

South Carolina Court of Appeals

State of South Carolina, Respondent

v.

Docket No.: 2026-000715

Phillip D. Newberry, Appellant

Notice of Constitutional Challenge

This notice is filed Pursuant to Rule 5.1 (a)(1) Fed. R. Civ. P. and Rule 5.1 (a)(2) Fed. R. Civ. P. to the United States Attorney General to notify of a Constitutional Challenge being raised to 18 U.S.C.A. Sec. 922(g) as the appellant had this statute enforced via an unlawful domestic violence Protective order in violation of the 14th, 5th, and 2nd amendments opening the door to raise challenges.

Enclosed with this notice is a copy of the Certificate of Service and the Paper that raises the question

Appellant moves for certification by the Court Pursuant to Rule 5.1 (b) Fed. R. Civ. P. and 28 U.S.C.A. Sec. 2403, as well as intervention by Attorney General Pursuant to Rule 5.1 (c) Fed. R. Civ. P.

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 09-12-2031



RECEIVED

SEP 01 2026

SC Court of Appeals

8-27-2026

South Carolina Court of Appeals

State of South Carolina, respondent
v.

Docket No.: 2026-000715

Phillip D. Newberry, appellant

Certificate of Service

I Certify that Pursuant to Rule 5-1 Fed. R. Civ. P. I have served a notice of Constitutional Challenge and a copy of the paper raising the challenge to both the United States Attorney General, and the Court in which the action above is currently proceeding by placing a copy of it in the United States Mail, Certified mail, addressed to the Honorable Todd Blanche at The United States Department of Justice, and Mrs Jenny Abbott Kitchings, Clerk of Appellate Court at:

Todd Blanche, Attorney General of The United States, The United States Department of Justice, 950 Pennsylvania Ave N.W. Washington D.C. 20530-0001

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

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



RECEIVED

SEP 01 2026

SC Court of Appeals

8-27-2026

Date of Proof of Service

[Signature]
Phillip Newberry

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
✓

Phillip D. Newberry, Appellant

Letter to the Court

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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 07-12-2031



8-19-2026

[Signature]

Phillip D Newberry # 400374
Macdonough Correctional Institution M2-D7
1516 Old Giliard Rd
Ridgville S.C. 29472

CERTIFIED MAIL



7022 3330 0001 8016 5106

9501 01 438

US POSTAGE

\$ 002.85⁰
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021328413 AUG 27 2024

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

