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Oct 14 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

Walton J. McLeod, IV, Circuit Court Judge

Case No: 2022-CP-32-2497

In the Matter of the Care and Treatment of Phillip Byron Nix.....Appellant.

(SECOND) NOTICE OF APPEAL

Appellant Phillip Byron Nix appeals his order of civil commitment pursuant to the Sexual Violent Predator Act. The order was imposed by the Honorable Walton J. McLeod, IV on August 13, 2024, pursuant to the decision of the petit jury. Undersigned counsel received notice of the entry of the Order of Commitment on August 14, 2024. Thereafter, Appellant filed a Motion to Set Aside Verdict and Grant New Trial.¹ By Order filed on October 1, 2024, Appellant’s Motion was denied.² The undersigned received notice of the same on October 8, 2024. A copy of the Order is attached hereto.

Sincerely,
s/ Kindle K. Johnson
Kindle K. Johnson, Esq.
Attorney for Appellant
SC Bar No. 72926
223 E Main St, Suite 500
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803.329.1900
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Attorney(s) for the State:
Deborah Shupe and Christopher Runyan
SC Office of the Attorney General, SVP Unit
P.O. Box 11549
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¹ On August 28, 2024, Appellant filed an initial Notice of Appeal in this case while the Rule 59 Motion was pending. On September 23, 2024, Respondent moved to dismiss the appeal due to the pending Motion. Appellant filed a timely Return to Respondent’s Motion. However, on October 11, 2024, the South Carolina Court of Appeals dismissed Appellant’s initial appeal without prejudice.

² See Order Denying Motion for New Trial Pursuant to Rule 59, SCRCPC, signed by the Honorable Walton J. McLeod, IV on September 25, 2024 and filed with the Lexington County Clerk of Court on October 1, 2024.

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In the Matter of the Care and Treatment of Phillip Byron Nix.....Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on October 14, 2024, she served the (Second) Notice of Appeal, Order of Commitment, Order Denying Motion for New Trial Pursuant to Rule 59, SCRCPP, and proof of the Transcript Request Form and Email (sent August 28, 2024) on the below parties at their email addresses as listed below (or postal addresses if otherwise indicated). She further certifies that all parties have been served as required by SCACR Rule 203.

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205 East Main Street, Suite 128
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VIA US MAIL
Phillip Byron Nix
4546 Broad River Rd.
Columbia, SC 29210

Respectfully Submitted By:
s/ Kindle K. Johnson

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K. JOHNSON LAW FIRM, LLC

October 14, 2024

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
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**RE: (SECOND) NOTICE OF APPEAL IN THE MATTER OF THE CARE AND TREATMENT OF PHILLIP NIX
(LEXINGTON COUNTY DOCKET NO. 2022-CP-32-2497)**

Dear Ms. Kitchings:

Please find enclosed a (Second) Notice of Appeal, Order of Commitment, Order Denying Motion for New Trial Pursuant to Rule 59, SCRPC, proof of the Transcript Request Form and Email (sent August 28, 2024) (Second) and proof of service, to be filed in the above-listed Sexually Violent Predator action. I am also simultaneously serving the associated attorney(s) and Lexington County Clerk of Court with the same.

Thank you for your assistance. If you have any questions, do not hesitate to contact the office using the information below. I am,

Sincerely,
s/ Kindle K. Johnson

Kindle K. Johnson, Esq.
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CC: Deborah Shupe and Christopher Runyan
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