

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS  
HONORABLE ROBERT BONDS  
CIRCUIT COURT JUDGE

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JUN 16 2022

SC Court of Appeals

Trial Court Case No. 2019 - CP - 07 - 00894  
Appellate Court Case No. 2021 - 0000904

Shemuel Nahum Ben Yisrael..... Appellant, Pro Se  
- V -

Law Offices Of Darrell Thomas Johnson, JR. LLC. Respondents.  
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Mills Morrison, Attorney  
Town Of Yemassee  
Yemassee Police Department  
Gregory Alexander, Police Chief  
Joseph Loadholt, Police Officer  
Samuel Watson, Jr. Police Officer  
Leslie A. Jamison, Police Officer  
M. W. Strauss, Police Officer  
Beaufort Motor Sports  
State Fiscal Accountability Authority

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

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- ( 1 ) Did the trial court err in denying the Appellant the use of his electronic equipment to present evidence in his case ?
- ( 2 ) Did the trial court err in denying the Appellant the use of electronic equipment to record his own hearing ?
- ( 3 ) Does SCACR Rule 605 cover, " non-media ", court participants in the use of electronic equipment ? In particular the rights of plaintiffs and defendants in their use of electronic equipment to present evidence and tape record their own cases.
- ( 4 ) Did the trial court err in declaring that the Appellants' Notice Of Appeal was, " not properly filed ", ?
- ( 5 ) Would the Appellant be permanently harmed if his electronic evidence was not presented to the trial court ?
- ( 6 ) Did the trial court err in violating the jurisdiction of the Appellate Court by continuing the case after the Appellant filed his Notice Of Appeal at 10:55 AM ?
- ( 7 ) Did the trial court err in ordering that the Appellant be barred from hearing the motions hearing ?

S T A T E M E N T O F T H E C A S E

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- ( 1 ) On April 18, 2019, the Appellant filed a lawsuit against the Respondents for use of excessive force on April 20, 2017. The Appellant was hospitalized and the warrants that he was arrested on were dismissed. Other allegations and other entities were involved.
- ( 2 ) On August 10, 2021, the Respondents motions hearing to dismiss began with the Appellants' request to use his electronic equipment to present his evidence and to record the hearing.
- ( 3 ) The trial court denied the request. The Appellant immediately served a Notice Of Appeal on the denial.
- ( 4 ) The trial court would not recognize the appeal, and forbade the Appellant to attend the hearing and then proceeded to hear the Respondents motions, and, granted the motions.

## A R G U M E N T

- (1) Did the trial court err in denying the Appellant the use of his electronic equipment to present evidence in his case ?  
( See Transcript, Page 3, Lines 1-10, and 18-20 )

Yes.

The Appellant has a collection of video and audio recordings of criminal activities of cops, a surveyor and attorneys. The evidence is stored on, DVD discs, CD discs, VHS tape cassettes, and cassette tape recordings. The Appellant had a monitor, a laptop computer, a DVD player, a CD player, and a cassette tape recorder, and the trial court banned them

all, despite the fact that the SCACR 605 ( c ), states,  
" A presiding judge may authorize the use of electronic or photographic means for presentation of evidence.

( See Rule 605 SCACR ( c )

- (2) Did the trial court err in denying the Appellant the use of electronic equipment to record his own hearing ?

Yes.

The Appellant has the right of freedom of speech and he wishes to publish the injustices and be accurate in what he speaks or writes. The Appellant cannot speak freely and accurately without the use of the tape recorders to play back what was said and done in the courts.

- (3) Does Rule 605, cover, " non-media ", court participants in the use of electronic ? In particular the rights of plaintiffs and defendants in their use of electronic equipment to present evidence and to tape record their own cases.

No.

Rule 605 SCACR, addresses the use of electronic equipment by the, " Media ", and not by the plaintiff or defendant.  
( See Rule 605 SCACR ).

- (4) Did the trial court err in declaring that the Appellants' Notice of Appeal was, " not properly filed ", ?

Yes.

The lower courts' order denying the Appellant the use of electronic equipment was final and had an evil effect on the entire case. Rule 201 (a) SCACR - Right To Appeal, states in part, that, " Appeal may be taken, ... from any final judgment, ... ". ( See Rule 201 (a) )

ARGUMENT ( continued from previous page )

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- (5) Would the Appellant be permanently harmed if his electronic evidence was not presented to the trial court ?

Yes.

The Appellant had no defence without the use of his electronic equipment to play the recordings.

- (6) Did the trial court err in violating the jurisdiction of the Appellate Court by continuing the case after the Appellant filed his Notice Of Appeal at 10:55 AM ?

Yes.

Rule 205 SCACR - Effect of Appeal, states in part, " Upon the the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal. ". The trial court did not respect the Appellate Courts' jurisdiction by continuing the motions hearing after the notice of appeal was filed. ( See Rule 205 SCACR ).

- (7) Did the trial court err in ordering that the Appellant be barred from hearing the motions hearing?

Yes.

The trial court should have defended the Appellants' right to be present at the motions hearing.

C O N C L U S I O N

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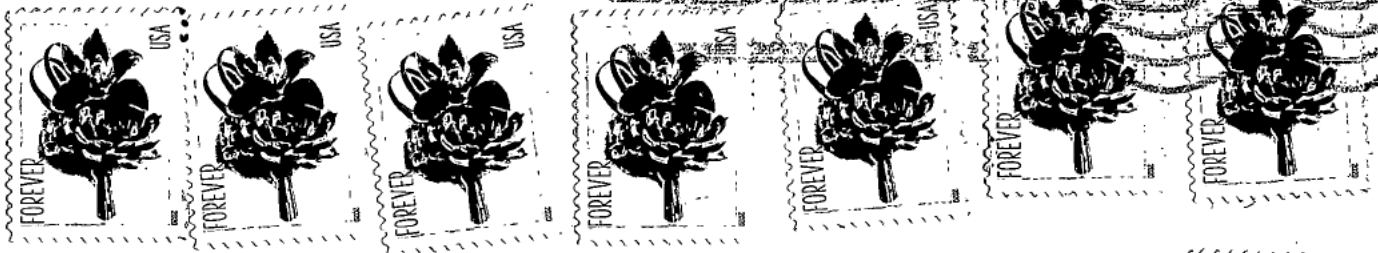
- (1) For the reasons stated, the Appellate Court should reverse the judgment of the trial court and allow Appellant to use his electronic equipment to present his evidence and allow Appellant to use electronic equipment to record his own hearings.
- (2) Further, the Appellate Court should void all the orders of the trial court made at the motions hearing after the Notice Of Appeal was filed.

DATE: Tuesday June 14, 2022 SIG. Shemuel Yisrael

cc: Mills Lane Morrison, Jr. Esq. )  
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