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

RECEIVED
MAY 18 2015
SC Court of Appeals

May 14, 2015

**MEMORANDUM TO THE RECORDS ADDENDUM PAGE
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 Appellant Addendum page with attachments G, H, and I to coincide with the memorandum to the records Attachment D, E, and F to be included within the legal ramifications of the Notice to Appeal and brief of Appellant in opposition to CCSD orders and the State court orders

PLEASE INSERT on page 10 of Notice of Appeal :

5 Did the State court allowing the judge order be in error without the showing of support of legal appellant shield Statute 15-3-20 in error of finding the non establishment a prima Facie case as afforded under the statutory legal shield of Mr. Wesley Edward Smith III for SC code 13-10-10(et seg) for anti biased action of alleged discrimination based on the race, age, disability claim being denied against CCSD or as seen as the indirect or direct evince on the face of the order (See Attachment G Offered into evidence) as stated "dismissed with prejudice" which words speak volumes with unsupported legal actions, that was granted to the respondents without the substantive evidence or supporting memorandum of law argument.

6 . Did the State court allow the order of the judge on the face when the respondent have not disclosed or provide this court a complaint that is in compliance with Mr. Wesley Edward Smith III statutory legal shield afforded under S C Code 15-3-20(B) that prevent barbarity arbitrarily targeting and subjection to personal act of law without the filing an legitimate and party showing a claim for relief substantiated by a legally binding injuring accident or event? Was there any mentioning's made how and when (performance evaluations) that Mr. Wesley Edward Smith III failed to do a duty for which such activities prevented him the performing his assigned work duties as required by the CCSD policies, procedures and CCSD directives?

7. Did the State court error in judgment not finding that CCSD discharged Mr. Wesley Edward Smith for cause? (See attachment A as offered into evidence and subsequent State court order as attachment B dated 29 November 2007) that establishes Mr. Wesley Edward Smith III termination from employment was indeed legal, lawful in support with the law enforcement agency seal with the magistrates report and recommendations affirming the same set of facts? Were there statements, as submitted within the separate complaint of CCSD which afforded them a legal remedy for Summary Judgment relief as being identified as the "injured party", but not discovered due to the nondisclosure of such facts, as legal service were required?

8 Did the State court order error in judgment by overlooking the possible harassing, legal bullying and or intimidation of Mr. Wesley Edward Smith III or the Judge Orders, One order approving Mr. Wesley Edward Smith III Motion to proceed In forma Pauperis, thus waiving the \$100.00 filing fee and the other order denying such legal rights which would also prevent paying of fees or other incurred cost on appeal (See Attachment H offered into evidence)

WHEREAS, I. Mr. Wesley Edward Smith III seek declaratory and independent action in equity affording for relief while respectfully demanding the same respect given be received in the same or similar mannerism of things or as the same proper courtesy is given to this courts, justices of the courts, an any man or women, any judicial officer and these appointed to assist them alike. These actions are not the same and are non frivolous legal matters. The issues on appeal from the State Court order(s) (CCSD and by the conjoined Court orders) seems only to serve as a Anti American bias practice for holding positions and a anti American protected statute bias to legally block or serve as a barrier to allow the party to perform unethical entertainment behaviors (bamboozled), unlawful business practices and uses that do not timely allow the discovery of truths while at the same time hinders the judicial mechanism for some other unidentified compelling purpose . As supported under the legal requirements of SC Code 15-3- 20(B) et seq which in relevant parts require the commencement pf the civil action with the filing of a complaint (absent) here before the order were signed and attested as true facts), but fact to what? What Mr. Wesley Edward Smith III appellant protection that shield him legal to discover the truths or to receive a filled copy of the order filed and receive such required services, to all opposing parties to appeal a judgment, order or decision as required under appellate rule 203(b) (1)?

AS ASSUMING ARGUENDO It seems that the party is trying construe the legislative intent without supporting subjective reason for the legal attacking and legal mistreatment of another hard working citizen. Such argument is not to interwoven in an already complicated setting herein.

Thus, where in the court records does the respondents CCSD or the State Court follow the proper protocol or prerequisite by affording Mr. Wesley Edward Smith III his legal protections by providing the a copy of the filed complaint for which the third parties claims they have suffered of acquired any legal injuries by the hands of Mr. Wesley Edward Smith III that list any semblance of a details that they were adversely affected? Where was the filing and service of


CCSD or its Judges complaint in compliance with the mandated requirement contained in the American English language under SC Code 15-3-20(B) which also allows the listing of separated claim for relief (no claims stated for relief identified in this court process with supporting elements for judgment(s)) sought that is not clearly detailed in State Court previous order(s)

WHEREAS Based on the expressly written laws, I rely on the statutory requirements of State Statute 15-3-20(B) which commence any and all civil action, before a final ruling should have been rendered to favor a party over the other that has cause my legal injuries and deny of statutory protection affording procedural due process. Indigence was noted in the records.

10".

Thanking you in advance.

Sincerely,


Mr. Wesley Edward Smith III

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

ATTACHMENT "G"

RECEIVED

MAY 18 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 03-CP-10-4751

WESLEY SMITH,)

Plaintiff,)

-vs)

CHARLESTON COUNTY SCHOOL
DISTRICT and MR. TOWNSEND,)

Defendants.)

ORDER

BY
JULIE J. ARMSTRONG
CLERK OF COURT
2006 MAR 20 AM 11:13

FILED

This matter came before this Court for a hearing on March 7, 2006, involving the Defendants Charleston County School District's (hereinafter "CCSD") and Anderson Townsend's (hereinafter "Townsend") Motion for Summary Judgment as to all of Plaintiff Wesley Smith's (hereinafter "Smith") causes of action. For the reasons expressed herein-below, this Court finds that the motion should be granted in part and denied in part as follows:

- Summary judgment is hereby granted as to Plaintiff Smith's first cause of action for "intentional infliction of emotional distress" or "outrage" against Defendant Townsend because Plaintiff Smith has not offered admissible evidence satisfying each of the elements of his claim. See Ford v. Huison, 276 S.C. 157, 276 S.E.2d 776 (1981), (holding that elements of "intentional infliction of emotional distress" claim are: (1) the defendant intentionally or recklessly inflicted severe emotional distress or was certain or substantially certain that such distress would result from his conduct; (2) the conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community; (3) the actions of the defendant caused the plaintiff emotional distress;

and (4) the emotional distress suffered by the plaintiff was so severe that no reasonable man could be expected to endure it).

The admissible evidence before the Court shows that the alleged misconduct by Defendant Townsend was not "extreme and outrageous." Todd v. South Carolina Farm Bureau Mut. Ins. Co., 283 S.C. 155, 321 S.E.2d 602 (Ct. App. 1984), quashed in part on other grounds, 287 S.C. 190, 336 S.E.2d 472 (1985). Additionally, Plaintiff Smith has not produced any admissible evidence showing that Defendant Townsend acted with the intent to harm or with any recklessness. Finally, Plaintiff Smith has not shown that Defendant Townsend's alleged misconduct caused him to suffer emotional distress which was so severe that no reasonable man could be expected to endure it.

Further, the two-year statute of limitations under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-110, applies to Defendant Townsend's alleged misconduct because Plaintiff Smith has not offered admissible evidence showing that Defendant Townsend acted outside the scope of his official duties. Flateau v. Harrelson, 355 S.C. 197, 209, 584 S.E.2d 413, 419 (Ct. App. 2003). Plaintiff Smith amended his initial Complaint to add Defendant Townsend as a party. Plaintiff Smith served Defendant Townsend with the Amended Complaint on July 6, 2004, which is more than two years after Plaintiff Smith discovered or knew of the events upon which his claims are based. Accordingly, the claim for "intentional infliction of emotional distress" is time-barred under the statute of limitations.

There is no genuine issue as to any material fact and Defendant Townsend is entitled to judgment as a matter of law as to Plaintiff Smith's first cause of action for "intentional infliction of emotional distress."

2. Summary judgment is hereby granted as to Plaintiff Smith's second cause of action for "breach of contract accompanied by fraudulent intent" against Defendant CCSD because such a claim is not permitted under the South Carolina Tort Claims Act. The cause of action for "breach of contract accompanied by fraudulent intent" requires a showing that the defendant acted with a fraudulent intent and the intent to injure the plaintiff. See Floyd v. Country Squire Mobile Homes, Inc., 287 S.C. 51, 336 S.E.2d 502 (Ct. App. 1985); Harper v. Ethridge & Fann, 290 S.C. 112, 348 S.E.2d 374 (Ct. App. 1986). The Tort Claims Act provides that a governmental entity such as a school district cannot be held liable for "employee conduct... which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude." S.C. CODE ANN. § 15-78-60(17). Accordingly, the cause of action alleging breach of contract accompanied by fraud is barred as a matter of law.

Additionally, assuming *arguendo* that the Tort Claims Act was inapplicable and Plaintiff Smith produced evidence that Defendant CCSD breached an employment contract with him, Plaintiff Smith has not offered admissible evidence showing that Defendant CCSD breached any such contract with a fraudulent intent or that Defendant CCSD committed any fraudulent act accompanying the alleged breach of contract. See Minter v. GOCT, Inc., 322 S.C. 525, 473 S.E.2d 67 (Ct. App. 1996); Foxfire Village Inc. v. Black & Veatch, 304 S.C. 366, 404 S.E.2d 912 (Ct. App. 1991).

There is no genuine issue as to any material fact and Defendant Townsend is entitled to judgment as a matter of law as to Plaintiff Smith's second cause of action for "breach of contract accompanied by fraudulent intent."

3. Summary judgment is hereby denied as to Plaintiff Smith's third cause of action for "breach of contract" against Defendant CCSD. Defendant CCSD argues that summary

judgment is appropriate because Plaintiff Smith did not have an employment contract with Defendant CCSD and was an "at-will" employee. However, Plaintiff Smith testified at his deposition that he received a written employee handbook from Defendant CCSD. Under certain circumstances, our courts have held that an employer may modify an employee's at-will status through the issuance of written handbooks. See Prescott v. Farmers Tel. Co-Op, 335 S.C. 330, 516 S.E.2d 923 (1999).

Although Mr. Smith testified at his deposition that he possessed a copy of the handbook, the handbook has not yet been produced and is not presently before the Court for review or examination. Because this Court has not yet been able to review the handbook, this Court rules that it would be premature at this juncture to grant summary judgment because such a handbook may possibly provide evidence creating an issue of material fact concerning whether the Plaintiff was employed by Defendant CCSD pursuant to an employment contract and, if so, whether his termination breached the employment contract. See Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 410 S.E.2d 537 (1991) (summary judgment was prematurely granted when showing was made that further discovery may reveal additional relevant evidence).

Accordingly, Defendant CCSD's motion for summary judgment is denied at this time as to Plaintiff Smith's third cause of action for "breach of contract" against Defendant CCSD. Nothing herein shall be construed as barring or preventing Defendant CCSD from making a renewed or subsequent motion for summary judgment (or a directed verdict motion at trial) after additional discovery is conducted regarding the handbook.

4. Summary judgment is hereby granted as to Plaintiff Smith's fourth cause of action for "third party interference with a contract" against Defendant Townsend because Plaintiff Smith did not timely commence the claim within the applicable statute of limitations. The two-

year statute of limitations under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-110, applies to Defendant Townsend's alleged misconduct because Plaintiff Smith has not offered admissible evidence showing that Defendant Townsend acted outside the scope of his official duties. Flateau, supra. Plaintiff Smith served his Amended Complaint against Defendant Townsend more than two years after Plaintiff Smith discovered or knew of the events upon which his claims are based. Accordingly, the claim for "third party interference with a contract" is time-barred under the statute of limitations.

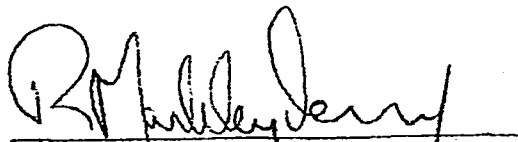
There is no genuine issue as to any material fact and Defendant Townsend is entitled to judgment as a matter of law as to Plaintiff Smith's fourth cause of action for "third party interference with a contract."

Based on the above findings of fact and/or conclusions of law, it is hereby

ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Summary Judgment is hereby GRANTED as to Plaintiff's first cause of action for "intentional infliction of emotional distress" or "outrage," Plaintiff's second cause of action for "breach of contract accompanied by fraudulent intent," and Plaintiff's fourth cause of action for "third party interference with a contract;" and it is further

ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Summary Judgment is hereby DENIED as to Plaintiff's third cause of action for "breach of contract" against Defendant CCSD.

AND IT IS SO ORDERED!


R. Markley Dennis, Jr.
Presiding Circuit Court Judge

Thoncho Course South Carolina.

This 16th day of March, 2006.

ATTACHMENT "H"

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
) Trail Court Case No
) 2003-CP-10-04751

Charleston County School District;

Petitioner/ Plaintiff,

v.

Wesley Edward Smith III

Respondent/Defendants.

) MOTION TO LEAVE TO PROCEED INFO PAUPERIS WITHOUT PREPAYMENT OF FEES

FILED
JAN 16 PM 4:46
CLERK OF COURT
J. ARMSTRONG

I Wesley Edward Smith III am the Plaintiff/Petitioner in the above entitled case and I hereby request to proceed in forma pauperis and without being required to prepay fees or cost or give security. I state that because of my poverty I am unable to pay the cost of said proceeding or give security therefore, and that I believe I am entitled to redress.

- 1. If you are presently employed:
 - a) give the name and address of your employer
 - b) state the amount of you earnings per month

N/A

- 2. If you are NOT PRESENTLY EMPLOYED:
 - a) state the date of start and termination of your last employment
 - b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED

- a. started work on 22 March 1999 Terminated on 28 March 2005
- b. \$42,000.00 Annually Income

3. Have you received, within the last past twelve months, any money form any source? If so, name the source and the amount of money you received.

Social Security Benefits @ \$1,341.00 and from education and School Books \$1,400.00 Semi annually

- a) Are you receiving public benefits No Yes, \$
- b) Do you receive income form any other source No Yes, \$
- 4. Do you have any money, including any money in a checking or savings account? If so, how much? No Yes, \$11.00

5. Do you own any apartment, house or building, stocks, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

No Yes, \$

6. Do you pay rent or a mortgage? If so, how much each month?

No Yes, \$450.00

7. List the person (s) that you pay money to support and the amount you pay each month.

P. S. \$ 150.00 _____

K. S. \$120.00 _____

R. S. \$130.00 _____

8. State any Special financial circumstances which the Court should consider?

I have a vested interest in the outcome of this action as it pertains to the finances, stock invested 401K benefits, division of property with the companies, home investments/equity and other benefits that come with home ownership and or maintaining a job.

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration.

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

Signed this 3rd day of January, 2013
Date Month Year

[Signature]

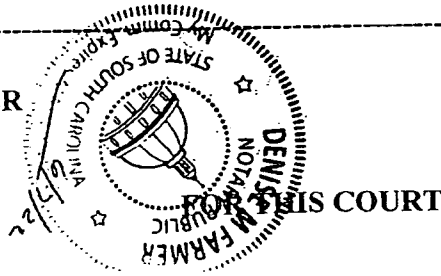
Signature

*Denise M Farmer, Notary
Com Exp 6/1/22
Chs County, SC*

Granted [Signature]

1/14/13

ORDER



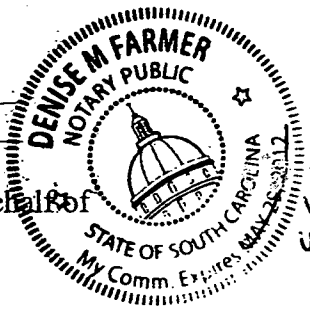
THIS COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON)
) Case No
 MR. WESLEY EDWARD SMITH III,)
)
 Plaintiff,) MOTION AND AFFIDAVIT TO PROCEED
 v.) INFORMA PAUPERIS WITHOUT PRE-
) PAYMENT OF FILIG FEES
)
 CHARLSTON COUNTY SCHOOL)
 DISTRICT and MR. TOWNSEND,)
 Defendant.)
) FILE NO, _____

I, Wesley Edward Smith, III being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the cost of filing and service in the present matter. I hereby request that the complaint be filed and service made without cost.

Sworn to and Subscribed before me)
 this 6 day of March 2014)
Denise M Farmer)
 Notary Public for South Carolina)
 My Commission expires 6/7/22)

 Signature of Plaintiff or
 Person Filing Complaint on Behalf of
 Plaintiff



ORDER

- Leave is granted to proceed in forma pauperis without payment of the filing fee.
- Leave is granted to proceed in forma pauperis without payment of the service cost.
- Leave is denied to proceed in forma pauperis.

Dated March 13, 2014 _____
 _____, Charleston, South Carolina
 JUDGE/CLERK OF COURT

NOTICE TO Plaintiff: The court may assess cost against either party at the hearing.

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK OF C.S. & F.C.

 DEPUTY CLERK

FILED
 CLERK OF COURT
 DENISE M. FARMER
 18 MAR 19 PM 1:54

ATTACHMENT "I"

CERTIFICATE OF COMPLIANCE

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Doyet A. Early, Circuit Court Judge

Case No. 2003-CP-10- 4751

RECEIVED
MAY 18 2015
SC Court of Appeals

Charleston County School District (CCSD) et al,

Respondent(s)

v.

Mr. Wesley Edward Smith III,

Appellant

CERTIFICATE OF COMPLIANCE

I Mr. Wesley Edward Smith III comes now before this honorable court in accordance with the expressly written rules, but in understanding with any semblance of the letter recommendations (see enclosed dated January 23 2015). By providing allowance to dispose of the proper law agency law review, would not suspect a soul, for possibly being a violator of the rules or server to block any avenue to challenge the alleged in violation of a citizens afforded rights. While Mr. Wesley Edward Smith III, remains in custody with this State process personal affair, Mr. Wesley Edward Smith III is continually sustaining personal injuries from a backlash of continued mistreatment, collateral attacks, from wrongful acts perceived due to

wrongful business practices. CCSD business practice, subjects other citizens, such as the right to work employee, to an internal mad house practice process which does not show the common courtesy. The performance of CCSD after committing an alleged wrong, seeks to hide from or be aided under the State doctrines, which allegedly provided an umbrella of such protection. The CCSD shows a lack of care in its business practice and does not display the warmth a proper business should show and employee, independent contractor or a customer. The undersigned clearly states that I, Mr. Wesley Edward Smith III represents self. As required in accordance with rule 11 of the South Carolina Rules of Civil Procedures, as hereby affirmed a consultation and offer was made to the opposing party.


The opposing parties are unable to reconcile or conciliate the matter of personal torturous injuries sustained from the accident. The Charleston County School District does not believe that its business practice committed any wrongful acts that would be in violation of the State laws, rules or the protected right of another citizen. CCSD does not acknowledge the subsequent responsibility of being liable if such findings are discovered, and such results that due process and appellate rights were/are being denied. By CCSD own written admissions, its own egregious nature, decided to perform and conduct an internal process for an alleged statutory violation while operating under the State laws and rules that governs a judicial process. The termination from employment served as the implied notice to Mr. Wesley Edward Smith III that CCSD had an inherent right to act and terminate any other employee without justification for arbitrary treatment of another employee while disregarding his and her protected rights. CCSD and its personnel conducted its own internal process but substantive proof of law enforcement supporting memorandum is absent. The CCSD refuses to disclose the review committee

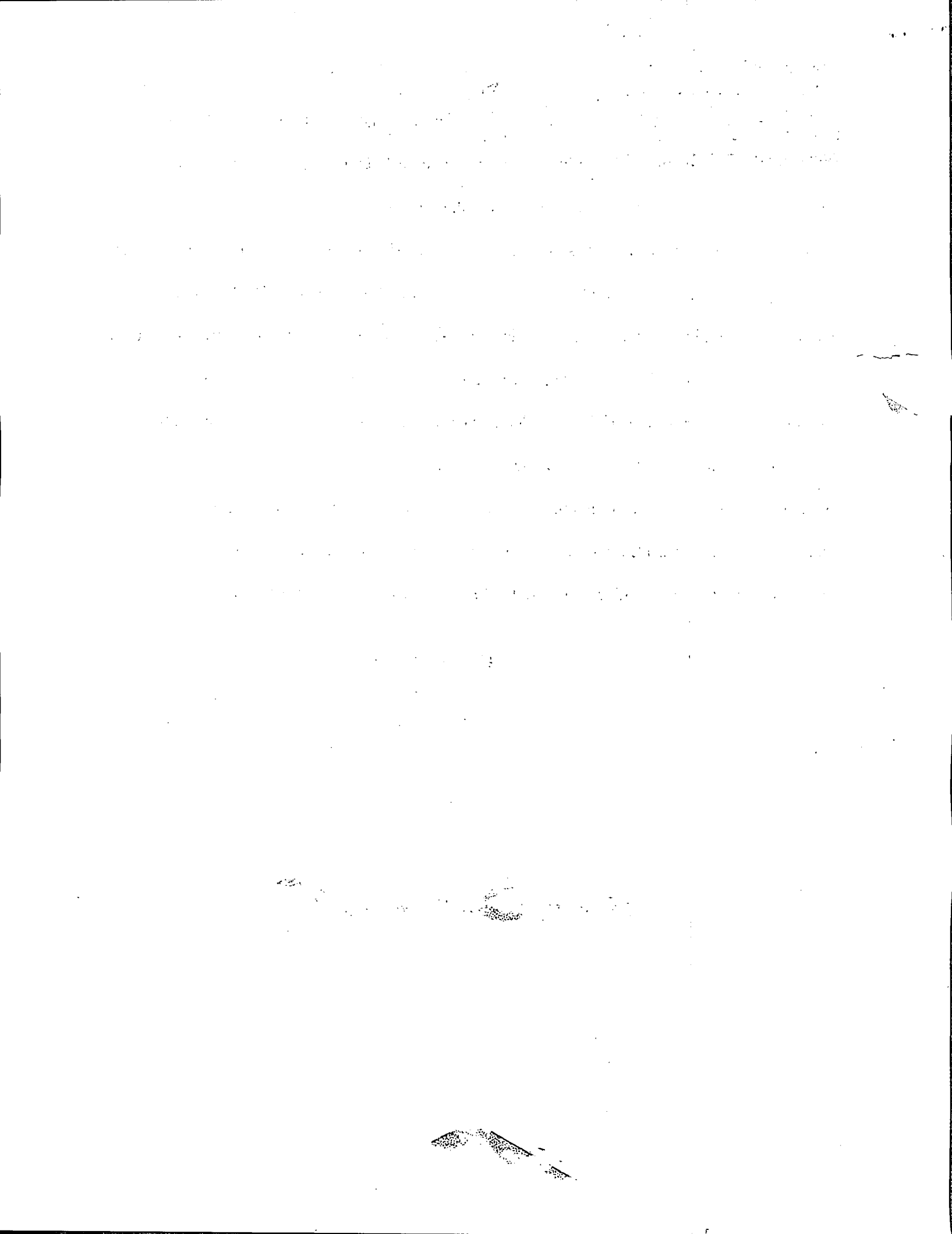
findings, refuse to pay Mr. Wesley Edward Smith all the money owed for the first wrongful termination, investment in the company with accrued divestments. CCSD stated they he had reasonably good faith reason to believe that an unlawful act occurred while Mr. Wesley Edward Smith II was proffered his duties as proscribed by the district. CCSD solely took matter against Mr. Wesley Edward Smith III. Objectionable reasons are left believe the CCSD knew that it would cause an injury or had reason to believe that subjecting any to this type of process that and injury would incur. CCSD has not only personally injured the Appellant, but also believed in violation of his recognizable rights afforded due process regarding the substantive evidence or proof required to act as implied enforcement agency.

THEREFORE the issuance of a remittitur without the support of review committee's fact finding under the written law would be legally unfamiliar and not impartially treated. Could easily be construed as a conduct not adhering to the expressly written rule of law.

February 9, 2015

Respectfully Submitted


Mr. Wesley Edward Smith III



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

RECEIVED

MAY 18 2015

SC Court of Appeals

Wynne Abbott Kitchings
Clerk of Court
1015 Sumter Street
Columbia, South Carolina 29201

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