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SC Court of Appeals

APPELLANT'S INITIAL BRIEF

WITH APPENDIX OF EXHIBITS

Yehonatan Kapach v. State of South Carolina

Case No. 2025CP4604727

South Carolina Court of Appeals

Filed: March 22, 2026

**IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA**

Appellate Case No.: _____

Appeal from the Court of Common Pleas
Sixteenth Judicial Circuit, York County

Case No.: 2025CP4604727

Magistrate Citation No.: 20252351259324

State of South Carolina,
Respondent,

v.

Yehonatan Kapach,
Appellant.

APPELLANT'S INITIAL BRIEF

Yehonatan Kapach, Pro Se
13929 Daltrey Ln
Charlotte, NC 28277
Phone: 980-422-2322
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Date: March 22, 2026

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I. STATEMENT OF THE ISSUES ON APPEAL

1. Whether the Magistrate Court violated Appellant’s due process rights by convicting him in absentia in a proceeding lasting approximately twenty-two seconds, in which no case-specific factual testimony or evidence was presented, and the only substantive exchange was a single leading question and a one-word answer.
2. Whether the Court of Common Pleas and the Magistrate Court violated Title VI of the Civil Rights Act of 1964, Executive Order 13166, and S.C. Code Ann. § 17-1-50 by failing to provide Appellant—a Limited English Proficiency individual whose native language is Hebrew—with interpreter services, despite Appellant’s repeated written requests in multiple court filings.
3. Whether the Court of Common Pleas erred in affirming the Magistrate Court’s conviction when Appellant was systematically denied access to all evidence against him, including dashcam footage, bodycam footage, incident reports, and CAD dispatch logs.
4. Whether the Court of Common Pleas erred in conducting Appellant’s appeal hearing on March 3, 2026, without a qualified Hebrew interpreter, without providing Appellant access to the hearing record, and without issuing a reasoned written decision explaining its affirmance.
5. Whether court personnel’s affirmative misrepresentation to Appellant that he could not appeal and that his only option was to pay the fine constitutes an additional denial of due process and access to justice.
6. Whether Appellant’s payment of \$1,062.50 under duress—made solely to prevent indefinite suspension of his driver’s license—moots his appeal, or whether the payment was involuntary and preserves his right to appellate relief.

II. STATEMENT OF THE CASE

On September 15, 2025, Appellant Yehonatan Kapach received a traffic citation (Citation No. 20252351259324) in York County, South Carolina, for alleged violation of the “Move Over” law

—Endangering Emergency Services Personnel, S.C. Code § 56-5-1538. A court date was set for October 16, 2025, at 9:00 AM at the York/Bethesda Magistrate Court.

Appellant failed to appear on October 16, 2025, due to illness (flu-like symptoms) and the observance of multiple Jewish holy days, including Sukkot. Appellant is self-employed and does not have formal medical documentation.

At approximately 11:26 AM on October 16, 2025, the Magistrate Court conducted a trial in Appellant’s absence. The official court audio recording—which Appellant has obtained—reveals that the entire proceeding devoted to his case lasted approximately twenty-two seconds. No case-specific factual testimony was presented. The judge asked the trooper one leading question: “So the defendant failed to move over?” The trooper answered: “Yes.” The judge immediately ruled: “Based on testimony, court finds the defendant guilty. \$1,062.50.”

On November 22, 2025, Appellant received by mail a “Notice of Failure to Comply” dated November 17, 2025, informing him of the conviction and the \$1,062.50 fine, with a warning of driver’s license suspension.

That same day, November 22, 2025, Appellant immediately went to the courthouse in person to address the matter. Court staff informed him that the guilty disposition had been entered administratively as a consequence of his non-appearance. When Appellant asked about his options, court staff told him that his only option was to pay the fine, and that he could not appeal. This was legally incorrect—South Carolina law expressly provides a right of appeal from magistrate court convictions—but Appellant, as a pro se LEP litigant unfamiliar with the American legal system, had no way of knowing this at the time.

On November 23, 2025, Appellant filed a Motion to Vacate Judgment Entered in Absence and Request for New Hearing, which included an explicit request for a Hebrew interpreter (Section 3.5).

On December 1, 2025, the Magistrate Court (Judge John C. Dover) denied the Motion to Vacate.

On December 7, 2025, Appellant filed a Notice of Appeal and Appellant’s Memorandum with the York County Court of Common Pleas, reiterating his interpreter request.

On January 24, 2026, Appellant filed an Emergency Motion to Stay enforcement, referencing his LEP status.

On March 3, 2026, the Court of Common Pleas (Judge Daniel D. Hall) conducted an appeal hearing. No Hebrew interpreter was provided despite Appellant’s four written requests. During the hearing, Appellant stated that he does not understand and needs an interpreter. The judge proceeded without one.

During the March 3, 2026 hearing, the Solicitor (prosecutor) presented arguments in English legal terminology. Appellant told the judge directly that he does not understand what the prosecutor is talking about. The judge ignored this statement and continued the proceeding without providing an interpreter or taking any steps to ensure Appellant could meaningfully participate.

On March 6, 2026, the Court of Common Pleas entered an electronic Form 4 Order affirming the Magistrate Court’s judgment, stating only: “After careful consideration, the judgment of the Magistrate’s Court is AFFIRMED.” No written reasoning or findings of fact were provided.

Appellant did not receive timely notice of this Order. Upon learning of it through communication with court personnel, Appellant filed this Notice of Appeal on March 17, 2026.

Additionally, Appellant has repeatedly requested the audio or video recording of the March 3, 2026 appeal hearing. The court has refused to provide it. During Appellant’s March 12, 2026 visit to the Clerk’s Office, staff informed him that the Court of Common Pleas does not make audio recordings of hearings. The assistant manager, Jeff, stated: “We don’t record voice-wise.” Without a recording, there is no independent record of Appellant’s statements to the judge that he could not understand the proceedings—statements the court has every incentive to deny.

On March 12, 2026, Appellant paid the \$1,062.50 fine under protest and duress, solely to prevent the indefinite suspension of his North Carolina driver’s license, which was scheduled for March 15, 2026.

III. STATEMENT OF FACTS

A. The Twenty-Two Second “Trial”

The official court audio recording of the October 16, 2025 Magistrate Court proceeding reveals the following complete exchange regarding Appellant’s case:

Judge Stover: “2025-235-1259-324. State versus... [struggling with pronunciation] Yanothen Kapach? The defendant’s been charged with Endangering Emergency Services Personnel.”

Trooper: “Kapach. Endangering Emergency Service Personnel.”

Judge Stover: “Which is also the move over law, right?”

Trooper: “Yes.”

Judge Stover: “So the defendant failed to move over?”

Trooper: “Yes.”

Judge Stover: “Based on testimony, court finds the defendant guilty. \$1,062.50.”

That is the entirety of the proceeding. No description of the incident. No mention of the location, time, or circumstances. No mention of whether emergency lights were flashing. No mention of road conditions or traffic. No mention of whether lane change was safe or possible. No evidence of any kind was presented beyond the trooper confirming the name of the charge with a single word.

B. Repeated Interpreter Requests Ignored

Appellant’s native language is Hebrew. While he is able to communicate in basic English for daily purposes, he does not possess the English proficiency required to meaningfully participate in legal proceedings conducted in legal English.

Appellant requested a Hebrew interpreter in writing in every filing submitted to the court:

- a. **Motion to Vacate** (November 23, 2025), Section 3.5: “Defendant’s native language is Hebrew... Defendant respectfully requests that a Hebrew interpreter be provided at any future hearing.”
- b. **Notice of Appeal** (December 7, 2025): interpreter request reiterated.

c. **Appellant’s Memorandum** (December 7, 2025): interpreter request reiterated.

d. **Emergency Motion to Stay** (January 24, 2026): LEP status referenced.

Despite these four written requests—all of which are part of the court record—no interpreter was provided at the March 3, 2026 appeal hearing. The scheduling email from Lindsay Wiley (Court Coordinator) made no mention of an interpreter.

At the hearing, the Solicitor (prosecutor) presented legal arguments in English. Appellant told the judge directly: he does not understand what the prosecutor is talking about, and he needs an interpreter. The judge ignored Appellant’s statement entirely and proceeded with the hearing as if nothing had been said. No effort was made to ascertain Appellant’s level of comprehension, to arrange for telephonic interpretation, or to continue the hearing until an interpreter could be provided.

On March 12, 2026, when Appellant visited the Clerk’s Office, the following exchange was recorded:

Kapach: “Where is my interpreter?”

Clerk (Donna Foster): “Had you asked for one prior to the hearing?”

Kapach: “Thanks God we have it black and white. I have it black and white on the paper. In my application, in my appeal, I did it. And I told the judge, and he ignores me.”

Clerk: “There’s a form that you have to fill out that we have to submit to court administration.”

Kapach: “I don’t know anything about it. Nobody told me that I need to file a form.”

C. Denial of All Evidence

Appellant has never received any evidence against him. He has filed multiple requests:

- a. December 7, 2025 – FOIA request to York County.
- b. December 13, 2025 – FOIA request to SCHP Troop 4.
- c. December 15, 2025 – Online FOIA through York County’s portal.

d. March 3, 2026 – Emergency Motion to Compel Disclosure filed with the Court of Common Pleas.

SCHP Troop 4 demanded payment for the records. When Appellant objected to paying for evidence in his own case, SCHP ceased all communication. The Court of Common Pleas has never ruled on the Motion to Compel.

Furthermore, the court has refused to provide Appellant with the recording or transcript of the March 3, 2026 appeal hearing. Court staff informed Appellant that the Court of Common Pleas “does not record voice-wise.” This means there is no independent record of the critical moment when Appellant told the judge he could not understand what the prosecutor was saying—and the judge ignored him.

The absence of any recording raises a troubling question: if the court truly has nothing to hide, why does it not record its own hearings? A modern court of record that conducts hearings affecting citizens’ fundamental rights—yet maintains no audio or video record of those hearings—creates a system in which the court’s version of events can never be independently verified. For an LEP pro se litigant like Appellant, this is devastating: he cannot prove what he said, what the judge said, or what the prosecutor argued. The only reason any record exists of the clerk’s office interactions is that Appellant, out of necessity, recorded them himself.

The pattern is consistent across institutions. The South Carolina Highway Patrol (SCHP Troop 4) has refused to produce any evidence whatsoever—no dashcam footage, no bodycam footage, no incident report, no CAD dispatch log. Despite multiple FOIA requests and a formal Motion to Compel filed with the Court of Common Pleas, the police have simply stonewalled. They demanded payment for records in Appellant’s own case, and when he objected, they ceased all communication. The court, for its part, has never ruled on the Motion to Compel—effectively allowing the police to ignore a pending court motion with impunity.

D. Payment Under Duress

On March 12, 2026, Appellant went to the courthouse to attempt to obtain court records. Having been repeatedly denied recordings, transcripts, and evidence through official channels, Appellant felt compelled to make his own audio recording of the visit—not out of any desire to act improperly, but out of sheer necessity to create a factual record that the court system refused to

provide. This recording, which is approximately 38 minutes long, documents the exchanges described throughout this Brief.

During the same visit, Appellant paid the \$1,062.50 fine under protest. The audio recording captures his own words to the payment clerk:

Kapach: “I’m here to pay the ransom.”

Clerk: “The ransom?”

Kapach: “It’s a kind of extortion. I don’t feel good with this... but I’m not going to lose my license because no one wants to hear me.”

Kapach: “I paid because I have no choice, but I’m going to appeal it.”

Appellant paid solely because the North Carolina DMV had issued a notice of indefinite license suspension effective March 15, 2026. As a self-employed individual who depends on driving for his livelihood, Appellant had no realistic choice. Moreover, the outstanding judgment and potential license suspension threatened to damage Appellant’s credit record, compounding the financial harm beyond the fine itself. Appellant was thus coerced by multiple simultaneous threats: loss of driving privileges, damage to his credit, and the inability to work—all flowing from a conviction obtained in a 22-second proceeding he was never part of.

IV. STANDARD OF REVIEW

An appeal from a magistrate court to the circuit court is heard de novo. S.C. Code Ann. § 18-3-70. On further appeal to the Court of Appeals, the standard of review depends on the nature of the issue. Questions of law are reviewed de novo. Questions of fact are reviewed for substantial evidence. Constitutional issues, including due process, are reviewed de novo. *City of Rock Hill v. Harris*, 391 S.C. 149, 705 S.E.2d 53 (2011).

V. ARGUMENT

A. The Magistrate Court Conviction Was Based on a 22-Second Proceeding Without Any Meaningful Evidence

Due process requires, at minimum, notice and a meaningful opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). Even in a trial in absentia, the

prosecution must present sufficient evidence to establish the elements of the charged offense beyond a reasonable doubt. The mere confirmation of the charge name by a one-word answer does not constitute evidence, much less proof, of any element of the offense.

South Carolina’s “Move Over” law, S.C. Code § 56-5-1538, requires the State to prove that (1) an authorized emergency vehicle with visible flashing lights was present; (2) the defendant approached the emergency scene; and (3) the defendant failed to move over or, if unable to do so safely, failed to slow to a safe speed. None of these elements were established at the October 16, 2025 proceeding. The trooper did not describe the incident, did not testify about emergency lights, road conditions, traffic, or whether lane change was safe. The judge did not inquire into any factual detail.

A conviction based solely on the trooper confirming “Yes” to the question “So the defendant failed to move over?” does not satisfy the evidentiary requirements for any criminal or quasi-criminal proceeding. This is a leading question answered with a single word, with no foundational testimony whatsoever. This Court should find that the Magistrate Court’s conviction was not supported by substantial evidence—or indeed by any evidence at all.

B. Systematic Denial of Interpreter Services in Violation of Due Process, Title VI, and State Law

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, prohibits discrimination on the basis of national origin by recipients of federal financial assistance. Executive Order 13166 requires all federally funded programs to take reasonable steps to ensure meaningful access for LEP persons. The South Carolina Judicial Department receives federal funds and is bound by these requirements. See *Lau v. Nichols*, 414 U.S. 563 (1974).

Additionally, S.C. Code Ann. § 17-1-50 provides that in any court proceeding, a person who does not understand English has the right to an interpreter.

The obligation to provide interpreter services is on the court, not on the litigant. The court received four separate written requests for a Hebrew interpreter across multiple filings—all part of the official record. The court filed these requests, processed the documents, and scheduled a hearing without arranging for an interpreter. At the hearing, when Appellant stated he could not understand and needed an interpreter, the judge proceeded without one.

The Clerk’s Office later told Appellant that there was a “separate form” required—a form that nobody had ever told him about. The court cannot place the burden of discovering internal administrative forms on an LEP pro se litigant, particularly when that litigant has already made his needs clear in writing, repeatedly, in the court’s own files.

Conducting a legal proceeding and entering a judgment against an LEP individual without an interpreter denies the fundamental right to a meaningful opportunity to be heard and constitutes a violation of due process under the Fourteenth Amendment.

C. Denial of Access to Evidence

A defendant’s right to obtain and review evidence against him is fundamental to due process. *Brady v. Maryland*, 373 U.S. 83 (1963). Although *Brady* addresses prosecutorial suppression, the principle that a defendant must have access to relevant evidence applies with full force in any proceeding where liberty or property is at stake.

Appellant has been requesting all evidence since December 2025. He filed multiple FOIA requests and a formal Motion to Compel Disclosure with the Court of Common Pleas. SCHP Troop 4 demanded payment and then ceased all communication. The Court of Common Pleas has never ruled on the Motion to Compel.

A citizen was convicted on the basis of a one-word “Yes” and then systematically denied access to every piece of evidence that could prove his innocence. This is fundamentally incompatible with due process.

D. The Court of Common Pleas Failed to Correct These Errors

The appeal to the Court of Common Pleas was Appellant’s opportunity for de novo review. Instead, the court:

1. Conducted a hearing without a Hebrew interpreter despite four written requests in the file;
2. Ignored Appellant’s oral statement during the hearing that he needed an interpreter;
3. Permitted a court officer to prohibit Appellant from using his phone to take notes or translate—further isolating an LEP litigant;
4. Did not rule on Appellant’s pending Motion to Compel Disclosure of evidence;

5. Entered a one-sentence Form 4 Order affirming the Magistrate Court without any written findings, reasoning, or analysis;
6. Did not provide Appellant with timely notice of the Order.

Moreover, when Appellant first appeared at the Magistrate Court clerk’s office on November 22, 2025—the same day he received the conviction notice—court staff affirmatively told him that his only option was to pay the fine and that he could not appeal. This was legally incorrect: S.C. Code Ann. § 18-3-10 et seq. expressly provides for appeal from magistrate court convictions to the Court of Common Pleas. That court personnel actively discouraged an LEP pro se litigant from exercising his statutory right of appeal is deeply troubling and further demonstrates the pattern of obstruction Appellant faced at every stage of these proceedings.

A one-sentence affirmance that states “After careful consideration, the judgment of the Magistrate’s Court is AFFIRMED”—without addressing any of the due process violations raised by Appellant—does not constitute meaningful appellate review.

E. Payment Under Duress Does Not Moot the Appeal

Appellant’s payment of \$1,062.50 was made under protest and duress, expressly to prevent the imminent suspension of his driver’s license. An involuntary payment extracted under threat of collateral consequences does not constitute a voluntary satisfaction of judgment that would moot an appeal. See *Town of Hilton Head Island v. Morris*, 324 S.C. 30, 484 S.E.2d 104 (1997) (recognizing that payments under protest may preserve the right to contest the underlying obligation).

Appellant explicitly stated to court staff at the time of payment that he was paying “the ransom” and intended to appeal. He contemporaneously filed a Notice of Payment Under Protest and Reservation of Rights.

F. Spoliation of Evidence

The traffic stop occurred on September 15, 2025—over six months ago. Standard law enforcement retention policies for dashcam and body-worn camera footage typically range from 90 to 180 days. Appellant has been actively requesting this footage since December 7, 2025, and filed a formal Motion to Compel on March 3, 2026.

If SCHP has allowed dashcam or bodycam footage to be destroyed while an appeal was pending and while Appellant was actively requesting preservation, this Court should draw an adverse inference that the destroyed footage would have been favorable to Appellant. See *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583 (4th Cir. 2001).

G. Excessive Fine Under the Eighth Amendment

A \$1,062.50 fine for a traffic infraction—imposed without any factual finding, without any opportunity for the defendant to be heard, and enforced through coercive license suspension—raises serious questions under the Excessive Fines Clause of the Eighth Amendment, as incorporated against the states through the Fourteenth Amendment. See *Timbs v. Indiana*, 139 S. Ct. 682 (2019).

VI. CONCLUSION AND RELIEF REQUESTED

Appellant was convicted in a 22-second proceeding without evidence. He was denied an interpreter despite four written requests. He was denied all evidence against him. He was denied a meaningful appeal hearing. And he was ultimately coerced into paying over a thousand dollars under threat of losing his driver’s license.

Appellant respectfully requests that this Court:

1. **Vacate** the judgment of the Court of Common Pleas entered on March 6, 2026;
2. **Vacate** the underlying Magistrate Court conviction entered on October 16, 2025;
3. **Remand** the case with instructions to afford Appellant a full and fair hearing on the merits, with a qualified Hebrew interpreter, and with access to all evidence;
4. **Order** SCHP Troop 4 to immediately produce all dashcam footage, bodycam footage, incident reports, CAD logs, and related records, or certify under oath that such records have been destroyed;
5. **Order** the refund of the \$1,062.50 paid under protest and duress;
6. **Order** that any future hearing be conducted with a qualified Hebrew interpreter at the court’s expense;

7. **Grant** such other and further relief as this Court deems just and proper.

Respectfully submitted,

Yehonatan Kapach, Appellant (Pro Se)

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@edna.news

Date: March 22, 2026

VII. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appellant’s Initial Brief was served on this date by email and by U.S. Mail, first class, postage prepaid, to:

Solicitor’s Office – 16th Judicial Circuit

16th Circuit Solicitor’s Office

206 South Main Street

York, SC 29745

York County Clerk of Court

Attn: Donna Foster

1675 York Hwy

York, SC 29745

Yehonatan Kapach

Date: March 22, 2026

APPENDIX – LIST OF EXHIBITS

The following exhibits are submitted in support of this Brief and are incorporated herein by reference. Appellant will file the exhibits separately in accordance with the Court’s rules.

A. Court Orders and Judgments

A-1. **Form 4 – Order of Court of Common Pleas** (March 6, 2026) – Electronic order affirming Magistrate Court judgment. Case No. 2025CP4604727. Signed by Judge Daniel D. Hall.

A-2. **Order Denying Defendant’s Motion to Reopen Case** (December 1, 2025) – Magistrate Judge John C. Dover denying Motion to Vacate.

A-3. **Defendant’s Notice / Citation** (November 17, 2025) – Notice of conviction in absentia, Citation No. 20252351259324, fine of \$1,062.50.

B. Appellant’s Filings

B-1. **Motion to Vacate Judgment Entered in Absence** (November 23, 2025) – Including interpreter request at Section 3.5.

B-2. **Notice of Appeal to Court of Common Pleas** (December 7, 2025) – With Appellant’s Memorandum reiterating interpreter request.

B-3. **SCCA Form 508 – Appeal Filing** (November 23, 2025) – Filed with Clerk of Court.

B-4. **Emergency Motion to Stay** (January 24, 2026) – Motion to stay enforcement of fine and license suspension pending appeal, referencing LEP status.

B-5. **Motion to Compel Disclosure and Preservation of Evidence** (March 3, 2026) – Filed with Court of Common Pleas. Never ruled upon.

B-6. **Notice of Appeal to SC Court of Appeals** (March 17, 2026) – With Certificate of Service and Request for Confirmation of Filing.

B-7. Notice of Payment Under Protest and Reservation of Rights (March 12, 2026).

C. Audio Recordings

C-1. Magistrate Court Hearing Recording (October 16, 2025) – Official court audio recording of the trial in absentia. Total duration approximately 1:34. The portion devoted to Appellant’s case: approximately 22 seconds. File: Hearing 10-16-2025.wav

C-2. Clerk’s Office Visit Recording (March 12, 2026) – Appellant’s audio recording of his 38-minute visit to the York County Clerk’s Office at Moss Justice Center. Documents: interpreter denial, evidence denial, payment under protest (“ransom”), and court staff admissions. File: הקלטת מזכירות ביהמ”ש ערעורים.m4a

D. Transcriptions

D-1. Transcription of Magistrate Court Hearing (October 16, 2025) – Full bilingual (Hebrew/English) transcription of the 22-second proceeding.

D-2. Transcription of Clerk’s Office Visit (March 12, 2026) – Full transcription of 38-minute recorded visit, including key excerpts for legal use.

E. FOIA Requests and Correspondence

E-1. FOIA Request to York County (December 7, 2025).

E-2. FOIA Request to SCHP Troop 4 (December 13, 2025).

E-3. Online FOIA Request via York County Portal (December 15, 2025).

E-4. FOIA Request to SCHP Troop 4 (Spoliation Warning) (March 16, 2026) – Urgent letter warning of evidence preservation obligations.

E-5. Correspondence with Liz Dalfonso (SCHP) (December 13–15, 2025) – Multiple communications regarding evidence requests and SCHP’s demand for payment.

F. DMV and License Suspension Documents

- F-1. **NC DMV Official Notice of Indefinite Suspension** (January 22, 2026) – Notice that driving privileges will be indefinitely suspended due to the York County conviction.
- F-2. **DMV Stay Motion Confirmation** – Documentation of efforts to stay license suspension pending appeal.

G. Court Communications and Scheduling

- G-1. **Hearing Scheduling Email from Lindsay Wiley** (February 13, 2026) – Court coordinator’s email scheduling March 3, 2026 hearing. No mention of interpreter.
- G-2. **Contact Records from Court Clerk’s Office** (December 13, 2025) – Records of Appellant’s contacts with court staff.
- G-3. **Appeal Confirmation** (December 8, 2025) – Confirmation of appeal filing.

H. Title VI Complaint

- H-1. **DOJ Title VI Complaint – Interpreter Denial** (March 16, 2026) – Complaint filed with U.S. Department of Justice, Civil Rights Division, regarding systematic denial of interpreter services.

I. Proof of Payment

- I-1. **Payment Receipt** (March 12, 2026) – Receipt for \$1,062.50 payment made under protest and duress.

APPENDIX OF EXHIBITS

Exhibits A-1 through I-1

The following exhibits are submitted in support of
Appellant's Initial Brief

SECTION A: COURT ORDERS AND JUDGMENTS

Exhibits A-1 through A-3

Exhibit A-1

Form 4 — Order Affirming Magistrate Court (March 6, 2026)

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF York
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP4604727

Yehonatan Kapach
PLAINTIFF(S)

State Of South Carolina
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☒ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☒ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

After careful consideration, the judgment of the Magistrate's Court is AFFIRMED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/06/2026 .

Yehonatan Kapach for Yehonatan Kapach
Yehonatan Kapach for Yehonatan Kapach

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



York Common Pleas

Case Caption: Yehonatan Kapach VS State Of South Carolina

Case Number: 2025CP4604727

Type: Order/Electronic Form 4

So Ordered

s/Daniel D. Hall 2753

Exhibit A-2

Order Denying Motion to Reopen (December 1, 2025)

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Yehonatan Kapach,)
)
Defendant.)

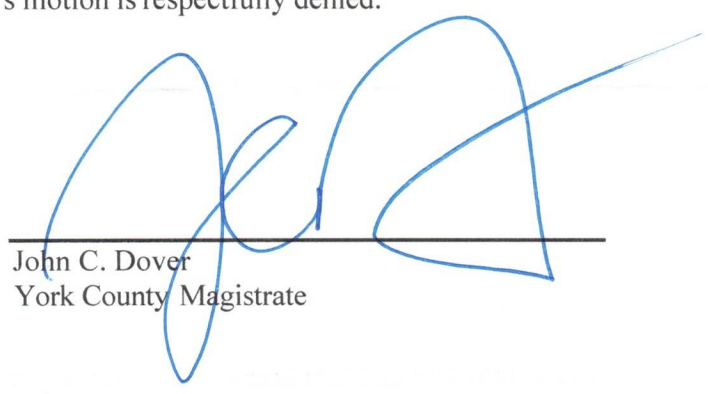
IN THE MAGISTRATE'S COURT
YORK/BETHESDA TOWNSHIP

**ORDER DENYING DEFENDANT'S
MOTION TO REOPEN CASE**

Case Number: 20252351259324

This matter comes before the Court upon motion of the Defendant to reopen his case for Endangering emergency services personnel. The Court tried the defendant in his absence on October 16, 2025 and he was found guilty. The Defendant was charged for Endangering emergency services personnel on September 15, 2025. The scheduled Court time was 9:00 am on October 16, 2025 and the Defendant failed to appear. The Court heard the officer's sworn testimony for this case on October 16, 2025 at approximately 11:26 am. The Defendant never requested a continuance from the Court regarding any illness or religious holidays, having ample time from the citation date to the trial date to do so.

After careful consideration, the Defendant's motion is respectfully denied.



John C. Dover
York County Magistrate

York, South Carolina

December 1, 2025

Exhibit A-3

Defendant Notice / Citation (November 17, 2025)



PREScribed TIME LIMIT, AND AS A RESULT YOU HAVE BEEN TRIED IN YOUR ABSENCE AND FOUND GUILTY. FAILURE TO REMIT THE FINE WITHIN 15 DAYS FROM THE DATE SHOWN IN THE LOWER RIGHT CORNER OF THIS NOTICE WILL RESULT IN THE NOTIFICATION OF THE LICENSING AUTHORITY IN YOUR STATE TO SUSPEND YOUR DRIVER'S LICENSE UNTIL THE FINE HAS BEEN PAID, PAYABLE BY CERTIFIED CHECK OR MONEY ORDER.

READ IMPORTANT INFORMATION BELOW

#1 DEFENDANT'S NOTICE

CITATION NO. 20252351259324	DATE OF VIOLATION 9/15/2025	LOCATION OF VIOLATION 81Nb	SECTION VIOLATED 3320
DESCRIPTION OF VIOLATION Traffic / Endangering emergency services personnel		FINE AND COSTS \$1,062.50	TRIAL DATE 10/16/2025
DOCKET NO. 20252351259324		COURT NO. 46101	

DRIVER'S LICENSE NO. 45051246	STATE NC	DATE OF BIRTH 7/14/1969
NAME LAST Kapach	FIRST Yehonatan	MIDDLE SEX M
STREET ADDRESS 13929 Daltrey Ln		
CITY Charlotte	STATE NC	ZIP CODE 28277
REGIS.(TAG) NO. LDS4751	STATE NC	YEAR 2020
	MAKE DODG	MODEL

C O U R T I N F O	NAME OF COURT York/Bethesda Magistrate		
	MAILING ADDRESS 1675 - 1d York Hwy		
	CITY York	STATE SC	ZIP CODE 29745
	TELEPHONE AREA CODE (803) NUMBER 628-3029		
	AUTHORIZED BY John Charles Dover (Magistrate)		DATE 11/17/2025

FORM DL-53 (REV 08/06)

Return this form along with payment.

WARNING TO ALL MOTORISTS: Any person who drives a motor vehicle on any public highway of this State at a time when his license to drive or privilege to do so is cancelled, suspended or revoked shall, upon conviction, be punished by a fine of \$300 or imprisonment for ten to thirty days for the first violation; for the second violation a fine of \$600 or sixty days to six months imprisonment; and for the third and subsequent violation a fine of \$1000 and six months to three years imprisonment. In addition, persons convicted of a fourth or subsequent violation may have the vehicle operated during the offense confiscated.

WARNING TO OUT-OF-STATE MOTORISTS: If you fail to comply with this notice, the South Carolina Department of Motor Vehicles will notify your home state motor vehicle department. Your home state motor vehicle department may suspend your license or driving privileges.

SECTION B: APPELLANT'S FILINGS

Exhibits B-1 through B-7

Exhibit B-1

Motion to Vacate Judgment (November 23, 2025)

MOTION TO VACATE JUDGMENT ENTERED IN ABSENCE
AND REQUEST FOR NEW HEARING

State of South Carolina
County of York
York/Bethesda Magistrate Court

Citation No.: 20252351259324

Docket No.: 20252351259324

State of South Carolina,
Plaintiff,

v.

Yehonatan Kapach,
Defendant.

To the Honorable Magistrate of the York/Bethesda Magistrate Court:

Defendant, Yehonatan Kapach, respectfully moves this Court to vacate the judgment entered in his absence in the above-referenced matter and to set a new court date so that he may appear and present his defense. In support of this motion, Defendant states as follows:

1. Background

1.1. Defendant received a traffic citation alleging “Endangering emergency services personnel” under Section 3320.

1.2. Defendant exercised his right to contest the citation, and a court date was scheduled for October 16, 2025.

1.3. At the relevant time, Defendant was ill with flu-like symptoms, including fever, fatigue, and body aches. Defendant is self-employed and did not seek medical treatment because there was no practical benefit for him in doing so; accordingly, he does not have formal medical documentation.

1.4. Because of his illness and the medication, he was taking, the court date unfortunately slipped his mind, and he failed to appear. His failure to appear was not intentional and was not meant as any disrespect to the Court or to the laws of the State of South Carolina.

1.5. Defendant later received the “Notice of Failure to Comply with Terms of Citation” dated November 17, 2025, informing him that he had been tried in his absence, found guilty, and ordered to pay a total of \$1,062.50, with the possibility of suspension of his driving privileges if payment is not made.

1.6. Immediately upon receiving this notice, Defendant acted promptly to address the matter and now respectfully submits this motion to the Court.

1.7. In addition, the original court date fell within a period in which Defendant was observing multiple Jewish holy days, including Rosh Hashanah, the Fast of Gedaliah, Yom Kippur (Day of Atonement), Sukkot, Shemini Atzeret, and Simchat Torah, which together occupied much of that month. The combination of these religious observances with his illness and self-employment obligations further contributed to his confusion and inadvertent failure to appear.

1.8. On November 21, 2025, (Day after Defendant received it by mail) after contacting the Court, Defendant appeared in person and was informed by a court specialist that the “guilty” disposition in this matter had been entered administratively by court staff as a consequence of his non-appearance, and not as the result of any hearing, testimony, or reasoned decision by a judicial

officer. No judge has ever personally heard about this case or issued a written order adjudicating the merits of the citation.

2. Good Cause for Failure to Appear

2.1. Defendant's absence on October 16, 2025, was the result of illness and human error, not willful disregard for the Court's authority.

2.2. Defendant is not a habitual offender, but an ordinary citizen who wishes to have a fair opportunity to be heard and to contest the citation.

2.3. The consequences of the default judgment are significant: a substantial financial penalty and a potential suspension of driving privileges through the Department of Motor Vehicles. These consequences justify allowing the case to be heard on the merits rather than decided solely on the basis of a non-appearance.

2.4. Considering the totality of the circumstances – Defendant's illness, the press of self-employment, and the concentration of important Jewish holy days during that period – Defendant respectfully submits that his failure to appear constitutes excusable neglect rather than intentional disregard of the Court.

3. Fairness, Due Process, Language Access, Remote Appearance, and Relevant Case Law

3.1. Defendant respectfully submits that entering and enforcing a conviction in a contested case where he did not appear and, upon information and belief, no officer or representative of the State appeared in person to present live testimony, does not fully reflect the neutral and balanced role of the Court.

Even if Defendant had appeared in court on that date, he would not, in practice, have met with a judge, but instead would first have met with a prosecutor, who typically offers a reduced disposition in exchange for an admission of guilt. Had Defendant declined such an offer, he simply would have been required to return on a later date for a formal hearing, at which

point the police officer–witness would be summoned to appear. In that sense, no substantive prejudice resulted from the specific events of that day.

3.2. As an unrepresented citizen facing a professional law-enforcement apparatus, Defendant relies on the Court as a neutral and protective institution to ensure that he has a real opportunity to be heard before a conviction is imposed, rather than a purely administrative default based solely on a written citation.

1. 3.3. Allowing this matter to be heard on the merits will promote public confidence in the fairness and impartiality of the Court, particularly where the disposition was entered in absentia and where the Defendant has acted promptly to correct his failure to appear.

3.4. Defendant is aware that, in theory, he may have a right to pursue an appeal. However, as a practical matter, appeals in minor traffic matters are generally heard within the same state court system that is funded in part by the very fines and costs imposed in such cases, and are often resolved summarily and without detailed explanation. As a layperson with limited resources, Defendant is concerned that a purely formal right of appeal does not meaningfully protect his due process rights in these circumstances. He therefore respectfully submits that the most appropriate and effective way to ensure fairness and public confidence in this case is for this Court to vacate the judgment entered in his absence and to allow a full hearing on the merits.

3.5. Defendant's native language is Hebrew, and although he is able to communicate in English in daily life, he does not fully understand legal terminology or complex court proceedings in English. In order to ensure meaningful participation, accurate understanding of the charges and potential consequences, and effective communication with the Court, Defendant respectfully requests that a Hebrew interpreter be provided at any future hearing in this matter.

3.6. Defendant resides in the Charlotte, North Carolina area, approximately an hour drive from the courthouse. His request for a video hearing is not based on an excessive travel burden, but on his desire to ensure that he can meaningfully follow and participate in the proceedings, given the language and legal complexity issues described above, and that there will be a clear and accurate record of what is said and decided in court. Defendant respectfully requests that, if possible, any new hearing be conducted by video (for example, via Zoom or any other remote platform customarily used by the

Court). Defendant will, of course, appear in person if the Court specifically requires an in-person appearance.

3.7. For this reason, as well, the existing disposition is, in substance, an administrative default notation rather than a fully litigated final judgment on the merits. Vacating that default and setting the matter for a first, actual hearing before a judicial officer would not disturb any carefully reasoned judicial decision but would simply allow this case to be decided for the first time through an adversarial process that satisfies due process.

3.8. United States courts, including the Supreme Court, have long emphasized that due process requires both notice and a meaningful opportunity to be heard before a person is deprived of property or other important interests. See, e.g., *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) (explaining that due process requires notice and an opportunity to be heard that is “appropriate to the nature of the case”), and *Boddie v. Connecticut*, 401 U.S. 371 (1971) (recognizing that, where the courts provide the exclusive forum for resolving certain disputes, the State must afford a realistic opportunity to be heard consistent with due process). A bare administrative notation of “guilty” entered solely because of non-appearance, without any hearing before a judicial officer, falls short of that ideal.

3.9. The Supreme Court has also recognized that default judgments and similar ex parte dispositions raise special due process concerns, particularly where notice or participation is compromised. In *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988), the Court vacated a default judgment because it had been entered without proper notice, holding that such a judgment was inconsistent with due process even without a showing of a meritorious defense. More generally, federal and state appellate courts have repeatedly observed that default judgments are a harsh remedy, are generally disfavored, and that, whenever reasonably possible, cases should be decided on their merits rather than by default. In the present case, the “judgment” at issue is not even the product of a judicial default judgment after formal motion practice, but of an administrative notation by court staff.

3.10. In addition, the Supreme Court has made clear that due process requires a neutral and disinterested judicial officer, especially in systems that depend heavily on fines and fees. In *Tumey v. Ohio*, 273 U.S. 510 (1927), and *Ward v. Village of Monroe*, 409 U.S. 57 (1972), the Court held that a

defendant's right to due process is violated where the decision-maker has a financial interest—personal or institutional—in the outcome of cases, particularly traffic and fine-driven matters. Defendant does not allege any personal misconduct by this Court, but notes that, in a system where traffic fines and court costs constitute an important source of revenue, it is especially important that convictions not rest solely on administrative defaults, but on actual hearings before a neutral magistrate, so as to maintain both the reality and the appearance of fairness.

4. Defendant's Good-Faith Efforts at the Courthouse and Clerk's Limited Authority

4.1. On November 21, 2025, few hours after receiving the Notice of Failure to Comply, Defendant personally appeared at the York/Bethesda Magistrate Court in an effort to resolve this matter in good faith.

4.2. At the Clerk's Office, Defendant explained that he had missed the court date due to illness and the circumstances described above and asked whether the case could be reopened or whether a new court date could be scheduled so that he could appear and present his defense.

4.3. Defendant was informed by the Clerk's Office that they could not reopen the case, and that, as a practical matter, the only option was to pay the amount stated on the notice. Defendant understands that the Clerk may have limited authority and does not challenge the Clerk personally; however, as a layperson, he has no other way to obtain relief except by submitting this written motion directly to the Court.

4.4. Defendant's appearance at the courthouse and his attempt to resolve the matter through the Clerk demonstrate that he is not trying to avoid responsibility but is actively and respectfully seeking a fair opportunity to be heard by the Court.

5. Relief Requested

For the reasons stated above, Defendant respectfully requests that the Court:

- a. Vacate the judgment entered in his absence in this matter.
- b. Recall, withdraw, or hold in abeyance any notice or recommendation of driver's license suspension transmitted to any Department of Motor Vehicles in connection with this case, while this motion is pending and, if it is granted, as the Court deems appropriate.
- c. Set a new court date at which Defendant may appear and present his defense, and, if the Court is willing, permit Defendant to appear by video (for example, via Zoom or another remote platform used by the Court), so that he can clearly follow the proceedings and there will be a complete and accurate official record of the hearing, unless the Court specifically requires an in-person appearance;
- d. Provide a qualified Hebrew court interpreter for Defendant at any future hearing in this matter, so that he can fully understand the proceedings and effectively exercise his rights, and all the evidence in this case in advanced.
- e. Grant any further or additional relief the Court deems just and proper.

Respectfully submitted,

Yehonatan Kapach

Address: 13929 Daltrey Ln

Charlotte, NC 28277

Phone: +1-980-422-2322

Email: info@ednakarnaval.com

Date: 11/23/2025

Exhibit B-2

Notice of Appeal & Memorandum (December 7, 2025)

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

State of South Carolina,
Plaintiff–Respondent,

)

)

)

v.

) NOTICE OF APPEAL

)

Yehonatan Kapach,
Defendant–Appellant.

) From York/Bethesda Magistrate Court

) Magistrate Case No.: 20252351259324

_____))

TO: The Clerk of Court for York County

And to: The York/Bethesda Magistrate Court

And to: The York County Solicitor/Prosecutor

PLEASE TAKE NOTICE that the Defendant, Yehonatan Kapach (“Defendant–Appellant”), hereby appeals from:

1. The judgment of conviction and sentence entered against him in his absence on or about October 16, 2025, in the York/Bethesda Magistrate Court, in the matter of a charge of “Endangering emergency services personnel” arising from a citation dated September 15, 2025; and

2. The written Order dated December 3, 2025, signed by Magistrate John C. Dover and titled “Order Denying Defendant’s Motion to Reopen Case” (or similar), which denied Defendant’s Motion to Vacate Judgment Entered in Absence / Motion to Reopen.

The grounds for this appeal include, but are not limited to, the following:

a. The Magistrate Court abused its discretion and violated Defendant's right to due process by refusing to reopen the case despite Defendant's candid admission of his mistake, his explanation of illness and religious observance, and his prompt good-faith efforts to address the matter immediately upon receiving notice of the default judgment.

b. The Magistrate Court's reliance on an in-absentia proceeding, conducted without Defendant's presence, and the entry of a "guilty" judgment based solely on such a proceeding, is inconsistent with fundamental principles of due process as articulated in decisions such as *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), *Boddie v. Connecticut*, 401 U.S. 371 (1971), *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988), and the South Carolina "Ishmell" line of cases regarding reopening traffic matters.

c. The Magistrate Court erred in treating the absence of a prior continuance request as a sufficient basis to deny reopening, rather than evaluating whether Defendant's nonappearance constituted excusable neglect under all the circumstances, including illness, multiple Jewish religious holidays during the relevant period, and Defendant's status as a self-employed person with limited familiarity with the court system.

d. The judgment entered in Defendant's absence, based solely on an in-absentia presentation of the officer's testimony, without prior notice to Defendant that such a hearing would go forward in his absence and without any subsequent opportunity for cross-examination or rebuttal, fails to satisfy the requirement of a fair and impartial hearing and should be vacated.

e. The structure of the magistrate court system creates, at minimum, the appearance of an institutional financial interest in the continued imposition and collection of traffic fines and court costs. Traffic-related fines and fees constitute a

recurring source of revenue for local government and the magistrate courts that process such cases. Under decisions such as *Tumey v. Ohio*, 273 U.S. 510 (1927), and *Ward v. Village of Monroe*, 409 U.S. 57 (1972), due process is offended when the decision-maker, or the court system in which he sits, depends in substantial part on fines and fees generated by the very cases he adjudicates. In these circumstances, it is especially important that convictions not rest on in-absentia defaults, but on full and fair hearings on the merits.

f. The Magistrate's written order states that the Court "heard the officer's sworn testimony" on October 16, 2025, at approximately 11:26 a.m., even though Defendant had been ordered to appear at 9:00 a.m. and was never notified that any in-absentia evidentiary proceeding would be convened later that morning. Defendant has requested the case file and any audio recording, minutes, or transcript of such a proceeding and, upon information and belief, no transcript, recording, or contemporaneous minutes have been produced. To the extent any testimony was taken outside Defendant's presence and without any opportunity for cross-examination or rebuttal, the resulting judgment violates due process. To the extent no such hearing was in fact conducted in the manner described, the order is unsupported by the record and cannot serve as a valid basis to refuse reopening the case.

g. In addition, Defendant intends, through appropriate public-records requests and discovery, to obtain the officer's duty/shift records and any court-appearance logs for October 16, 2025, in order to verify when, how, and even whether the officer in fact appeared to give sworn testimony in this specific case. The lack of any clear, contemporaneous record of such a hearing, combined with the unexplained discrepancy between the scheduled 9:00 a.m. appearance time and the claimed 11:26 a.m. testimony, further underscores the need for appellate review and for vacating the in-absentia judgment.

Defendant–Appellant respectfully requests that the Circuit Court:

1. Vacate the judgment of conviction entered on or about October 16, 2025;

2. Reverse the Order dated December 3, 2025, denying the Motion to Vacate / Motion to Reopen;
3. Remand the case to the Magistrate Court with instructions to reopen the case and to afford Defendant a full and fair hearing on the merits, with the assistance of an interpreter if requested; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Yehonatan Kapach

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@ednakarnaval.com

Date: 12/7/2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Appeal was served on the York/Bethesda Magistrate Court and on the York County Solicitor/Prosecutor by [mail / hand-delivery] on [date].

Yehonatan Kapach

A handwritten signature in black ink, appearing to be 'Yehonatan Kapach', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'Y'.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

State of South Carolina,
Plaintiff–Respondent,

v.

Yehonatan Kapach,
Defendant–Appellant.

)
)
)
) APPELLANT’S MEMORANDUM

)
) From York/Bethesda Magistrate Court
) Magistrate Case No.: 20252351259324
)

APPELLANT’S MEMORANDUM IN SUPPORT OF APPEAL

Defendant–Appellant, Yehonatan Kapach (“Appellant”), respectfully submits this memorandum in support of his appeal from (1) the in-absentia judgment of conviction entered against him on or about October 16, 2025, and (2) the Magistrate Court’s written Order dated December 3, 2025, denying his Motion to Vacate Judgment Entered in Absence / Motion to Reopen. Appellant respectfully requests that this Court vacate the judgment and remand the matter with instructions to reopen the case and afford him a full and fair hearing on the merits.

I. STATEMENT OF THE CASE AND FACTS

1. Appellant received a Uniform Traffic Ticket on September 15, 2025, alleging “Endangering emergency services personnel” in violation of S.C. Code § 56-5-[1538] (or related provision). The ticket was issued by Officer Brantley J. Fowler of [law

enforcement agency], Citation No. 20252351259324. (Exhibit A: Uniform Traffic Ticket.)

2. Appellant exercised his right to contest the citation. A trial date was scheduled in the York/Bethesda Magistrate Court for October 16, 2025, at 9:00 a.m. (Exhibit B: Notice / docket printout reflecting trial date.)

3. In the period leading up to the court date, Appellant was suffering from flu-like illness, including fever, fatigue, and body aches. He is self-employed, did not seek medical treatment, and therefore does not have formal medical documentation. He took over-the-counter medication and attempted to continue working.

4. During this same period, Appellant, who is Jewish, was also observing multiple Jewish holy days, including Rosh Hashanah, the Fast of Gedaliah, Yom Kippur (Day of Atonement), Sukkot, Shemini Atzeret, and Simchat Torah, which collectively occupied much of the month surrounding the scheduled court date.

5. Because of the combination of illness, medication, religious observances, and the pressures of self-employment, the October 16, 2025 court date unfortunately slipped Appellant's mind. His failure to appear was not intentional, and he never sought to disrespect the Court or the laws of South Carolina.

6. Appellant later received a "Notice of Failure to Comply with Terms of Citation," dated November 17, 2025, stating that he had been tried in his absence, found guilty, and ordered to pay a total of \$1,062.50, with a warning regarding possible driver's license suspension. (Exhibit C: Notice of Failure to Comply.)

6A. Thus, although the in-absentia judgment was entered on or about October 16, 2025, the Court did not issue or authorize the written "Failure to Comply" notice until November 17, 2025, approximately one month later. During that entire period, Appellant had no actual knowledge that a judgment had been entered against him and no practical opportunity to take corrective action until the notice was finally generated and mailed.

7. Immediately upon receiving this notice, Appellant acted in good faith. On or about November [18/21], 2025, he personally appeared at the York/Bethesda Magistrate Court, explained that he had missed the court date due to illness and confusion, and asked whether the case could be reopened or a new court date could be scheduled so that he could appear and present his defense.

8. Appellant was informed at the Clerk's Office that they could not reopen the case and that, as a practical matter, his only option was to pay the amount stated on the notice. Appellant understands that court staff have limited authority, and therefore he filed a written Motion to Vacate Judgment Entered in Absence / Motion to Reopen. (Exhibit D: Motion to Vacate / Reopen.)

9. In his motion, Appellant candidly admitted that his failure to appear was due to his own mistake under difficult personal circumstances. He explained his illness, his religious observances, his status as a self-employed individual, and his prompt good-faith efforts to address the matter as soon as he received the "Failure to Comply" notice. He requested that the judgment entered in his absence be vacated and that a new hearing be scheduled so that he could appear, with the assistance of a Hebrew interpreter, and present his defense.

10. By written Order dated December 3, 2025, Magistrate John C. Dover denied the Motion to Vacate / Reopen. (Exhibit E: Order Denying Motion to Reopen.)

11. In that Order, the Magistrate states that Appellant "was tried in his absence and found guilty," that the Court "heard the officer's sworn testimony" on October 16, 2025, at approximately 11:26 a.m., and that Appellant did not request a continuance prior to the trial date. The Order concludes that Appellant had ample time to seek a continuance and that the judgment would remain in effect.

12. Appellant has requested a copy of the complete case file, including any audio recording, minutes, or transcript of the purported October 16, 2025 hearing at 11:26 a.m. Upon information and belief, no transcript, recording, or contemporaneous

minutes have been produced that would document any such evidentiary proceeding in this specific case.

13. Appellant respectfully submits that any testimony taken outside his presence, without prior notice that an in-absentia evidentiary hearing would be convened and without any opportunity for cross-examination or rebuttal, does not satisfy due process. To the extent no such hearing actually occurred as described, the Order is unsupported by the record and cannot serve as a valid basis to refuse reopening.

14. Appellant has now timely filed his Notice of Appeal and seeks relief from both the original in-absentia conviction and the denial of his motion to reopen.

II. ISSUES PRESENTED

1. Whether the Magistrate Court abused its discretion and violated due process by refusing to reopen Appellant's case despite his prompt, candid explanation of illness, religious observance, and excusable neglect, and despite the severe consequences of the default judgment.

2. Whether an in-absentia conviction based solely on the officer's alleged testimony outside Appellant's presence, without prior notice that such an evidentiary hearing would proceed in his absence and without any opportunity for cross-examination or rebuttal, satisfies fundamental due process requirements.

3. Whether, in light of the structural financial dependence of magistrate courts and local government on traffic-related fines and fees, it is consistent with due process for a conviction to rest on an in-absentia default rather than on a full and fair adversarial hearing on the merits.

III. ARGUMENT

A. The Magistrate Court Abused Its Discretion by Refusing to Reopen the Case Despite Excusable Neglect and Prompt, Good-Faith Efforts.

Appellant did not willfully ignore the Court or seek to evade responsibility. He suffered from illness, was observing multiple religious holy days, and is self-employed with limited familiarity with the court system. His failure to appear was, at most, excusable neglect in the context of difficult personal circumstances.

Upon receiving the Notice of Failure to Comply, Appellant acted promptly: he appeared in person at the courthouse within approximately one day of receiving the notice and then filed a formal written motion asking the Court to vacate the in-absentia judgment and grant him a new hearing. These are precisely the actions of a citizen acting in good faith to correct an honest mistake.

Both federal and state courts have recognized that default-type judgments are a “harsh remedy,” are generally disfavored, and that cases should be decided on their merits whenever reasonably possible. The United States Supreme Court has held that, w notice or participation is compromised, default judgments raise serious due process concerns. See, e.g., *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988) (vacating a default judgment entered without proper notice, and holding that such a judgment is inconsistent with due process even without a showing of a meritorious defense).

By focusing solely on the fact that Appellant did not file a continuance request before the trial date, and by ignoring his immediate good-faith efforts to correct the situation, the Magistrate Court effectively punished Appellant for his candor instead of treating his explanation as evidence of good faith. Under the totality of the circumstances—illness, religious observance, self-employment, and prompt corrective action—the refusal to reopen constitutes an abuse of discretion.

B. Due Process Requires a Meaningful Opportunity to Be Heard Before a Person Is Deprived of Property or Important Interests.

The United States Supreme Court has long held that due process requires both notice and a meaningful opportunity to be heard before the State may deprive a person of property or other significant interests. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), explains that due process requires “notice and opportunity for hearing appropriate to the nature of the case.” In *Boddie v. Connecticut*, 401 U.S. 371 (1971), the Court recognized that, where the courts provide the exclusive forum for resolving certain disputes, the State must afford a realistic opportunity to be heard consistent with due process.

Here, the judgment against Appellant was entered in his absence and, according to the Magistrate’s own Order, based on an in-absentia presentation of the officer’s sworn testimony at approximately 11:26 a.m. Appellant had been ordered to appear at 9:00 a.m. and was never notified that an evidentiary hearing would proceed later that morning without him. He was never afforded an opportunity to cross-examine the officer, to present his own testimony, or to offer any evidence in his defense.

A bare administrative notation of “guilty,” entered solely because the defendant did not appear and without any real hearing at which the defendant can participate, falls short of the due process ideal. When, as here, the defendant promptly asks to correct the error and to be heard on the merits, fundamental fairness requires reopening.

C. The Lack of a Transcript, Recording, or Contemporaneous Record of the Alleged Evidentiary Hearing Undermines the Reliability and Reviewability of the Judgment.

The Magistrate’s Order asserts that the Court “heard the officer’s sworn testimony” on October 16, 2025, at 11:26 a.m. Yet, upon information and belief, no transcript, audio recording, video recording, or contemporaneous minutes have been produced to document such a hearing in this specific case.

To the extent any testimony was taken, the absence of a clear, contemporaneous record makes meaningful appellate review difficult or impossible. This is especially problematic where the judgment is based entirely on an ex parte presentation by

the State's witness with no participation by the defendant. To the extent no such hearing actually occurred as described, the Order is unsupported by the record and cannot reasonably justify refusing to reopen the case.

D. Structural Financial Dependence on Fines and Fees Heightens Due Process Concerns and Favors Decisions on the Merits Rather than In-Absentia Defaults.

Magistrate courts and local governments frequently rely on traffic fines, costs, and surcharges as a recurring source of revenue. The Supreme Court has made clear that due process is offended when the decision-maker, or the court system in which he sits, has a financial interest—personal or institutional—in the outcome of cases. In *Tumey v. Ohio*, 273 U.S. 510 (1927), and *Ward v. Village of Monroe*, 409 U.S. 57 (1972), the Court held that a defendant's right to due process is violated where the adjudicator's court depends substantially on the fines and fees generated by traffic and similar cases.

Appellant does not allege personal misconduct or personal financial gain by any individual judicial officer. However, he notes that in a system where traffic fines and costs are an important revenue source, it is especially important that convictions rest on full and fair hearings on the merits, not purely administrative defaults entered in the defendant's absence.

Refusing to reopen this case, despite a prompt and candid explanation of excusable neglect and a clear showing of good faith, reinforces the appearance that efficiency and revenue collection are prioritized over individualized justice and due process. To maintain both the reality and appearance of neutrality required by *Tumey* and *Ward*, this Court should vacate the default-type judgment and remand for a proper hearing.

E. South Carolina Law and the Spirit of the *Ishmell* Line of Cases Favor Allowing Traffic Matters to Be Heard on Their Merits.

While Appellant is not represented by counsel and does not purport to provide an exhaustive analysis of South Carolina case law, he is aware that South Carolina appellate decisions, including the so-called “Ishmell” line of cases, have recognized that traffic defendants who fail to appear, yet act promptly and in good faith to correct the default, may be entitled to have their cases reopened and heard on the merits.

In that spirit, Appellant respectfully submits that his situation fits squarely within the class of cases where excusable neglect and a prompt request for relief justify vacating an in-absentia judgment. He is not a habitual offender, but an ordinary citizen seeking a fair opportunity to be heard and to contest a single traffic citation that carries significant financial and licensing consequences.

IV. REQUEST FOR COMPLETE RECORD, OFFICER SCHEDULING INFORMATION, INTERPRETER, AND AUDIO RECORDING OF FUTURE PROCEEDINGS

In addition to the substantive relief sought above, Appellant respectfully requests that this Court ensure that he has full access to the record and a meaningful ability to participate in any further proceedings, as follows:

1. Complete Magistrate Court Record

Appellant respectfully asks that the York/Bethesda Magistrate Court be directed to transmit and/or make available the complete record in this case, including, but not limited to:

a. Any and all docket entries, case-summary sheets, and internal notations reflecting what allegedly occurred on October 16, 2025;

b. Any audio recording, video recording, stenographic transcript, or written minutes of the purported hearing on October 16, 2025, at approximately 11:26 a.m., at which the Magistrate's order states that the officer gave sworn testimony in this case;

c. Any written notes, bench memoranda, or forms used by the Court in entering the in-absentia judgment and in authorizing the "Failure to Comply" notice dated November 17, 2025.

2. Officer Scheduling, Subpoena, and Court-Appearence Information

Appellant also respectfully requests that, to the extent such materials are part of the court file or can be included in the record on appeal, the following be produced or identified:

a. Any subpoenas, notices to appear, or other documents showing that Officer Brantley J. Fowler was specifically summoned to testify in this case on October 16, 2025;

b. Any court-appearance logs, sign-in sheets, or internal scheduling records indicating when Officer Fowler was present in the courtroom on October 16, 2025, and whether he appeared in connection with this particular citation (No. 20252351259324);

c. Any internal correspondence or records concerning the decision to proceed with in-absentia testimony by the officer rather than rescheduling the case for a date when Appellant could be present.

Appellant fully intends, through appropriate public-records requests and, if this case is remanded, through subpoenas or other lawful discovery, to obtain the officer's duty/shift records and related information. However, to the extent that any of this information is already within the possession or control of the Magistrate

Court and can be incorporated into the record on appeal, Appellant respectfully asks that it be included.

3. Appointment of a Hebrew Interpreter

Appellant's native language is Hebrew. Although he can communicate in English in daily life, he does not comfortably understand legal terminology or complex court proceedings in English. In order to participate meaningfully in any hearing—whether in this Court or on remand—he respectfully requests the assistance of a qualified Hebrew interpreter.

Appellant therefore asks that any remand order explicitly recognize his right to a court-appointed Hebrew interpreter at all future hearings in this matter, so that he can understand the charges, the potential consequences, the questions put to him, and any rulings made by the Court.

4. Audio Recording and Preservation of Any Future Hearing

Finally, Appellant respectfully requests that any future hearing in this case—whether on remand in the Magistrate Court or in this Court—be audio-recorded (or otherwise reliably recorded) and that such recording be preserved as part of the official record.

Given the due process concerns already raised by the absence of any clear contemporaneous record of what allegedly occurred on October 16, 2025, ensuring that any future proceeding is properly recorded will protect both the Court and the parties, and will facilitate meaningful review if any further issues arise.

5. Ongoing Right to Discovery and Preservation of Evidence

For the avoidance of doubt, Appellant does not request access to these materials only for purposes of this particular appeal. As a criminal/traffic defendant, he asserts his fundamental right to obtain and inspect all relevant records, including any potentially exculpatory or impeachment evidence, in the possession of the State and its agents. See, e.g., *Brady v. Maryland*, 373 U.S. 83 (1963), and related due-process case law.

Accordingly, Appellant respectfully requests that the Court make clear that all such records, recordings, and scheduling documents must be preserved and made available to him and to any counsel who may later represent him, regardless of the outcome of this specific appeal, so that he can fully exercise his rights in any further proceedings or reviews.

V. CONCLUSION

For all the foregoing reasons, Appellant respectfully requests that this Court:

1. Vacate the judgment of conviction entered against him in his absence on or about October 16, 2025;
2. Reverse the Magistrate Court's Order dated December 3, 2025, denying his Motion to Vacate Judgment Entered in Absence / Motion to Reopen;
3. Remand this matter to the York/Bethesda Magistrate Court with instructions to reopen the case and afford Appellant a full and fair hearing on the merits, with the assistance of a Hebrew interpreter if requested;
4. Direct that, pending such hearing, no suspension of Appellant's driver's license or other enforcement action be pursued based solely on the in-absentia judgment; and
5. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Yehonatan Kapach', is written over a horizontal line. The signature is stylized with a large, looping 'Y' and a cursive 'K'.

Yehonatan Kapach

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@ednakarnaval.com

Date: 12/7/2025

LIST OF EXHIBITS

Exhibit A – Uniform Traffic Ticket (Citation No. 20252351259324)

Exhibit B – “Notice of Failure to Comply with Terms of Citation” dated November 17, 2025

Exhibit C – Motion to Vacate Judgment Entered in Absence / Motion to Reopen

Exhibit D – Order Denying Defendant’s Motion to Reopen dated December 3, 2025

Exhibit F – Any written requests for the case file / audio / transcript and any responses (if available)

Exhibit B-3

SCCA Form 508 — Appeal Filing (November 23, 2025)



**SOUTH CAROLINA
JUDICIAL BRANCH**

STATE OF SOUTH CAROLINA
COUNTY OF YORK

CITY OF **York**

Yehonatan Kapach

Defendant

v.

45051246

Driver's License Number

IN THE MAGISTRATES COURT

Ticket Number: 20252351259324

ISHMELL ORDER

3320 S.C.

Type of Violation

It appears that the above-described traffic ticket should be returned to the Clerk of Court of YORK County and the case reopened based upon the following information:

1. This case was initially disposed of on **11/17/2025**.
2. Defendant received notice of the disposition of the case on or about **11/20/2025**.
3. A request to reopen the case was made on **11/21/2025** and such request was timely.
4. This case should be reopened for the following reason(s):
Attach my signed full motion.
5. The prosecuting authority was notified of this request as is indicated by the signature affixed below.

This Order is issued in accordance with the requirements established by Ishmell v. South Carolina State Highway Department, 264 S.C. 340, 215 S.E. 2d 201 (1975).

AND IT IS SO ORDERED:

Date

Judge

I HAVE BEEN NOTIFIED OF THIS REQUEST:

Signature

Title

Exhibit B-4

Emergency Motion to Stay (January 24, 2026)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
YORK COUNTY, SOUTH CAROLINA
(APPELLATE DIVISION)

Appellate Case No.: 2025CP4604727
Appeal from York/Bethesda Magistrate Court
Magistrate Citation/Case No.: 20252351259324

STATE OF SOUTH CAROLINA,
Respondent,

v.

YEHONATAN KAPACH,
Appellant.

_____ /

EMERGENCY MOTION TO STAY ENFORCEMENT PENDING APPEAL
(REQUEST FOR IMMEDIATE TEMPORARY STAY PENDING RULING)
(AND TO STAY ANY REPORTING / ADMINISTRATIVE ACTION AFFECTING DRIVER'S LICENSE)

Appellant, Yehonatan Kapach ("Appellant"), respectfully moves this Court for an Order staying enforcement of the Magistrate Court disposition in the above-referenced matter, and staying any further adverse administrative or reporting action based on that disposition, pending resolution of this appeal. Appellant further requests an immediate

temporary stay pending the Court's ruling on this Motion, due to impending driver's license suspension consequences.

1. INTRODUCTION / SUMMARY OF RELIEF REQUESTED

1.1. Appellant respectfully requests that this Court enter an order staying (a) enforcement of the Magistrate Court disposition in Citation/Case No. 20252351259324, and (b) any related reporting, referral, "failure to comply" action, collection action, or other administrative enforcement that may trigger driver's license consequences, pending the final resolution of this appeal.

1.2. Appellant further requests that the Court issue an immediate temporary stay (effective upon filing or upon the Court's review) pending the Court's ruling on this Motion, to prevent irreparable harm from occurring before the Court has the opportunity to decide the request.

1.3. This Motion is filed on an emergency basis because Appellant has received official notice that his North Carolina driving privileges are scheduled for indefinite suspension on 03/15/2026 at 12:01 a.m. as a collateral consequence of the underlying South Carolina disposition.

2. RELEVANT BACKGROUND AND CURRENT PROCEDURAL POSTURE

2.1. The underlying traffic matter arises from an alleged violation on or about 09/15/2025 and was set for court in the York/Bethesda Magistrate Court on 10/16/2025 under Citation/Case No. 20252351259324.

2.2. The matter resulted in a disposition entered in Appellant's absence and an assessment totaling \$1,062.50, followed by "failure to comply" / compliance reporting consequences affecting Appellant's licensing status in another state.

2.3. Appellant timely filed a Notice of Appeal. The appeal is currently pending before this Court under Appellate Case No. 2025CP4604727. Accordingly, the underlying disposition is being challenged and is not final for practical purposes while appellate review is underway.

2.4. Appellant has acted diligently and in good faith throughout this appellate process.

3. IMMEDIATE AND IRREPARABLE HARM ABSENT A STAY (DRIVER'S LICENSE CONSEQUENCES)

3.1. Appellant has received an Official Notice from the North Carolina Division of Motor Vehicles ("NC DMV") stating that Appellant's North Carolina driving privilege is scheduled for an indefinite suspension effective 12:01 a.m. on 03/15/2026 based on alleged non-compliance with the out-of-state South Carolina citation. (See Exhibit 1.)

3.2. Suspension of driving privileges constitutes severe and immediate harm. It impacts Appellant's ability to travel, work, attend court-related matters, and meet ordinary life obligations. The harm is effectively irreparable because it will occur before this Court rules on the merits of the appeal, and the personal and economic consequences cannot be fully undone later.

3.3. For these reasons, immediate injunctive-type relief is necessary to preserve the status quo pending appellate review.

4. BALANCE OF EQUITIES / NO PREJUDICE TO THE STATE

4.1. Granting a stay will not prejudice the State. It merely preserves the status quo while this appeal is pending.

4.2. The State's interests are fully protected because, if the appeal is ultimately denied, enforcement may resume thereafter. In contrast, without a stay, Appellant faces imminent collateral consequences that may render the appeal practically meaningless.

5. REASONABLE BASIS / LIKELIHOOD OF SUCCESS (BRIEF STATEMENT)

5.1. Although this Motion is not intended to litigate the entire appeal, Appellant notes that there are substantial issues raised on appeal concerning the fairness and adequacy of the proceeding that led to the disposition.

5.2. Appellant has obtained the official audio recording of the 10/16/2025 proceeding from the Court. The recording reflects an extremely brief exchange and raises serious concerns regarding the existence of meaningful case-specific fact-finding prior to the guilty disposition and the imposition of a four-figure assessment. (Exhibit 2 – Official Audio; Exhibit 3 – Transcript excerpt.)

5.3. At minimum, these issues establish a reasonable basis for appellate review sufficient to justify preserving the status quo pending a decision on the appeal.

5.4. Gross Disproportionality / Fundamental Fairness

The State may argue that the statute is justified by officer safety. However, the asserted rationale does not automatically validate the way this law is enforced in practice or the severity of the penalties imposed. Commercial drivers and ordinary motorists routinely spend extensive hours on the road as well, and roadside hazards are not unique to law enforcement. Safety-based laws should be enforced in a manner that is narrowly tailored to genuine risk, not as a revenue-driven mechanism that imposes severe financial penalties based on minimal record evidence. In this case, the proceeding reflected no meaningful fact-finding, yet resulted in a four-figure assessment and collateral license consequences—an outcome that is grossly disproportionate and inconsistent with fundamental fairness.

6. SPECIFIC RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court:

6.1. Issue an immediate temporary stay pending the Court's ruling on this Emergency Motion, to prevent any enforcement or reporting action that could trigger driver's license consequences before the Court rules;

6.2. Stay enforcement of the Magistrate Court disposition in Citation/Case No. 20252351259324 pending resolution of the appeal in Appellate Case No. 2025CP4604727, including but not limited to any fines/costs collection measures, enforcement actions, referrals, or reporting for "failure to comply";

6.3. Stay and/or prohibit any reporting, referral, or administrative action based on the disposition that may trigger driver's license consequences (including out-of-state compliance reporting), pending resolution of the appeal;

6.4. Direct the Clerk of Court (and/or the appropriate court official) to issue written confirmation of any stay granted so Appellant may provide it to NC DMV and any other relevant agency; and

6.5. Consider and rule on this Motion on an expedited basis given the impending NC DMV suspension date of 03/15/2026.

Appellant respectfully requests any further relief the Court deems just and proper.

Respectfully submitted,

Yehonatan Kapach, Appellant (Pro Se)

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@edna.news

Date: 1/24/2026

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of this Emergency Motion to Stay and any attached exhibits on the following agency by the method(s) indicated below on the date written:

South Carolina Highway Patrol (SCHP) – Troop 4

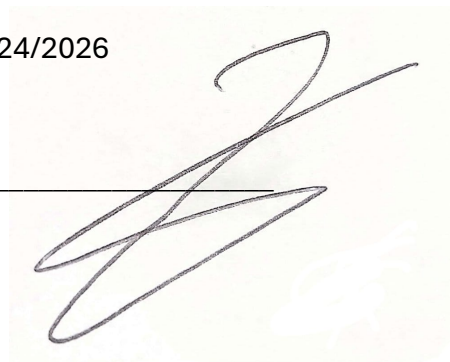
☒ By email to: troop4@scdps.gov

☐ By Certified Mail / Return Receipt to: Rock Hill BTC, 454 S. Anderson Rd, BTC 523, Rock Hill, SC 29730

☐ By other method: _____

Date of Service: 1/24/2026

Yehonatan Kapach

A handwritten signature in black ink, appearing to be 'Yehonatan Kapach', is written over a light yellow rectangular background. The signature is stylized with large, sweeping loops.

EXHIBITS

Exhibit 1 – NC DMV Official Notice (scheduled indefinite suspension effective 03/15/2026)

Exhibit 2 – Official Court Audio Recording (10/16/2025) (submitted via USB and/or as directed by Clerk)

Exhibit 3 – Transcript excerpt of Exhibit 2 (printed)

Exhibit 4 – Proof of pending appeal / file-stamped Notice of Appeal (if available)

Exhibit B-5

Motion to Compel Disclosure (March 3, 2026)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
YORK COUNTY, SOUTH CAROLINA
(APPELLATE DIVISION)

Appellate Case No.: 2025CP4604727
Appeal from York/Bethesda Magistrate Court
Magistrate Citation/Case No.: 20252351259324

STATE OF SOUTH CAROLINA,
Respondent,

v.

YEHONATAN KAPACH,
Appellant.

_____/

EMERGENCY MOTION TO COMPEL DISCLOSURE AND PRESERVATION OF EVIDENCE
(REQUEST FOR COURT ORDER DIRECTING PRODUCTION OF RECORDS)

Appellant, Yehonatan Kapach ("Appellant"), respectfully moves this Court for an Order requiring the South Carolina Highway Patrol ("SCHP"), Troop 4, to preserve and produce evidence and records relating to Citation No. 20252351259324 and the underlying traffic stop, and states as follows:

1. This appeal is pending before this Court under Appellate Case No. 2025CP4604727, arising from York/Bethesda Magistrate Court Citation/Case No. 20252351259324.
2. Appellant is prosecuting this appeal in good faith and disputes the basis for the citation and the in-absentia disposition entered in Magistrate Court.
3. To date, Appellant has not received the evidence in this matter, including any dashcam or body-worn camera recordings, reports, CAD/dispatch logs, or other investigative records.
4. Many forms of video and electronic data are subject to short retention periods. Without a preservation order, key evidence may be lost, destroyed, overwritten, or otherwise become unavailable.
5. Appellant respectfully requests that the Court order immediate preservation and production of the following categories of records, to the extent they exist:

A. VIDEO / AUDIO EVIDENCE

- (1) Dashcam video from any involved SCHP vehicle(s);
- (2) Body-worn camera video from any involved officer(s);
- (3) In-car audio, microphone audio, and/or other recordings associated with the stop;

(4) Any additional video/audio reviewed or relied upon in connection with the citation.

B. DISPATCH / CAD / COMMUNICATIONS

(1) CAD/dispatch logs for the stop (unit assignments, timestamps, arrival/departure);

(2) Radio traffic logs and/or radio audio recordings relating to the stop;

(3) Any MDT/MDC (in-car computer) messages related to the stop, if maintained.

C. REPORTS / NOTES / DOCUMENTS

(1) Incident report(s), narrative(s), notes, and any supplemental reports;

(2) Field notes, worksheets, internal documentation, photos, or diagrams;

(3) Any witness statements (written or recorded), if any exist.

D. IDENTIFICATION OF ALL INVOLVED OFFICERS / UNITS

(1) Names and badge numbers of all officers/units present at the stop;

(2) Any report/notes by any secondary/back-up officer, if any exist;

(3) Any unit activity logs or shift logs showing presence at the stop.

E. COURT-APPEARANCE / DUTY STATUS RECORDS (10/16/2025)

Records sufficient to show Trooper Brantley J. Fowler's duty status and any scheduling/

notification directing or confirming his appearance at court on October 16, 2025, including

any court-appearance schedules, notices, or other records maintained by SCHP.

6. Appellant requests that the Court set a reasonable deadline for production (for example,

within fourteen (14) days), or such other timeframe as the Court deems appropriate.

WHEREFORE, Appellant respectfully requests that this Court:

1) Order SCHP, Troop 4, to preserve immediately all records and evidence described above

relating to Citation No. 20252351259324 and the underlying stop;

2) Order SCHP, Troop 4, to produce the records and evidence described above within a

reasonable time set by the Court (e.g., 14 days); and

3) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Yehonatan Kapach
13929 Daltrey Ln
Charlotte, NC 28277
Phone: 980-422-2322
Email: info@edna.news

Date: 3/3/2026

CERTIFICATE OF SERVICE

I certify that I served a copy of this Emergency Motion to Compel Disclosure and Preservation of Evidence upon South Carolina Highway Patrol (SCHP), Troop 4, on this date by:

[X] Email to: troop4@scdps.gov
and/or

[] U.S. Mail / Certified Mail to:
South Carolina Highway Patrol - Troop 4
Rock Hill BTC
454 S. Anderson Rd, BTC 523
Rock Hill, SC 29730

Yehonatan Kapach

Date: 3/3/2026

PROPOSED EXHIBITS (optional)

Exhibit 1 - Filed Notice of Appeal / proof of pending appeal (Case No. 2025CP4604727)

Exhibit 2 - Copy of Citation / Uniform Traffic Ticket (Citation No. 20252351259324)

Exhibit 3 - NC DMV Notice (if relevant to urgency)

Exhibit B-6

Notice of Appeal to SC Court of Appeals (March 17, 2026)

IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA

State of South Carolina,
Respondent,

v.

Yehonatan Kapach,
Appellant.

From the Court of Common Pleas
Sixteenth Judicial Circuit
York County

Case No.: 2025CP4604727
Magistrate Citation No.: 20252351259324

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Appellant, Yehonatan Kapach, hereby appeals to the South Carolina Court of Appeals from the Order/Judgment of the Court of Common Pleas for York

County, which was electronically filed on March 6, 2026, affirming the judgment of the Magistrate's Court.

This Notice of Appeal is filed promptly upon Appellant's actual receipt of written notice of the entry of judgment. Appellant did not receive timely notice of the entry of the Order and only became aware of its existence upon recent communication with court personnel.

To the extent necessary, Appellant reserves the right to seek relief regarding delayed notice and any resulting impact on appellate deadlines.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Yehonatan Kapach', written over a horizontal line.

Yehonatan Kapach (Pro Se)

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@edna.news

Date: 3/17/2026

CERTIFICATE OF SERVICE

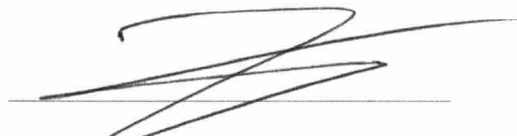
I hereby certify that a true and correct copy of the foregoing Notice of Appeal was served on March 17, 2026, by email to:

Solicitor's Office – 16th Judicial Circuit
16th Circuit Solicitor's Office
206 South Main Street
York, SC 29745
USA

and to:

York County Clerk of Court
Attn: Donna Foster
1675 York Hwy
York, SC 29745
USA

Respectfully submitted,



Yehonatan Kapach

REQUEST FOR CONFIRMATION OF FILING

Appellant respectfully requests confirmation that this Notice of Appeal has been received, filed, and entered into the official docket.

Additionally, Appellant requests confirmation of the official date of entry of judgment for purposes of calculating appellate deadlines.

Respectfully,



Yehonatan Kapach

Exhibit B-7

Notice of Payment Under Protest (March 12, 2026)

**IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
YORK COUNTY, SOUTH CAROLINA
(APPELLATE DIVISION)**

Appellate Case No.: 2025CP4604727

Appeal from York/Bethesda Magistrate Court

Magistrate Citation/Case No.: 20252351259324

STATE OF SOUTH CAROLINA,

Respondent,

v.

YEHONATAN KAPACH,

Appellant.

_____ /

**NOTICE OF PAYMENT UNDER PROTEST
AND RESERVATION OF RIGHTS**

Appellant, Yehonatan Kapach, hereby gives notice to this Court that any payment made in connection with the fine, costs, or other monetary obligations arising from the above-referenced matter is made **under protest and under compulsion**, solely to prevent immediate and

irreparable harm, including but not limited to suspension of driving privileges and other administrative enforcement consequences.

This payment is made **only to mitigate coercive enforcement measures** and shall **not** be construed as:

1. An admission of guilt or liability;
2. Consent to the underlying judgment or its enforcement;
3. A waiver of Appellant's right to seek reconsideration, appellate relief, or further judicial review;
4. A withdrawal, abandonment, or forfeiture of any pending or future motions, petitions, appeals, or constitutional claims related to this matter.

Appellant expressly maintains and preserves all claims relating to violations of **due process**, including but not limited to the denial of a full and fair opportunity to be heard, denial of meaningful participation in the proceedings, denial of access to relevant materials necessary for defense, and other procedural irregularities raised or to be raised in connection with this matter.

Appellant further states that the handling of this matter raises grave concerns regarding the fairness and integrity of the proceedings, including the appearance that the prosecution and the court acted in a coordinated manner that prevented proper and impartial consideration of Appellant's claims and requests for relief.

Accordingly, any such payment is made solely to avoid immediate enforcement consequences and **shall not prejudice or impair** Appellant's right to pursue all available remedies against any and all persons or entities involved, to the fullest extent permitted by law.

All rights, claims, objections, and remedies under **South Carolina law, federal law, and the United States Constitution** are hereby **expressly reserved**.

Respectfully submitted,

Yehonatan Kapach

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@edna.news

Date: 3/12/2026

SECTION C: AUDIO RECORDINGS

Exhibits C-1 through C-2

(Audio files submitted separately — placeholder pages included)

Exhibit C-1

Magistrate Court Hearing Recording (October 16, 2025)

[AUDIO FILE — Cannot be embedded in PDF]

Original filename: Magistrate Court Hearing Recording (2025-10-16).wav

This audio recording is submitted separately
on physical media or via electronic filing.

Exhibit C-2

Clerk's Office Visit Recording (March 12, 2026)

[AUDIO FILE — Cannot be embedded in PDF]

Original filename: Clerks Office Visit Recording (2026-03-12).m4a

This audio recording is submitted separately
on physical media or via electronic filing.

SECTION D: TRANSCRIPTIONS

Exhibits D-1 through D-2

Exhibit D-1

Transcription of Magistrate Court Hearing (October 16, 2025)

עברית:

קובץ אודיו: Hearing 10-16-2025.wav

אורך: 01:34

דוברים: השופט סטובר, שוטר מה-Highway Patrol, קריין (Voiceover)

English:

Audio File: Hearing 10-16-2025.wav

Length: 01:34

Speakers: Judge Stover, Highway Patrol Trooper, Narrator (Voiceover)

פסקה 3

עברית:

[00:00] השופט סטובר: טוב, בוקר טוב. אני השופט סטובר, שופט מג'יסטרייט המשרת כאן במחוז יורק. זהו מועד דיון שנקבע ונרשם בלוח עבור השוטר [פאולר?] ממשטרת הכבישים של דרום קרוליינה (South Carolina Highway Patrol). שוטר, אנא הרים את יד ימין. האם אתה נשבע ומאשר שהעדות שאתה עומד למסור בבית משפט זה תהיה אמת, כל האמת ורק האמת, בעזרת האל?

English:

[00:00] Judge Stover: All right, good morning to you. I'm Judge Stover, Magistrate serving here in York County. This is a record scheduled court date for Trooper [Fowler?] with South Carolina Highway Patrol. Trooper, if you'll raise your right hand. Do you swear and affirm the testimony you're going to give in this court is the truth, the whole truth, and nothing but the truth, so help you God?

פסקה 4

עברית:

[00:20] השוטר: כן. העבירות הבאות אירעו במחוז יורק. אני או שצפיתי בכל מקרה באופן אישי או שחקרתי אותו, והגשתי את האישום המתאים, וניתן זימון שהודיע לנאשם על התאריך, השעה והמקום שבהם עליו להתייצב. בתיקי מהירות, אני קורא את המהירות באמצעות מכשיר רדאר מסוג Stalker המאושר/מוסמך שלנו, שהיה מכוון, מכויל ופעל כראוי.

English:

[00:20] Trooper: Yes. The following offenses occurred in York County. I either personally observed or investigated each case and made the appropriate charge, and a summons was issued that informed the defendant of the date, time, and location in which to appear. On speeding cases, I read our certified using Stalker radar that was tuned, calibrated, and operating properly.

פסקה 5

עברית:

[00:39] השופט סטובר: תודה רבה. זמן הדיון של השוטר היה בשעה 9:00 בבוקר. כעת השעה 11:12. לנאשמים היה מספיק זמן להיות בבית המשפט הבוקר.

English:

[00:39] Judge Stover: Thank you very much. Trooper's court time was at 9:00 AM. It is now 11:12 AM. Defendants had ample time to be in court this morning.

פסקה 6

עברית:

[00:48] הקריין (Voiceover): ההקלטה הקודמת הייתה קטע ממועד הדיון ביום 16 באוקטובר, שמציין את התאריך והשעה של מועד הדיון של השוטר, ואת השעה שבה התחיל המשפט בהיעדר (trial in absence). הקטע האחרון שתשמעו הוא העדות בשבועה ביחס לעבירה של הנאשם.

English:

[00:48] Narrator (Voiceover): The previous recording was a clip from the court date on October the 16th, indicating the date and time of the Trooper's court date and the time that the trial in absences began. The last excerpt you are going to hear is the sworn testimony for the defendant's charge.

פסקה 7

עברית:

[01:13] השופט סטובר: 2025-235-1259-324. מדינת דרום קרוליינה נגד... [מתקשה בהגייה] "יאנותן קאפאך"? הנאשם מואשם ב"סיכון אנשי שירותי חירום".

English:

[01:13] Judge Stover: 2025-235-1259-324. State versus... [struggling with pronunciation] Yanothern Kapach? The defendant's been charged with Endangering Emergency Services Personnel.

פסקה 8

עברית:

[01:28] השוטף: קאפאך. "סיכון אנשי שירותי חירום".

English:

[01:28] Trooper: Kapach. Endangering Emergency Service Personnel.

פסקה 9

עברית:

[01:30] השופט סטובר: זה גם "חוק מעבר נתיב" (Move Over law), נכון?

English:

[01:30] Judge Stover: Which is also the move over law, right?

פסקה 10

עברית:

[01:32] השוטר: כן.

English:

[01:32] Trooper: Yes.

פסקה 11

עברית:

[01:33] השופט סטובר: אז הנאשם לא עבר נתיב (לא "זז לצד")?

English:

[01:33] Judge Stover: So the defendant failed to move over?

פסקה 12

עברית:

[01:34] השוטר: כן.

English:

[01:34] Trooper: Yes.

פסקה 13

עברית:

[01:35] השופט סטובר: על בסיס העדות, בית המשפט קובע שהנאשם אשם. 1,062.50 דולר.

English:

[01:35] Judge Stover: Based on testimony, court finds the defendant guilty. \$1,062.50.

Exhibit D-2

Transcription of Clerk's Office Visit (March 12, 2026)

Exhibit D-2: D-2 Transcription of Clerks Office Visit (2026-03-12)

TRANSCRIPTION - Clerk's Office Visit, March 12, 2026

Location: York County Moss Justice Center, 1675 York Hwy, York, SC 29745

Duration: ~39 minutes

Recorded by: Yehonatan Kapach

Key Persons:

- Donna Foster - Associate Deputy Clerk, Common Pleas
- Jeff - Assistant Manager (identity TBD)
- Unnamed payment window clerk

=== FULL TRANSCRIPTION ===

Today is March 12th, 2026. Time, 1032. And I am in court, Deping Court. Hi. Mary forgot to print this paperwork for her this morning for Griffith. Okay. Thank you. I'm sorry. Thank you. Come on, just a second. Um, I don't think What? And your birthday? That shirt They have one second I. Your. Yeah, they're right here. Okay. Do you want to submit that into your case? Yeah, I need the... This is how you do that. Can you tell me what to do, because... Those are instructions. Yeah, but it's in English. You can't... It's very hard for me. You know what? I can take a picture and... Yeah, well, you can take a picture, you can actually take it with you. We still trying to get over... No, I need to take a picture and ask someone to translate it for me. I need someone to translate it for me.. I have killing down., Adam, how are you? No, you're not. I mean, honestly, honestly, I don't know. I was feeling worried about it at home. Okay, so it's nothing to do with my needs. I need the recording. When I have a hearing, the cult recalls my hearing. So, a transcript of the hearing you have. Not transcript. I need the record, not the hearing. They don't record it. On higher court, we have court reporters defending transcripts. No one recorded this hearing? It was done through the virtual courtroom, I'm assuming? It was the record. I was asking... They recorded, so I want the record. But it's not a recording, it's a typed transcript. No one will record it, no one kept it. They don't have a video of it. So probably they didn't mention that... They didn't like it out in words. So why they ask me to shut down my phone? Probably because you're not supposed to have one in the courtroom. Yeah, but I want to record everything to protect myself. But, I mean, the court orders over there... So what is the trans? Why I need to pay for the transcript? So much money if they already made it? Uh, I don't know, that's... I spoke with a lady. I spoke with some lady over the phone, and then she gave me another... email, then I contact this number, they asked me for the transcript. I said, I don't need the script, the transcript. I need the record. Because on the record, anyone can hear that I don't understand, I don't understand, I don't understand. Where is my interpreter? You did that for one. Had you...? Did you ask for one prior to the hearing? Thanks God to be have it black and white. Sorry? I have it black and white on the paper. That you requested? Of course. For office, you require... prior to the hearing...? You contacted our office and said you needed... In my application in my appeal, I did it. And I told the judge, and ignores me. I really don't have any expectation. I just need the record. That is it. You'll have to contact court administration to get a copy of the... I am trying. Nobody is replying. I need every time I need to come here. I've really emailed it. The liens are... So, I'm shaking that. I do that. Um... What's your name about judge? And he may, uh, play her reschedule. I didn't think to look through it. Do you have a, uh... Did you

submit the request for an interpreter? The form... I request emotion, with everything in the insight. Yeah, but there's a form that you have to fill out that we have to submit to court administration. I don't know anything about it from nobody. Nobody told me that they need to fight for them. We can't, we can't give you, uh... Can't it swamp? Tell you how to do it? Because you can do whatever you want, but you choose not to. That's the reality, like, I'm trying to ask for what you process, and no one wants to give me due process, so... And I'm going and I'm going to get it, if not from here, from the Supreme Court, if not from the Supreme Court, the Supreme Court of the United States. But for me, it's all the way to the end. I'm not going to give up. I'm not asking you to give up. Yeah. But we have to... I asked for the document, I asked for all the information, all the evidence against me. I got zero, nothing. I got only... Who did you ask? What? The code. Do we need less?. Yeah, I... He didn't contact me, 'cause I would have been... I contact the judge. Yes, Judge Oliver. I asked for all the information, everything, but... it's looked like we are all together, but police, the prosecution, and I'm the enemy. Well, that should have been done prior to the, what was the hearing for? The he? Okay, Is there a notice? Is there a C return there? I'm not dead anymore. I am the public. I have rights. I'm not saying no. Yeah, but I'm not getting my rights, even for due process, which is very simple. I didn't get anything. Are you gonna let me Let me talk. I'm... There was receipt of return, that was mailed to you, instructs you, if you want copies of everything that we received from the magistrate's office to contact me. And I will get you that information. You sent me... by e mail? No. Uh... It was nailed. Hold I'll print. Mm hmm. Okay. All right. That was filled out you, and it tells you if you want copies of what was submitted with the magistrate's return. I haven't bought it. First time. It was in the mail, and it wasn't... We didn't get returned. It didn't get returned back to us. I know. We have no way of knowing... I believe you, it's not your fault. Something maybe happened with the male. But I haven't got it. This is the first time to see it. So that memo that she gave you... You got one? This one here? Yeah, it's nothing to do with it. Yeah, it is. That, if you still want copies of that information, the, uh... the number two section here, this section here. tells you what to do to contact me, and I can send you that... I can contact you by email, but this email? Yes. And we should have been here, too, as well. So... And, uh, notice we've been emailed, but my receipt returned. So what about the voice recording? Those have to be submitted the same way. For security... And then, and then they will... What is security? Not saying that you are, but... No, no, I'm saying there's no dangerous to give you. If we have some kind of bug or corruption on it, and we plug it into our laptops, it crashes the county's network. Okay. So, IT smacks us on the wrist when we do that... So what we can do? We can come up with this process here. And then they send it through my email? Yeah, you'll... So the record exists. Yes, I have it. Everything that the night... I cannot apply now with the paper. Sorry. I cannot apply now. You give me a paper or just apply it. I have to send it to you in a link. Okay. So, I'm going to use this email to contact your YCCOCC circuit. Yes, sir. Okay. And what about the, uh, I apply for... Having all the evidence against me from the police, but the judge also ignored me. It doesn't give anything yet. Yeah, I don't have anything as far unless the, unless what the police have was submitted during the magistrates hearing. They submitted nothing. Zero. Okay, so maybe can't have you asked the police? Why to bother with the evidence? Yeah, all I have is... It's not your fault. It's not your fault. It's not your fault, I know. It's not your fault. But I'm still needs the evidence against him. So, about the evidence, I need the judge to give a decision. You can say denied. Okay. I don't care. No, he dismissed the case. Actually, I need him to say, it's nothing to do, even if he dismissed the case, I'm still eligible to get the evidence against me. I know there is nothing, okay? This is why I'm asking for it. The police that stop me is not the best cup that I ever saw. have to eat your request. I can give you the here. If I wasn't be a foreigner with an accent, maybe I didn't have a ticket. Oh. Um, S T E, P H, A N I... So from my point of view, the judge can say denied. I don't I'm not going to give it to you. I'm jumping over and over, and then I get it. If not, from the front row, from Toya, from Supreme Court, but somehow I'm going to get the information. To prove that I'm innocent. Have you talked, I don't know what... Was it a CD police officer or a county police? Two before, I don't know. Stay true. True. State trooper? I think so. That's what the, uh... The mail is true full, so this is why... I don't know what is different. Camera actually...

What? What? You're an under return letter? Um, or your receiver? He's right near this window right It looks nice. I wouldn't put his email it up to the email address.. Good, how are you? So great. Just have a motion please. Okay. I'll be right. Does that then go directly to the, uh...? Retrooper, it goes to... I sent it to her. Foya request. They told me, gave us money. I said, No, I'm not going to give you money, because this is my case. And since then, they just ignored me. All right. I'm gonna hand you the back and develop the motion co. Do you have a copy of your. Were you given a ticket? I that for you Well, you give it a ticket, but they pulled you over, and you want me to Here, pick one. For what? Were you given a ticket when they pulled the place up to? they arranged you. What you need? No, that's too much nicer. Were you given a ticket or did they...? They gave me tickets. That would return. out. Okay, we're gonna pre in a coffee of the magistrate's return, and it's got some paper documents behind it, but the digital stuff that was sent, I guess, the recording of the magistrate's hearing. I got it. The recorder, the recording from The Majesty code. I got it. Okay, yeah, I'm... I need a pill code recording. I'm sorry. I need the appeal code recording. Okay. Now, we don't record voice wise, so let me... So how can I prove that I ask the judge to give me the interpreter? And probably, it's not on the transcript. Probably it's nothing that's for asking because it's not going to work well. I am to request a transcript. Uh, a transcript? It may mean the MDR, or the... I don't think I have it on here. What is this? That's a copy of the return that the magistrate submitted. Now, that does not include whatever recording that they sent. So this is, like, the copy of all my case? That's what the magistrate sent in. along with... Okay, Dementia, sir. Okay. Okay. Let me go to my desk and see if I can get that form for the, uh, French script. Okay, here. All set? All set. All right, many copies of each. Oh, it's fine.. N. How can I sense here, if I need more information? How can I send it by email? We're getting you a form so you can fill it out and send it to where you need to send it to get more information. Uh, Internet's in and out. For you. How's it going? I just just found that. See, good pockets or buy all that stuff for me. Um, just give me one, and I'll email, so I'll say, yeah. All right, here's your copies, and I'm gonna give yours review Okay. Perfect. Thank you. I appreciate it. Okay. You too. Okay. This is the form that you need to... complete an email, send to that email address there, highlighted. This is. That's one, transcript at S e code.org, okay? And this is the email that we have for the trooper. If you want to email him to see if they'll send you copies of whatever they have. They refuse. They ask me to pay them money. They asked me to pay them money. Are there copies? Yeah. I mean, technically, we're supposed to charge for copies, too, but, um, and then this is the name of the digital court reporter. I spoke with you. That you had that day. Yeah. I remember because of the name love. So I need to fill it out, scan it, and send it by email. Yes, sir. Okay, I think there is a website doing it. Can do it through the website. And then I'm going to get only paper. And then you're gonna what? I sorry. I'm going to get the transcript by paper, not by voice recording. Yeah, it'll be tight. It'll be tight. Okay, I want anyway to send this code. I don't know how to call it. Maybe it's emotion for having this video. I believe there is a video exist. I want it. And then again, out of it. So if it's not exist, I need someone to write, it's not exist. If it exists and someone wants to tell me, it doesn't exist, it's okay, but I need... to go on the right path. And even included in what... They told me that our coding. that I have. I don't know, I haven't I didn't look at it, so I don't know what... They told me the guy, I think he's a god. When I got inside, he told me that I need to shut down my phone. I told him that I need it, because my English is not good, and I need to take notes, and he told me, No, you can't. And then I asked him, I need to record, is now we recording everything, so... Yeah, and that's true. Phones are not allowed without any courtrooms, without prior authorization from the judge. Con is... is a weapon. Thank you so much, Jeff. Because I can prove many things if I can record. This is why I prefer to use record. For order of Supreme Court, that phones aren't allowed in the courtroom... And let's be authorized by. Just testified about the court. Sorry? It's testified about the court. People who have played from recording, they have something tonight. Because technically, you have here cameras, you have cameras everywhere. But in court, no cameras. It makes no sense. They're not... I know. So this is why I know that everything is recorded. But we don't. The recordings from the cameras don't have audio. This is why I said, I know that someone has... People need to hide things, and I'm now the victim, and I'm going to fight it. I'm not

going to give up. Okay. If you file another motion that requires a hearing, this is a request for an interpreter. This form needs to be filled out and submitted to our scheduling coordinator. How can I send it? Like, why, what type of... You can bring it in here or you can email it to her. To where? I'm coming here so many times. It's like one hour drive. You are Lindsey? No, that's our scheduling coordinator. My name's Don Foster. Okay. one already. So I need to send it to Lindsay, Will, Will. Lindsay Wild, yeah. Why? Okay. That's it? No, my old hands are mixed up. Oh. That's my car. Donna, and you have the manager here? I'm sorry. Are you the manager? The assistant manager. The manager's not here today. Okay. Thank you. Yes, sir. Hey. I'm here to pay the ransom. The what? The ransom? Your ticket? Okay. I call it ransom. You have to take it with me. Uh, I have a copy of it. Okay, going down to that very first window, she'll help you. Thank you. Hey. Here to pay the ransom. A ransom? Yeah. Okay. It's a kind of extortion. I don't feel good with this, um... thing, but... I'm not going to lose my license, because... no one wants to hear me, so... Looking for the tickets. Okay. What do you need, exactly? Use the magnifier so I can read it. It's so small. What we are looking for? Like you'll just let me write down that number right there. I'll take you. Oh, tickets. Okay. It's not on the bottom. Yep. 202? Mm hmm. Five, two, three. Five, one, two, five, nine, 32, four. Perfect. What was that? Even about that next one, okay? Yeah.. Can I go, use card or cash? Call it. Card. Okay. \$1,06250. That might be another one. Do have a choice? Nope. Sorry. Is there any way that I could get proof to take to the DMV where it's been? Something they'll accept? Thank you. I've already been up rough in North Carolina, and this has been a nightmare. I've been going two three years trying to get my license straight. My last day to pay is the 15th, right? Oh, I don't know. That would be up to the DMV. Okay. Where are you licensed at? North Carolina. Okay. I'll have to pin them something that says that. Yeah, thank you. Are you a smacker or? Yeah, I paid because I have no choice, but I'm going to appeal it. Okay. Thank you. There you go. Thank you. So fast. Amazing. Yeah. Thank you. Thank you. You have a good day. You, too. Be careful, it's nasty outside. Uh huh. I'm with. Oh, I was drenched when I came in. Like you. I came in late, and I had to park on the park upstairs, and it went up there. Okay. 11 p.m.

=== KEY EXCERPTS FOR LEGAL USE ===

1. INTERPRETER REQUEST DENIED / COURT DIDN'T INFORM OF FORM:

Kapach: "Where is my interpreter? You didn't ask for one."

Clerk: "Had you asked for one prior to the hearing?"

Kapach: "Thanks God we have it black and white. I have it black and white on the paper."

Kapach: "In my application, in my appeal, I did it. And I told the judge, and he ignores me."

Clerk: "There's a form that you have to fill out that we have to submit to court administration."

Kapach: "I don't know anything about it. Nobody told me that I need to file a form."

2. COURT DOES NOT RECORD HEARINGS:

Jeff: "We don't record voice-wise."

Kapach: "So how can I prove that I asked the judge to give me the interpreter?"

3. PHONE PROHIBITED IN COURTROOM:

Kapach: "I told him that I need it, because my English is not good, and I need to take notes, and he told me, No, you can't."

Jeff: "Phones are not allowed in any courtrooms without prior authorization from the judge."

4. EVIDENCE DENIED:

Kapach: "I asked for all the information, all the evidence against me. I got zero, nothing."

Kapach: "FOIA request. They told me, give us money. I said, No, I'm not going to give you money, because this is my case. And since then, they just ignored me."

5. PAYMENT UNDER DURESS:

Kapach: "I'm here to pay the ransom."

Clerk: "The ransom?"

Kapach: "It's a kind of extortion. I don't feel good with this... but I'm not going to lose my license because no one wants to hear me."

Kapach: "I paid because I have no choice, but I'm going to appeal it."

6. SYSTEMIC COMPLAINT:

Kapach: "It looked like we are all together - the police, the prosecution - and I'm the enemy."

Kapach: "If I wasn't a foreigner with an accent, maybe I didn't have a ticket."

SECTION E: FOIA REQUESTS AND CORRESPONDENCE

Exhibits E-1 through E-5

Exhibit E-2

FOIA Request to SCHP Troop 4 (December 13, 2025)

Exhibit E-1

FOIA Request to York County (December 7, 2025)

Yehonatan Kapach
13929 Daltrey Ln
Charlotte, NC 28277
Phone: 980-422-2322
Email: info@edna.news

12/7/2025

Amy Craig, Municipal Clerk of York
10 N. Roosevelt Street, York, SC 29745

Re: South Carolina Freedom of Information Act Request
Citation No. 20252351259324 – Officer Brantley J. Fowler

To the Records Officer:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq., I respectfully request access to and copies of all records related to the traffic stop and court appearance involving Citation No. 20252351259324, issued to me, Yehonatan Kapach, on or about September 15, 2025, by Officer Brantley J. Fowler.

Specifically, I request:

1. All incident reports, supplemental reports, field notes, and related writings prepared by Officer Fowler or any other officer regarding this stop or citation.
2. Any and all audio or video recordings related to this incident, including:

- Dash camera recordings;
- Body-worn camera recordings;
- In-car video or audio systems;
- Any other device or system that captured the stop or interaction.

3. Any Computer-Aided Dispatch (CAD) logs, radio logs, call logs, or similar records relating to the stop on or about September 15, 2025, including times of call assignment, arrival, stop, and clearance.

4. Any documents, emails, or records relating to Officer Fowler's scheduled court appearance(s) in connection with this citation, including:

- Subpoenas or notices to appear,
- Court-appearance logs or sign-in sheets,
- Internal scheduling records for October 16, 2025.

5. Any duty or shift records for Officer Fowler on:

- September 15, 2025 (the date of the traffic stop), and
- October 16, 2025 (the date on which the Magistrate Court's order states that the officer allegedly gave sworn testimony in my case).

If any responsive records have been deleted, overwritten, or otherwise destroyed, please identify:

- What was destroyed,
- On what date,
- Under what retention policy or justification.

I am willing to pay reasonable fees for searching and copying these records. If the total will exceed \$50, please provide a cost estimate before processing my request.

If any part of this request is denied, please provide a written explanation stating the legal basis for the denial and describing the records being withheld.

Please send the records electronically, if possible, to ****info@edna.news****, or by mail to the address listed above.

Thank you for your assistance.

Sincerely,



Yehonatan Kapach

Yehonatan Kapach
13929 Daltrey Ln
Charlotte, NC 28277
Phone: 980-422-2322
Email: info@edna.news

12/7/2025

Amy Craig, Municipal Clerk of York
10 N. Roosevelt Street, York, SC 29745

Re: South Carolina FOIA Request – County Budget and Traffic Fine Revenue

To the Records Officer:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq., I respectfully request access to and copies of the following records for York County:

1. The County's adopted annual budget (or equivalent financial summary) for each of the past ten (10) fiscal years.
2. For each of the past ten (10) fiscal years, records showing total annual revenue collected by or on behalf of York County from:
 - a. Traffic fines,
 - b. Court costs, fees, and surcharges related to traffic and magistrate court cases,
 - c. Any allocations or transfers of such traffic-related revenue to York County's general fund or to any specific funds.

3. Any available reports or summaries that break down court-related revenues by court (including magistrate courts) for the same ten-year period.

Electronic copies (PDF, Excel, or similar) are preferred if available.

I am willing to pay reasonable fees for searching and copying. If the total estimated cost exceeds \$75, please inform me in advance.

If any portion of this request is denied, please provide a written response identifying the specific records being withheld and the legal basis for the denial.

Please send the requested records to ****info@edna.news**** if possible, or by mail to the address above.

Thank you for your attention to this request.

Sincerely,

Yehonatan Kapach

RE: FOIA / Records Officer South Carolina Highway Patrol, Troop 4 Rock Hill

From Brogdon, Karen <Karen.Brogdon@yorkcountysc.gov>

To info@ednakarnaval.com

Date Monday, December 15th, 2025 at 12:38 PM

York County does not maintain this information. you will need to contact the South Carolina Highway Patrol for the information you have requested.

If you have any questions, please let me know.



York County Government
Excellence through Professionalism

Karen Brogdon

Clerk to Council

County Manager's Office

Karen.Brogdon@yorkcountysc.gov

P: 803-628-3954

www.YorkCountyGov.com

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From: Edna Karnaval <info@ednakarnaval.com>

Sent: Saturday, December 13, 2025 3:33 PM

To: foia <foia@yorkcountysc.gov>

Subject: FOIA / Records Officer South Carolina Highway Patrol, Troop 4 Rock Hill

Yehonatan Kapach 13929 Daltrey Ln Charlotte, NC 28277 Phone: 980-422-2322 Email: info@edna.news
[12/13/2025] FOIA / Records Officer South Carolina Highway Patrol, Troop 4 Rock Hill BTC 454 S.
Anderson Rd, BTC 523 Rock Hill, SC 29730 Re: South Carolina Freedom of Information Act Request –
Records Concerning Trooper Brantley J. Fowler To the Records Officer: Pursuant to the South Carolina
Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq., I respectfully request access to and

copies of records concerning **Trooper Brantley J. Fowler** of the South Carolina Highway Patrol, Troop 4. This request is related to my own citation (Citation No. 20252351259324, issued on or about September 15, 2025), but is not limited to that specific incident. I am requesting the following categories of records for the period of the last **ten (10) years**, or for the entire duration of Trooper Fowler's employment with your agency, whichever is shorter:

- Citizen Complaints / External Complaints** Copies of any written citizen complaints, grievance forms, or other external complaints submitted by members of the public regarding Trooper Brantley J. Fowler, including:
 - Complaints related to traffic stops,
 - Allegations of dishonesty, misconduct, or unprofessional behavior,
 - Any correspondence acknowledging receipt of such complaints.
- Internal Affairs / Internal Investigations** Copies of any Internal Affairs or internal investigative files, reports, summaries, or findings in which Trooper Fowler was a subject or principal officer under investigation, including but not limited to:
 - Investigations arising out of citizen complaints,
 - Supervisory referrals,
 - Use-of-force reviews, if any,
 - Any findings of policy violations or exoneration.If full investigative files are considered exempt in whole or in part, please provide at least any **final summaries or disposition letters** indicating the outcome of the investigations (sustained / not sustained / exonerated / unfounded, etc.), with redaction of any information you deem exempt under FOIA.
- Disciplinary Records** Copies of any records reflecting:
 - Written reprimands,
 - Suspensions,
 - Demotions,
 - Loss of pay,
 - Mandatory counseling or retraining,
 - Any other formal disciplinary action taken with respect to Trooper Brantley J. Fowler.
- Performance / Corrective Action Related to Court Testimony or Truthfulness** Any documents, memoranda, or notices placed in Trooper Fowler's file that relate specifically to:
 - Concerns about the accuracy or truthfulness of his reports,
 - Issues arising from his court testimony in traffic or criminal cases,
 - Any corrective or remedial actions concerning his credibility as a witness.
- Training Records (Limited Scope)** A list or summary of training courses completed by Trooper Fowler that specifically relate to:
 - Traffic enforcement and emergency-vehicle right-of-way,
 - Procedures for traffic stops,
 - Report writing and courtroom testimony.If any of the requested records are withheld in whole or in part, please:
 - Identify the **specific records** being withheld or redacted;
 - Cite the **specific statutory exemptions** you rely on under the South Carolina Freedom of Information Act; and
 - Provide any reasonably segregable, non-exempt portions of the records.To the extent that any requested records have been deleted, destroyed, or are no longer retained, please indicate:
 - What categories of records are no longer available,
 - The date(s) and manner of destruction,
 - The applicable retention schedule or policy under which they were disposed of.I request that the records be provided in electronic form (PDF or similar) by email if possible. Please send your response and any records to: info@edna.news I am willing to pay reasonable fees for searching and copying these records. If the total cost is expected to exceed **\$75**, please provide a written estimate before proceeding so that I may confirm or narrow the request if necessary. Thank you for your attention to this request and for your timely response. Sincerely, _____ Yehonatan Kapach

לעתיד טוב יותר,

for a better future,

Sent from [Proton Mail](#) for iOS.

Exhibit E-3

Online FOIA Request (December 15, 2025)

Exhibit E-3: Email

From: "noreply@civicplus.com" <noreply@civicplus.com>

To: info@edna.news

Date: Mon, 15 Dec 2025 19:09:36 +0000

Subject: Online Form Submittal: Freedom of Information Act Request Application

--- Body ---

Exhibit E-4

Spoliation Warning (March 16, 2026)

Yehonatan Kapach
13929 Daltrey Ln
Charlotte, NC 28277
Phone: 980-422-2322
Email: info@edna.news

March 16, 2026

VIA EMAIL: troop4@scdps.gov
AND U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

FOIA / Records Officer
South Carolina Highway Patrol, Troop 4
Rock Hill BTC: 454 S. Anderson Rd, BTC 523
Rock Hill, SC 29730

Re: URGENT SPOILIATION WARNING / LITIGATION HOLD NOTICE

Citation No. 20252351259324 – Trooper Brantley J. Fowler
Pending Appeal: York County Court of Common Pleas, Case No. 2025CP4604727

To the Records Officer and Commanding Officer, SCHP Troop 4:

1. PURPOSE OF THIS LETTER

This letter constitutes a formal litigation hold notice and spoliation warning. You are hereby placed on notice of your legal obligation to immediately preserve all records and evidence relating to the traffic stop and citation referenced above. Failure to preserve such evidence may constitute spoliation and may result in adverse inference sanctions, disciplinary action, and/or civil liability.

2. BACKGROUND AND PRIOR REQUESTS

On September 15, 2025, Trooper Brantley J. Fowler issued Citation No. 20252351259324 to the undersigned for an alleged violation of “Endangering Emergency Services Personnel” (Move Over law, S.C. Code § 56-5-1538).

This matter is currently on appeal before the York County Court of Common Pleas under Case No. 2025CP4604727. The undersigned has made the following prior requests for records, none of which have been fulfilled:

- a.** December 7, 2025 – FOIA request sent to Amy Craig, Municipal Clerk of York, requesting all records including dashcam, bodycam, CAD logs, and duty records.
- b.** December 13, 2025 – FOIA request sent directly to SCHP Troop 4 requesting the same categories of records.
- c.** March 3, 2026 – Emergency Motion to Compel Disclosure and Preservation of Evidence filed with the Court of Common Pleas, requesting the Court to order SCHP to produce and preserve all records.

In response to the December 13, 2025 FOIA request, SCHP Troop 4 demanded payment but has not produced any records. Since that response, SCHP has ignored all further communications. No records of any kind have been produced to date.

3. RECORDS SUBJECT TO THIS LITIGATION HOLD

You are required to preserve immediately, and must not delete, overwrite, destroy, alter, or allow to be automatically purged, the following categories of records relating to the traffic stop on September 15, 2025 and/or Citation No. 20252351259324:

- a. Video / Audio Evidence:** All dashcam video and audio from Trooper Fowler's vehicle and any other SCHP vehicle(s) involved; all body-worn camera footage from Trooper Fowler and any other officer present; all in-car microphone or other audio recordings.
- b. Dispatch / CAD / Communications:** All CAD/dispatch logs (unit assignments, timestamps, locations); radio traffic logs and recordings; MDT/MDC (in-car computer) messages.
- c. Reports / Notes / Documents:** Incident report(s), narrative(s), field notes, supplemental reports, photos, diagrams, and any witness statements.
- d. Officer Identification:** Names and badge numbers of all officers/units present at the stop; any secondary/backup officer reports or logs.
- e. Court Appearance / Duty Records (October 16, 2025):** Records showing Trooper Fowler's duty status and any documentation confirming his appearance at York/Bethesda Magistrate Court on October 16, 2025, including court-appearance schedules, subpoenas, sign-in sheets, and shift logs.

4. URGENCY – RISK OF AUTOMATIC DELETION

The traffic stop occurred on September 15, 2025 – over six (6) months ago. It is well known that many law enforcement agencies maintain dashcam and body-worn camera footage for only 90 to 180 days before automatic deletion or overwriting. If SCHP's retention period for such recordings has already expired or is about to expire, **this evidence may be destroyed at any moment unless you act immediately.**

The undersigned has repeatedly requested these records since December 2025. SCHP's failure to respond, combined with the passage of time, creates a serious risk that critical evidence will be lost – or has already been lost – while this appeal is pending.

5. LEGAL CONSEQUENCES OF SPOILIATION

South Carolina courts recognize the doctrine of spoliation of evidence. Where a party has a duty to preserve evidence and fails to do so, the court may impose sanctions including:

- An adverse inference instruction – that the destroyed evidence was unfavorable to the party that destroyed it;
- Preclusion of testimony or evidence relating to the destroyed records;
- Monetary sanctions and fees;
- In extreme cases, dismissal or default judgment.

See, e.g., *Kershaw County Bd. of Ed. v. U.S. Gypsum Co.*, 302 S.C. 390 (1990); *Carlyle Towers Condo. Ass'n, Inc. v. Crossland Sav., FSB* (D.S.C. 1996). Federal courts apply similar principles. See *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583 (4th Cir. 2001).

Additionally, the intentional destruction of evidence in a pending legal matter may constitute obstruction of justice under South Carolina law.

6. DEMAND FOR IMMEDIATE WRITTEN CONFIRMATION

I demand that SCHP Troop 4 provide written confirmation within five (5) business days of receipt of this letter:

- a.** Confirming that a litigation hold has been implemented and all responsive records are being preserved;
- b.** Identifying what records exist and what records (if any) have already been deleted, destroyed, or overwritten, including the date of destruction and the retention policy under which destruction occurred;
- c.** Providing a timeline for production of the preserved records; and
- d.** If SCHP contends that fees apply, providing an itemized cost estimate.

7. NOTICE OF FURTHER ACTION

If I do not receive written confirmation of preservation within five (5) business days, I will:

- File a motion with the Court of Common Pleas seeking emergency sanctions for spoliation;
- File a formal complaint with the South Carolina Law Enforcement Division (SLED) and the South Carolina Inspector General;
- File a complaint with the U.S. Department of Justice, Civil Rights Division, regarding the systematic denial of evidence and due process to a Limited English Proficiency (LEP) individual; and
- Pursue all available legal remedies, including a civil action for spoliation of evidence.

This letter is sent without prejudice to any rights, claims, or remedies available to the undersigned, all of which are expressly reserved.

Respectfully submitted,

Yehonatan Kapach

13929 Daltrey Ln

Charlotte, NC 28277

Phone: 980-422-2322

Email: info@edna.news

Date: March 16, 2026

cc:

York County Court of Common Pleas – Case No. 2025CP4604727

Lindsay Wiley, Court Coordinator (lindsay.wiley@yorkcountysc.gov)

Donna Foster, Associate Deputy Clerk (donna.foster@yorkcountysc.gov)

Exhibit E-5a

Dalfonso Correspondence (December 15, 2025)

RE: A new Records Management Contact Form has been Submitted!

From info@edna.news <info@edna.news>
To Dalfonso, Liz<Liz.Dalfonso@yorkcountysc.gov>
Date Monday, December 15th, 2025 at 2:25 PM

Hi Ms. Dalfonso,

Thank you for the clarification.

I have already submitted my FOIA request directly to the County's FOIA office at foia@yorkcountygov.com.

Best regards,
Yehonatan Kapach

On Monday, December 15th, 2025 at 12:38 PM, Dalfonso, Liz <Liz.Dalfonso@yorkcountysc.gov> wrote:

Good afternoon.

The form you had filled out online was for the records management division at IT.

Unfortunately we do not have access to this information. Please use the link below to fill out a FOIA application.

[Form Center • Freedom of Information Act Request Application](#)

Thank you,

Liz.



York County Government
Excellence through Professionalism

Liz Dalfonso

Records Manager

Information Technology

Liz.Dalfonso@yorkcountysc.gov

P: 803-684-8541

www.YorkCountyGov.com

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From: Process Automation and Digital Services <noreply@civicplus.com>

Sent: Saturday, December 13, 2025 1:22 PM

To: Dalfonso, Liz <Liz.Dalfonso@yorkcountysc.gov>

Subject: A new Records Management Contact Form has been Submitted!

A new Submission has been Received!

Date Received: **12/13/2025 1:22 PM (EST)**

Name: **Yehonatan Kapach**

Email: **info@edna.news**

Reason for contact:

Yehonatan Kapach 13929 Daltrey Ln Charlotte, NC 28277 Phone: 980-422-2322

Email: info@edna.news 12/13/2025 Public Records / FOIA Officer York County

Government [Address of York County Government or Finance Department] York, SC

29745 Re: South Carolina FOIA Request – County Budget and Traffic Fine Revenue

To the Public Records Officer: Pursuant to the South Carolina Freedom of

Information Act, S.C. Code Ann. § 30-4-10 et seq., I respectfully request access to

and copies of the following records for York County: 1. The County's adopted annual budget (or equivalent financial summary) for each of the past ten (10) fiscal years. 2.

For each of the past ten (10) fiscal years, records showing the total annual revenue collected by or on behalf of York County from: a. Traffic fines, b. Court costs, fees,

and surcharges related to traffic and magistrate court cases, c. Any allocations or transfers of such traffic-related revenue to York County's general fund or to any specific funds. 3. Any available reports or summaries that break down court-related revenues by court (including magistrate courts) for the same ten-year period. Electronic copies (PDF, Excel, or similar) are preferred if available, and may be provided by email if convenient. I am willing to pay reasonable fees for searching and copying. If the total estimated cost exceeds \$75, please inform me in advance. If any portion of this request is denied, please provide a written response identifying the specific records being withheld and the legal basis for the denial. Please send the requested records to info@edna.news if possible, or by mail to the address above. Thank you for your attention to this request. Sincerely,

_____ Yehonatan Kapach

Exhibit E-5b

Dalfonso Correspondence Part 2

RE: A new Records Management Contact Form has been Submitted!

From info@edna.news <info@edna.news>
To Dalfonso, Liz<Liz.Dalfonso@yorkcountysc.gov>
Date Monday, December 15th, 2025 at 2:25 PM

Hi Ms. Dalfonso,

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Liz.



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Liz Dalfonso

Records Manager

Information Technology

Liz.Dalfonso@yorkcountysc.gov

P: 803-684-8541

www.YorkCountyGov.com

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From: Process Automation and Digital Services <noreply@civicplus.com>

Sent: Saturday, December 13, 2025 1:22 PM

To: Dalfonso, Liz <Liz.Dalfonso@yorkcountysc.gov>

Subject: A new Records Management Contact Form has been Submitted!

A new Submission has been Received!

Date Received: **12/13/2025 1:22 PM (EST)**

Name: **Yehonatan Kapach**

Email: **info@edna.news**

Reason for contact:

Yehonatan Kapach 13929 Daltrey Ln Charlotte, NC 28277 Phone: 980-422-2322

Email: info@edna.news 12/13/2025 Public Records / FOIA Officer York County

Government [Address of York County Government or Finance Department] York, SC

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_____ Yehonatan Kapach

59.52 KB

2 embedded images

Exhibit E-5c

Dalfonso Response (December 13, 2025)

RE: A new Records Management Contact Form has been Submitted!

From Dalfonso, Liz <Liz.Dalfonso@yorkcountysc.gov>
To info@edna.news
CC Dalfonso, Liz<Liz.Dalfonso@yorkcountysc.gov>
Date Monday, December 15th, 2025 at 12:38 PM

Good afternoon.

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Thank you,

Liz.



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Records Manager

Information Technology

Liz.Dalfonso@yorkcountysc.gov

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From: Process Automation and Digital Services <noreply@civicplus.com>

Sent: Saturday, December 13, 2025 1:22 PM

To: Dalfonso, Liz <Liz.Dalfonso@yorkcountysc.gov>

Subject: A new Records Management Contact Form has been Submitted!



A new Submission has been Received!

Date Received: **12/13/2025 1:22 PM (EST)**

Name: **Yehonatan Kapach**

Email: **info@edna.news**

Reason for contact:

**Yehonatan Kapach 13929 Daltrey Ln Charlotte, NC 28277 Phone: 980-422-2322
Email: info@edna.news 12/13/2025 Public Records / FOIA Officer York County
Government [Address of York County Government or Finance Department] York, SC
29745 Re: South Carolina FOIA Request – County Budget and Traffic Fine Revenue
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For each of the past ten (10) fiscal years, records showing the total annual revenue
collected by or on behalf of York County from: a. Traffic fines, b. Court costs, fees,
and surcharges related to traffic and magistrate court cases, c. Any allocations or
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specific funds. 3. Any available reports or summaries that break down court-related
revenues by court (including magistrate courts) for the same ten-year period.
Electronic copies (PDF, Excel, or similar) are preferred if available, and may be
provided by email if convenient. I am willing to pay reasonable fees for searching
and copying. If the total estimated cost exceeds \$75, please inform me in advance. If
any portion of this request is denied, please provide a written response identifying
the specific records being withheld and the legal basis for the denial. Please send
the requested records to info@edna.news if possible, or by mail to the address**

above. Thank you for your attention to this request. Sincerely,

Yehonatan Kapach



59.52 KB 2 embedded images

SECTION F: DMV AND LICENSE SUSPENSION

Exhibits F-1 through F-2

Exhibit F-1

NC DMV Notice of Indefinite Suspension (January 22, 2026)



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

NC DIVISION OF MOTOR VEHICLES

3118 MAIL SERVICE CNTR RALEIGH, N.C. 27699-3118

(919) 715-7000

01/14/2026

JOSH STEIN
GOVERNOR

DANIEL H. JOHNSON
SECRETARY

YEHONATAN KAPACH
13929 DALTREY LN
CHARLOTTE NC 28277-2300

OFFICIAL NOTICE

CUSTOMER NO. 000045051246

EFFECTIVE 12:01 A.M., 03/15/2026, YOUR NC DRIVING PRIVILEGE IS SCHEDULED FOR AN INDEFINITE SUSPENSION IN ACCORDANCE WITH GENERAL STATUTE 20-4.20 FOR FAIL TO COMPLY WITH OUT-OF-STATE CITATION AS FOLLOWS:

VIOLATION DATE:	2025-09-15
CITATION NO.	3320
COURT/STATE:	DMVSC-MOTOR VEHICLE DIVIS SC
COURT TELEPHONE NO.	(803)896-5000

IF YOU DO NOT COMPLY WITH THE CITATION PRIOR TO THE EFFECTIVE DATE OF THIS ORDER, YOU WILL HAVE TO MAIL ALL NORTH CAROLINA DRIVER LICENSES IN YOUR POSSESSION TO THIS DIVISION. FAILURE TO RETURN YOUR DRIVER LICENSES WILL RESULT IN AN ADDITIONAL \$50.00 SERVICE FEE.

IN ORDER TO TERMINATE THE SUSPENSION, ORIGINAL DOCUMENTATION FROM THE COURT INDICATING COMPLIANCE HAS TO BE PRESENTED TO EITHER A NORTH CAROLINA DRIVER LICENSE OFFICE OR MAILED TO THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

IF THE COMPLIANCE DATE IS ON OR AFTER THE EFFECTIVE DATE OF THIS ORDER, A RESTORATION FEE OF \$83.50 AND APPROPRIATE LICENSE FEES WILL BE NEEDED UPON REINSTATEMENT.

THIS ORDER IS IN ADDITION TO AND DOES NOT SUPERSEDE ANY PRIOR ORDER ISSUED BY THE DMV. IF ADDITIONAL INFORMATION CONCERNING THIS ORDER IS NEEDED, PLEASE CONTACT A REPRESENTATIVE OF THE DIVISION AT (919)715-7000.

DIRECTOR OF CUSTOMER COMPLIANCE SERVICES

Exhibit F-2

DMV Stay Motion Confirmation

Subject: Request to Place Hold / Delay on Proposed Suspension – Pending South Carolina Appeal

Customer No.: 000045051246

To: North Carolina DMV – Driver License / Customer Compliance Services

Dear Sir or Madam,

My name is Yehonatan Kapach (Customer No. 000045051246). I received an NC DMV “Official Notice” dated 01/14/2026 stating that my North Carolina driving privilege is scheduled for an indefinite suspension effective 12:01 a.m. on 03/15/2026 for alleged failure to comply with an out-of-state South Carolina citation (violation date 09/15/2025; Section/Citation 3320; associated with York/Bethesda Magistrate Court / York County, SC).

I respectfully notify NC DMV that the underlying South Carolina matter is currently under appeal in the York County Court of Common Pleas (South Carolina), Case No. 2025CP4604727, appealing the Magistrate Court disposition in Citation/Case No. 20252351259324.

Additionally, on [DATE], I filed an Emergency Motion to Stay Enforcement / Stay All Proceedings Pending Appeal in the South Carolina appellate court, specifically requesting that enforcement and any reporting/action that may trigger DMV consequences be stayed while the appeal is pending.

REQUEST

- 1) Please place a temporary hold / delay on the proposed suspension until the South Carolina appeal and/or the pending stay motion is ruled upon.
- 2) Please confirm in writing what specific documentation NC DMV requires to prevent the suspension from taking effect (e.g., a court order granting a stay, a compliance letter from the South Carolina court, or other official documentation).

3) If NC DMV requires a particular form of “original documentation” from the court, please identify exactly what must be included and where it must be sent.

Attached:

- Copy of the NC DMV Official Notice dated 01/14/2026
- Proof of the pending South Carolina appeal (Notice of Appeal / case information)
- Copy of the filed Emergency Motion to Stay (and any file-stamped cover page if available)

Thank you for your assistance.

Sincerely,

Yehonatan Kapach

13929 Daltrey Ln, Charlotte, NC 28277

info@edna.news | 980-422-2322

SECTION G: COURT COMMUNICATIONS AND SCHEDULING

Exhibits G-1 through G-3

Exhibit G-1

Scheduling Email — No Interpreter (February 13, 2026)

Motion "MOTAPP-Motion/Appeal" for Case "2025CP4604727-Yehonatan Kapach VS State Of South Carolina" was added to a Motions Roster for 3/3/2026 at 2:00 PM

From  Courtmail46_DoNotReply@sccourts.org

  Feb 13

To info@edna.news



An IN PERSON Motion Hearing has been scheduled for Tuesday, March 3, 2026 at 2:00 pm before Judge V. Dunbar at the Moss Justice Center, Courtroom F, located at 1675 York Hwy., York, SC 29745. Please e-mail Lindsay Wiley at lindsay.wiley@yorkcountysc.gov if there is a change in the status of your case or the hearing is no longer needed.

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

## **Exhibit G-2**

Contact Records — Clerk's Office (December 13, 2025)

---

Contact Records Management

Please enter your Name Yehonatan Kapach

Please enter your email address info@edna.news

Please provide a Phone Number to call back 9804222322

Please state the reason for contacting us Yehonatan Kapach  
13929 Daltrey Ln  
Charlotte, NC 28277  
Phone: 980-422-2322  
Email: info@edna.news

12/13/2025

Public Records / FOIA Officer  
York County Government  
[Address of York County Government or Finance Department]  
York, SC 29745

Re: South Carolina FOIA Request – County Budget and Traffic Fine Revenue

To the Public Records Officer:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq., I respectfully request access to and copies of the following records for York County:

1. The County's adopted annual budget (or equivalent financial summary) for each of the past ten (10) fiscal years.
2. For each of the past ten (10) fiscal years, records showing the total annual revenue collected by or on behalf of York County from:
  - a. Traffic fines,
  - b. Court costs, fees, and surcharges related to traffic and magistrate court cases,
  - c. Any allocations or transfers of such traffic-related revenue to York County's general fund or to any specific funds.
3. Any available reports or summaries that break down court-related revenues by court (including magistrate courts) for the same ten-year period.

Electronic copies (PDF, Excel, or similar) are preferred if available, and may be provided by email if convenient.

I am willing to pay reasonable fees for searching and copying. If the total estimated cost exceeds \$75, please inform me in advance.

If any portion of this request is denied, please provide a written response identifying the specific records being withheld and the legal basis for the denial.

Please send the requested records to info@edna.news if possible,

or by mail to the address above.

Thank you for your attention to this request.

Sincerely,

---

Yehonatan Kapach

---

## **Exhibit G-3**

Appeal Confirmation (December 8, 2025)

---

FILED-RECEIVED

2025 DEC -8 AM 8:32

2025CP4604727  
COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF York

ANGIE P. BRYANT  
C.C.P. 2-63  
YORK COUNTY, SC

20252351259324  
MAGISTRATE CRIMINAL CASE NUMBER

Yehonatan Kupach

APPELLANT(S)

IN THE COURT OF COMMON PLEAS

VS.

NOTICE OF CRIMINAL APPEAL

State of SC

RESPONDENT(S)

The plaintiff/defendant (circle one), Yehonatan Kupach hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of York.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 8 day of Dec, 2025.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

Vacate the in-absentia conviction and reopen  
the case so that I can have a full and fair  
hearing on the merits and present my defense

Date: 12/3/2025

Phone: 930-489-2322

Email: info@edna.news

Yehonatan Kupach  
Appellant (or his attorney)

Address: 1399A Daltrey Ln  
Charlotte NC 28277

## **SECTION H: TITLE VI COMPLAINT**

Exhibit H-1

## **Exhibit H-1**

DOJ Title VI Complaint (March 16, 2026)

---

**COMPLAINT UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964  
AND EXECUTIVE ORDER 13166**

**DENIAL OF LANGUAGE ACCESS / INTERPRETER SERVICES**

Filed with: U.S. Department of Justice, Civil Rights Division  
Federal Coordination and Compliance Section

---

**1. COMPLAINANT INFORMATION**

Name: Yehonatan Kapach  
Address: 13929 Daltrey Ln, Charlotte, NC 28277  
Phone: 980-422-2322  
Email: info@edna.news  
Primary Language: Hebrew (Limited English Proficiency)

**2. ENTITY COMPLAINED AGAINST**

**A. York County Court of Common Pleas (Sixteenth Judicial Circuit)**

1675 York Hwy, York, SC 29745  
Judge: The Honorable V. Dunbar

**B. York/Bethesda Magistrate Court**

1675-1D York Hwy, York, SC 29745  
Judge: The Honorable John C. Dover

**C. York County Clerk of Court, Common Pleas**

Donna Foster, Associate Deputy Clerk (donna.foster@yorkcountysc.gov, 803-684-8507)  
Lindsay Wiley, Court Coordinator (lindsay.wiley@yorkcountysc.gov, 803-684-8506)

**3. BASIS OF COMPLAINT**

This complaint is filed pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and Executive Order 13166 (“Improving Access to Services for Persons with Limited English Proficiency”), which require all recipients of federal financial assistance to take reasonable steps to provide meaningful access to their programs and activities for individuals with Limited English Proficiency (LEP).

The South Carolina Judicial Department receives federal financial assistance. Accordingly, all South Carolina courts, including the York County Court of Common Pleas and the York/Bethesda Magistrate Court, are subject to Title VI and Executive Order 13166.

**4. STATEMENT OF FACTS**

**A. The Underlying Case**

On September 15, 2025, Complainant received a traffic citation (Citation No. 20252351259324) for “Endangering Emergency Services Personnel” in York County, South Carolina. Complainant contested the citation. A court date was set for October 16, 2025, at the York/Bethesda Magistrate Court.

### **B. In-Absentia Conviction Without Interpreter**

Complainant failed to appear on October 16, 2025, due to illness and Jewish religious observances (Sukkot). The Magistrate Court conducted a proceeding in Complainant’s absence. The official court audio recording reveals that the entire “trial” of Complainant’s case lasted approximately 22 seconds. The judge asked the trooper, “So the defendant failed to move over?” The trooper answered, “Yes.” The judge immediately ruled: “Based on testimony, court finds the defendant guilty. \$1,062.50.” No case-specific factual testimony was presented. No interpreter was provided or offered at any stage.

### **C. Repeated Written Requests for an Interpreter**

Complainant filed a Motion to Vacate on November 23, 2025, which was denied on December 3, 2025. Complainant then filed a Notice of Appeal and Appellant’s Memorandum on December 7, 2025, in the York County Court of Common Pleas (Case No. 2025CP4604727).

**In every filing, Complainant explicitly requested a Hebrew interpreter.** The Motion to Vacate (Section 3.5) states: “Defendant’s native language is Hebrew, and although he is able to communicate in English in daily life, he does not fully understand legal terminology or complex court proceedings in English. In order to ensure meaningful participation... Defendant respectfully requests that a Hebrew interpreter be provided at any future hearing.”

The Notice of Appeal and Memorandum reiterate this request. These filings are part of the court record.

### **D. Appeal Hearing on March 3, 2026 – No Interpreter Provided**

An in-person Motion Hearing was scheduled for March 3, 2026, before Judge V. Dunbar at the Moss Justice Center, Courtroom F, 1675 York Hwy, York, SC 29745.

**Despite Complainant’s repeated written requests for a Hebrew interpreter, no interpreter was provided at this hearing.**

During the hearing, Complainant told the judge that he does not understand and needs an interpreter. **The judge ignored these statements and proceeded with the hearing.** Complainant was unable to meaningfully participate in or understand the proceedings conducted in legal English.

### **E. Court Staff Never Informed Complainant of Interpreter Request Form**

On March 12, 2026, Complainant visited the Clerk’s Office at the Moss Justice Center. Complainant recorded this visit (audio recording available). During this visit, the following exchange occurred:

*“Where is my interpreter? You didn’t ask for one.”*

*“Really? Had you asked for one prior to the hearing?”*

*“Thanks God we have it black and white. I have it black and white on the paper.”*

*“In my application, in my appeal, I did it. And I told the judge and he ignores me.”*

The clerk (Donna Foster) then informed Complainant that there is a separate “form” that must be submitted for an interpreter. Complainant responded: *“I don’t know anything about it. Nobody told me that I need to file a form.”*

This confirms that the court system failed to inform Complainant of its interpreter request procedures, despite his repeated written requests in court filings that are part of the official record.

#### **F. No Recording of Appeal Hearing / Refusal to Provide Transcript**

During the same March 12, 2026 visit, the clerk informed Complainant that the Court of Common Pleas **does not make audio recordings of hearings** (“We don’t record voice-wise”). The only record is through a court reporter. Complainant has not received the judge’s written decision from the March 3 hearing as of March 16, 2026 – thirteen days after the hearing.

#### **G. Complainant Was Prohibited from Using His Phone in Court**

Upon entering the courtroom for the March 3, 2026 hearing, a court officer told Complainant to shut down his phone. Complainant explained that his English is limited and he needs the phone to take notes and translate. The officer refused. This further impeded Complainant’s ability to participate meaningfully in the proceeding.

#### **H. Payment Under Duress**

On March 12, 2026, Complainant paid the \$1,062.50 fine under protest, solely to prevent the indefinite suspension of his North Carolina driver’s license (effective March 15, 2026). A “Notice of Payment Under Protest and Reservation of Rights” was filed with the court.

### **5. VIOLATIONS**

The actions described above violate:

**a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d** – Discrimination on the basis of national origin by a recipient of federal financial assistance. The denial of interpreter services to an LEP individual effectively denies meaningful access to court proceedings.

**b. Executive Order 13166** – Requires federal financial assistance recipients to take reasonable steps to ensure meaningful access for LEP persons. The court took no steps whatsoever.

**c. DOJ Guidance on Language Access** – The Department of Justice has issued specific guidance requiring state courts to provide competent interpreter services to LEP individuals. The courts here did not provide, offer, or arrange any interpreter services despite explicit written requests.

**d. Due Process – Fourteenth Amendment** – Conducting a legal proceeding and entering a judgment against an LEP individual without an interpreter denies the fundamental right to a meaningful opportunity to be heard.

## **6. PATTERN OF CONDUCT**

This is not an isolated oversight. The facts demonstrate a systematic pattern:

- The Magistrate Court convicted Complainant in absentia in a 22-second proceeding with no meaningful evidence.
- The Magistrate Court denied the Motion to Vacate despite documented excusable neglect.
- The Court of Common Pleas scheduled an appeal hearing without an interpreter despite written requests in the court file.
- The judge ignored Complainant's oral statement that he does not understand.
- Court staff never informed Complainant of interpreter request procedures.
- Court staff refused to provide the recording/transcript of the appeal hearing.
- The prosecution (SCHP) has refused to provide any evidence (dashcam, bodycam, reports) despite multiple FOIA requests and a filed Motion to Compel.
- Complainant was forced to pay \$1,062.50 under duress to avoid license suspension while his appeal was pending.

## **7. EVIDENCE AVAILABLE**

- All court filings containing interpreter requests (Motion to Vacate, Notice of Appeal, Appellant's Memorandum)
- Official audio recording of the October 16, 2025 Magistrate Court proceeding (22-second "trial")
- Audio recording of March 12, 2026 visit to Clerk's Office (38 minutes, documenting refusal and admissions)
- Court email scheduling the March 3, 2026 hearing (no mention of interpreter)
- Business cards of Donna Foster and Lindsay Wiley
- Notice of Payment Under Protest dated March 12, 2026
- NC DMV Official Notice of indefinite suspension
- All FOIA requests and responses (or lack thereof)

## **8. RELIEF REQUESTED**

Complainant respectfully requests that the Department of Justice:

- a. Investigate the York County Court of Common Pleas, the York/Bethesda Magistrate Court, and the York County Clerk of Court for violations of Title VI and Executive Order 13166;
- b. Require the South Carolina Judicial Department and York County courts to implement language access plans that comply with federal law, including procedures to identify LEP individuals and provide qualified interpreters without requiring special forms unknown to the public;
- c. Require that Complainant's appeal be reheard with a qualified Hebrew interpreter present;
- d. Take any other action necessary to ensure compliance with federal civil rights law.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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**Yehonatan Kapach**

13929 Daltrey Ln, Charlotte, NC 28277

Phone: 980-422-2322

Email: [info@edna.news](mailto:info@edna.news)

Date: March 16, 2026

# **SECTION I: PROOF OF PAYMENT**

Exhibit I-1

## **Exhibit I-1**

Payment Receipt Under Protest (March 12, 2026)

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York/Bethesda Magistrate  
Judge : John Charles Dover (Magistrate)  
1675 - 1d York Hwy  
York, SC 29745  
Phone:(803) 628-3029 Fax:(803) 628-3225

Received From: Kapach, Yehonatan  
13929 Daltrey Ln  
Charlotte, NC 28277

Date: 3/12/2026  
Receipt #: 454924  
Clerk: c46bsoloma

Paying for: Self

Transaction Type: Full Payment

Reference #:

Comment:

Payment Type: Credit Card \$1,062.50

SC.gov Portal Fee \$19.06

Total Paid: \$1,081.56

You may check the status of your York case at:

<http://www.sccourts.org/caseSearch/>

| Case #         | Caption                                         | Previous Balance | Amount Paid | Balance Due |
|----------------|-------------------------------------------------|------------------|-------------|-------------|
| 20252351259324 | The State of South Carolina Vs Yehonatan Kapach | \$1,062.50       | \$1,062.50  | \$0.00      |



|                |                    |            |        |
|----------------|--------------------|------------|--------|
| Total Cases: 1 | \$1,062.50         | \$1,062.50 | \$0.00 |
|                | SC.gov Portal Fee: | \$19.06    |        |
|                | Total Paid:        | \$1,081.56 |        |