McKee to perform the evaluation, as well as an order keeping Petitioner in the local detention center pending the evaluation report by Dr. McKee. R. 13, l. 14 – 15, l. 3. Petitioner and counsel Martinez both

clarified for the court that Petitioner understood and consented to the terms of the PRO. R. 15, l. 17 – 16, l. 9.

The court accepted Petitioner's plea pursuant to Alford, *supra*, and sentenced Petitioner according to the negotiated terms of the plea. Regarding the SOR, the court stated:

I am going to find that the sexual offender registry is appropriate. *I'm not sure that a report from the doctor will change – would change my mind anyway.* So I'm going to deny your request for any delay of time and find that he will be on the sex offender registry.

R. 16, ll. 13-20 (emphasis added).

Counsel Martinez timely filed a motion to reconsider the order of the court requiring that Petitioner be placed on the SOR. R. 22-24. Counsel Martinez argued that the state advocated for Petitioner's placement on the SOR based solely on the underlying facts in the indictment. He argued that the underlying facts, without more, did not meet the good cause required by statute, especially considering Petitioner had maintained his innocence by pleading pursuant to Alford, *supra*. He requested that the court reverse its order and hold the matter in abeyance pending the completion of a psycho-sexual evaluation which would determine Petitioner's risk of reoffending. Counsel Martinez argued that without the psycho-sexual evaluation, the court lacked the necessary evidence on which to base its determination that Petitioner should be placed on the SOR. R. 22-24.

In a written order filed January 3, 2024, the circuit court denied the motion to reconsider. The court, citing to State v. Herndon, 403 S.C. 84, 742 S.E.2d 375 (2013), reasoned that an Alford plea is treated the same as a guilty plea and was a sufficient basis for "good cause" to place Petitioner on the SOR. The court wrote, "[t]he Court finds good cause was presented by the prosecution to require the Defendant to be placed on the Sex Offender Registry...". The

court neither addressed the lack of a psycho-sexual evaluation nor Petitioner's risk to reoffend in the order denying the motion to reconsider. R. 25.

STANDARD OF REVIEW

“A [sentencing court] has broad discretion in sentencing within statutory limits.” In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010). “A [sentencing court] *must* be permitted to consider *any and all information that reasonably might bear on the proper sentence* for a particular defendant.” Id. (emphasis added). The sentence imposed will not be overturned on appeal, absent an abuse of discretion. Id. An abuse of discretion occurs when the sentence imposed was based on either an error of law or a factual conclusion not supported by evidence in the record. Id.

ARGUMENT

The Court of Appeals erred in holding the circuit court did not abuse its discretion in placing Petitioner on the sex offender registry where the state failed to make a showing of good cause because there is no evidence in the record showing that Petitioner was at risk to reoffend sexually and where the court denied defense counsel's motion to allow for a psycho-sexual examination prior to Petitioner being placed on the registry to determine Petitioner's risk to reoffend.

Petitioner entered an Alford plea to assault and battery, first degree. Accordingly, he was not required to register as a sex offender, unless the state made a showing of good cause. The record before this Court wholly lacks a showing of good cause that would support the determination that Petitioner must register as a sex offender. The linchpin of the good cause determination is an offender's risk to reoffend sexually. Counsel Martinez properly requested that the court delay its determination on registration until Petitioner could undergo a psycho-sexual evaluation to determine Petitioner's risk to reoffend. The plea court denied the request, stating that a doctor's report would not change its determination. However, without an evaluation and with no evidence presented by the state the court was left with no evidence indicating that Petitioner was at risk of reoffending. Consequently, the lower court lacked the necessary evidentiary support required to place Petitioner on the SOR. The placement of Petitioner on the SOR, without any showing of good cause by the state, and the lower court's denial of counsel Martinez's request for a psycho-sexual evaluation, was an abuse of the court's discretion. The Court of Appeals likewise erred in affirming Petitioner's placement on the SOR where the record does not support a finding that the state presented good cause in this case.

In 1994, the South Carolina General Assembly enacted the SOR law. The purpose of the legislation was laid out in S.C. Code Ann. § 23-3-400, which states:

The intent of this article is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens. Notwithstanding this legitimate state purpose, these provisions are not intended to violate the guaranteed constitutional rights of those who have violated our nation's laws.

The sex offender registry will provide law enforcement with the tools needed in investigating criminal offenses. *Statistics show that sex offenders often pose a high risk of re-offending.* Additionally, law enforcement's efforts to protect communities, conduct investigations, and apprehend offenders who commit sex offenses are impaired by the lack of information about these convicted offenders who live within the law enforcement agency's jurisdiction.

Powell v. Keel, 433 S.C. 457, 465, 860 S.E.2d 344, 348 (2021) (emphasis added). As made apparent by the plain language of the statute, the intent of the General Assembly in passing the SOR law was to register those offenders who posed a high risk of reoffending sexually. “Indeed, *a likelihood of re-offending lies at the core* of South Carolina’s civil statutory scheme.” Id. at 466, 860 S.E.2d at 349 (2021) (internal quotations and citations removed) (emphasis added). See Also State v. Walls, 348 S.C. 26, 31, 558 S.E.2d 524, 526 (2002) (From this language, it is clear the General Assembly did not intend to punish sex offenders but instead intended to *protect the public from those sex offenders who may reoffend* and to aid law enforcement in solving sex crimes) (emphasis added). The statutory registration requirements bear out the legislative intent.

S.C. Code Ann. § 23-3-430 sets forth the statutory requirements for placement of an individual on the SOR. When an individual is convicted of or pleads to an offense specifically enumerated in S.C. Code Ann. § 23-3-430(C)(1)-(3), that individual is automatically required by law to register as a sex offender based on the nature and severity of the offense. However, when a person is convicted of or pleads to a non-enumerated offense, S.C. Code Ann. § 23-3-430(D)

directs that “the presiding judge *may* order as a condition of sentencing that the person be included in the sex offender registry *if good cause is shown by the prosecution.*” (emphasis added). This Court has held “that a finding of good cause in this context means only that the judge must consider the facts and circumstances of the case, *both aggravating and mitigating*, to make the determination of *whether or not the evidence indicates a risk to reoffend sexually.*” In re M.B.H., 387 S.C. 323, 327, 692 S.E.2d 541, 542-43 (2010) (emphasis added). Notably,

This [good cause] requirement indicates an intent by the legislature *to require more than a scintilla of evidence of risk.* It is axiomatic that [an individual] with a history of a sexual offense or offenses *will be at some risk*, even if the risk is very low. *If any risk is sufficient to establish good cause, the statute requiring the solicitor to show good cause would be of no purpose because all [individuals] would automatically be placed on the registry.* An appellate court “must presume the legislature did not intend a futile act but rather intended its statutes to accomplish something.” We presume the legislature must have intended some [individuals] would not be required to register. Otherwise, there would be no need for the legislative requirement for a showing of good cause.

In the Interest of Christopher H., 432 S.C. 600, 606-07, 854 S.E.2d 853, 856 (2021) (emphasis added).

In Petitioner’s case, the plea court based its determination of good cause on “the facts as recited by the State” which *could* have supported a verdict of guilty to a criminal sexual conduct in the first-degree charge. However, if S.C. Code Ann. § 23-3-430(D) were to be interpreted to allow a judge to place a defendant on the SOR only because a defendant has pled guilty to a crime of a sexual nature, it would render the second half of the statute requiring the state to show good cause utterly superfluous. The statute and the jurisprudence of this state require more than a scintilla of evidence of risk. The language of the statute, and cases interpreting it such as In the Interest of Christopher H., make clear that when an individual pleads to or is convicted of a *non-*

enumerated offense, the nature of the underlying offense alone is not sufficient for placement on the SOR. Instead, the state *must* show good cause. That did not occur in Petitioner's case.

The state neither presented evidence nor even argued that Petitioner was at a risk of reoffending, much less that he was at a *high* risk of reoffending. The state only informed the court that it believed registry was proper in this case and that the minor's mother had requested registration. R. 11, ll. 2-5; R. 12, ll. 5-6. A belief in or desire for registration is not evidence of a risk to reoffend sufficient to establish good cause. In cases where our appellate courts have affirmed the placement of an individual on the SOR under S.C. Code Ann. § 23-3-430(D), the record reflected the state had presented *actual evidence* regarding the individual's risk of reoffending.

For example, in M.B.H., 387 S.C. 323, 692 S.E.2d 541, four juvenile petitions were filed against M.B.H. alleging lewd acts with a minor, assault with intent to commit sexual battery, and sexual battery. Id. at 325, 692 S.E.2d at 541-542. M.B.H., who was fourteen years old at the time of the incidents, admitted delinquency to two amended charges of assault and battery of a high and aggravated nature (ABHAN). Id. At the hearing where M.B.H. admitted delinquency, the state recommended that M.B.H. undergo an inpatient evaluation and be placed on the private SOR. Id. The court agreed that M.B.H. should undergo an evaluation but withheld a final determination on whether M.B.H. would have to be on the private SOR until after the evaluation. The court reasoned that the evaluation would determine M.B.H.'s risk to reoffend and the treatment measures he needed. Id. at 326, 692 S.E.2d at 542. The court ultimately found good cause existed to require M.B.H. to register on the private SOR, based on the evaluation and facts of the case. In ordering that M.B.H. register, the court listed numerous reasons supporting good cause, including: that M.B.H. had multiple offenses with multiple younger, same-sex victims,

that he had a sense of victimization and denied harming others, that he had borderline intellectual functioning, and that it was recommended that he receive inpatient sexual offender treatment. Id.

On appeal, M.B.H. argued that the state had failed to show good cause for his registration on the private SOR. This Court disagreed with M.B.H. and held that the lower court did not abuse its discretion in requiring him to register where the solicitor showed good cause:

At the dispositional hearing, the solicitor introduced the [Coastal Evaluation] Center's evaluation report to support the request for Appellant to be placed on the private sex offender registry. *The judge relied on the professional findings and recommendations in that report in concluding good cause existed for placing Appellant on the registry. The record is clear that the judge considered all of the facts and circumstances of this case, both aggravating and mitigating, in determining that there is a risk of sexual re-offense.* Such a determination is supported by the evidence in the record.

Id. at 327, 692 S.E.2d at 542-43 (emphasis added).

Similarly, in State v. Fraley, 437 S.C. 135, 136-137, 876 S.E.2d 703, 704 (Ct. App. 2022), Fraley was accused of four sex crimes. He pled guilty pursuant to Alford to assault and battery, first degree. As part of his sentence, Fraley was required to undergo an evaluation to determine if he should be placed on the SOR. The court ultimately ordered that he register, and Fraley appealed. Fraley presented two arguments on appeal: that because he pled under Alford, he did not commit a sex crime and was therefore not at a risk to reoffend, Id., and that the state failed to show good cause for him to register. Id. at 138, 876 S.E.2d at 705.

As to the first argument, the Court of Appeals was unpersuaded. It noted that an Alford plea carries the same effect as a regular guilty plea or guilty verdict for the purpose of imposing punishment. Fraley pled to crimes of a sexual nature, as laid out clearly in the indictment. The Court of Appeals held it was not an abuse of discretion for the circuit court to consider that fact in determining whether placement on the SOR was necessary. Id. at 137-138; 876 S.E.2d at 705.

As to the second argument, the Court of Appeals concluded that the record established good cause writing:

Dueling experts testified for and against requiring Fraley to register. The State's evaluator, Dr. Lee, ultimately concluded that the court should require Fraley to register if the court was of the opinion that the original allegations made against Fraley were true. Fraley's expert, Dr. Gunter, saw no definitive data supporting that Fraley committed a sexual offense and believed the allegations brought by the alleged victim had serious credibility issues.

We may or may not have come to the same conclusions as the plea court, but we do not see how we could say the court abused its discretion. In the written order denying reconsideration, the court explained that it considered all of the facts and circumstances of the case, and there is undoubtedly some evidence supporting the court's bottom-line conclusion that there was "good cause" for Fraley to register. While Dr. Lee did not give an unequivocal recommendation that Fraley should register, she did recommend requiring registration if the court believed the allegations against Fraley were true.

Id. at 138; 876 S.E.2d at 705 (emphasis added).

The Court of Appeals distinguished Fraley's case from In in the Interest of Christopher H., 432 S.C. 600, 607, 854 S.E.2d 853, 856 (Ct. App. 2021), in which the Court of Appeals reversed the order requiring Christopher to register where the only evidence in the record indicated a low risk to reoffend, and the evidence overwhelmingly indicated that registration was not proper. Unlike In the Interest of Christopher H., the state's expert in Fraley cited "certain factors indicating a diagnosable sex-related disorder and noted other factors as counseling against registration." Her ultimate opinion was that the court should require Fraley to register if it believed he was guilty of the allegations against him, as that was proof of a diagnosable sex-related disorder. The Court of Appeals concluded, "[w]e do not think the court gave the state a pass on the burden to show "good cause." If the burden proved lighter here, it was because Fraley's guilt was a key fact, and Fraley had already pled guilty." Id. at 139, 876 S.E.2d at 750.

M.B.H. and Fraley are examples of cases where the lower court properly placed an individual on the SOR based upon an actual showing of good cause. In each case, there were facts outside of the charged conduct and plea of the defendant that supported the lower court's determination of good cause – namely there was evidence of the individual's likelihood to reoffend sexually presented by the state. The same cannot be said for Petitioner's case. Here instead of being held to the relatively low standard contained in the statutory language, the state was indeed given a total pass on its burden to show good cause.

The total lack of evidence or testimony presented by the state to support the finding of good cause in this case is deeply concerning. The state offered no arguments, facts, or basis upon which to place Petitioner on the registry, outside of the fact that he was charged with a crime of a sexual nature. The state made absolutely no showing that Petitioner was at a risk to reoffend sexually and therefore could not have made a showing of good cause sufficient to require registry. When there is no showing of good cause at the plea hearing, the sentencing judge lacks the statutory authority to sentence an offender to placement on the SOR. See State v. Davis, 375 S.C. 12, 16, 649 S.E.2d 178, 180 (Ct. App. 2007) (“With no good cause having been shown at the plea hearing, the Sentencing Judge would be without the statutory authority to either sentence Davis to be placed in the Registry or to make it a condition of probation.”). The placement of Petitioner on the SOR was an error of law, amounting to an abuse of discretion by the court. Notably, neither the plea court nor the Court of Appeals explained or pointed to specific facts in evidence that supported placing Petitioner on the SOR. Instead, both courts summarily concluded that the state had presented good cause. This determination is not supported by the record.

The lower court's reliance on Herndon, *supra*, as the sole grounds for good cause was misplaced. Undoubtedly, an Alford plea is treated the same as standard guilty plea for the purposes of punishment. However, the entry of any plea alone does not rise to the level of good cause necessary to place an individual on the SOR. As this Court set out in M.B.H., the judge must be able to determine from the facts and circumstances of the case – both aggravating and mitigating – whether the individual is likely to reoffend sexually. Nothing before the lower court or before this Court on appeal indicates that Petitioner has a high risk of reoffending sexually. Despite having the burden of proof, the state offered no evidence to support the request that Petitioner be required to register. Instead, counsel Martinez took it upon himself to schedule a psycho-sexual evaluation to determine Petitioner's risks to reoffend. However, the lower court refused to allow Petitioner to undergo a psycho-sexual evaluation because it did not think a doctor's report would change its determination. This was error, as a sentencing court "*must be permitted to consider any and all information that reasonably might bear on the proper sentence for a particular defendant.*" In re M.B.H., 387 S.C. 323, 326, 692 S.E.2d 541, 542 (2010) (emphasis added).

Further, the court's subjective opinion about Petitioner or the case facts was not relevant in the determination of good cause. The plea court was required to objectively consider Petitioner's risk of reoffending sexually in connection with the facts and circumstances of the case. The only way for the court to properly make that determination was to allow for Petitioner to undergo a psycho-sexual evaluation or for the state to present some evidence of risk. The denial of counsel Martinez's request to delay a determination on Petitioner's SOR status to allow for an evaluation was not supported by the facts in the record. The lower court abused its

discretion in denying the motion, and the Court of Appeals erred in affirming the lower court's holding.

In Powell v. Keel, 433 S.C. 457, 466, 860 S.E.2d 344, 348-349 (2021), this Court wrote “the lifetime inclusion of individual who have a low risk of re-offending renders the registry over-inclusive and dilutes its utility by creating an ever-growing list of registrants that is less effective at protecting the public and meeting the needs of law enforcement.” This Court went on to hold that the lifetime registry requirement was unconstitutional because it lacked “any opportunity for judicial review to *assess the risk of re-offending...*” and was therefore arbitrary and not rationally related to the legislature’s stated purpose of protecting the public from those with a high risk of reoffending. Id. If a determination that a registrant is at a low risk to reoffend is necessary to remove an individual from the SOR, then surely a determination of a high risk to reoffend is necessary to add an individual to the SOR.

In affirming Petitioner’s placement on the SOR, the Court of Appeals relied upon M.B.H. for the proposition that “a finding of good cause in this context means only that the judge must consider the facts and circumstances of the case to make the determination of whether or not the evidence indicates a risk to reoffend sexually.” State v. Gregory, 2025-UP-386, p. 2 (S.C. Ct. App. filed Nov. 26, 2025). The cited passage however omits a critical clarifying point of the holding in M.B.H. – that the court must “considered all the facts and circumstances of th[e] case, *both aggravating and mitigating.*” M.B.H. at 327, 692 S.E.2d at 542-43 (emphasis added). The plea court confirmed it placed Petitioner on the SOR solely because of his guilty plea, and the court did not allow Petitioner to present the relevant and necessary information in mitigation that could have been contained in the psycho-sexual evaluation. The denial of the motion to allow Petitioner to undergo a psycho-sexual evaluation was an abuse of discretion, as it precluded the

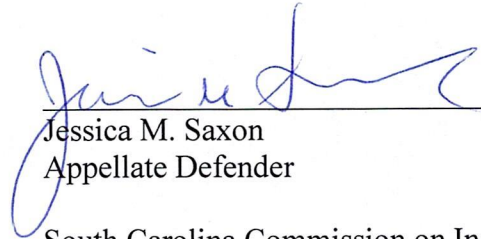
plea judge from being able to properly consider all the facts and circumstances of the case, both aggravating and mitigating, in determining whether placement on the SOR was proper. The placement of Petitioner on the SOR based solely on the facts of the plea, when the state provided at most a scintilla of evidence of risks and did not show sufficient good cause, was an abuse of discretion. See In the Interest of Christopher H., 432 S.C. 600, 606-07, 854 S.E.2d 853, 856 (2021).

Petitioner was charged with a crime that required mandatory registration. However, he entered a negotiated plea under Alford to a *single* non-enumerated offense, therefore the burden was on the state to show good cause to place him on the SOR. In so pleading, he did not admit the facts of the indictment but merely admitted that the state *likely could* prove him guilty at trial. The state presented no evidence that Petitioner was a high or even likely risk to reoffend sexually, despite the fact that the burden to show good cause rests solely on the state. The lack of evidence presented by the state, coupled with the plea court's denial of Petitioner's motion for a psychosexual evaluation, resulted in a record in this matter that is devoid of evidence that Petitioner is at a high risk to reoffend sexually.

Without a psycho-sexual evaluation or some presentation of evidence by the state, there was no way for the court to determine that Petitioner should be placed on the SOR. The state failed to present the necessary good cause required by the statute. The court's finding that the state presented good cause is not supported by the record. The ruling of the plea court was an abuse of discretion, and the Court of Appeals erred in affirming the placement of Petitioner on the SOR where there was no showing of good cause in the record.

CONCLUSION

Based on the foregoing argument, this Court should conclude the state failed to present good cause and order Petitioner's name removed from the sex offender registry.


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This 8th day of July, 2026.