

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case No: 2025-002117
Warrant No (s): 2022A0720600056
Indictment No (s): 2022GS0701448

STATE OF SOUTH CAROLINA,

Respondent.

v.

David Wyndham Newton,

Appellant.

AMENDED NOTICE OF APPEAL

David Wyndham Newton appeals his sentence in this case. David Wyndham Newton pleaded guilty on August 22, 2023, before the Honorable Brooks P. Goldsmith, Presiding Judge, Fourteenth Judicial Circuit, and was sentenced to three years suspended to multi-disciplinary court. Appellant failed to successfully complete the multi-disciplinary court program and was terminated from the program.

Upon termination, Appellant appeared before the Honorable Robert J. Bonds, Presiding Judge, Fourteenth Judicial Circuit on October 14, 2025, and the three year active sentence was imposed. At that hearing, Appellant requested that the Court consider mitigation and consider a lesser sentence than three years. The sentencing judge held that the Court had no discretion in sentencing and imposed the suspended sentence. Appellant objected under the Due Process Clauses of the United States Constitution and the South Carolina Constitution, but his objection

was denied.

Appellant requests review of the Circuit Court's sentence because the Court's failure to exercise discretion or consider mitigation violates the Due Process Clause of the United States Constitution, as well as the Due Process Clause of the South Carolina Constitution.

November 06, 2025



Philip Little, Esq.
Bar No. 101791
Assistant Public Defender
Post Office Box 525
1905 Duke Street, Room 210
Beaufort, SC 29901

Attorney for Appellant

Other Counsel of Record:
Mary Jordan Lempeis, Esq.
Deputy Solicitor, 14th Judicial Circuit
Post Office Box 1880
Bluffton, SC 29910
Attorney for Respondent

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PROOF OF SERVICE

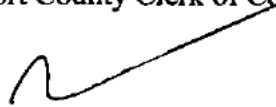
I certify that I have served the Amended Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on November 06, 2025.

Mary Jordan Lempsis, Esq.
Deputy Solicitor, 14th Judicial Circuit
Post Office Box 1880
Bluffton, SC 29910

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

I further certify that on November 6, 2025 an Original Amended Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court.

November 06, 2025



Philip Little, Esq.
Bar No. 101791
Assistant Public Defender
Post Office Box 525
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Beaufort, SC 29901

Office of the Public Defender
Fourteenth Judicial Circuit
Stephanie Smart-Gittings, Circuit Defender

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Human Services Building
1905 Duke Street, Room 210
Post Office Box 525
Beaufort, SC 29902
(843) 255-5805 (Phone)

ALLEDALE, HAMPTON & JASPER COUNTIES
1 Courthouse Square
80 Elm Street, Room 133
Post Office Box 506
Hampton, SC 29924
(803) 914-2240 (Phone)
(843) 255-9494 (Fax)

COLLETON COUNTY
319 N. Lucas Street
Walterboro, SC 29488
(843) 549-1633 (Phone)

November 06, 2025

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Via Certified Mail/ Return Receipt Requested

Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

NOV 12 2025

SC Court of Appeals

Re: AMENDED NOTICE OF APPEAL
State v. David Wyndham Newton
Appellate Case No. 2025-002177


Dear Sir/ Madam:

Enclosed you will find the Amended Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Beaufort County Clerk of Court. This is in reference to a letter dated October 29, 2025, listing the deficiency of missing an explanation of the guilty plea that explains how the issues on appeal were raised below. I have included that information in the above-referenced amended notice of appeal.

These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.

Yours very truly,


Philip Little, Esq.
Assistant Public Defender
Post Office Box 525
1905 Duke Street, Room 210
Beaufort, SC 29901
Attorney for Appellant

Enclosure

cc: Office of the Fourteenth Circuit Solicitor's Office
Office of the Attorney General
Office of Appellate Defense

CERTIFIED MAIL



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OFFICE OF THE PUBLIC DEFENDER

Human Services Building
1305 Duke Street, Room 210
P.O. Box 525
Beaufort, SC 29901-0525

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