

**NOTICE OF APPEAL
In The Supreme Court**

Appeal from Charleston County
Administrative Law Court

Doyet A. Early, Court of Common Pleas Law Judge

Order dated: 27 November 2007

Mr. Wesley Edward Smith III, Appellant,

v.

Charleston County School District et al, Respondent(s);

NOTICE FOR APPEAL

The order of the Honorable Doyet A Early involves the challenge to seek further review of this State action in the appellant court pursuant to rules 201 and 203. There are undisputed criminal activities between the party overlooked, which ruling bring into question the involvement with the delegated, appearances of infringing upon Mr. Wesley Edward Smith III Constitutional rights as well. I, Mr. Wesley Edward Smith III have been victimized employment and adversely affected judicially by the respondents for being deprived my Constitutional rights based on the respondent initiating an employment decision to terminate Mr. Wesley Edward smith III, This is perceived as that adverse action in terms of a wrongful usurpations of law, with a plausible cause, but without reading of rights by persons are just using the name of the CCSD

RECEIVED

APR 16 2015

S.C. Supreme Court

practice to catapult assaults and commits battery and legal kidnapping of employees, any employee, by arbitrarily targeting for legal practice while having a semblance of rights as Mr. Wesley Edward Smith III termination from employment without the CCSD having the proof beyond reasonable doubt or the substantive evidence required, when there was to terminate an employee.

PROCEDRUAL BACKGROUND FACTS

I, Mr. Wesley Edward Smith III, pursuant the authority of the State Constitution, was denied my legal rights before my legal rights were taken, seized and now being held in on a platter for an contempt of court claim place by this court prior to affording me my protections due process clause for which procedural due process must be adhered to. Reason are presently here to believe that collectively, individuals are deciding to disbar acknowledging the citizen legal rights afforded, of which the State Constitution serves as that credible source of authority. Since issues are indirectly or directly related to before, during and after 1999, as actions were implied for CCSD terminating Mr. Wesley Edward Smith III employment for a just cause act, but without the substantive evidence required by law that was due at termination. CCSD refuses to disclose such information or allow the state witnesses to be questioned CCSD still owed the appellant a great sum of money according to state laws. I Mr. Wesley Edward Smith believe that CCSD refuses to acknowledge such acts because I complained and opposed to the perceived wrongful business practice (ie accusing of crimes. not affording procedural due process as the law mandates) for which the identified court order now takes similar position as the respondent action, while committing similar procedural due process violations. CCSD claims Mr. Wesley Edward Smith III committed an "alleged" commission of a crime. CCSD acted as if it had the legal enforcement rights to act as an officer of the law, but without affording me my legal

protection in the face of great adversity rights but by not serving me any notices of the specific acts that Mr. Wesley Edward Smith III legally committed, which led to his unemployment status, indicted, and convicted of Charleston County School District crimes or by the elected personnel that worked on behalf of the School District which resulted in me not being able to refute or appeal. CCSD claims Mr. Wesley Edward Smith III committed an "alleged" (but act was unsubstantiated) commission of a crime. Proof is herein required of such stated facts by CCSD to act as a law authority. Not only was my claim and cross claim were procedural depravation was discriminatory by nature of the facts that CCSD violated my legal right to appeal, challenge and refute my recognizable constitutional rights that were believed to have been violated. Also were my legal from which CCSD has not shown, an oblige conformance of recognizable listed appellate rules below, in accordance and pursuant to rule 201 RIGHT TO APPEAL which as stated in relevant parts:

(a) Judgments, Orders and Decisions Subject to Appeal. Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for a writ of certiorari to review final judgments in post-conviction relief cases is provided by Rule 243. Further, the review of decisions of the State Board of Canvassers in election cases shall be by petition for a writ of certiorari under S.C. Code Ann. §§ 7-17-250 and 7-17-270.

(b) Who May Appeal. Only a party aggrieved by an order, judgment, sentence or decision may appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

(1) Lower Court: the circuit court (including masters-in-equity), family court or probate court from which the appeal is taken.

(2) Administrative Tribunal: the administrative law court or agency from which the appeal is taken. Last amended by Order dated May 3, 2007.

Simultaneously related and relevant, according to rule 203 Notice of Appeal. Such notices are required as stated below in relevant parts:

(a) Notice. A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.

(b) Time for Service.

(1) Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order

or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCP), motion to alter or amend the judgment (Rules 52 and 59, SCRCP), or a motion for a new trial (Rule 59, SCRCP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

(2) Appeals From the Court of General Sessions. After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment. When a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion. In those cases in which the State is allowed to appeal a pre-trial order or ruling, the notice of appeal must be served within ten (10) days of receiving actual notice of the ruling or order; provided, however, that the notice of appeal must be served before the jury is sworn or, if tried without a jury, before the State begins the presentation of its case in chief. With supporting arguments stemming objectively from rule 206 and rule 207.

Under RULE 206 CASES INVOLVING MULTIPLE NOTICES OF APPEAL

Where more than one party serves a notice of appeal, the party whose notice of appeal is first received by the appellate court shall be designated as the primary appellant and shall be responsible for performing all duties required of the appellant under Rules 207 and 210. Upon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule, and

RULE 207 TRANSCRIPT OF PROCEEDING:

(a) Appeals From a Lower Court.

(1) Ordering the Transcript. Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. In appeals from the court of general sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all counsel of record, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to order less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

(2) Delivery of Transcript. The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be

transcribed by the court reporter in the order in which the requests for transcripts are made.

3) Extension for Court Reporter. If a court reporter anticipates continuous engagement in the performance of other official duties which make it impossible to prepare a transcript in compliance with this Rule, the reporter shall promptly notify the Office of Court Administration in writing of the fact, setting forth the caption of the case involved, the length of time required to complete the transcript, and the nature and probable duration of the conflicting official duties. The Office of Court Administration may grant an extension of up to ninety (90) days. An extension in excess of ninety (90) days shall not be allowed except by order of the Chief Justice.

(4) Notice of Extension. Upon the granting of any extension of time for delivery of the transcript, the Office of Court Administration shall notify all parties and the clerk of the appellate court.

(5) Failure to Receive Transcript. If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing.

(6) Failure to Comply. The willful failure of a court reporter to comply with the provisions of this Rule shall constitute contempt of court enforceable by order of the Supreme Court.

(b) Appeals From an Administrative Tribunal.

(1) Ordering the Transcript. Within ten (10) days after the date of service of the notice of appeal, appellant shall, in writing, make satisfactory arrangements with the administrative law court or the agency (administrative tribunal) to obtain a transcript of the proceeding before that body. Appellant shall contemporaneously furnish all counsel of

record, and the clerk of the appellate court with copies of all correspondence with the administrative tribunal. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings before the administrative tribunal. If a party to the appeal unjustifiably refuses to agree to order less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211. The administrative tribunal may establish reasonable rates for providing the transcript or a copy thereof.

(2) Delivery of Transcript. The administrative tribunal shall insure that the transcript is delivered to the appellant within (60) days after the date of the request.

(3) Extension. If the administrative tribunal cannot deliver the transcript in the time specified, it shall promptly seek an extension from the appellate court. The request for an extension shall be in writing and shall comply with Rule 240, SCACR.

(4) Failure to Receive Transcript. If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing.

(c) Duty of Appellant. The transcript received from the court reporter or the administrative tribunal must be retained by appellant during the entire appeal and for a period of at least one (1)

year after the remittitur (See Rule 221) is sent to the lower court or administrative tribunal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of same date.

In closing, based on the aforementioned information and belief, the appellant is still waiting on the require notices from the courts remittitur submitted for transcripts received from the court reporter or the administrative tribunal which must be retained by appellant Mr. Wesley Edward smith III during the entire appeal process for a period of at least one (1) year after the remittitur (See Rule 221) by rule. Any assigned remettittur would be premature and out of order when there is final disposition of the case remaining but inadvertently overlooked by third party perpetrators intervening while acting under the guise of the court garments and umbrella immunity shields.

In closing pursuant to the aforementioned rules 107 foe which a reversal remand, extension, stay of proceeding, dismissal is isn order per this appellate process, Mr. Wesley Edward smith III moves under this court authority to also have enforced by constitutional law the violation of legal rights and the crimes for depriving constitutional legal rights and arbitral judicial protections and to have challenged the third parties intervening and encroaching upon the courts of the undisputed lower court order(s) which are those perceived violations of the Appellant recognizable legal rights and the premature under the rules.

The court rulings, as reason are given to be believe an constitutional error at law. There was no allowance for discovery according to the court applicable rules, and though it maybe argumentative per the assertion of the respondent acts being plausible based on te state long standing doctrines (At -Will Law) or whose job was it to ensure that the substantive nature of this court which allows equal justice would not be disturbed under the State law nor would not be disturbed wherein the citizens assurance rest upon the provisions of a fair proceedings

and an independent action in equity so that the substantive due process would not be hindered, infringed upon nor encroached by what reason gives to be prowling nuisances. Leaving such a court order with inference drawn and legal conclusion in contradiction of a citizen protection afforded in the constitution, as in this court case indirectly or directly related to case 2003-1CP-10-4751, encroaches upon the citizen protected rights thus allowing issues raised therein which perverts the limited integrity of the court fabric and prevents the final disposition of criminal procedural due processes. Those persons associated, identified and elected as the identified State personnel, as officials and its delegates, to speak freely without such legal personal or state enacted constraint. Such formidable person should allowed to explain such actions, if by summons calling forth. The court personnel authority should not be professionally undermined and silence by the entire state court judicial process, as such acts here relates to a frivolous contempt of court claim and the long standing state doctrines.

WHEREAS based on the face where the respondents have not complied with the duties and responsibilities pursuant to rule 201 RIGHT TO APPEAL which as stated in relevant parts:

(a) Judgments, Orders and Decisions Subject to Appeal. Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for a writ of certiorari to review final judgments in post-conviction relief cases is provided by Rule 243 and subsequently to rule (4) Failure to Receive Transcript. If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing. This serves as such request to have a copy of all prior court

transmissions civil and or criminal information be forwarded to all opposing parties according to rule. This was customarily a known common practice of the Englanders that were exiled from the country of England who came to America and decided occupy the courts and other important business areas to conducting its courts. But we in America and use the common sense approach to handling legal business while barring personal standards conflicts, subjective beliefs and sets of egotistical ideologies. The Charleston County School District INC contends that I, Mr. Wesley Edward Smith III had right to procedural due process was followed, when first of all his rights were not read to him nor his right to appeal an action, which is simultaneously required in accordance to rule 201 and 203 Notice of Appeal. Such notices are required as stated below in relevant parts:

(a) Notice. A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.

As this action and court has not disclosed the crime infractions and allegation arising for CCSD process, as required right are afforded, as stated in relevant parts:

(2) Appeals From the Court of General Sessions. After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment. When a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion. In those cases in which the State is allowed to appeal a pre-trial order or ruling, the notice of appeal must be served within ten (10) days of receiving actual notice of the ruling or order; provided, however, that the notice of appeal must be served before the jury is sworn or, if tried without a jury, before the State begins the presentation of its case in chief.

Also required with supporting legal court arguments that are stemming objectively from rule 206 and rule 207. Under RULE 206 CASES INVOLVING MULTIPLE NOTICES OF APPEAL Where more than one party serves a notice of appeal, the party whose notice of appeal is first received by the appellate court shall be designated as the primary appellant and shall be responsible for performing all duties required of the appellant under Rules 207 and 210. Upon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule.

RULE 207 TRANSCRIPT OF PROCEEDING:

(a) Appeals From a Lower Court.

(1) Ordering the Transcript. Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. In appeals from the court of general sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all counsel of record, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to ordering less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

(2) Delivery of Transcript. The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made.

THEREFORE Proof is required not only from the respondents but from the courts conclusion without a legal argument. This is requested and required for the adherence to the aforementioned rules. Probable cause and the respondent proof beyond reasonable doubt is required for the respondent to have been granted such and order from the lowered court and not based on sheer speculation or from third party hearsay based on the circumstance. The wrongful business practice action shows the existence of domestic abuse and presumed terrorist mistake of law is plausible but violations like these continuing to mout up against state citizens are accruing as related to this action which are semblances of personnel subjective beliefs, lies told, children rumors, legal deceit and prosecutorial tricks which are still quite prevalent this day.

For procedural due process requires that the government give a person prior notice and hearing of his legal action before that person is deprived of his or her life, liberty or property. The government action must be fair. Upon viewing the court order, how can one construe the order as fair, when on the face the of the order is clearly states : dismissed with prejudice? and a subsequent second order, which concluded by hold a person in contempt of court for attempting to inquire within the court, a perception a one-side legal process involving such inequality and legal unfairness as applied on Mr. Wesley Edward Smith III.


The reversal, modification, amendment of complaint and remand is in order due to the conclusion of the state court order in question and the reluctant action of the respondents are potentially objectionable, especially in view of the attached State constitution. This is reasonably true because the order not supported by supporting legal memorandum of law argument is considerably legally unfamiliar and for the respondent cause of action to terminated my employment without providing the constitutional rights, duties and services is without proof beyond reasonable doubt and unsupported by the required substantiated evidence .

QUESTION PRESENTED: What legal right has Mr. Wesley Edward Smith III cause to the respondents Charleston County School District INC or other for which an injury result and was sustained under the State Constitution or South Carolina Statutes for which the just cause employment termination was ordered by legal or and enforcement agency without any legal support? Mr. Wesley Edward Smith III actual termination from employment by CCSD and others has given such implied legal rights.

I Mr. Wesley Edward Smith III do invoke his privileges of exercising my afforded constitutional safeguards, legal freedoms, privileges and secured liberties that affords me such legal protection, All other rights are reserved at this time. At not time did I voluntary waived my legal rights in this involuntary process for which my time and service have been personally used for its business gains by the State process.

April 13, 2015

Respectfully Submitted


Mr. Wesley Edward Smith III

RECEIVED

APR 15 2015

SG SUPREME COURT

**PROOF OF SERVICE
In The Supreme Court**

Appeal from Charleston County
Administrative Law Court

Doyet A. Early, Court of Common Pleas Law Judge

Order dated: 27 November 2007

Mr. Wesley Edward Smith III, Appellant,

v.

Charleston County School District et al, Respondent(s);

PROOF OF SERVICE

I, Wesley Edward Smith III, certify that on April 13, 2015, submit's the notice to appeal with opening brief, and serving notice to also contest being denied right to proceed In forma pauperis by the Honorable Doyet A Early. The review sought were the criminal implications for being subjected to Constitutional laws without being afforded appellate rights under rule 203 (as required) and resulting convictions, Also the appellant sought to challenge the conjoining court orders. which action gives reason to deprive filing an appeal, challenge the conviction, a writ of Habeas Corpus and the respondents depriving constitutional legal rights. As supported the State provides mandated instructions how to apply the constitution, without subjective deviations to the expressly written rights. The undisputed order leaves the objectionable reasonable inferences remaining in violation of my constitutional rights and contradiction to prior case at law with the supporting law memorandum, was sent by First Class Mail via United States Mail on all parties listed in this action to the following:

TO: Mr. Daniel F. Blanchard III, ESQ
151 Meeting Street 4th Floor
Charleston., South Carolina 29403

April 13, 2015

Respectfully Submitted


Mr. Wesley Edward Smith III

RECEIVED

APR 15 2015

SC SUPREME COURT

Mr. Wesley Edward Smith III
465 N. Nassau Street
Charleston, South Carolina 29403



1000



29201

U.S. POSTAGE
PAID
NORTH CHARLESTO, SC
29408
APR 13, 15
AMOUNT

\$1.82

00103547-08

H CHARLESTO



APR 13

29408-8998

Daniel E. Shearouse
Clerk of Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201