

**RECEIVED**

**MAY 18 2026**

**APPENDIX  
FORM 18  
PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS**

**S.C. SUPREME COURT**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

**Court of Common Pleas**

**Paula Mcelvogue Magistrate Court Judge**

**Administrative Law Court filed January 3, 2025  
2024-CP-08100400368 Ref of Case 2024-CP-081004985**

**The State, Henry McMaster, Deputy Hannah Reed, Berkeley County Administration, Dewayne Lewis, Cynthia Forte, Felicia Walters, Sydney Pratt as Personal Representative of the Estate of Ms. Florence Bland Smith Bennett (deceased)**

**Respondents**

**v**

**Wesley Edward Smith III**

**Appellant**

**PETITION FOR A WRIT OF CERTIORARI**

**Wesley Edward Smith III**

**Post Office Box 294**

**Moncks Corner, S C 29461**

**email: [wsmittdy4@gmail.com](mailto:wsmittdy4@gmail.com) Appellant**

**Chief Counsel of Record**

**The State Governor Henry McMaster**

**1100 Gervais Street**

**Columbia S C 29201**

**Respondent(s)**

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## **Certificate of Representing Party (Non Counsel)**

I Wesley Edward Smith III Petitioner Pro Se, acting in accordance with S C Code 15-36-10 (et seg) that this action is not being submitted in bad faith and affirms certifications by invoking right secured in the United States of America by citizens, residents and tenant protected under the State of South Carolina Constitution, statutes and rule of laws as latest attempt to formally appeal, contest and challenge such actions were made to the Administrative law Court of 24 March 2026.

### **QUESTIONS PRESENTED**

1. Did the lower circuit magistrate court error by not considering that the person's judgment of The STATE, Henry McMaster, Hannah Reed (et al) establish showings of providing prior probable cause followed or allowed due process to be cured, which followed the state local hierarchy of the administrative process to review documents or appeal to Wesley Edward Smith III prior to declaring the personal judgment of Hannah Reed by the written court affirming orders? (proof was needed but denied discovery)
  
2. Did the lower circuit magistrate court error in not considering that the accuser's personal judgments of The STATE, Henry McMaster, Hannah Reed (et al) establish showings of providing prior probable cause based on having an opinionated personal reasonable suspicion other than based on Wesley Edward Smith III color of skin being Black, National Origin or age groupings? (proof was needed but denied discovery)
  
3. Did the lower circuit magistrate court error in declaring judgment by not establishing that the accuser's personal judgments of the STATE, Henry McMaster. Hannah Reed (et al) as persons meet the elements of reasonable doubt prior to the court affirmed written order supporting judgments? (Proof needed as denied)
  
4. Did the lower circuit magistrate court error by not considering that the personal judgment of the STATE, Henry McMaster. Hannah Reed (et al) persons, followed or allowed Article 1 section 3 the State due process which states in relevant parts "***South Carolina State Constitution, in the South Carolina Constitution, Article 1 is the Declaration of Rights***
  - ***Section 3 addresses Privileges and Immunities, Due Process, and Equal Protection.***
  - ***It explicitly states that the privileges and immunities of citizens shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law.***
  - ***It also guarantees that no person shall be denied the equal protection of the laws."*** that prior to property was seized, afforded to contest South Carolina Administrative Procedural Act of the South Carolina Human Affairs Commission to review any determinations made against this person Wesley Edward Smith III regarding any claims submitted based on civil rights complaints

or charges filed, probate or family courts substantive material evidences (sufficiency of evidence) which clearly illustrates that due process of the administrative process was in fact afforded to Wesley Edward Smith III prior to affirming the personal judgment of Hannah Reed by court affirmed written order? (Proof needed but denied discovery)

5. Did the lower circuit magistrate court officials (as persons) error in the court affirmation by court written order (act outside capacity of governing duties) for partners with the STATE, Henry McMaster. Hannah Reed (et al) as collective acting persons, by not protecting rights of the accused or considering all factors, which infers continued discrimination, harassment, and retaliatory act (in violation of S C Code 1-13-10 (et seg)) that by continued action of another would be construed (considered) infers that such a person's judgment would risk violating the "double jeopardy article 12 (violated double jeopardy clause), which states in relevant parts Article 1 section 12, that the South Carolina Constitution addresses double jeopardy in **Article I, Section 12** of the Declaration of Rights, which section explicitly states that "no person shall be subject for the same offense to be twice put in jeopardy of life or liberty" as the personal judgment of Hannah Reed and the court second judgment (risk) followed (ensued with confirmation) without assurance of this constitutional rights of all citizens tenants and or residents alike would be adhered? (Proof needed as denied discovery)

6. Did the lower circuit magistrate court error in declaring judgment by not establishing that the accuser's personal judgments given from the STATE, Henry McMaster. Hannah Reed (et al) as persons in the United States of America conducting business[es], establish showings of providing prior probable cause by not allowing equal or fair process of direct appeal to ensure a fair and equal process under the law process, prior to court affirmed written Orders of judgment? (Proof needed but denied such rights on cross or direct appeal)

### **Statement of this Case**

1. This was about the STATE which owes this person moves under S C Code 41-10-10 Payment of wages but intervenors refuses to pay me but size property as collateral on false charges and monies a legal retaining fees, as Berkeley County Sheriff officers and deputies forced entry upon private premises and dwellings and arrest on 7 and 12 February 2025 resulted And of which the final hearing was held on 27 May 2025. That portion of the case court conclusion for the Ninth Judicial Circuit Court the above case was tried before the Honorable Victor B, Whilden Magistrate Judge in Berkeley . South Carolina

2. I, Wesley Edward Smith III request as the court reporter for this case. that you provide me with the complete transcript of the proceedings. Please transcribe the entire record, especially the following parts: (1) (2) (3) Selection and swearing of the jury; Opening statements of counsel for defendant and respondent; including the closing arguments of counsel for Respondent

3. All the prior tax, probate, or family court subject matters and records related to Ms. Florence

Bland Smith Bennett (deceased), or any reports from the charging administration agency which investigated and confirmed in writing, and or as seal stamp certified business approved which called for the invasion of resident and tenant private rights, which produced person judgments and court affirming orders as Orders, Conviction, Arrest, Executions of Judgment(s) were produced under the State of South Carolina rule of law, and of which the finality of contesting judgments were to coincide with these cases actions, as to be in strict compliance with S C Code 17-25-10 and the rule of law under S C Rule of Criminal Procedures rule 5, not provisioned.

4. in that most recent case of magistrates Court under appeal **2024-CV-0810400985 et al et al Case assigned No. 2024-CP-08-3362 clarifying” The STATE OF SOUTH CAROLINA for the NINTH JUDICIAL CIRCUIT COURT** case being IN THE CITY OF MONCKS CORNER BUT intervened as remanded with magistrates instruction as third parties as filed assigning cases related to **state guilty awarded verdict against Wesley Edward Smith III as a trespasser to private land under Case 2024-CP-08100400368 REF consolidated tickets No 2025A0810200346 and same offenses submitted per ticket number 81090665792 as adjudicated by Magistrate Judge Victor B Whilden**, as persons captioned named above Respondent v Appellant/Defendant action were to contest the results and findings of the magistrate judgments under S C Code 1-23-600(D) for error perceived under the judgment determinations: on right to appeal a final court administrative decision or reconsiderations under rule 40, grounds for a subsequent hearing under rule 60 (fraud upon the Administrative Court by officers and officials as persons) and to determine if proper jurisdictions existed for totality of magistrate judges actions in rulings under the South Carolina Court (Administrative Law Court absent the result of the South Carolina Procedural Act, as was forwarded or handed down to the Berkeley County Circuit Court, who served as the Appeals Court is totality as having absolute, unbridled duty as a politic group of vested person not required in following authority of law.

5 The Circuit court remanded the action back to the magistrate court judges and based on such determinations, errors were perceived upon which a reconsideration was requested for review but denied post conviction reliefs and remedy and subsequent cross claims under a Civil Rights Action Lawsuit S C code 1-13-10 (et seg) South Carolina Human Affairs Civil Rights Law, Magistrates non conformances under 73.02(b) Pre trial conferences, scheduling, or to allow Settlement agreement between parties, the Circuit Court discovery pursuant local rule 5.1 and FAST TRACT with State of South Carolina matters for a Pro Se Party as such other action too were overlooked of Wesley Edward Smith III on cause of action arises as the State and third party allegedly violated the Administrative Procedural Act and South Carolina Human Affair S C Code 1-13-10 (et seg) collective prosecutorial members, that while understanding these basic civil rights allegedly violated by the state public and private law enforcement administration and agents as Common civil rights violations by government officials in South Carolina involve abuses of power by law enforcement, discrimination against protected groups, and infringement of fundamental constitutional rights, as this alleged activity occurred at the state, county, or municipal level and has adversely affected this verified State resident as constitutionally

protected under the State of South Carolina, as violated regarding situation as involved with the **Law enforcement and procedural misconduct was 1) Excessive and unnecessary force 2) False arrest or imprisonment** as Arresting Wesley Edward Smith III as a tenant without shown established probable cause or a valid warrant, and by detaining Wesley Edward Smith III unlawfully in the malicious prosecuting based on prosecutions own State fabricated evidence and without establishing the state burden of proof beyond reasonable doubt **Unlawful search and seizure** abusing Wesley Edward Smith III by putting hands on (a crime by committing abuse and battery) searching this person or ransacking Wesley Edward Smith III as a private resident and tenant on property without a warrant or showing probable cause, which violates Fourth Amendment rights, **Racial profiled** by being unjustly targeted by these state and other third party individuals for stops or arrests based on their race, ethnicity, or national origin in opposition due to my armed force Military Services as a Armand Forces member as a United States Marine Corps who has honorably Served (attempt to discredit prior works by group) to now a Veteran as a Civilian in this civil society of citizens, of which I Wesley Edward Smith III believes profiled based easy access to recorded governmental systems as documented, based on my national origin, age generation and National origin, that while in the custody as STATE serves as the provider and protector over all inmates in and out of its correctional facilities I, Wesley Edward Smith III have not been afforded any medical Dental nor any other health care treatments such a financial assistance for food or basic essential vouchers and other departments that social service and enforcement investigates for not being provided) in the **Failure to provide medical (health and Dental care**, as denied emergency

7. If not afforded transcripts at the government expenses (as herein requested), I Wesley Edward Smith III agree to pay the per page charges for these transcripts as provided by Rule 607, SCACR.

### **Arguments**

8. I, Wesley Edward Smith III denies each and every allegations from the person's judgment who refuses to follow the rule of discovery in failing to show probable cause to establish having legal rights to enforce the law and exercise constitutional rights to detain and seize properties under false accusations (faulty premises) against Wesley Edward Smith III , and all declared and decreed by written orders affirming the findings of the circuit, magistrate, municipal, civil court dual judgments without having to establish reasonable doubt, demands strict proof and without sufficiency of evidence or credible eye witnesses (who filed any complaints or diversity of citizenship (as United States business guest (non national American born citizens showing of government issued identification or legal green cards non citizens born here but allowed to work, live and play)), preserves (reserves) all afforded policy, constitutional and statutory rights afforded from self-incrimination or perjury based on the following:

1. **THE LOWER CIRCUIT MAGISTRATES COURT (ACTED AS THE APPEALS COURT) SHOULD HAVE HELD THAT THIS ACTION SHOULD HAVE RESULTED WITH THE ORIGINAL ADMINISTRATIVE FINDINGS SECURED BY STARE DECISIS**

2. THE LOWER CIRCUIT MAGISTRATE COURT (ACTED AS APPEALS COURT) SHOULD HAVE KNOWN SUCH ACTIONS OF ASSUMING ASSUMPTION OF RISKS IN VIOLATION OF DOUBLE JEPORADY PROTETCTIONS AS CONFERRED BY ARTICLE 1 SECTION 3 and 12

3. THE LOWER CIRCUIT MAGISTRATE COURT (ACTED AS APPEALS COURT) SHOULD HAVE HELD THAT THIS ACTIONS VIOLATION OF DOUBLE JEPARDY PROTETCTIONS AS CONFERRED BY ARTICLE 1 SECTION 3

4. THAT THE ACCUSED (HEREIN PETITIONER) WAS NOT ALLOWED DID TIMELY OBJECT TO THE TRIAL JUDGE'S ERRONEOUS CHARGE ON THE BURDEN OF PROOF VIA DIRECT OR CROSS APPEAL

### CONCLUSION

**WHEREFORE** relevant facts are set forth and relevant questions are presented, opposing person as required by law (or legal Counsel) may wish to simply give a brief history of the case at this point and set forth the facts in the objectionable parts of this petitioner Wesley Edward Smith III writ argument on each question, as references should be made to where the salient facts can be found in the Record on Appeal, affirmed by the circuit, magistrate, municipal and civil court of the Ninth Judicial circuit Court, for each and every original complaint of which resulted in charges, seizures, arrest, prosecutions and Courts affirming the judgment by the circuit court in case involving as THE STATE (et al) as Personal Representative of the Estate of Florence Bland Smith Bennett (deceased) as was remanded to state and local of Berkeley County Courts officers and officials with magistrates instruction as third parties filling of assigned cases to state under Case 2024-CP-08100400368 REF consolidated tickets No 2025A0810200346(same offense submitted per ticket number 81090665792) leading to the arrest and seizing of property on 7 and 12 February 2025 of Wesley Edward Smith III as a tenant on property (person alleged to have violated other than constitutional rights, was the South Carolina Residential Tenant Act (et seg) as adjudicated by Magistrate Judge Paula Mcelvogue and Magistrate Judge Victor B Whilden, (S.C. Ct. vs Wesley Edward Smith III). Formal Administrative agency review of Appeal, contesting and challenge were filed January 3, 2025 and reviewed again 24 March 2026 w/ALC)

- **WHEREAS** Petitioner Wesley Edward Smith III petition this court, seeks a writ of certiorari to review that decision and upon conclusion seek relief and judicial remedy for malicious prosecution, illegal or unlawful seizing's or person and property (releasing from state and local confines) defaming of reputation upon reversal, and for the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

**WHEREAS** Relief is available only when specific legal grounds are established, such as: **Cognizable Legal Grounds such as Ineffective Assistance of Counsel** as the original attorney was incompetent, failed to act in the best interest of the defendant, or failed to investigate the case properly, **Constitutional Violations** of the conviction and sentence violated the state

constitutional laws, based on the **Lack of Jurisdiction, the persons and courts** that imposed the sentence did not have the legal authority to do so and Testimonies of the property manager testifying **Evidence not allowed from probate of family courts not presented as** Material facts discussion discovered likely would have exonerated the defendant (petitioner Wesley Edward Smith III stay on properties and from being arrested) or as requiring vacating the conviction and, based on the state and local **Prosecutorial Misconduct, of which the** prosecution withheld administrative evidence (as aforesaid person's complaints and or charges as filed with the South Carolina Human Affairs (civil Rights class action or private actions concerns) Agency, probate, family courts ruling and determinations or recommendations from hearings and or engaged in other improper abuse (putting hands on) and racially animus motivated work place bullying behaviors (abuse of power and misuse and abuse of governmental powers of authority to pretend to enforces only for personal gains not representing the laws) for targeting, stalking and illegally harassing this person with private protective rights in employment, as a resident tenant and privacy with friends and family, and as acts were finalized without a reasonable impartial set of grand juror to render an unbiased verdict conviction guilt, as probable causes or reasons to doubt Wesley Edward Smith III was not innocent had not been fairly adjudicated by law.

### PROOF OF SERVICE

I, Wesley Edward Smith III certify that on April 7, 2026 sent FORM 18 PETITION WRIT FOR CERTOIRARI on petition to grieve to the South Carolina Supreme Court seeking to join parties and cases was sent via United States First class mail

To: South Carolina Supreme Court 1231 Gervais Street Columbia, S C 29201  
To: Berkeley County Courthouse 300 B California Ave Moncks Corner, S C 29461  
To: Berkeley County Magistrate Court 223 N Live Oak Drive Moncks Corner, S C 29461  
To: Governor Henry McMaster 1100 Gervais Street Columbia S C 29201

April 7, 2026

Respectfully Submitted



Wesley Edward Smith III

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