

Wesley E. Smith III
465 North Nassau Street
Charleston, South Carolina 29403
(843)723-8598

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SC Court of Appeals

May 12, 2015

MEMORANDUM TO THE RECORDS

CLERK

Honorable Jenny A. Kitchens
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Mr. Wesley Edward Smith, III Appellant v Charleston County School District et al Respondents Case No. 2003-CP-10-4751

Dear Honorable Clerk Kitchens;

Enclosed for your immediate action are Attachment D, E, and F to be included with the Notice to Appeal and brief of Appellant.

PLEASE INSERT on page 8:

WHEREAS based and supported under the legal requirement of SC Code 15-3- 20(B) et seq ASSUMING ARGUENDO It seems that the party is trying construe the legislative intent for writing law, to fit its action for committing crimes or premature judgments. Taking parts and pieces of a whole document to fit or meet its compelling and subjective acts. I believe that the respondent has misinterpreted the legislative language as supported herein, thus the court order(s) should be dismissed, reversed, and stricken from all records, never to be heard of again in any mannerism of things. The respondent may be unhappy at this result, but lesson to be learnt. They (the Respondents) to have a right to request a Congressional hearing to meet and discuss with the current legislators, to understand the expressly written direction of thw written language, as stated without any reasonable doubt remaining or legal objectionable inferences to be drawn upon conclusion of any act under the state Statutes. Clearly stated under Article 15-3-20(b) as Stated in relevant parts: "*(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.*"

WHEREAS Based on the expressly written law I rely on as objectively supporting my position, reasons are given to believe (lack of disclosure of facts) for the disclosure of the required evidence to disclose substantive evidence to prove their case but based on the lack of proof shown the service was accomplish on Mr. Wesley Edward Smith III. This is a duty to serve notices, such as required by this statutes, a submission of a complaint and summon issued to all

adversarial parties. The respondents, which all here are consider "the third party" has willingly chosen to intervened, all awhile encroaching upon my statutory protections, thus violating a recognizable legal right and violating a sacred trust of duty, care and ethics working with the limited integrity machinery of the judicial process.

I do not believe this is neither the time nor the place to waste or have the respondents have this court to determine the legislators intent. The respondent have chosen to infringe upon, hinder the process and misconstrued facts with their interwoven subjective beliefs, that are believe based on personal travels somewhere (respondents according to their merits have to work that out). Interposing of lies has not allowed the acceptances of the truths. To deny a citizen of his statutory right which governs any and all of our American Society. The deprivation of this statutory right has happened. I do not believe that any Legislator would allow to use or issuance of a preexisting disabling condition to continue fester, prior to testing, before today's human society would be ready to consume the attacks from legal practitioners (ones who practice on the laws daily for a source or living with its own compelling outcome or fix) as professionals state to be legitimately legal. Such finding of any unlawful facts or unethical practice by the production of a controlling substance that is designed to enslave, such a the business barriers of a designed document, at a level would be monumentally catastrophe to anyone soul. The allowance of faulty production, as assumed argumentative, legally signed documentation that was put in the civilized mainstream of a working class society, with trial or working element still existing from work unsupervised or being undone, would be potentially problematic. Such as the human consumption of any written propaganda which controls, compels and governs the civilized society. This is after being duly sworn to protect and serve the people or by being fully divested with trust and due diligence to provide the people with the proper ingredients (nutrients) that find is consumable for all citizens. Anything less, other than finding the truth, would be considered Fraudulent acts upon the civilized society. As demanded and not relevant, any respondent(s) can discuss this action quietly to themselves without disturbing the peace.

THEREFORE based on the respondents and like third party who construe civil Judgment acts as legitimate, but without the elements and the reliable sources necessary in pass cases such as any unsubstantiated evidence, disclosure of evidence, cross examination of witnesses, reasonable doubt remaining or without the supported of the law enforcement agency seal of approval of this action is demanded, REVERSE, stricken from all records, Dismiss without Prejudices and complaint reinstated (as amended) to support and meet with such legal arguments necessary of law or proof that the respondents action doesn't draw reasonable inferences of genuine issue of material facts remaining. Based on information, the respondent had a duty to report to such commissions before acting. Such issues for resolution aren't warranted herein

10".

Thanking you in advance.

Sincerely,



Mr. Wesley Edward Smith III

Copy To: Mr. Daniel F. Blanchard, ESQ
Ms. Alice F Paylor, ESQ

ATTACHMENT "D"

Title 15 - Civil Remedies and Procedures
CHAPTER 3
Limitation of Civil Actions
ARTICLE 1
General Provisions

SECTION 15-3-20. General rule as to time for commencement.

(A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute.

(B) A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.

HISTORY: 1962 Code Section 10-102; 1952 Code Section 10-102; 1942 Code Section 356; 1932 Code Section 356; Civ. P. '22 Section 313; Civ. P. '12 Section 119; Civ. P. '02 Section 94; 1870 (14) 444 Section 97; 2002 Act No. 281, Section 1.

ATTACHMENT "E"

Title 41 - Labor and Employment

CHAPTER 10

Payment of Wages

SECTION 41-10-10. Definitions.

As used in this chapter:

(1) "Employer" means every person, firm, partnership, association, corporation, receiver, or other officer of a court of this State, the State or any political subdivision thereof, and any agent or officer of the above classes employing any person in this State.

(2) "Wages" means all amounts at which labor rendered is recompensed, whether the amount is fixed or ascertained on a time, task, piece, or commission basis, or other method of calculating the amount and includes vacation, holiday, and sick leave payments which are due to an employee under any employer policy or employment contract. Funds placed in pension plans or profit sharing plans are not wages subject to this chapter.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 1, eff May 7, 1990.

SECTION 41-10-20. Applicability of chapter.

This chapter applies to all employers in South Carolina except that Section 41-10-30 does not apply to:

(1) employers of domestic labor in private homes.

(2) employers employing fewer than five employees at all times during the preceding twelve months.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986.

SECTION 41-10-30. Notification to employees of wages and hours agreed upon; recordkeeping requirements; requirement of itemized statement of gross pay and deductions for each pay period.

(A) Every employer shall notify each employee in writing at the time of hiring of the normal hours and wages agreed upon, the time and place of payment, and the deductions which will be made from the wages, including payments to insurance programs. The employer has the option of giving written notification by posting the terms conspicuously at or near the place of work. Any changes in these terms must be made in writing at least seven calendar days before they become effective. This section does not apply to wage increases.

(B) Every employer shall keep records of names and addresses of all employees and of wages paid each payday and deductions made for three years.

(C) Every employer shall furnish each employee with an itemized statement showing his gross pay and the deductions made from his wages for each pay period.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 2, eff May 7, 1990.

SECTION 41-10-40. Medium of payment; deposit of wages to employee's credit; prohibition against deductions in absence of written notice; time and place of payment.

(A) Every employer in the State shall pay all wages due in lawful United States money or by negotiable warrant or check bearing even date with the payday.

(B) An employer may deposit all wages due to the employee's credit at a financial institution which is doing business in the State and is insured by an agency of the federal government. When an employee's wages are paid by deposit at a financial institution, he must be furnished a statement of earnings and withholdings. Any wage deposit plan adopted by an employer shall entitle each employee to at least one withdrawal for each deposit, free of any service charge.

(C) An employer shall not withhold or divert any portion of an employee's wages unless the employer is required or permitted to do so by state or federal law or the employer has given written notification to the employee of the amount and terms of the deductions as required by subsection (A) of Section 41-10-30.

(D) Every employer in the State shall pay all wages due at the time and place designated as required by subsection (A) of Section 41-10-30.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986.

SECTION 41-10-50. Payment of wages due discharged employees.

When an employer separates an employee from the payroll for any reason, the employer shall pay all wages due to the employee within forty-eight hours of the time of separation or the next regular payday which may not exceed thirty days.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 3, eff May 7, 1990.

SECTION 41-10-60. Unconditional payment of wages conceded due.

In case of a dispute over wages, the employer shall give written notice to the employee of the amount of wages which he concedes to be due and shall pay the amount without

condition within the time set by this chapter. Acceptance by the employee of the payment does not constitute a release as to the balance of his claim.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986.

SECTION 41-10-70. Investigation of alleged violations; resolution of disputes.

Upon written complaint of any employee alleging a violation of this chapter, the Director of the Department of Labor, Licensing, and Regulation or his designee may institute an investigation of the alleged violation. If the Director of the Department of Labor, Licensing, and Regulation or his designee determines that a violation exists, he shall endeavor to resolve all issues by informal methods of mediation and conciliation.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 4, eff May 7, 1990; 1993 Act No. 181 Section 977, eff February 1, 1994.

SECTION 41-10-80. Violations and penalties; civil actions by employees; administrative review of civil penalties.

(A) Any employer who violates the provisions of Section 41-10-30 must be given a written warning by the Director of the Department of Labor, Licensing, and Regulation or his designee for the first offense and must be assessed a civil penalty of not more than one hundred dollars for each subsequent offense.

(B) Any employer who violates the provisions of Section 41-10-40 must be assessed a civil penalty of not more than one hundred dollars for each violation. Each failure to pay constitutes a separate offense.

(C) In case of any failure to pay wages due to an employee as required by Section 41-10-40 or 41-10-50 the employee may recover in a civil action an amount equal to three times the full amount of the unpaid wages, plus costs and reasonable attorney's fees as the court may allow. Any civil action for the recovery of wages must be commenced within three years after the wages become due.

(D) The Director of the Department of Labor, Licensing, and Regulation or his designee shall promulgate regulations to establish a procedure for administrative review of any civil penalty assessed by the commissioner.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1990 Act No. 463, Section 5, eff May 7, 1990; 1993 Act No. 181, Section 977, eff February 1, 1994.

SECTION 41-10-90. Actions for collection of penalties; deposit of amounts collected.

In each case where a civil penalty assessed under subsection (A) or (B) of Section 41-10-80 is not paid within sixty days the Director of the Department of Labor, Licensing, and

Regulation or his designee shall bring an action against the assessed employer for collection of the penalty. Any amounts collected must be turned over to the State Treasurer for deposit in the general fund of the State.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986; 1993 Act No. 181, Section 977, eff February 1, 1994.

SECTION 41-10-100. Prohibition against private agreements which contravene chapter.

No provision of this chapter may be contravened or set aside by a private agreement.

HISTORY: 1986 Act No. 380, Section 1, eff April 21, 1986.

SECTION 41-10-110. Right of Commissioner of Labor to enter and to conduct investigation.

The Director of the Department of Labor, Licensing, and Regulation or his designee, his inspectors, agents, or designees, upon proper presentation of credentials to the owner, manager, or agent of the employer, may enter at reasonable times and have the right to question either publicly or privately any employer, owner, manager, or agent and the employees of the employer and inspect, investigate, reproduce, or photograph time records or payroll records for the purpose of determining that the provisions of this chapter are complied with.

ATTACHMENT "F"

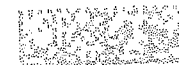


South Carolina Court of Appeals

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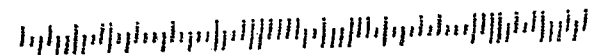
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WESLEY EDWARD SMITH, III
465 N. NASSAU STREET
CHARLESTON SC 29403

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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

May 01, 2015

Wesley Edward Smith, III
465 N. Nassau Street
Charleston SC 29403

Re: Wesley Edward Smith, III v. Charleston County School District
Appellate Case No. 2015-000787

Dear Mr. Smith:

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

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The required filing fee has not been submitted. The correct filing fee is \$100.
- You must serve and file an amended notice of appeal indicating the date you received written notice of the entry of the order or judgment on appeal. No argument should be placed in the notice of appeal, and it should be in substantially the same format as shown in Appendix C to Part II of the SCACR.
- The notice of appeal does not contain the docket number of the case from the lower court, as required by Rule 203 (e)(1)(B).

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Daniel Francis Blanchard, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 01, 2015

Wesley Edward Smith, III
465 N. Nassau Street
Charleston SC 29403

Re: Wesley Edward Smith, III v. Charleston County School District
Appellate Case No. 2015-000787

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/HTMLFiles/2014-04-15-02.htm. 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 filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Daniel Francis Blanchard, III, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 23, 2015

Wesley Smith
465 N. Nassau Street
Charleston SC 29403

Re: Wesley Smith v. Charleston County
Appellate Case No. 2014-000643

Dear Mr. Smith:

This Court received your notice of appeal dated January 3, 2015. We construe your filings as an attempt to revive your appeal that was dismissed on April 30, 2014, for failure to timely serve the appeal, and remitted on May 20, 2014. Accordingly, we are returning your filings to you.

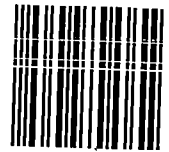
Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Daniel Francis Blanchard, III, Esquire
Enclosure

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



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