

JAN 27 2026

OFFICE OF THE CLERK

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NO. SC-NH-2025-0454

1a. Petitioner is a native Hebrew speaker with limited English proficiency. He cannot understand rapid oral proceedings or legal terminology in real time without a qualified interpreter.

1b. Petitioner also requires additional time to review, translate, and understand court notices and filings before he can respond meaningfully. Proceeding without these accommodations risks misunderstandings, missed deadlines, and an inability to protect his rights.

IN THE SUPREME COURT OF THE UNITED STATES

YEHONATAN KAPACH,

Petitioner,

v.

STATE OF NEW HAMPSHIRE,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF NEW HAMPSHIRE**

**EMERGENCY APPLICATION FOR A STAY
OF ALL ENFORCEMENT AND COLLECTION PROCEEDINGS
AND ALL RELATED COLLATERAL CONSEQUENCES
PENDING DISPOSITION OF THE PETITION FOR A WRIT OF**

CERTIORARI

RECEIVED

FEB - 2 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

(Supreme Court Rules 22 and 23; 28 U.S.C. § 2101(f))

To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States, Circuit Justice for the First Circuit.

Applicant (Pro Se)

Yehonatan Kapach

13929 Daltrey Ln

Charlotte, NC 28277

Tel.: (980) 422-2322

Email: info@edna.news

Counsel for Respondent (to be served)

New Hampshire Department of Justice

Office of the Attorney General

1 Granite Place South

Concord, NH 03301

Tel.: (603) 271-3658

Email: attorneygeneral@doj.nh.gov

RELIEF REQUESTED

Pursuant to 28 U.S.C. § 2101(f) and Supreme Court Rules 22 and 23, Applicant respectfully requests an order staying all enforcement and collection proceedings arising from the New Hampshire judgment at issue in this case, including (without limitation) any efforts to collect the fine; any referrals to collections; any additional penalties, fees, interest, or assessments; any administrative or reporting actions; and any license, registration, DMV, or interstate-compact consequences, pending this Court's disposition of the Petition for a Writ of Certiorari.

INTRODUCTION

This application seeks only to preserve the status quo while this Court considers Applicant's Petition. Applicant is an out-of-state defendant who repeatedly sought (i) permission to appear by videoconference due to distance and financial hardship, and (ii) meaningful discovery and timely rulings on motions. The courts below denied effective access to remote participation and did not provide timely, meaningful pretrial process. New Hampshire now seeks (or may at any time commence) enforcement and collection. Absent a stay, Applicant faces coercive collection measures and collateral consequences that may effectively deprive him of meaningful Supreme Court review and inflict harms that cannot be fully undone after the fact.

Absent a stay, enforcement and collateral consequences may proceed immediately, including imminent administrative action reflected in an official DMV notice of potential suspension.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257. The Supreme Court of New Hampshire dismissed Applicant's appeal on September 15, 2025, and denied Applicant's timely motion for reconsideration on October 16, 2025. The Petition for a Writ of Certiorari is pending before this Court.

PRIOR REQUESTS FOR A STAY

Applicant sought a stay below. The Supreme Court of New Hampshire denied relief and, in its September 15, 2025 order, stated that Applicant's motion to stay execution of the decision of the Merrimack Circuit Court was moot. The Supreme Court of New Hampshire thereafter denied reconsideration on October 16, 2025. Accordingly, relief is not available from any other court or judge.

STATEMENT OF THE CASE

Applicant is a North Carolina resident. While visiting Merrimack, New Hampshire, he was cited for alleged speeding (Charge ID 2278018C) and contested the citation. Before the trial court, Applicant filed motions requesting to appear by videoconference due to out-of-state residence and hardship, requesting discovery, and requesting postponement until discovery was received. Applicant alleges the trial court entered a default while motions were pending, denied remote

appearance, and did not ensure timely delivery of discovery before requiring in-person trial participation. Applicant further alleges he was later subjected to adverse outcomes for failure to appear despite documented efforts to litigate through proper motions. Applicant seeks certiorari to address whether such procedures violate due process and meaningful access to courts for out-of-state defendants.

REASONS A STAY IS WARRANTED

A stay is warranted where the applicant shows (1) a reasonable probability that certiorari will be granted; (2) a fair prospect that the judgment will be reversed; (3) a likelihood of irreparable harm absent a stay; and (4) that the balance of equities and the public interest favor a stay. See *Nken v. Holder*, 556 U.S. 418 (2009).

A. Reasonable Probability of Certiorari and Fair Prospect of Reversal

Applicant has received an official DMV notice warning of imminent license suspension based on an unresolved out-of-state matter, demonstrating concrete collateral consequences and irreparable harm absent a stay. This notice is offered solely to show imminent administrative harm, not as any admission of wrongdoing.

The Petition presents substantial federal questions concerning due process and equal access to courts when a state court denies a reasonable request for remote appearance by an out-of-state defendant, fails to timely rule on motions, and fails to provide timely discovery needed to prepare a defense, resulting in default or conviction consequences. The issue is important and recurring for nonresident

defendants, and Applicant has at least a fair prospect of success on the merits of his federal constitutional claims.

B. Irreparable Harm Absent a Stay

Without a stay, New Hampshire may proceed with collection and enforcement at any time, including adding fees and penalties, referral to collections, administrative holds, reporting, and adverse licensing or registration consequences. These harms are difficult or impossible to fully remedy after the fact, and coercive enforcement may effectively deprive Applicant of meaningful Supreme Court review by pressuring payment and triggering collateral consequences before this Court acts.

C. Balance of Equities and the Public Interest

A temporary stay preserves the status quo and imposes minimal prejudice on the State, which can obtain collection if it prevails. In contrast, Applicant faces escalating consequences and coercive enforcement. The public interest favors ensuring fair access to courts and preserving this Court's ability to provide effective review.

D. Bond

Applicant respectfully requests that any bond be waived or set at a nominal amount due to financial hardship and because this stay request is limited to preserving the status quo pending this Court's disposition of the Petition.

E. Limited English Proficiency—Need for Interpreter and Reasonable Time

Petitioner's limited English proficiency independently supports a stay. When enforcement actions or collateral consequences proceed on accelerated timelines, Petitioner is forced to respond in real time in a language he does not sufficiently understand.

A stay preserves the status quo while this Court considers the Petition and ensures Petitioner can obtain language access (a qualified interpreter) and reasonable time to translate and review materials. Without a stay, the risk of coerced payment, procedural default, or unreviewable collateral consequences is substantially heightened.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Circuit Justice enter an order staying all enforcement and collection proceedings and all related collateral consequences arising from the New Hampshire judgment at issue, pending disposition of the Petition for a Writ of Certiorari.

Respectfully submitted,

Dated: January 26, 2026

Charlotte, North Carolina

/s/ Yehonatan Kapach

Yehonatan Kapach (pro se)

13929 Daltrey Ln

Charlotte, NC 28277

Tel.: (980) 422-2322

Email: info@edna.news

APPENDIX (to be attached)

Appendix A: Order denying motion for reconsideration (Oct. 16, 2025)

Appendix B: Order dismissing appeal and stating stay motion is moot (Sept. 15, 2025)

Appendix C: Any collection/enforcement notice(s), if issued

(Applicant may submit Appendix A-B as a short appendix to this application.)

CERTIFICATE OF SERVICE (Rule 29)

I, Yehonatan Kapach, certify that on January 26, 2026, I served the foregoing Emergency Application for a Stay and the Appendix on counsel for Respondent by depositing a true and correct copy in the United States mail, first-class postage prepaid, addressed as follows:

New Hampshire Department of Justice

Office of the Attorney General

1 Granite Place South

Concord, NH 03301

I also transmitted a copy by email to: attorneygeneral@doj.nh.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2026, in Charlotte, North Carolina.

/s/ Yehonatan Kapach

Yehonatan Kapach

Appendix A

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Sherri L. Misco 10/16/25
Clerk/Deputy Clerk Date

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

**In Case No. 2025-0454, State of New Hampshire v.
Yehonatan Kapach, the court on October 16, 2025, issued the
following order:**

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the defendant's motion for reconsideration and conclude that no points of law or fact were overlooked or misapprehended in the decision dismissing this appeal. Accordingly, upon reconsideration, we affirm the September 15, 2025 decision and deny the relief requested in the motion.

Relief requested in motion for
reconsideration denied.

MacDonald, C.J., and Donovan, Countway, and Gould, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

9th N.H. Circuit Court - Merrimack District Division, 457-2024-CR-01788
Honorable Todd H. Prevett
Honorable Mark S. Derby
Yehonatan Kapach
Alexandria M. Morrell, Esquire
Attorney General
Sherri L. Misco, Supreme Court
File

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Shelli J. Macc 10/16/25
Clerk/Deputy Clerk Date

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

**In Case No. 2025-0454, State of New Hampshire v.
Yehonatan Kapach, the court on September 15, 2025, issued the
following order:**

Having received no response to the clerk's August 25, 2025 order, which required the defendant to take certain action on or before September 5, 2025, to comply with supreme court rules, the court dismisses the appeal.

In light of the foregoing, the defendant's motion to stay execution of traffic judgment is moot.

Appeal dismissed.

This order is entered by a single justice (Countway, J.). See Rule 21(7).

**Timothy A. Gudas,
Clerk**

Distribution:

9th N.H. Circuit Court - Merrimack District Division, 457-2024-CR-01788
Honorable Todd H. Prevett
Honorable Mark S. Derby
Yehonatan Kapach
Alexandria M. Morrell, Esquire
Attorney General
File

Appendix B

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2025-0454, State of New Hampshire v. Yehonatan Kapach, the court on October 16, 2025, issued the following order:

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the defendant's motion for reconsideration and conclude that no points of law or fact were overlooked or misapprehended in the decision dismissing this appeal. Accordingly, upon reconsideration, we affirm the September 15, 2025 decision and deny the relief requested in the motion.

Relief requested in motion for reconsideration denied.

MacDonald, C.J., and Donovan, Countway, and Gould, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

9th N.H. Circuit Court - Merrimack District Division, 457-2024-CR-01788
Honorable Todd H. Prevett
Honorable Mark S. Derby
Yehonatan Kapach
Alexandria M. Morrell, Esquire
Attorney General
Sherri L. Miscio, Supreme Court
File

Appendix C



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

NC DIVISION OF MOTOR VEHICLES
3118 MAIL SERVICE CNTR RALEIGH, N.C. 27699-3118
(919) 715-7000
01/14/2026

DANIEL H. JOHNSON
SECRETARY

YEHONATAN KAPACH
13929 DALTRY LN
CHARLOTTE NC 28277-2300

OFFICIAL NOTICE

CUSTOMER NO. 000045051246

EFFECTIVE 12:01 A.M., 03/15/2026, YOUR NC DRIVING PRIVILEGE IS SCHEDULED FOR AN INDEFINITE SUSPENSION IN ACCORDANCE WITH GENERAL STATUTE 20-4.20 FOR FAIL TO COMPLY WITH OUT-OF-STATE CITATION AS FOLLOWS:

VIOLATION DATE:	2025-09-15
CITATION NO.	3320
COURT/STATE:	DMVSC-MOTOR VEHICLE DIVIS SC
COURT TELEPHONE NO.	(803)896-5000

IF YOU DO NOT COMPLY WITH THE CITATION PRIOR TO THE EFFECTIVE DATE OF THIS ORDER, YOU WILL HAVE TO MAIL ALL NORTH CAROLINA DRIVER LICENSES IN YOUR POSSESSION TO THIS DIVISION. FAILURE TO RETURN YOUR DRIVER LICENSES WILL RESULT IN AN ADDITIONAL \$50.00 SERVICE FEE.

IN ORDER TO TERMINATE THE SUSPENSION, ORIGINAL DOCUMENTATION FROM THE COURT INDICATING COMPLIANCE HAS TO BE PRESENTED TO EITHER A NORTH CAROLINA DRIVER LICENSE OFFICE OR MAILED TO THE NORTH CAROLINA DIVISION OF MOTOR VEHICLES.

IF THE COMPLIANCE DATE IS ON OR AFTER THE EFFECTIVE DATE OF THIS ORDER, A RESTORATION FEE OF \$83.50 AND APPROPRIATE LICENSE FEES WILL BE NEEDED UPON REINSTATEMENT.

THIS ORDER IS IN ADDITION TO AND DOES NOT SUPERSEDE ANY PRIOR ORDER ISSUED BY THE DMV. IF ADDITIONAL INFORMATION CONCERNING THIS ORDER IS NEEDED, PLEASE CONTACT A REPRESENTATIVE OF THE DIVISION AT (919)715-7000.

DIRECTOR OF CUSTOMER COMPLIANCE SERVICES