

IN THE STATE OF SOUTH CAROLINA

SUPREME COURT

APPELLATE CASE No.

2020-000237

LOWER COURT CASES No.

2018-GS-0700-702,

2018-GS-0701-994,

2018-GS-0701-977.

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S.C. SUPREME COURT

The State Respondent,

- V -

Shemuel Nahum Ben Yisrael...Appellant.

APPELLANTS' MOTION TO REINSTATE

- (1) I Shemuel Yisrael, the Appellant, pro se, do move the South Carolina Supreme Court, to reinstate the above-cited case on the following grounds:
- (2) Firstly, the Appellant mistakenly, yet timely, sent the Appendix's to the wrong court, namely, the Court of Appeals. The Supreme Court now has the Appendix's.
- (3) Secondly, the Appellant failed to send opposing counsel copies of the Appendix because the rules did not require it in the 2007, edition of the rules which the Appellant used. (See Exhibit # 1 at Rule 226 (e) Appendix).
- (4) The Appellant shall henceforth use the internet for the current rules of civil procedure, since he cannot afford to buy the bound volume. Also, the Appellant hopes that one day all libraries in this State be required to have the most current bound editions of the laws and rules of its' courts. For the reasons herein stated the Appellant moves the Supreme Court to reinstate this appeal. THANK YOU.

DATE: Thursday February 27, 2020 SIG. Shemuel Yisrael

CC: William M. Blich, Jr., Esq.
Isaac McDuffie Stone, III, Esq.

Shemuel Yisrael
18 Wall Street
Yemassee, South Carolina
29945

(843) 510-3063

(7) Any party aggrieved by the decision of the lower court, the administrative tribunal, or an individual judge or justice may petition under this Rule for a review of that decision.

[Adopted effective September 1, 1990. Emergency amendment by Order dated August 15, 2006, to conform to 2006 Act No. 387, providing for appeals from the decisions of the administrative law court and certain agencies to the Supreme Court or the Court of Appeals.]

RULE 226. CERTIORARI TO THE COURT OF APPEALS

(a) **Authority of the Supreme Court.** The Supreme Court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals.

(b) **Considerations Governing Review.** A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

- (1) Where there are novel questions of law.
- (2) Where there is a dissent in the decision of the Court of Appeals.
- (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
- (4) Where substantial constitutional issues are directly involved.
- (5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

(c) **Time for Petitioning and Filing Fee.** A decision of the Court of Appeals is not final until the petition for rehearing has been acted on by the Court of Appeals. A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing is finally decided by the Court of Appeals. An original and six (6) copies of the petition shall be filed with the Supreme Court. The copies filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court.¹ No filing fee shall be required in criminal cases or petitions filed by the State of South Carolina or its agencies or departments.

(d) **Content of Petition.** The petition for writ of certiorari shall contain the following:

- (1) Certification by counsel for petitioner that a petition for rehearing was made and finally ruled on by the Court of Appeals.

(2) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court. A question presented will be deemed to include every subsidiary question fairly comprised therein.

(3) A concise statement of the case, containing the facts material to the consideration of the questions presented.

(4) A direct and concise argument in support of the petition. The argument on each question shall include citation of authority and specific reference to pertinent portions of the Record on Appeal. Failure of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition. The total length of a petition shall not exceed twenty-five (25) pages.

(e) **Appendix.** At the same time the petition is filed, the petitioner shall also file two (2) copies of the Appendix with the Clerk of the Supreme Court. The Appendix shall include the following:

- (1) A copy of the Record on Appeal and brief(s).
- (2) A copy of the decision of the Court of Appeals on which certiorari is sought.
- (3) A copy of the petition for rehearing filed in the Court of Appeals and the Court's ruling on that petition.

(f) **Return to Petition.** Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his return and proof of service showing that the return has been served. The return shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review. The total length of a return shall not exceed twenty-five (25) pages.

(g) **Reply.** The petitioner shall have ten (10) days from the date of service of the return to file with the Clerk of the Supreme Court an original and six (6) copies of a reply and proof of service showing that the reply has been served. The total length of the reply shall not exceed fifteen (15) pages.

(h) **Consolidation.** Where several cases that involve identical or closely related questions are sought to be reviewed on certiorari, the filing of a single petition for writ of certiorari shall suffice to cover all the cases.

(i) **Consideration by the Supreme Court.** The petition will be considered by the Supreme Court without oral argument. The petition may be granted or denied on any question presented. If the petition is granted, the Clerk shall notify each party or his

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PROOF of SERVICE

I, Shemuel Yisrael, certify that I have served the
MOTION TO REINSTATE, on Respondents' counsels by depositing
a copy of same in the United States Mail, postage prepaid, and
addressed to the following :

William M. Blicht, Jr., Esquire
Office Of The Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 724-3727

and

Isaac McDuffie Stone, III, Esquire
P.O. BOX 1880
Bluffton, South Carolina 29910
(843) 779-8477

DATE: Thursday February 27, 2020

SIG Shemuel Yisrael
Shemuel Yisrael
18 Wall Stree
Yemassee, South Carolina 29945
(843) 510-3063

Shemuel Yisrael
18 Wall Street
Yemassee, S.C. 29945



South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina
29211

29211-13330

