RECEIVED
Jul 10 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable James B. Gosnell, Jr., Magistrate Court Judge
Appellate Case No. 2026-001225

THE STATE,

Respondent,

vs.

RAFEEL SANTIAGO MIGUEL SMITH,

Appellant.

MEMORANDUM
REGARDING APPEALABILITY

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On the night of May 26, 2024, Appellant Rafeel Santiago Miguel Smith was arrested for failure to stop for a blue light.[1] On the following day, a bond hearing was conducted before the Honorable James B. Gosnell, Jr., magistrate court judge, and Smith was released from custody on a personal recognizance bond.[2] In November of 2024, the Charleston County Grand Jury indicted Smith for one count of failure to stop for a blue light.[3] Thereafter, in January of 2026,

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[1] A copy of the uniform traffic ticket and an accompanying warrant affidavit have been included with the State's memorandum as Attachment "A."

[2] A copy of the bond order has been included with the State's memorandum as Attachment "B."

[3] A copy of the indictment has been included with the State's memorandum as Attachment "C."

Smith's indictment was voluntarily dismissed by the solicitor as a matter of prosecutorial discretion.[4] Thus, Smith was neither prosecuted for nor convicted of the failure to stop for a blue light charge.

Despite not actually being convicted of or sentenced for anything in his case, Smith—on May 26, 2026—served and filed a pro se notice of appeal attempting to initiate an appeal related to his failure to stop for a blue light charge.[5] In that notice of appeal, Smith has indicated he is appealing a conviction and sentence and has alleged the magistrate court judge imposed the sentence being appealed on May 27, 2024. Smith further has claimed a motion for a new trial was denied by the magistrate court judge on the same date, and he affirmed he received written notice of entry of the order denying his new trial motion on May 27, 2024, which was a date falling 729 days before the date Smith served and filed his notice of appeal. At present, Smith's appeal is currently pending before this Court.

II.

In South Carolina, the right to appeal is conferred by Section 14-3-330 of the South Carolina Code of Laws. State v. Miller, 289 S.C. 426, 426, 346 S.E.2d 705, 705 (1986). Ordinarily, an appeal may only be pursued after a party has obtained a final judgment or has otherwise satisfied the terms of Section 14-3-330. State v. Wilson, 387 S.C. 597, 599, 693 S.E.2d 923, 924 (2010); see Hagood v. Sommerville, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005) ("An appeal ordinarily may be pursued only after a party has obtained a final judgment."); Miller, 289 S.C. at 427, 346 S.E.2d at 706 ("In order to exercise his statutory right to appeal, a defendant must come within the terms of the applicable statute."). In criminal cases,

[4] A copy of the filed indictment status charge form has been included with the State's memorandum as Attachment "D."

[5] A copy of the pro se notice of appeal has been included with the State's memorandum as Attachment "E."

judgment for a criminal defendant is not final until a sentence is imposed. State v. Robinson, 287 S.C. 173, 174, 337 S.E.2d 204, 204 (1985); see Berman v. United States, 302 U.S. 211, 212 (1937) ("Final judgment in a criminal case means sentence. The sentence is the judgment."); State v. Looper, 421 S.C. 384, 390, 807 S.E.2d 203, 206 (2017) ("[I]n the criminal context, a judgment is final when sentence is imposed."). Thus, a criminal defendant may *not* appeal until *after* a sentence has been imposed. Parsons v. State, 289 S.C. 542, 542, 347 S.E.2d 504, 504 (1986); see State v. Timmons, 68 S.C. 258, 259, 47 S.E. 140, 141 (1904) ("[A] defendant in a criminal case cannot appeal except from the final sentence imposed by the Court.").

III.

In the case sub judice, it is respectfully not readily apparent what Smith is currently attempting to appeal. In his notice of appeal, Smith claims he was convicted of and sentenced for a criminal offense and then had a post-trial motion for a new trial denied through the issuance of a written order. And, in making such a claim, Smith has: (1) directly referenced the uniform traffic ticket issued after he was arrested for failure to stop for a blue light over two years ago; and (2) included a copy of an order issued by a magistrate court judge that granted him a personal recognizance bond the day after he was arrested.[6] Importantly though, Smith—despite what he is now claiming and as is unmistakably clear from readily-available public records—was not truly convicted or sentenced for the failure to stop for a blue light charge; instead, that charge was *dismissed* by the State more than four months before Smith initiated the present appeal. Records for Rafeel Santiago Miguel Smith, Charleston County Ninth Judicial Circuit Public

[6] To the extent Smith's inclusion of the bond order could be construed as an attempt on his part to somehow appeal the personal recognizance bond issued in his case, it is well established bond orders are not directly appealable in South Carolina. See Parsons, 289 S.C. at 542, 347 S.E.2d at 504 ("A criminal defendant may not appeal until sentenced. Therefore, the order denying bail was not directly appealable." (citations omitted)).

Index, https://jcmsweb.charlestoncounty.org/PublicIndex/. Under such circumstances, there simply was and is no conviction or sentence for Smith to appeal, and, thus, his bizarre appeal should be promptly dismissed since nothing remains for this Court to now review or address—meaningfully or otherwise—on appeal.[7] See Wilson, 387 S.C. at 603, 693 S.E.2d at 926 (recognizing the general rule is a criminal defendant cannot appeal until he has been convicted and sentenced); see also Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001) ("An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.").

WHEREFORE, Respondent prays this Court will dismiss Appellant's criminal appeal of a nonexistence conviction and sentence; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

By: _____
Mark R. Farthing
S.C. Bar Number 76901

July 10, 2026

[7] Moreover, assuming for argument's sake there was something that could have been validly appealed in Smith's case, dismissal would still be necessary because Smith's notice of appeal would not have been a timely one pursuant to South Carolina law. See Rule 203(b), SCACR (setting out the time frames in which notices of appeal must be served in South Carolina for valid appellate jurisdiction to exist).

ATTACHMENT "A"

VOID ☐

NOTES

Form S-438
Rev. 08/2017

UNIFORM TRAFFIC TICKET

STATE OF SOUTH CAROLINA

VERSUS

CITY/COUNTY OF: NORTH CHARLESTON

INCIDENT NO: 2024013463

AGENCY/TROOP: NORTH CHARLESTON POLICE DEPT

VIOLATOR

FIRST NAME	MIDDLE NAME	LAST NAME
RAFAEL SANTIAGO	MIGUEL	SMITH

STREET: [redacted]

CITY: [redacted] STATE: SC ZIP CODE: [redacted]

DL STATE	DRIVER'S LICENSE NO.	NONE ☐	CLASS	CDL
SC	[redacted]		D	☐ YES ☒ NO

RACE	SEX	BIRTH DATE	HGT.	WGT.	HAIR	EYES
B	M	[redacted]	71	175	BLK	BRO

VEHICLE

VEH LIC NO	NONE ☐	STATE	MAKE OF VEH	YEAR	16 PSGR. VEH.	AUTO	BICYCLE	COMB.	COMM.VEH.
[redacted]		SC	MAZD	2008	HAZ. MT.	MOPED	MTRCYCL.	PEDESTRIAN	OTHER

VEHICLE OWNER FIRST NAME	MIDDLE NAME	LAST NAME
RAFAEL SANTIAGO	MIGUEL	SMITH

OWNER STREET: [redacted] CITY: [redacted] STATE: [redacted] ZIP CODE: [redacted]

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

TRIAL COURT

NAME OF TRIAL COURT	10001	STREET
CHARLESTON GENERAL		100 BROAD ST

DATE OF TRIAL	TIME OF TRIAL	CITY	STATE	ZIP CODE
06/27/2024	0900	CHARLESTON	SC	29401

VIOLATION

VIOLATION SECTION NO.	VIOLATION – COURT APPEARANCE REQUIRED (YES) NO
56-05-0750	FAILURE TO STOP BLUE LIGHTS SIREN

DATE OF VIOLATION	TIME OF VIOL.	SC POINTS	B.A. LEVEL REF
05/26/2024	2108		

VIOLATION LOCATION: SEC 542 OTRANTO ROAD — COUNTY: 10

LAT	LONG	CITY
32.96036	-80.0499	NORTH CHARLESTON

OFFICER

NAME AND RANK OF ARRESTING OFFICER	SCCJA OFFICER NUMBER
KEYS RICK CAPT	5324-3245

ARREST

BAIL DEPOSITED	DATE OF ARREST	BOND AMOUNT REQUESTED
JAIL	05/26/2024	NONE

DATE BAIL REC'D.	BY

COURT INFORMATION

CASE BEFORE: MAGISTRATE ☐ MUN. COURT ☐ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF THE TRIAL COURT IF DIFFERENT FROM ABOVE:

TRIAL BY: TRIAL JUDGE ☐ JURY ☐ — DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISPOSITION DATE: — DISPOSITION: NOLLE PROSSED ☐ GUILTY ☐ FORFEITED BOND ☐ NOT GUILTY ☐ — PLED: NOLO CONTENDERE ☐ — DETERMINED BAC: ☐

CHARGE CONVICTED OF: — SAME AS ORIGINAL ☐ — SC POINTS:

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	COMMITTED TO	Vehicle Searched
						YES

CERTIFIED CORRECT: — DATE: — Arrest as Result of Collision: NO

Electronic Copy - Trial Officer / Driver's Record

TICKET # 20241841058248

NORTH CHARLESTON POLICE DEPARTMENT
WARRANT AFFIDAVIT

SUSPECT INFORMATION
NAME OF SUSPECT: RAFAEL SANTIAGO MIGUEL SMITH
AKA's OF SUSPECT: N/A
ADDRESS OF SUSPECT: [redacted]
CITY, STATE, ZIP: [redacted]

PHYSICAL DESCRIPTION
RACE: B SEX: Male HEIGHT: 5'11" WEIGHT: 175lbs EYES: Brown HAIR: Black
COMPLEXION: Dark SCARS, MARKS, TATTOOS: N/A

OTHER IDENTIFYING INFO
DOB: [redacted] SS#: [redacted] DL#: [redacted]

VIOLATION
STATUTE: 56-05-0750,
OFFENSE: Failure to Stop Blue Lights

PROBABLE CAUSE AFFIDAVIT
State of South Carolina
County of Charleston

Personally, appeared before me, the affiant, [redacted], who being duly sworn deposes and says that defendant did within this county Charleston and state on or about 05/26/2024 violate the criminal laws of the State of South Carolina in the following particulars,

On Above date and time this officer observed a Mazda make left turn onto Otranto Road from Deerwood Road and noticed the vehicle had no rear taillights. The tag on vehicle was [redacted] for South Carolina. This officer signaled the vehicle to stop after passing Tow Lane Drive. Vehicle continued down Otranto and I figured vehicle would continue and pull into the parking lot of the Majic Mart located at Otranto and Vistaiva for safety reasons. The vehicle continued and did not pull into the will lighted parking lot, the vehicle continued down Otranto and made left onto Madlen in Baker plantation. The vehicle continued to Chloe made left turn and continued down Clhoe to to the front of [redacted] and came to stop on the wrong side of road. The vehicle without warning backed up almost striking my unit. The vehicle backed all the way up to the house and stopped. the driver jumps out as if to run and I was able to convince him not to run. The driver was very hostile and wanted to know what i was doing on his property. You could smell the strong odor of Marijuana coming from the car. The driver was found to be Rafeel Smith his mother walked up and attempted to get control of her sons' behavior. This officer advised suspect, upon approach that he was under arrest for failure to stop for blue lights and siren. Suspect was taken into custody without incident and transported to Charleston County detention center. vehicle was left in the custody of the mother. along with the two guns found in the vehicle. Because Mr. Smith had safe place to pull into shortly after he was signaled to stop, he was placed under arrest for failure to stop for blue lights and siren. From signal to stop was over a mile.

Officer: _____

Officer: R. Keys
Office Address: 2500 City Hall Ln
Telephone: 843-554-5700
Date/Time dropped to Court:
_____

Sworn to and subscribed before me this
27 day of May at 2024
_____
Issuing Magistrate

ATTACHMENT "B"

20241841058248
CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM 1

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

v.

RAFEEL SMITH
NAME OF DEFENDANT

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Offense Charged: FAIL TO STOP FOR BLUE LIGHTS

IT IS HEREBY ORDERED

I

That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court, and not depart the State without permission of the court and be of good behavior.

II

That the above named defendant be released from custody upon a recognizance without surety executed by him.

Appearance Recognizance Without Surety

On the 27 May 2024, personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted to the State of South Carolina, in the sum of $5,000.00 dollars, to be levied on his real and personal property for the use of the State, if the defendant shall fail in performing the conditions of the Order.

III

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release:

IV

That the defendant shall appear at (check one):

☒ the term of **COURT OF GENERAL SESSIONS (FIRST APPEARANCE)** beginning on **Friday, July 12, 2024** at **2:00** o'clock, **P.M.** at **CHARLESTON COUNTY OFFICE BLDG., 101 MEETING ST. ROOM 130 CHARLESTON** and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

SECOND APPEARANCE DATE: Monday, November 04, 2024 at 9:30am

☐ the session of _____ beginning on _____ at _____ o'clock, _____. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

No Attorney on Record
ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF DEFENDANT: RAFEEL SMITH

ADDRESS

CITY/STATE/ZIP

TELEPHONE

SIGNATURE OF JUDGE: Gosnell

May 27, 2024
DATE

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court – Copy For The Defendant

Form Approved by SC Attorney General
Section 17-15-40
March 21, 2012

SCCA/510A (Revised 3/2012)

ATTACHMENT "C"

KERK/0414220

WITNESSES

L. Bousquet L. Dreyer

North Charleston Police Department

AGENCY CASE NUMBER

2024-013463

ARREST WARRANT NUMBER

20241841058248

DATE OF ARREST

05/26/2024

ACTION OF GRAND JURY

TRUE BILL

NOV 13 2024

Foreperson of Grand Jury *Date:*

VERDICT

Foreperson of Petit Jury *Date:*

DOCKET NO. 2024-GS-10-05376

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2024

THE STATE

VS.

RAFEEL SANTIAGO MIGUEL SMITH

B/M DOB: [redacted]

Indictment for

FAILURE TO STOP FOR A BLUE LIGHT

SC Code: § 56-05-0750(B)(1)
CDR Code: 0065

FILED

11/14/2024 2:30:52 PM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened November 2024, the Grand Jurors of Charleston County present upon their oath:

Failure To Stop For A Blue Light

\That in Charleston County, South Carolina, on or about May 26, 2024, the Defendant, Rafeel Santiago Miguel Smith, while driving a motor vehicle on a road, street, or highway of the State did, in the absence of mitigating circumstances, knowingly fail to stop after being signaled to do so by a law enforcement vehicle by means of flashing light and/or a siren, in violation of § 56-5-750 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

KASEY KNOX
ASSISTANT SOLICITOR

ATTACHMENT "D"

JAIL STATUS: ☐ YES ☒ NO

OFFICE OF THE SOLICITOR
NINTH JUDICIAL CIRCUIT

INDICTMENT/WARRANT STATUS CHANGE FORM
(One Defendant and One Warrant/Indictment per Form)

Name: **Rafeel Santiago Miguel Smith**

Indictment #: **2024-GS-10-05376**

Race: **B** Sex: **M**

Warrant Number: **20241841058248**

Year of Birth: [redacted]

Case Number: **0414220**

Disposition: (Check One)

☐Dismissed (44) ☐Dismissed (045) Returned to Law Enforcement for Further Investigation

☒Nolle Prosequi (041)

***REASON** (44 OR 041 OR 045):

Prosecutorial Discretion.

☐Not Competent, Not Likely - Dismissed (0D)

☐Remanded (07)

Charge: _____

Municipal Court: _____

Magistrate Court: _____

Judge: _____

Inactive Status: (NOT dismissed) (Check One)

☐Failure to Appear (09)

Date Bench Warrant Issued: _____

☐Not Competent, Not Likely - Inactive (0E)

Date Report Issued: _____

JULIE J. ARMSTRONG
CLERK OF COURT
BY mk

2026 JAN -7 PM 4:24

FILED

Trial/Plea Docket Week:

PROSECUTOR: Kasey Knox
Kasey Knox, Assistant Solicitor

Date: 1/7/26

CODE: DPPD - Prosecutorial Discretion

CLERK OF COURT'S DATE/TIME STAMP:	RECEIVED BY: _____ DATE: _____

**** Questions regarding the reason for disposition should be directed to the Solicitor's Office.***

Defense Attorney:

ATTACHMENT "E"

FORM 4
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED
MAY 29 2026
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

James B Gosnell, Circuit Court Judge

Case No. 20241841058248

The State of South Carolina Respondent,

v.

Rafeel Santiago Miguel. Smith, Appellant.

NOTICE OF APPEAL

I, Rafeel Santiago Miguel. Smith appeals his conviction and sentence in this case based upon the lack of sufficiency of material evidence and lack of sufficient detail for such legal proceedings and convictions. The sentence was imposed by the Honorable James B Gosnell on May 27, 2024. As this appeal is taken fromthe order of the Honorable James B Gosnell, dated May 27, 2024, which denied appellant's motion for a new trial. Appellant received written notice of entry of this order on or about May 27, 2024.

This Notice of Appeal is taken from an written order when deciding post-trial motion under Rule 29(a), SCRCrimP as denied right to discovery and legal disclosures of all and any of the State prosecutors evidence and concluded findings other than hearsay.

May 26, 2026

Rafeel Santiago Miguel Smith
8528 Chloe Lane
Charleston, South Carolina
Email: rafaelsmith2332@gamil.com
Appellant Pro Se

Other Counsel of Record:
Kasey E, Knox
Assistant Solicitor
101 Meeting Su 400
Charleston S C
29401

(843) 958 1901
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Rafeel Santiago Miguel Smith certify that on May 26, 2026 sent FORM 4 NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURTOF GENERAL SESSIONS was sent via United States First class mailed

Other Counsel of Record
Kasey E Knox
Assistant Solicitor
101 Meeting Street Suite 400
Charleston S C 29401

South Carolina Court of Appeal
(attn. Clerk of Court)
1220 Senate Street
Columbia S C 29201

Charleston County General Sessions Court
(Attn; Clerk of Court)
100 Broad Street
Charleston S C 29401

RECEIVED
MAY 29 2026
SC Court of Appeals

May 26, 2026

Respectfully Submitted
Rafeel SM Smith
Rafeel Santiago Miguel Smith
8528 Chloe Lane
Charleston S C 29406
Email: rafaelsmith2332@gamil.com

20241841058248
CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM I

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COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

v.

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RECEIVED
MAY 29 2026
SC Court of Appeals

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SECOND APPEARANCE DATE: **Monday, November 04, 2024 at 9:30am**

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It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

No Attorney on Record
ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF DEFENDANT: RAFEEL SMITH

ADDRESS

CITY/STATE/ZIP

TELEPHONE

05/27/2024 10:17:18 am
SIGNATURE OF JUDGE: Gosnell

May 27, 2024
DATE

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court – Copy For The Defendant

Form Approved by SC Attorney General
Section 17-15-40
March 21, 2012

SCCA/510A (Revised 3/2012)

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable James B. Gosnell, Jr., Magistrate Court Judge
Appellate Case No. 2026-001225

THE STATE,

Respondent,

vs.

RAFEEL SANTIAGO MIGUEL SMITH,

Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Memorandum Regarding Appealability on Appellant by mailing a copy to the identified address for the following individual:

Rafeel Santiago Miguel Smith
8528 Chloe Lane
Charleston, South Carolina

I further certify all parties required by Rule to be served have been served.
This 10th day of July, 2026.

CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General