



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
www.sccourts.org

February 25, 2020

Mr. Shemuel Nahum Yisrael  
18 Wall Street  
Yemassee SC 29945

Re: The State v. Shemuel N.B. Yisrael  
Appellate Case No. 2020-000237

**RECEIVED**

MAR 06 2020

S.C. SUPREME COURT

Dear Mr. Yisrael:

As you know, this appellate case was dismissed by order dated February 18, 2020. Therefore, the time for you serve and file any motion for reinstatement expires on March 5, 2020. Rule 260 of the South Carolina Appellate Court Rules (SCACR).

While you have not filed a motion seeking reinstatement, you continue to file documents in this case. If you intend to make a motion to reinstate in this case, that motion will need to be actually received by this Court on or before March 4, 2020. Further, this motion will need to comply with the requirements of Rules 240 and 260, SCACR. For your convenience, I have enclosed a copy of those rules.

Very truly yours,



CLERK

Enclosures

cc: William M. Blich, Jr., Esquire

**RULE 260**  
**DISMISSAL AND REINSTATEMENT**

**(a) Involuntary Dismissal and Reinstatement.** Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

**(b) Agreed Dismissal.** If the parties to an appeal or other proceeding shall sign and file with the clerk of the appellate court an agreement that the proceeding be dismissed, the appellate court may enter an order of dismissal. The agreement may contain a provision altering the costs to be assessed under Rule 222 and/or other settlement terms subject to the provisions of Rule 261. An agreement that the proceeding be dismissed need not be in the form of a motion unless the parties request that the appellate court alter the costs assessed; approve a settlement agreement; modify the requirements of an Appellate Court Rule; or vacate a prior order, opinion, or judgment.

**(c) Withdrawal.** An appeal or other proceeding may be dismissed on motion of the appellant or petitioner upon such terms as may be fixed by the court.

Last amended by Order dated May 1, 2018.

**RULE 240**  
**MOTIONS AND PETITIONS GENERALLY**

**(a) Applicability.** This Rule governs all motions or petitions filed in the appellate court, including but not limited to: motions for extension of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of counsel, petitions for supersedeas, motions to remand or dismiss and petitions for hearing *en banc*. Where Rules 241 through 246 provide different or additional requirements or procedures, those requirements or procedures shall apply.

**(b) Stay of Time Limits.** Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition. A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided.

**(c) Form and Content of Motions and Petitions.** All motions or petitions filed in an appellate court shall be in writing, shall state the grounds thereof, and shall comply with the requirements of Rule 267. The pages of the motion or petition and all supporting documents shall be consecutively numbered. Each motion or petition shall include the following:

- (1)** A certificate or affidavit of service reflecting the date of service upon all parties. The original certificate or affidavit of service must be filed with the original motion or petition.
- (2)** A memorandum with citation of authorities in support of the motion.
- (3)** Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.

**(d) Filing of Motions and Petitions.** An original and six (6) copies of the motion shall be filed with the clerk of the appellate court, and a copy shall be served upon each party. The copies filed with the appellate court shall be accompanied by the filing fee set by order of the Supreme Court.<sup>1</sup> This filing fee shall not be required for motions or petitions in criminal appeals, petitions for writs of certiorari under Rules 242 and 243, certified questions under Rule 244, petitions to invoke the original jurisdiction of the Supreme Court under Rule 245, or motions or petitions filed by the State of South Carolina or its departments or agencies. In extraordinary cases, the appellate court may relieve a party from paying the filing fee.

**(e) Return to Motion.** Any party opposing a motion or petition shall have ten (10) days from the date of service thereof to file an original and six (6) copies of his return with the clerk and serve on all parties a copy of the return; provided, however, that a return to a petition for rehearing may only be filed if permitted under Rule 221(a). The court may in its discretion enlarge or limit the time for filing the return. The provisions of Rule 240(c) shall apply to a return. Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.

**(f) Reply.** The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the reply. The provisions of Rule 240(c) apply to a reply.

**(g) Failure to Comply.** Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.

**(h) Hearing.** Unless otherwise ordered by the court, motions or petitions shall be decided without oral argument.

**(i) Rehearing.** The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

**(j) Authority of an Individual Judge or Justice.** Except where these rules require the concurrence of two or more members of an appellate court, an individual judge or justice may grant or deny any motion or petition on behalf of the court. Any review of an order issued by an individual judge or justice shall be by petition for rehearing.

Last amended by Order dated October 9, 2018, effective October 15, 2018, by order of the same date.

---

<sup>1</sup> By order dated October 9, 2018, the filing fee for motions and petitions was set at fifty (\$50) dollars for a motion filed on or after October 15, 2018.

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

02/25/2020

US POSTAGE

\$00.50<sup>00</sup>



ZIP 29201  
011D12602823

RECEIVED

MAR 06 2020

S.C. SUPREME COURT

SHEMUEL NAHUM YISRAEL  
18 WALL STREET  
YEMASSEE SC 29945

02/25/2020 11:11:11 AM

