

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM
JASPER COUNTY and
BEAUFORT COUNTY
COURT OF GENERAL SESSIONS
THE HONORABLE ROGER M. YOUNG, SR.
CIRCUIT COURT JUDGE

RECEIVED
FEB 24 2020
S.C. SUPREME COURT

Trial Court Case Numbers :

- (1) Indictment # 2018 - GS - 0700 - 702
Warrant # 2018 - A - 2520 - 5000 - 20
Failure To Stop For Blue Light
- (2) Indictment # 2018 - GS - 0701 - 994
Warrant # 2018 - A - 2520 - 5000 - 72
Malicious Injury To Property
- (3) Indictment # 2018 - GS - 0701 - 977
Warrant # 2018 - A-2520 - 5000 - 76
Resisting Arrest

State Appellate Court Case # 2019 - 000967

The State Of South CarolinaRespondent,

- v -

Shemuel Nahum Ben YisraelAppellant

PROOF OF SERVICE

I, Shemuel Yisrael, the Appellant, pro se, have served a copy of the
Petition For A Writ Of Certiorari, on The Respondent, The State Of South
Carolina, by the method described below.

Personally delivering, on Tuesday February, 11, 2020, to:
Ms J. B. - Fields (receptionist)

Solicitors Office
Isaac McDuffie Stone, III, Esquire, (Respondents' Attorney)
Beaufort County Courthouse
104 Ribaut Road
City Of Beaufort, State Of South Carolina

DATE: Wednesday February 12, 2020 SIG. Shemuel Yisrael

Shemuel Yisrael
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Yemassee, South Carolina 29945
(843) 510 - 3063
Pro Se

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The State Of South CarolinaRespondent,

- V -

Shemuel Nahum Ben YisraelAppellant

PETITION FOR A WRIT OF CERTIORARI

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I N D E X

(continued on next page)

I N D E X

Certificate Of Counsel.....Page 3

Questions PresentedPage 3, L
Lines 1 - 7

Statement Of The Case.....Pages 4 - 5
Lines 8 - 13

Arguments

(1) The Court Of Appeals should not have upheld the trial
courts' decision to deny Appellants' Motion Objecting
to change in venue.Page 5
Lines 14 - 18

(2) The Court Of Appeals did not take into consideration
that Appellant could be murdered by Yemassee
Police Chief Gregory Alexander if venue change placed
Appellant seven miles closer to the yemassee Police.
Pages 5 - 6
Lines 19 - 20

Conclusion.....Page 6
Line 21

CERTIFICATE OF COUNSEL

I, Shemuel Yisrael, the petitioner, pro se, do certify that the Petition For Rehearing was made and finally ruled upon by the Court Of Appeals on Wednesday, January 15, 2020. (See R.p. 16 for copy of Order.).

QUESTIONS PRESENTED

(1) Did the Court Of Appeals err in ruling that, " An order granting or denying a change of venue request is not immediately appealable. " ? (See R.p. 13, for copy of Order)

(2) Did the Court Of Appeals err in not taking up the issue of whether or not the Court Of General Sessions could try cases that were under the jurisdiction of the Court Of Common Pleas.

(3) Did the Court Of Appeals err in not considering the life or death issues involved in having the Appellant's trial moved seven miles closer to the headquarters of the Town of Yemassee's Police Chief Gregory Alexander, who can be seen in the video disc, on file, forcing the Appellant into oncoming traffic lanes ?

(4) Did the Court Of Appeals err in making a ruling that may conflict with the U.S. Constitution at Amendment 6, and the S.C. Constitution at Article 1 at Section 2 ?

(5) Did the Court Of Appeals err in reaching a decision before the Record On Appeal was made?

(6) Did the Court Of Appeals err in the mistaken belief that the Appellant was seeking a change in venue, when in fact the Appellant was only trying to remain in the venue where he was accused of committing a crime, namely, Beaufort County ?

(7) Did the Court Of Appeals err in not granting the Appellant's, " Motion For Emergency Order Of Protection ", ?

STATEMENT OF THE CASE

(continued on the next page)

STATEMENT OF THE CASE

- (8) During the past twenty, (20), years, the Respondent has issued, 94, false arrest warrants against the Appellant. (See R. p. W1 to W94, for copies of warrants). So far 33, warrants have been dismissed or nolle prosequi, and 56, warrants are perpetually pending. This is an illegal method of intimidation, in the Respondent's efforts to illegally force Appellant off of his own land which is located in the center of the Sheldon - Yemassee towns.
- (9) The Respondent has also illegally used its' police forces to beat up Appellant on numerous occasions, causing Appellant to be hospitalized. At no time has any police officer charged the Appellant with assaulting or battering or even threatening any officer or anyone else. The beatings were simply used to force Appellant to give up his lands cheaply so that Gavigan Builders, and others, can develop the property.
- (10) This appeal concerns three criminal charges that were brought against the Appellant on May 8, 2018. On that date,, the Appellants' motion to dismiss the three charges, because of lack of jurisdiction, was denied by The Honorable Mark F. Fitzgibbons, Magistrate for Beaufort County.
- (11) As an example, the criminal charge of malicious injury to property involves the Appellant tearing down a newly built, \$8,000.00, chain link fence. The fence was knowingly built by the Respondents to keep the Appellant off of his own lands. The Respondents fraudulently claims the same lands despite several judgements that the Respondents do not own the lands claimed by the Appellant.
- (12) If the Court Of Common pleas rules that the land belongs to the Appellant, and it has in the past, the criminal charge cannot be sustained since a landowner cannot be criminally charged with removing items that another party illegally placed on his lands.

STATEMENT OF THE CASE

- (13) This appeal concerns three criminal charges in which the underlying questions of title must be examined by the Court Of Common Pleas. It is the only court which can by law examine questions of title. See South Carolina Code Of Laws at Section 15 - 67 - 430, and Section 15 - 67 - 60.

ARGUMENT

- (14) The Court Of Appeals Should not have upheld the trial courts' decision to deny Appellants Motion objecting to change in venue.
- (15) The Appellant has the right to have his trial in the venue where he was accused of committing the crimes, namely, Beaufort County, not Jasper County. (See U.S. Constitution at Amendment 6).
- (16) The three criminal charges were all pending in the Court Of Common Pleas, and still are, under case number 2018 - CP - 07 - 01126. The date of the Notice of Appeal was June 1, 2018. (See R. p. 27).
- (17) The date of the indictment was, October 18, 2018. (See R. p. 45). The two Circuit Courts were exercising joint jurisdiction which causes chaos. Adding to the chaos is the fact that Magistrate Fitzgibbons filed his return on, November 19, 2019, or 18 months after the Notice Of Appeal was filed, on June 1, 2018. (See R.p 21, and 26.1). More chaos is evident in the fact that the Master In Equity is scheduled to hear the appeal this week, on February 14, 2020 ! (See R. p. 18).
- (18) Therefore, the Court Of General Sessions lacked jurisdiction to change the venue, because it lacked jurisdiction altogether.
- (19) Furthermore, the Court Of Appeals erred in not taking into consideration the fact that the Appellants' life was placed in grave danger by placing the trial in the City of Ridgeland. Said city would place the Appellant seven miles closer to the Yemassee Police Headquarters.

ARGUMENT

(20) Yemassee Police Chief Gregory Alexander drove 21 miles to illegally, and viciously force the Appellants' vehicle into the oncoming traffic, nearly killing the Appellant and many others. As proof the enclosed video disc shows the illegal police chase. (See R. p. 3.4, the disc is labelled 3.4).

CONCLUSION

(21) The Appellant had a Constitutional right to have his trial in Beaufort County and not in Jasper County. The Court Of Common Pleas had jurisdiction over the cases so the court of General Sessions never should have tried the cases unless the results in the Court Of Common Pleas so directed.

If any court is presented with reliable evidence that death or injury could come to a party if the venue is changed, then that venue change should not be made.

For the reasons stated, the petitioner asks the Court to grant the petition for a writ of certiorari.

DATE: Tuesday February 11, 2020

Respectfully submitted;

Shemuel Yisrael

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