

Wesley Edward Smith III, M.Ed
P. O. Box 294
Moncks Corner, South Carolina 29461
EMAIL: wsmittyd4@gmail.com

RECEIVED
MAR 24 2025
SC Court of Appeals

March 20, 2025

From: Wesley Edward Smith III P O Box 294 Moncks Corner, S C 29461

To: South Carolina Court of Appeal 1220 Senate Street Columbia S C 29211

SUBJ: WESLEY EDWARD SMITH III REQUEST EXTENTION OF APPELLANT COURT TO ALLOW TIME TO FILE TO INQUIRY FURTHER INTO MS FLORENCE BALND BENNETT (deceased) DEEDS, PROPERTY RIGHTS, TAX AND PROPERTY DEBT AFFARS WITH SOUTH CAROLINA

Encl: (1) Pursuant S C R A P rule 267 (et seg)

- (2) Contesting and challenging Order and Judgment for relief of Judge Paul H Mcelvogue on Statutory, Constitutional procedural, substantive, a right to appeal and not being provided such notices to Appeal, as perceived errors in violation to the State of South Carolina rule of law

Ref: South Carolina Court of Appeal Court Letter dtd March 6, 2025 **CASE 2025-000255**

1. In accordance reference, enclosure (1) is submitted for this court immediate actions. As herein requested per this memorandum to the records, is to allow by written Order granting to file the extension of time and waiving of filling fees of \$250.00 until further notice is receive from the Berkeley County and Charleston County.Criminal processing of cases. Other actions have developed since the transmission of the appellant court request. This person Wesley Edward Smith III is unable to send all require forms and information at this time to the court of appeal (but able to make this response within the ten (10) day requirement per this court letter dated 6 March 2025 (attached with pending order on review)

2. Wesley Edward Smith III the person listed as the Appellant in this Court appellant action, is based on the rule law is requesting he required right to have an extension of time to file on behalf of my mother property case Ms .Florence Bland Bennett of which, I Wesley Edward Smith III have been charged with trespassing on her land and private property. I, Wesley Edward Smith III am seeking to find out how I, Wesley Edward Smith III has become a Trespasser to Ms. Florence Bland Bennett Property. I have been living at this location for over fourteen (14) years.

3. This extensions will allow the NOW Wesley Edward Smith III the responding party (as agans name Images and Likeness is being called to answer, reply and respond to the State of South Carolina Orders and rule of laws) as being held on legal hold by the magistrate in the Magistrate acting as the Criminal Process Judge, Victim, executioner, the jury and the (who refuse to refer case to court of General Session court of alleged Origination) arrested, charges, jailed, challenging the prior action without being afforded a jury trial, not allowed to read any prior Complaints from any persons sustained for a Civil Rights violation, or a Administrative charging

agency Constitutional due process right violation for alleged legal harms that I, Wesley Edward Smith III for which the commission of the totality of such action were referred or directed in TOTALITY to Judge Paula H. Mcelvougue who has intervene in the entirety of these proceedings as the "STATE" public officer third party, who intervened while invoking the South Carolina Rule of Laws and expressively written Orders on State business letterheads as truths, by using her freedoms to expressively use her voice and writing skill to decree and declare such actions a final and factual, of which this speech has caused an reactionary response from this person Wesley Edward Smith III objecting to ALL the hearsay in violation of the rule of law

4. Wesley Edward Smith III have been mistreated by being DENIED ALL RIGHT TO appeal all her (Judge Paula H Melvougue Order and Judgements, Denied the right to review any corresponding Reports and recommendations, denied to right to appeal and failed to allow by rule of law the appeal process to maturate, as denied legal right to re-enter the Properties of Florence Bland Bennett (person last known as legal property owner). I, Wesley Edward Smith III had to pay the Circuit Court \$150.00 dollars as appeal this action to the South Carolina Court of Appeals as required fees, but intend money was taken (alleged abuses and mean to extorted more money without results with malicious intent to deceive) the case was remanded back into the hands of the magistrate Judge Paul H. Mcelvogue.

5. As referred back in the Berkeley County Court holding system of related events, the Circuit Court Judge, Judge Dale E. Von Slambrook heard the case on 6 January 20205 (of which this court stated having jurisdiction as the Court of Appeals to hear this case action with absolute powers) and had remanded the case back into the court of magistrate Judge Paula H. Mcelvogue (while Judge Von Shambrook made written recommendations to the case making references to Judge William Bagwell earlier "prejudicial" hearing of case on referral to the Probate Court Master in Equity Court on hearing and services of the original property matters between the parties.) Judge Paula Mcelvogue refuses to her anything other than her voice and reapproved her her her earlier writings while disregarding all the laws, and proceeded against the enacted rule of laws, regarding Wesley Edward Smith III rights a accused and then charged defendant,

6. FOR the THIRD time the Judge sought removal from said premises as were ORDERED By her Order FOR THE EJECTMENT from Premises against Wesley Edward Smith III and since 29 January 2025 hearing, had be barred on 6 February 2025 from entering the property by the blocking agency of the Berkeley County Sheriff Department fifteen Officers (15) as third party for "THE STATE" party, as the corporate body vested body politic officials who refused to move from in front of gate and the premises of childhood friends and community members of Florence Bland Bennett. On 7 February 2025 NOW has had me (Wesley Edward Smith III arrested and thrown in Berkeley Count Jail as charged defended) And while the case was pending such appeal AGAINST on 12 February 2025 had me charged, arrested and thrown in jail. NOW Pending are the SECOND charges for trespassing hearing on 9 April 2025. The

Magistrate Court removed the case from Berkeley County Magistrate, for a jury trial to the Goose Creek magistrate Court Judge, but still within the jurisdiction of Berkeley County.

7 As I, Wesley Edward Smith III without any legal explanation nor substantive factual material as being subjected to the court to appeal, Judge Paula H Mcelvogue Judgments. I, Wesley Edward Smith III am considered a trespasser to my Mother Florence Bland Bennett Property/ I Wesley Edward Smith III am emotionally devastated and embarrassed, as here interceding on her (Ms Florence Bland Bennett) as her only SON in this pending PROBATE Court Master in Equity matters with both the Berkeley County Courts Circuit Court and the Charleston County Circuit Court of which Ms., Florence’s Bland Bennett has properties in both counties, respectfully Judge Paula Hellenburg Mcelvogue is alleged to violate Rule 3.3 of the attorney Oaths Creed and the rules regarding South Carolina Attorney Code of Ethics as prohibited by “THE STATE “ law (as herein being reported to the top proper administration authorities):

CERTIFICATE OF SERVICE


I Wesley Edward Smith III certify that on March 20 2025 submit this Request for extension fo time to appeal judgment and Order pursuant S C R A P Rule 267 was sent via U S Mailed First Class Mail Services to:

Attorney General for South Carolina
Attorney General Alan Wilson
P. O Box 11549
Columbia S C 29211

Solicitor for Berkeley County
Solicitor Scarlett Wilson
300 B California Ave
Moncks Corner S C 29461

March 20 2025

Respectfully Submitted


Wesley Edward Smith III
P O Box 294
Moncks Corner, S C 29461
Email: wsmittyd4@gmail.com

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MAR 24 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)
)
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2024CV0810400985
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WARRANT OF
EJECTMENT OF TRESPASSER

Sidney H Pratt
222 Peter Heyward Ln
Moncks Corner, SC 29461
(843) 513-2072

PLAINTIFF(S)

Vs

Wesley Edward Smith
106 Annie Willaims Street
Moncks Corner, SC 29461

DEFENDANT(S)

TO ANY LAWFUL CONSTABLE OR THE SHERIFF OF THE COUNTY:

Upon Judgment of this Court rendered on 01/29/2025, you are hereby Ordered to serve the Defendant(s) / Occupant(s) of the premises located at 106 Annie Willaims Street, Moncks Corner, SC 29461 this Warrant of Ejectment of Trespasser to peacefully and voluntarily vacate the said premises **IMMEDIATELY**.

TO THE DEFENDANT(S) / OCCUPANT(S) OF:

106 Annic Willaims Street, Moncks Corner. SC 29461, you are hereby Ordered to peacefully vacate the above said premises **IMMEDIATELY**.

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN FORCIBLY REMOVING YOU AND ALL OCCUPANTS AS A TRESPASSER.

UPON A FORCIBLE EJECTMENT, YOU AND ALL OCCUPANTS SHALL BE ARRESTED AS A TRESPASSER AFTER NOTICE.

IT IS SO ORDERED.

Paula McElroy

JUDGE
Moncks Corner Magistrate

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MAR 24 2025

SC Court of Appeals

MMH (1)

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Berkeley
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP0803362

Wesley Edward Smith III
PLAINTIFF(S)

Sidney H Pratt
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(i), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter was before the Court on January 6, 2025 upon an Appeal filed by Wesley Smith. Appellant appeared pro se. Respondent Sidney Pratt also appeared pro se.

This matter is reversed and remanded: (1) to take additional testimony as to any ownership issues relative to the subject property; (2) to make a specific determination as to the jurisdiction of the Magistrates Court to address this matter; and (3) to address the referral of these parties to the Master-In-Equity by Judge Baggett in an earlier case between the parties.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/06/2025 .

Magistrate Court Moncks Corner
Wesley Edward Smith III for Wesley Edward Smith III
Sidney H Pratt for Sidney H Pratt
Sidney H Pratt for Sidney H Pratt
Wesley Edward Smith III for Wesley Edward Smith III

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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SC Court of Appeals

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

MTL (E)



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
FAX: (803) 734-1839
www.sccourts.org

March 06, 2025

Wesley Edward Smith, III
PO Box 294
Moncks Corner SC 29461

Re: Wesley Edward Smith III v. The State
Appellate Case No. 2025-000255

Dear Mr. Smith:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

MAH (4)

filings for redaction or to determine if materials should be sealed.

Very truly yours,

Catherine Hannisa, Deputy

CLERK

AKH (5)



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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March 06, 2025

Wesley Edward Smith, III
PO Box 294
Moncks Corner SC 29461

Re: Wesley Edward Smith III v. The State
Appellate Case No. 2025-000255

Dear Mr. Smith:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- The argument provided cannot be considered at this time. You must serve and file a notice of appeal that is substantially in the format shown by Form 1 in Appendix C to part II of the SCACR.

Very truly yours,

Catherine Harrison, Deputy
CLERK

mat h. (6)

Wesley Edward Smith
P.O. Box 294
Natch, Ga 31429



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MAR 24 2025

SC Court of Appeals

SC Court of Appeals
ATTN: Appeal Clerk of Court

1220 S State Street
Columbia, SC 29201



Retail



RDC 99



29201

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FCM LETTER
MONCKS CORNER, SC 294
MAR 20, 2025

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