

The State of South Carolina
In The Court of Appeals

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SC Court of Appeals

Appeal From Chester County
Court of General Sessions
The Honorable Clifton Newman

Appellate Case No.: 2026-000715

Trial Court Case No.: 2024 GS1200560
2024 GS1200561

State of South Carolina, Respondent
v.
Phillip D. Newberry, Appellant

Motion For a New Trial

Comes now Phillip D. Newberry Appellant Pro Se, and Pray the Court grant Motion for a new trial. Based on the matters outlined in the issues on appeal, and Supplemental issues on Appeal, Defendant requests that upon the Courts ruling on the issues that the cases be Severed and remanded for a new trial. Defendant alleges that the Joinder was prejudicial, not only due to victim testimony, but also due to the fact that Both cases were treated as one "spree" and since the States investigators had been engaging in the same Pattern of Conduct in these two cases as well as the Pending 2025A1210100569, and therefore since the State Severed one case then all should have been Severed. Appellant alleges he was biased by looking at the first two cases as a Pattern of Conduct But Severing the Third case. He also argues malice in regards to The States Last minute severance, and re-indictment of one of the allegations to "stalking" from "stalking while restraining order or injunction is in effect."

Part of the States Prosecutors Job is to establish a Pattern of Conduct. From the Prosecutions perspective defendants request to have all three charges tried before the same jury makes the States Job of alleging a Pattern of Conduct easier. Instead, the State opted to sever the case involving the Sr. Solicitor who lost her job due to witness intimidation from the other two cases where she was the original Prosecutor, and then did not sever The joint cases involving the victims from Texas. Then at the 11th Hour, after having two years to review case material, decided to drop one indictments to a lesser charge knowing the State could not meet the elements after Appellant had already spent 434 days in County, and 30 days in the DMH,

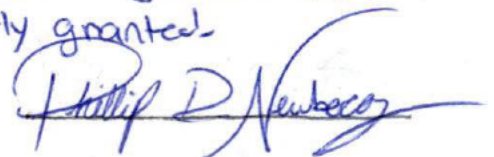
and had already bonded out. Defendant alleges Prosecutorial misconduct. The State had two years to review discovery. Steve Sizemore did not have a Protective Order, and this was known. Yet the State kept the original indictment until the last minute, knowing they could not meet the Elements, and didn't factor in witness intimidation into any negotiations, and failed to separate the two cases alleging them to be part of a pattern of conduct, but not recognizing the third charge as part of a pattern of conduct.

It is worth noting that the States investigator and original Prosecutor lost their jobs. They may have "retired" or "relocated" officially to avoid bad publicity, but it would be safe to allege Public Corruption.

In Defendants issues on appeal, he noted that illegally obtained evidence and the fruits thereof were not suppressed. This is on record being argued before Judge Dunbar. He also noted a pattern of conduct on behalf of the Government, specifically illegal monitoring, and it was shown in court how the unlawful surveillance occurred. Then at the Preliminary Hearing for 2025A1210100564, Agent Kyle Radford, under cross examination by the defendant testified under oath that the emails in question that Mrs. Lively stated in open court, with a protected image of her inbox, that she "did not open or read" were in fact read by the IT department without a warrant. Therefore the defendants claim of malfeasance on behalf of the State for 4th amendment violations i.e. illegal search and seizure should be sustained in all three cases.

To conclude, Appellant alleges that the States failure to recognize all three cases as separate, or bring all three to trial caused him to be prejudiced, as alleging the first two cases as a "pattern of conduct," failing to recognize the third case as a pattern of conduct as well, while simultaneously failing to recognize a pattern of misconduct on behalf of the government creates extreme prejudice to the Appellant. Furthermore, the fruit of the poisonous tree doctrine has been violated in all three cases, and this has been verified by testimony from the States investigator while under oath, prior to the "partial severance" and two of the States employees have been relieved of their duties or otherwise reprimanded. For these reasons, and the fact that other evidence namely a Texas arrest for stalking that according to the plea deal made should have been expunged, and not allowed to be used against the appellant in court was in fact allowed, along with other evidence; and for the reasons stated in the appellants issues on appeal, and supplemental issues on appeal, defendant prays the Court rule on the matters, and his constitutional challenges be heard, and that the Court remand the case for a new trial. Defendant also requests as a final point that the Court recognize that this appeal (as far as request for a new trial) is on the same grounds in part, as Alex Murdaugh. Evidence was allowed into trial that by law should not have been. So for that reason, appellant argues that his request for a new trial carries more weight than Mr. Murdaugh's counsel's request, which was recently granted.

6-29-2026



Phillip D. Newberry
SCDC # 400374

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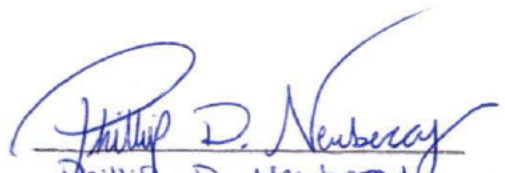
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Proof of Service

I certify that Pursuant to Rule 203 SCACR, I have Served the Notice of Appeal and all other required documents on respondent by Placing a copy of it in the United States Mail, Pre-Paid Postage on 3-16-2026, Addressed To the State of South Carolina's attorney of Record, and appropriate Clerks, whos names and addresses are:

1. Jason Edward Bridges, Esquire: South Carolina office of The Attorney General, PO Box 11549, Columbia S.C. 29211
2. Betty So Lawson, Clerk of Court, Post office Drawer 580, Chester SC. 29706
3. Jenny Abbott Kitchings, Clerk of Appellate Court, P.O. Box 11629 Columbia SC 29211
4. Patricia A. Howard, Clerk of South Carolina Supreme Court, 1231 Gervais Street, Columbia S.C. 29201

Date of Proof of Service: 6-29-2026


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