

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

The Hon. Walton J. McLeod, IV, Circuit Court Judge

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AUG 03 2026

SC Court of Appeals

Indictment No(s): 2023-GS-2305189, 2026-GS-2304895,
Case No(s): 2023-GS-2305190
2022A2320601365, 2026A2330204043,
2022A2320601363

The State,

Respondent.

v.

Braylon Travious Benson,

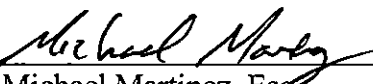
Appellant.

Rule 203 Explanation of Issue

As required by Rule 203(d)(1)(B)(iv), SCACR, undersigned counsel submits the following explanation of the issue that may be raised on appeal. Mr. Benson contends the circuit court erred in denying him credit for time served prior to sentencing pursuant to Section 24-13-40(3) of the South Carolina Code, which provides that "credit for time served prior to trial and sentencing shall not be given: . . . when the prisoner commits a subsequent crime while out on bond."

Mr. Benson argues that the statute violates the Double Jeopardy Clause of both the United States and South Carolina Constitutions. By depriving Mr. Benson of credit for pretrial detention toward his sentence, the statute constitutes multiple punishments for the same offense.

Date: July 31, 2026


Michael Martinez, Esq.
13th Circuit Public Defender
305 E North Street
Greenville, SC 29601
Attorney for Appellant

Other Counsel of Record: Gustaf Olsen, Esq., Thirteenth Circuit Solicitor Office

WITNESSES

[Signature]

Greenville County Sheriff's Office

4/24/2026

ARREST WARRANT NUMBER

2026A2330204043

ACTION OF GRAND JURY

TRUE BILL

Kathy Duncan

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2026-GS-23-

GWO

004895

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

July

TERM 2026

THE STATE

vs.

BRAYLON TRAVIOUS BENSON

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SC Court of Appeals

Indictment for

✓2364

POSSESSION OF A FIREARM BY CERTAIN
UNLAWFUL PERSONS

VIOLATION § 16-23-0030

[Signature]
FILE

A Certified Copy

[Signature]

Clerk of Court C.P. & G.S. & Family Court
Greenville County, SC

Dated: 7-31-26

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF A FIREARM BY CERTAIN
UNLAWFUL PERSONS

At a Court of General Sessions, convened on

JUL 07 2026

the Grand Jurors of Greenville

County present upon their oath:

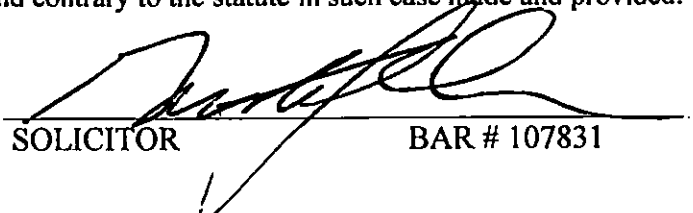
That BRAYLON TRAVIOUS BENSON, while a fugitive from justice, did in Greenville County on or about the 23rd day of April, 2026, willfully and unlawfully have in his possession a firearm. This is in violation of § 16-23-0030 of the South Carolina Code of Laws (1976) as amended.

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SC Court of Appeals

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


SOLICITOR

BAR # 107831

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GreenvilleINDICTMENT/CASE#: 2026 - GS - 23 - 04895

STATE VS.

A/W#: 2026A2330204043Date of Offense: 4/23/2026S.C. Code § 16-23-0030CDR Code #: 2364Range of Offense: 0-5 years

Braylon Travious Benson

AKA: SSN: _____

RACE: BLACK SEX: M DOB: _____

In disposition of the above indictment comes now the Defendant who was

☐ CONVICTED OF or
Range of Offense Pled☒ PLEADSTO: Weapons, Possession Of A Pistol By A F0-5 yearsin violation of § 16-23-0030 of the S.C. Code of Laws, bearing CDR Code #2364☐ 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.The plea is: ☐ w/o Rec/Negotiations ☒ Negotiated 6-15 yrs SCDC range ☒ Recommendation 15 years SCDC

Olson, Gustaf

107831
SC Bar #

MARTINEZ, MICHAEL

101800
SC Bar#The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 5 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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*; balance is suspended with probation for _____ months/years

and subject to SCDCPPPS 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 SCDC.
_____ days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP _____
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

Restitution \$

FINE: \$

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-190(B))

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Fine/Costs and Assessments are to be paid to the

Clerk of Court within _____ days/months

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SC Court of Appeals

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

\$

\$100

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$128.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ §17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/ Deputy Clerk

Court Reporter

2765
Judge Code7-23-26
Sentence DateWalsh
Presiding JudgeSCCA217B
01/27/2025

WITNESSES

M.C. Dean

Greenville Police Department

5/4/2022

*206-576
2/20/23*

ARREST WARRANT NUMBER

2022A2320601365

**ACTION OF GRAND JURY
TRUE BILL**

Lisa C. Johnson
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023-GS-23-

WJW

005189

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2023

THE STATE

vs.

BRAYLON TRAVIOUS BENSON

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AUG 03 2026

SC Court of Appeals

Indictment for

0139

ARMED ROBBERY

VIOLATION § 16-11-0330

ENTERED
cc

A Certified Copy

J. A. Johnson

Clerk of Court C.P. & G.S. & Family Court
Greenville County, SC

Dated: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ARMED ROBBERY

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

AUG 22 2023

County present upon their oath:

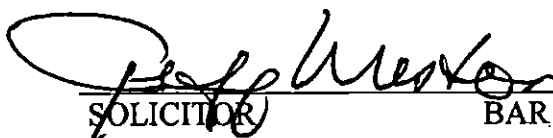
That BRAYLON TRAVIOUS BENSON did in Greenville County, on or about the 6th day of January, 2022, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery would reasonably believe to be a deadly weapon, take by means of force or intimidation, goods or monies described as a 2013 Ford Edge from the person or presence of Muhammad Johnson. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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SC Court of Appeals

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


SOLICITOR BAR # 6047

STATE OF SOUTH CAROLINA

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GreenvilleINDICTMENT/CASE#: 2023 - GS - 23 - 05189

STATE VS.

A/W#: 2022A2320601365Date of Offense: 1/6/2022S.C. Code § 16-11-0330(A)AKA: Braylon Travious BensonCDR Code #: 0139

SSN: _____

Range of Offense: 10-30 yearsRACE: BLACK SEX: M DOB: _____

In disposition of the above indictment comes now the Defendant who was

TO: Robbery, Strong Arm Robbery (gs)☐ CONVICTED OF or
Range of Offense Pled☐ PLEADS
0-15 yearsin violation of § 16-11-0325 of the S.C. Code of Laws, bearing CDR Code #0137☒ 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.The plea is: ☐ w/o Rec/Negotiations ☒ Negotiated 6-15 yrs SCDC range ☒ Recommendation 15 years SCDC

Olson, Gustaf

107831
SC Bar #

MARTINEZ, MICHAEL

101800
SC Bar#The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 11 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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*; balance is suspended with probation for _____ months/years

and subject to SCDPPPS 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 SCDC.
0 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

- ☐ PTUP _____
- ☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-190(B))

\$14-1-206 (Assessments 107.5 %)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114(BUI Breath Test Fee)

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during probation and shall be collected before any other fees

\$17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/ Deputy Clerk

Court Reporter

2765
Judge Code7-23-26
Sentence Date

Presiding Judge

SCCA217B
01/27/2025A Certified Copy
J. A. Jennings-Hudson
Clerk of Court C.P. & G.S. & Family Court
Greenville County, SC
Dated: _____Restitution \$
FINE: \$\$100
\$100
\$12
\$25
\$25
\$150
\$41
\$50
\$40/ea
TBD
\$500
\$40

TOTAL

\$128.75