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Oct 14 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
Daniel Dewitt Hall, Circuit Court Judge

Appellate Case No. 2026-000790
Lower Court Case No. 2025CP4604727

Yehonatan Kapach,..... Appellant,
v.
The State,..... Respondent.

**APPELLANT’S MOTION FOR PERMISSION TO SERVE AND FILE THE INITIAL
BRIEF AND DESIGNATION OF MATTER OUT OF TIME**

Appellant Yehonatan Kapach, who represents himself, moves pursuant to Rule 240, SCACR, and the Clerk’s letter of October 9, 2026, for permission to serve and file his Initial Brief and his Designation of Matter to Be Included in the Record on Appeal out of time. Both are served and filed with this motion. The grounds are as follows.

1. By letter dated October 9, 2026, the Clerk advised that the time for serving and filing Appellant’s initial brief and designation of matter had expired, and directed that both be served and filed within ten days of the letter, together with a motion requesting permission to serve and file out of time. (Supporting Document 1.) This motion is filed within that period.
2. Appellant did not disregard the requirement to file a brief. He prepared a document captioned “Appellant’s Initial Brief with Appendix of Exhibits,” dated March 22, 2026, which this Court received and stamped on March 31, 2026, and which appears on this Court’s docket under that date. (Supporting Document 2.) Appellant believed in good faith that this filing satisfied his obligation to file a brief.
3. Under Rule 208(a)(1), SCACR, the time for the appellant’s brief runs from receipt of the transcript. By letter dated July 2, 2026, this Court allowed the appeal to proceed and directed Appellant to provide proof, within ten days, that he had ordered the transcript. (Supporting Document 3.) Appellant ordered the transcript on July 9, 2026, and on August

19, 2026 served and filed the transcript with a Notice of Filing, which this Court stamped as received that day. (Supporting Document 4.)

4. Appellant did not understand that his March 2026 filing, made before the appeal had been allowed to proceed and before any transcript existed, would not be treated as his initial brief, or that Rule 209(a), SCACR, required a separate Designation of Matter to be served with the brief. (Supporting Document 5.) He learned of both requirements from the Clerk's letter of October 9, 2026, and now serves and files both.
5. Appellant is not a lawyer. His native language is Hebrew, and his difficulty with legal English appears in the transcript of the proceedings below, where he told the court, "I have a small problem with the language" (Tr. p. 4, l. 3), and "she speaks so fast, I'm not sure that I understand everything" (Tr. p. 6, ll. 19–20).
6. The Respondent will not be prejudiced. No argument has been scheduled and no decision has been rendered. Under Rule 208(a)(2), SCACR, the Respondent retains thirty days from service of Appellant's brief within which to serve its own.

WHEREFORE, Appellant respectfully requests that the Court grant him permission to serve and file his Initial Brief and his Designation of Matter to Be Included in the Record on Appeal out of time, and accept both as timely served and filed with this motion.

MEMORANDUM IN SUPPORT OF MOTION

Rule 240(a), SCACR, governs all motions in the appellate court, including motions for extension of time. Rule 208(a)(1), SCACR, requires the appellant to serve and file his brief within thirty days after receiving the transcript, and Rule 209(a), SCACR, requires the Designation of Matter to be served at the same time as the initial brief. Rule 208(a)(4), SCACR, provides that an appeal dismissed for failure to file a brief may be reinstated only as provided by Rule 260, and Rule 260(a), SCACR, permits reinstatement "by leave of the court, upon good cause shown." Good cause therefore governs relief from a briefing default even after an appeal has been dismissed. It should govern no less here, where no dismissal has been entered and the Appellant has acted within

the period allowed by the Clerk's letter of October 9, 2026, which itself contemplates relief by motion.

Good cause exists. The delay did not result from neglect of the appeal. Appellant tendered a brief in March 2026; he responded to each of this Court's letters within the time allowed; he ordered the transcript within the ten days the Court directed; and he filed the transcript upon its delivery. The delay resulted instead from a self-represented litigant's misunderstanding, compounded by limited English, of the sequence prescribed by Rules 207 through 209, SCACR: he believed that the brief he had already filed satisfied Rule 208. Each of these facts appears in this Court's own records, attached as Supporting Documents 1 through 4, and in the Appellant's statement attached as Supporting Document 5. See Rule 240(c)(3), SCACR.

Granting the motion will permit the appeal to be decided on its merits. It requires no change to any other deadline and imposes no prejudice on the Respondent, whose time to respond under Rule 208(a)(2), SCACR, begins to run only upon service of Appellant's brief. Because this is an appeal in a criminal matter, no filing fee is required for this motion. Rule 240(d), SCACR.

Respectfully submitted,



Yehonatan Kapach, Appellant, Pro Se
13929 Daltrey Ln
Charlotte, NC 28277
(980) 422-2322
info@edna.news
October 14, 2026

SUPPORTING DOCUMENTS

Supporting Document 1 — Letter of the Clerk dated October 9, 2026.

Supporting Document 2 — Cover of “Appellant’s Initial Brief with Appendix of Exhibits,” dated March 22, 2026, bearing this Court’s stamp “Received Mar 31 2026.”

Supporting Document 3 — Letter of the Clerk dated July 2, 2026.

Supporting Document 4 — First page of Appellant’s Notice of Filing of Transcript of Record, bearing this Court’s stamp “Received Aug 19 2026.”

Supporting Document 5 — Statement of Appellant Yehonatan Kapach.

SUPPORTING DOCUMENT 1

Letter of the Clerk dated October 9, 2026



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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October 9, 2026

Yehonatan Kapach
13929 Daltrey Ln
Charlotte NC 28277

Re: Yehonatan Kapach v. State
Appellate Case No. 2026-000790

Dear Mr. Kapach:

Our records reflect that the time for serving and filing Appellant's initial brief and designation of matter has expired. Within ten days of the date of this letter, you must serve and file the initial brief and designation of matter, along with a motion requesting permission to serve and file out of time, pursuant to Rule 208, Rule 209, and Rule 240 of the South Carolina Appellate Court Rules, or this appeal will be dismissed.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Saquisha Octavia Tobin, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire

SUPPORTING DOCUMENT 2

Cover of “Appellant’s Initial Brief with Appendix of Exhibits,” dated March 22, 2026, stamped “Received Mar 31 2026”

RECEIVED

Mar 31 2026

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

Kapach v. State of South Carolina — Case No. 2025CP4604727

SUPPORTING DOCUMENT 3

Letter of the Clerk dated July 2, 2026



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
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TELEPHONE: (803) 734-1890
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July 2, 2026

Yehonatan Kapach
13929 Daltrey Ln
Charlotte NC 28277

Re: Yehonatan Kapach v. State
Appellate Case No. 2026-000790

Dear Mr. Kapach:

After further consideration, this appeal will be allowed to proceed. You must provide provide proof of having ordered the transcript of the hearing before the circuit court within ten (10) days of the date of this letter of this appeal will be dismissed.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Saquisha Octavia Tobin, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire

SUPPORTING DOCUMENT 4

First page of Appellant's Notice of Filing of Transcript of Record, stamped
"Received Aug 19 2026"

**IN THE COURT OF APPEALS
STATE OF SOUTH CAROLINA**
Appellate Case No.: 2026-000790

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 NOTICE OF FILING OF TRANSCRIPT OF RECORD
AND NOTICE REGARDING SERVICE OF THE NOTICE OF APPEAL**

Appellant Yehonatan Kapach, appearing pro se, respectfully submits this Notice pursuant to this Court’s letter of July 2, 2026, permitting this appeal to proceed subject to Appellant’s ordering of the transcript of the proceedings below.

I. FILING OF THE TRANSCRIPT OF RECORD

1. On July 9, 2026, Appellant ordered the transcript of the March 3, 2026 hearing before the Court of Common Pleas (Transcript Request Confirmation No. 1134525367), and previously provided this Court with proof of that order.

2. The certified transcript, prepared by Legal Eagle, Inc. (transcriber Mary Ragsdale), has now been completed and delivered to Appellant. The transcription service’s invoice of August 18, 2026 (Invoice No. 111658, attached as Exhibit D) reflects a total charge of \$38.25, credited against Appellant’s deposit of \$34.00, and by written communication of August 19, 2026, the service confirmed that the remaining balance of \$4.25 is waived; no sums remain outstanding, and the transcript is complete and final. The transcript comprises nine (9) pages and covers the entirety of the March 3, 2026 hearing, which the transcript reflects was held from 2:10 p.m. to 2:18 p.m. before the Honorable Daniel Dewitt Hall. A true and complete copy of the transcript is attached hereto as Exhibit A and is hereby filed for inclusion in the Record on Appeal.

SUPPORTING DOCUMENT 5

STATEMENT OF APPELLANT YEHONATAN KAPACH

I, Yehonatan Kapach, state the following from my own personal knowledge.

1. I am the Appellant in this appeal. My native language is Hebrew. I read and understand legal English with difficulty.
2. In March 2026 I prepared a document titled “Appellant’s Initial Brief with Appendix of Exhibits,” dated March 22, 2026, and sent it to this Court, which stamped it as received on March 31, 2026. I believed that this document was my brief and that I had met my obligation to file a brief.
3. I did not understand that my brief had to be filed within thirty days after the transcript was delivered, or that I also had to serve a separate Designation of Matter to Be Included in the Record on Appeal. I learned this from the Clerk’s letter dated October 9, 2026.
4. After receiving that letter, I prepared my Initial Brief and my Designation of Matter, and I am serving and filing them together with my motion for permission to file them out of time.

I declare that the foregoing is true and correct. I was not able to appear before a notary within the time allowed by the Clerk’s letter. If the Court requires, I will promptly provide a notarized affidavit stating the same facts.



Yehonatan Kapach
October 14, 2026

CERTIFICATE OF SERVICE

I certify that on October 14, 2026 I served a copy of the foregoing Motion for Permission to Serve and File the Initial Brief and Designation of Matter Out of Time, with its Memorandum and Supporting Documents 1 through 5, by depositing it in the United States mail, first class postage prepaid, addressed to: Saquisha Octavia Tobin, Esquire, S.C. Department of Public Safety, Post Office Box 1993, Blythewood, SC 29016; and Alan McCrory Wilson, Esquire, and Mark Reynolds Farthing, Esquire, Office of the Attorney General, Post Office Box 11549, Columbia, SC 29211-1549.



Yehonatan Kapach, Appellant, Pro Se
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