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Mar 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable Robert J. Bonds, Circuit Court Judge
Appellate Case No. 2022-001044

THE STATE,

Respondent,

vs.

SHEMUAL NAHUM BEN YISRAEL,

Appellant.

**MOTION TO HOLD APPEAL IN ABEYANCE
PENDING RECEIPT OF TRANSCRIPT**

Respondent, through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on March 18, 2024.

II.

While preparing the Initial Brief of Respondent in this case, Respondent, after discussions with the solicitor, discovered a transcript of a previous hearing held on June 10, 2022, had not yet been prepared. The July 11, 2022, transcript¹ references a previous hearing

¹ The pages in the July 11, 2022, transcript that references this previous hearing are attached as Exhibit 1.

and discussion of Appellant representing himself. In light of that and based on information provided by the solicitor, Respondent believes the transcript may be necessary and critical to addressing the issue raised in this case. For this reason, Respondent respectfully requests this appeal be held in abeyance pending receipt of the hearing transcript. Respondent and as reflected in the attached transcript request form.

III.

Furthermore, Respondent requests this Court set a deadline of thirty days after the date the transcript is received for Respondent to prepare its initial brief.

WHEREFORE, Respondent prays that the Court hold the time for service and filing of the Initial Brief of Respondent and Designation of Matter in this case in abeyance pending receipt of the hearing transcript from June 10, 2022; set a deadline for service and filing of the Initial Brief of Respondent and Designation of Matter of thirty days after receipt of the transcript; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

AMBREE M. MULLER
Assistant Attorney General

By: 

Ambree M. Muller

Office of the Attorney General
Post Office Box 11549
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(803) 734-3747

March 5, 2024

EXHIBIT 1

1 THE COURT: They'll be here.

2 MR. YISRAEL: Police Chief Gregory
3 Alexander, Officer Joseph Loco, Officer
4 Michael --

5 THE COURT: All right.

6 MR. YISRAEL: -- I don't remember the last
7 name.

8 THE COURT: All right, what we'll do is
9 this --

10 MR. YISRAEL: There's several.

11 THE COURT: -- okay? You understand that
12 the State goes first, they present their case.
13 If you want to present a case, we'll make sure
14 those Officers are here for you, okay?

15 MR. YISRAEL: But the other officers also.

16 THE COURT: Well, sir, I'm going to do the
17 best I can. You did know that this case was
18 subject to be called this week. The last
19 time --

20 MR. YISRAEL: You didn't tell me that last
21 time I was here.

22 THE COURT: Oh, whoa, the last time we met,
23 when I continued the case, I told you there's a
24 possibility it could be this week. You were in
25 Court just a few weeks ago with me and with the

1 Solicitor, and I told you there's another case
2 ahead of this, and we might not be able to go.

3 MR. YISRAEL: Right.

4 THE COURT: But I told you there's still a
5 possibility we could go, and you've got to keep
6 in touch with the Court, particularly when you
7 represent yourself.

8 And you've repeatedly want to represent
9 yourself; is that right?

10 MR. YISRAEL: Yes, and I still do.

11 THE COURT: All right, well, in that
12 case --

13 MR. YISRAEL: What --

14 THE COURT: Hold on, let me stop you right
15 there, you said something very important.

16 Do you remember the last time we were in
17 here --

18 MR. YISRAEL: Yes.

19 THE COURT: -- and I had you sign a piece
20 of paper --

21 MR. YISRAEL: Right.

22 THE COURT: -- saying you want to represent
23 yourself?

24 MR. YISRAEL: Yes.

25 THE COURT: How about do the same thing?

1 It's the same paper. I just like to have that.
2 You understand, Mr. Yisrael, the Court's advised
3 you that you need to have a lawyer. But just
4 hand that to him, I think he's got -- I think I
5 gave Mr. Yisrael a copy of that very document.

6 MR. YISRAEL: I'll be happy to sign the one
7 here.

8 THE COURT: All right. Now, Mr. Yisrael --

9 MR. YISRAEL: And I do have a motion before
10 the trial.

11 THE COURT: Yeah, well, what I want to do
12 is this. What is your motion? Just tell me
13 what it is. What motion? What motion do you
14 have, sir?

15 MR. YISRAEL: Okay. Officer Watson, he's
16 the one that initiated the blue light said
17 warrant. By law, he was -- because he swore out
18 the warrant, he was not supposed to serve the
19 warrant.

20 THE COURT: Okay.

21 MR. YISRAEL: Attempt to serve.

22 THE COURT: Okay.

23 MR. YISRAEL: But he did, so that would
24 negate the charges.

25 THE COURT: All right, and so what we'll do



South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist [and](mailto:transcripts@sccourts.org) to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name Caroline Collins	Law Firm/Agency SC Attorney General's Office	Phone Number 803-734-3723	
Email Address ccollins@scag.gov		Mailing Address Post Office Box 11549, Columbia, SC 29211-1549	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party State of South Carolina			
Transcript Information			
Docket Number 2018GS0700702	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) The State v. Shemual Nahum Ben Yisrael		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding June 10, 2022	County Beaufort	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge Robert J. Bonds		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) Joanna K. Delany, jdelany@sccid.sc.gov		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: _____ <input checked="" type="checkbox"/> Regular delivery (60 days)	
Court Reporter(s) Kymberlee Mignanelli Williams	<input type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		Responsible Payor <input type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input checked="" type="checkbox"/> Other State of South Carolina	
Next Hearing Date _____			

Requestor's Signature: Caroline Collins **Date:** 3/5/2024
(Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.**

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

Grace Sommer

From: Caroline Collins
Sent: Tuesday, March 5, 2024 10:54 AM
To: Williams, Kymberlee
Cc: Transcripts; jdelany@sccid.sc.gov; Warren, Kaylynn; Ambree Muller; Mark Farthing
Subject: Transcript Request (The State v. Shemual Nahum Ben Yisrael)
Attachments: YISRAEL Shemual - Transcript Request Form (03520252xD2C78).DOCX

Good Morning Ms. Williams,

Attached please find a request for a transcript in the above-mentioned case. As indicated on the request form, the State would like to receive this transcript via PDF/Email. If you would prefer a PDF of the attachment, please let me know. If the cost of this transcript will exceed \$500, please let me know in advance of sending the transcript so that I can get additional permission to proceed.

Thank you!

CAROLINE COLLINS, Administrative Coordinator
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the within Motion to Hold Appeal in Abeyance Pending Receipt of Transcript on Appellant on Joanna K. Delany, counsel of record for Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 5th day of March, 2024.



Grace Sommer
Legal Assistant

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