

The State of South Carolina
In The 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-GS-12-00560
2024-GS-12-00561

State of South Carolina, Respondent
v.

Phillip D Newberry

Appellant
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SEP 01 2026

Motion to Amend

SC Court of Appeals

Comes now Phillip D. Newberry appellant, and moves the court to grant Motion to amend in regards to his Notice of Appeal and Statement of Issues on appeal. As stated in previous letters to the clerk appellant was not permitted to bring his legal papers to SCDOC from County Jail where the original documents were drafted. County Jails also did not have forms on the law library provided, therefore making a proper caption and using proper form out of reach for appellant.

Attached to this motion is an updated and consolidated statement of issues on appeal and Notice of appeal in proper form accompanied by a Notarized Proof of Service. Please file pursuant to Rule 267(f) SCACR

8-27-2026

Phillip D. Newberry

State of: South Carolina
County of: Berkeley
The foregoing instrument was acknowledged
before me 27 day of August, 2026
Your Name Here, Notary Public
My Commission Expires 04-12-2031



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Appeal From Chester County
Court of General Sessions
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SC Court of Appeals

Appellate Case No.: 2026-000715
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2024-GS-12-00561

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

Notice of Appeal

Phillip D. Newberry Appeals the Conviction(s) of indictment No's.: 2024-GS-12-00560 and 2024-GS-12-00561, as well as the sentence imposed by The Honorable Clifton Newman. Appellant received written notice of entry of this order, in Person, in Court, immediately upon completion of trial on 3-11-2026.

Pursuant to Rule 203(a) SCACR, Rule 203(b)(2) SCACR, Rule 203(d)(1)(A)(ii) SCACR and Rule 203(d)(1)(B) SCACR This notice of appeal has been served on all appropriate respondents, whos names and addresses are:

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

As well as all documents required by Rule 203(d)(1)(B)(i) SCACR, and Rule 203(d)(1)(B)(ii) SCACR.

State of: South Carolina
County of: Berkeley
The foregoing instrument was acknowledged
before me 27 day of August, 2026
[Signature]
Your Name Here, Notary Public
My Commission Expires 04-12-2031



8-27-2026

[Signature]

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

SC Court of Appeals

Appellate Case No.: 2026-000715
Trial Court Case No.: 2024-GS-12-00560
2024-GS-12-00560

State of South Carolina, Respondent
v.

Phillip D. Newberry, Appellant

Statement of Issues on Appeal

1. whether the court abused its discretion where the court did not suppress illegally obtained evidence.
2. whether the trial court abused its discretion where the court denied appellants Motion(s) for a directed verdict
3. whether the trial court abused its discretion where the court allowed into evidence Communications (emails) with no contact information for the victim, overruling appellants objections
4. whether the trial court abused its discretion where it did not consider appellants Constitutional Challenges
5. whether the trial court abused its discretion where it did not certify appellants Constitutional Challenges Filed Pursuant to Rule 5.1(a)(1)(B) and Rule 5.1(a)(2) Fed R. Civ. P. (See: Brief filed 11-18-2025)
6. whether the trial court abused its discretion where the court did not order disclosure Pursuant to Rule 26 Gov. R. Civ. P.
7. whether the trial court abused its discretion and/or the appellant



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Prejudiced by the States decision on Competency

- 8 Whether the appellant was prejudiced by the Allen Charge
9. Whether the trial Court abused its discretion and/or the appellant prejudiced where the court did not enforce its order after granting appellants Motion to Compel Evidence
10. Whether the trial Court abused its discretion and/or appellant prejudiced by not enforcing its Subpoenas
11. Whether the trial Court abused its discretion where the Court denied any other of the appellants motions or objections
12. Whether the trial Court abused its discretion where the Court did not Consider appellants Challenges to Jurisdiction
13. Whether the trial Court abused its discretion where the Court allowed into evidence records that were to be expunged due to a Previous plea agreement
14. Whether the trial Court abused its discretion where the Court allowed the State to introduce evidence from other investigations
- 15 Whether the trial Court abused its discretion where the Court did not Consider the appellants Proposed Jury Charge
16. Whether the trial Court abused its discretion where it did not order the State to Produce the agreement between the USAO in both jurisdictions to prosecute the case in State Court.
17. Whether the trial Court abused its discretion where the Court denied appellants Motion to quash the indictment for 2025A12101005GA?

8-27-2026

 Phillip Newberry

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Court of General Sessions
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SC Court of Appeals

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2024-GS-12-00561

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

Certificate of Service

This Certificate of Service filed pursuant to Rule 203(d)(1)(B)(i) SCACR certifies that pursuant to Rule 203(a) SCACR I have served the Notice of Appeal and other required documents on respondents by placing a copy in the United States mail pre-paid postage on 8-27-2024. (original documents) Addressed to the States attorney of record and appropriate clerks whose names and addresses are:

- Jason Edward Bridges Esquire, South Carolina Office of the Attorney General, P.O. Box 11549 Columbia S.C. 29211
- Betty Jo Lawson, Clerk of the Court, Post office Drawer 580, Chester S.C. 29706
- Jenny Abbott Kitchings, Clerk of Appellate Court, P.O. Box 11629 Columbia S.C. 29211
- Patricia A. Howard, Clerk of S.C. Supreme Court, 1231 Gervais St. Columbia S.C. 29201

Date of Proof of Service 8-27-2024

Phillip D. Newberry

State of South Carolina
County of: Berkeley
The foregoing instrument was acknowledged
before me 20 day of August 2026
[Signature]
Your Name Here, Notary Public
My Commission Expires 04-12-2031

The State of South Carolina
in The Court of Appeals

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

Appellate Case No.: 2026-000715
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2024-GS-12-00561

State of South Carolina, Respondent
✓

Phillip D. Newberry, Appellant

Letter to the Court

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SEP 01 2026

SC Court of Appeals

Enclosed are the following documents:

1. Motion to amend 1 Pg.
2. Notice of Appeal (amended) 2 Pg.
3. Statement of Issues on appeal (amended) 2 Pg.
4. Certificate of Service (amended) 1 Pg.
5. Brief in Support of Motion(s) 4 Pg.
6. Brief in Support of Motion(s) #2 7 Pg.
7. Affidavit 1 Pg.
8. Notice of Constitutional Challenge (copy) / 922(s) 1 Pg.
9. Certificate of Service 1 Pg.
10. Motion for order lifting automatic Stay (copy) 2 Pg.
11. Affidavit and Certificate of counsel of record 2 Pg.

I had my mom call and confirm you received my last envelope, Sent 6-30-2026. In That letter I noted I was ignored, but did eventually get to the mail room. I also enclosed an envelope (Postage Paid) for return Service. I am now at MacDougall. Anything Sent the week of or after 9-6-2026 Please return Service to the following address
1123 Cornwell rd. Chester S.C 29706

all documents except for No. 10 which is first required to be Filed with the trial Court are Filed Pursuant to Rule 267(f) SCACR. once again Enclosed

is an envelope (Pre-Paid or Paid Postage) to return Service
All documents listed are Notarized

State of: South Carolina
County of: Berkeley
The foregoing instrument was acknowledged
before me 19 day of August, 2026
[Signature]
Your Name Here, Notary Public
My Commission Expires 04-12-2031



8-19-2026

[Signature]

Phillip D Newberry # 400374
Macdougal Correctional Institution M2-D7
1516 old Giliard Rd
Ridgewill S.C. 29472

CERTIFIED MAIL



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POSTAGE



US POSTAGE
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AUG 07 2007

South Carolina Court of Appeals
Jenny Abbott Kitchings
Clerk of the Court
P.O. Box 11629
Columbia SC 29211

