

The State of South Carolina
In The Court of Appeals

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

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SEP 08 2026

SC Court of Appeals

Appellate Case No.: 2024-000715
Trial Court Case No.: 2024-GS-12-00560
2024-GS-12-00561

State of South Carolina, Respondent
v.

Phillip D Newberry, Appellant

Motion for Leave to order Transcript outside of Deadline

Comes now Phillip D. Newberry appellant Pro Se and moves the Court grant motion for leave to order transcript outside of deadline. To support this motion appellant condends the following:

When Prompted for Contact information Mrs. L. Moffitt Provided appellant with only an email address, so rules were followed to the best of my ability with what was provided. Appellant was sentenced on 3-11-2026 immediately following trial. Although not represented by counsel Rule 207(a)(7) SCACR authorizes electronic communication. As trial ended Wednesday 3-11-2026 which is the day inmates get orders from McDaniel Supply Co. and I was shipped to Kirkland Tuesday 3-17-2026; I had only had 5 days to draft and mail all required documents before being shipped to Kirkland where it becomes nearly impossible to accomplish anything; without being able to bring or purchase envelopes, not being permitted to bring law work, and not being able to receive what little money family can send, a tactical decision was made to draft a message on the tablet in County and authorize my "sister in law" to send it on my behalf.

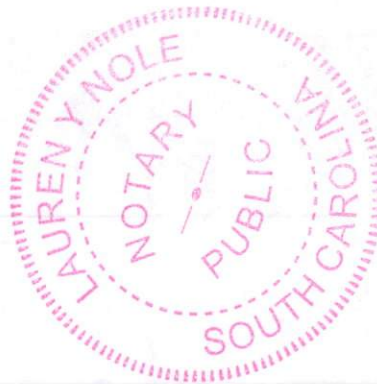
The request for the Transcript was made 3-12-2026 and the Court reporter responded on 3-15-2026 with the costs and payment methods. This was the only method available to make any effort to follow

The South Carolina appellate court rules as not only do states lack adequate infrastructure within the system to effectively represent one self within the rules, the entire prison system operates in such a way as to intentionally prevent defendants from successfully filing a direct appeal. This can be easily observed by comparing the Appellate court rules to transportation and commissary / canteen schedules, SCDC Policy loopholes, daily operations, disciplinary practices, and arbitrary decision making.

To further support appellants Conjecture appellant mailed a letter to South Carolina Court administration on 7-14-2026 requesting procedure for obtaining the transcript after receiving information from the office of Jeanette W. McBride and was ignored. I still have the SCDC Form 10-14 signed by the mail clerk.

It is for these reasons appellant Prays the court grant this motion as appellant should not be liable for government misconduct or malfeasance.

State of: South Carolina
 County of: Berkeley
 The foregoing instrument was acknowledged
 before me 4 day of September 2026
[Signature]
 Your Name Here, Notary Public
 My Commission Expires 04-12-2031



9-3-2026

[Signature]

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

Certificate of Service

This Certificate of Service filed pursuant to Rule 240(c)(1) SCACR and Rule 267(f) SCACR certifies that I have filed the following motions and papers with the South Carolina Appellate Court by placing a copy of it in The United States Mail Pre-paid/paid postage on the date listed at the following address:

1. Letter to The Court
2. Motion for leave to order Transcript outside of Deadline

South Carolina Court of Appeals, Clerk of Court - P.O. Box 11629
Columbia S.C. 29211

State of: South Carolina
County of: Berkeley

The foregoing instrument was acknowledged
before me 9 day of September, 2026

Your Name Here, Notary Public

My Commission Expires 09-12-2031

9-3-2026



Phillip D. Newberry

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

Jenny Abbott Kitchings
Post Office Box 11629
Columbia, SC 29211

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SEP 08 2026
SC Court of Appeals

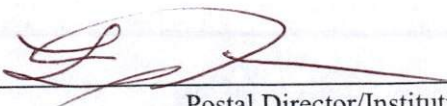
Addressed to (Inmate Name, SCDC#, and Address):

Phillip D. Newberry 400374
Kirkland Correctional Institution
4344 Broad River Rd
Columbia, SC 29210

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the
MacDougall Correctional Correctional Mailroom on (Date) Aug. 31, 2026.

On (Date) Sept. 2, 2031, the above referenced correspondence was delivered to
Inmate Phillip Newberry, SCDC # 400374, and his signature
was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:


Postal Director/Institution

09-4-2026
Date

South Carolina Court of Appeals

ENNY ABBOTT KITCHINGS, CLERK
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COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA SC 290

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MacDougal Correctional Inst.
Mailroom

AUG 21 2026

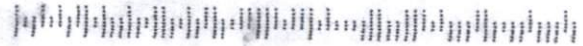
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MacDougal

9-2-2026

PHILLIP D. NEWBERRY, 00400374
KIRKLAND CORRECTIONAL INSTITUTION
4344 BROAD RIVER ROAD
COLUMBIA SC 29210

29210-409899



Phillip D. Newberry # 400374
MacDougall C.I. M2-D7
1516 Old Gilliard rd.
Ridgerville S.C. 29472

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Clerk of The Court
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