



Deandrea Benjamin

CONFIRMED

Nominee to the U.S. Court of Appeals for the Fourth Circuit

COURT

Circuit Court

DATE NOMINATED

August 10, 2022

On August 10, 2022, President Biden nominated Judge DeAndrea Benjamin to the United States Court of Appeals for the Fourth Circuit Court to the seat vacated by Judge Henry Floyd. She is a lifelong resident of Columbia, South Carolina with deep ties to the community and an extensive career on the bench. When confirmed on February 9, 2023, Judge Benjamin became the second woman of color to serve on the Fourth Circuit Court of Appeals.

Biography

Judge DeAndrea Benjamin was born and raised in Columbia, South Carolina. In addition to living and working in Columbia nearly her entire life, in 2010, she married the former Mayor of Columbia who had served in that office for over a decade. She graduated with her B.A. from Winthrop University in 1994, where she received the [Order of the Omega](#). In 1997, she graduated with her J.D. from the University of South Carolina. Judge Benjamin [credits](#) her father, another successful and well-established Columbia attorney, as the biggest influence on her legal career.

Legal Experience

After law school, Judge Benjamin clerked for Hon. L. Casey Manning in South Carolina's Fifth Judicial Circuit. She then served as an Assistant Solicitor in the Juvenile and Family Court Division of South Carolina's Fifth Judicial Circuit Solicitor's office. In that role she prosecuted juvenile offenders in various criminal cases. In 1999, Judge Benjamin joined the Office of the Attorney General of South Carolina as an Assistant Attorney General. There, as the State Violence Against Women Prosecutor, she prosecuted cases that involved violence against women and children across the entire state of South Carolina.

Judge Benjamin left public service in 2001 when she became a partner at her father's law firm, Gist Law Firm, in Columbia, South Carolina. At Gist Law Firm, she represented clients in primarily employment law related matters in federal district courts, the United States Court of Appeals for the Fourth Circuit, and before both federal and state administrative agencies.

While most of her clients were employees with grievances against their former employers, Judge Benjamin also

handled family law and personal injury cases as well. In *Crawford v. Specialty Hosp. of S.C., 2:06-cv-00148* (D. S.C. 2006) (Duffy,J.), Judge Benjamin represented a plaintiff who sued her employer with allegations of racial discrimination, hostile work environment, and retaliation. The plaintiff, a Black nursing assistant, and other Black employees claimed that racial slurs were used frequently by other employees. After she complained to the South Carolina Human Rights Commission, the plaintiff was denied medical and personal leave and received negative feedback on her evaluations, in which she had previously been highly rated. The case was eventually settled.

In another case involving racial discrimination, Judge Benjamin represented an employee who sued his employer in *Paul v. Graham Packaging Co. LP, 2:06-cv-03112* (D.S. C. 2006) (Norton, J.). Her client alleged that his fellow employees at Graham Packaging were using racist slurs at work. After the employer filed a complaint with the Equal Employment Opportunity Commission, the parties settled, but Judge Benjamin's client alleged that his employer breached the settlement by retaliating against him. Judge Benjamin served as co-counsel in this case until 2007.

In *Cummings-Lecque v. Voorhees College*, Judge Benjamin's client was fired from Voorhees College after making multiple sexual harassment complaints against her supervisor. Judge Benjamin served as co-counsel in the case and participated in filing a complaint with the South Carolina Human Affairs Commission and the Equal Employment Opportunity Commission. The case was settled before it went to trial.

Despite shifting her career from public service to private practice, Judge Benjamin continued to serve South Carolina as a member of the South Carolina Board of Juvenile Parole, a role she was appointed to by South Carolina Governor Jim Hodges from 2001 to 2004. She served as Vice Chair of that Board from 2002 to 2003. In 2004, Judge Benjamin was appointed as a municipal judge for the City of Columbia.

Judicial Experience

Judge Benjamin began her judicial career in the City of Columbia's Municipal Court. From 2004 to 2011, she heard thousands of misdemeanor cases in Municipal Court. During that time, she also served in the city's Specialized Criminal Domestic Violence court and Quality of Life court.

In 2011, Judge Benjamin was appointed to South Carolina's Fifth Judicial Circuit by the Republican-led South Carolina General Assembly. This is the state's trial court of general jurisdiction, where she currently sits. The Chief Justice of the South Carolina Supreme Court has repeatedly appointed Judge Benjamin to serve as Chief Administrative Judge where she was the presiding judge of the South Carolina State Grand Jury. Judge Benjamin has also sat as an Acting Justice on the South Carolina Supreme Court on occasion at the request of the Chief Justice.

DUE PROCESS

At the request of the Chief Justice of the South Carolina Supreme Court, Judge Benjamin sat as an Acting Justice for

the case of [State v. King](#), which addressed, among other questions, whether an officer's testimony was inadmissible hearsay because it was based upon out of court witness statements. Judge Benjamin joined the majority in finding that the testimony was hearsay and that no hearsay exception applied, cautioning prosecutors against attempting to admit investigative information as evidence. Additionally, the court found that the trial court judge should not have allowed a detention center call made by the defendant to be admitted as evidence because the judge had not listened to the phone call prior to admission. By not listening to the call, the judge could not have made an informed decision about whether the call was too likely to create unfair prejudice against the defendant without contributing to determining guilt.

She also heard the South Carolina Supreme Court case [State v. Bash](#). In that case, the court found that police had conducted a warrantless search of the defendant's property and that the evidence found during that search must be suppressed in the case. The primary issue in the case was whether police had engaged in a "knock and talk" or if they conducted a search without a warrant. The state supreme court found that police had indeed conducted a search and therefore violated the constitution.

CIVIL RIGHTS

In *Mack v. Lott*, 2010-CP-40-05214, the plaintiff, Mack, sued the Sheriff of Richland County for false imprisonment, negligence, assault and battery. Mack, a nightclub security guard, was arrested by a Sheriff's deputy after he pursued and tackled a repeat trespasser. The Sheriff's deputy intervened and asked the trespasser if he would like to press charges against the plaintiff. Judge Benjamin found for the security guard. On appeal, the case was remanded for further fact-finding. The Sheriff argued that Judge Benjamin had not objectively considered the dashcam footage from the scene, which allegedly proved that the security guard had tackled the trespasser on a public street and therefore outside of the property he was protecting. Judge Benjamin again found for the security guard, stating the dashcam was not conclusive evidence in part because it did not show the events leading to the arrest. Her decision was again appealed, but this time affirmed.

CRIMINAL LAW

Judge Benjamin presided over a [significant](#) human trafficking case in 2015, *State v. Matthews*, 2015-GS-470027. The defendant, who was forcing six minors to have sex for money, was charged with four counts of human trafficking. The case was the first human trafficking case to be heard as a result of a recently authorized State Grand Jury investigation into human trafficking. Judge Benjamin sentenced the defendant to seventeen years in prison after he pled guilty. In this case the victims were granted permanent restraining orders against him and the defendant was required to register as a sex offender.

In *State v. Crumley*, 2017-GS-3202755, the defendant was sentenced to 21 years in prison after she pled guilty to a felony DUI resulting in death. The accident occurred on Easter Sunday of 2017 when the defendant, who admitted to using opioids prior to driving, crossed the center line into oncoming traffic and hit a 65-year-old man, who died on the

scene. The case was part of a growing trend of DUIs involving opioid abuse and Judge Benjamin considered the fact that the defendant tested positive for opioids at the sentencing hearing in making her sentencing decision.

WORKER'S RIGHTS

In a Federal Employers' Liability Act suit, [Moorer v. Norfolk S. Ry. Co.](#), an employee sued Norfolk Southern Railway to recover for heat-related injuries related to dehydration that he suffered while working for the railroad company and for failure of the railway to administer prompt aid to him. Judge Benjamin presided over the trial where she refused to direct the verdict in the railway's favor and determined the admissibility of several expert witnesses. The jury awarded the employee over a million dollars in damages, which was reduced to \$660,000 to account for the employee's negligence in causing the dehydration related injuries. The decisions on the various motions in the case were upheld on appeal.

PROFESSIONAL ACTIVITIES AND ACCOLADES

Judge Benjamin was Richland County School District 2's Black History Honoree Awardee in 2019 and she was included in Columbia Business Journal's "20 Under 40" list in 2007. She is a member of the South Carolina Black Lawyers Association and of the South Carolina Women Lawyers Association. Additionally, she has served on the boards of numerous organizations dedicated to diversity and justice, such as the University of South Carolina's Diversity Task Force and Appleseed Legal Justice Center. Judge Benjamin has also participated in the [Liberty Fellowship Program](#) and the [Aspen Global Leadership Network](#), programs that train current and future leaders to tackle some of the biggest challenges in South Carolina and beyond.