

PETITION FOR WRIT OF CERTIORARI

THE STATE OF SOUTH CAROLINA
In the Supreme Court
APPEAL FROM STATE COURT OF APPEALS
Appellant Court Review of Case 2015-000787 on
Doyet A Early, Court of Common Pleas Judge
Order 20 November 2007

RECEIVED

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Mr. Wesley Edward Smith III, **SC SUPREME COURT**

v.

Charleston County School District, et al.....Respondent,

Wesley E. Smith, Pro Se 465 N, Nassau Street
Charleston, SC 29403
(804)244-7807
Attorney for Appellant
Daniel Francis Blanchard, III, Esquire
151 Meeting Street 4th Floor
Charleston, SC 29403
(843) 737-6550
Attorney for Respondent

I. INTRODUCTION

I Mr. Wesley Edward Smith III moves before this honorable court while exercising my
fundamental Constitutional right in adverse civil proceeding to petition this court pursuant the
provisison under South Carolina Appellant Rules 242

II OBJECTIVE DISSENT OPPOSING ISSUANCE OF THE UNTIMLEY REMITTITUR

Pursuant Rule 242 governing actions the action of tis court regarding CERTIORARI TO THE
COURT OF APPEALS. The authority of this court : (a) Authority of the Supreme
Court (See attached enclosure (1) . The Supreme Court, or any two (2) justices thereof, may in
its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to

review a final decision of the Court of Appeals. **(b) Considerations Governing Review.** A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered: As such pertaining to rule 24 for this court consideration are question governing this courts acceptance for the alleged violations at the State Court of Appeals level on review. Mr. Wesley Edward Smith III dissent is supported below:

RULE 242 QUESTION (1)

(1) Where there are novel questions of law

PETITIONER RESPONSE (1): Yes there is a novel question of law. This is on the basis that the State Constitution (as been relid upon on for many years) is writing or implied speech that is ordinary and matters-of-fact, that are written without any embellishments.

The question prose around the findings of the organization entity of the Court of Appeal, which duty is to protect and serve any and all citizens and sure that all person place and or things have allowed the citizen due process, Due process was to be allowed regardless of color, race, age, sex. religious preferences, gender, disability of and findings or discoveries of previous forms of personal servitude. A person not wanting to a job he or she were delagted as a highly favorite who assures civil rest s assigned is dereliction of duiteis to be responsible or obligated for ensuring that the job a person is assigned the fair administration of equal justice was adhered to and written and understood in the English language. The Court of Appeals was quick on the draw to refuse to allow the original private parties claims. As such, Charleston County School District (CCSD) claim were absent the hearing which lacked; a statement for relief, a complaint, a summon and a notice to all opposing parties of the scheduled hearing related to the past events. The Court of Appeals has not allowed Mr. Wesley Edward Smith III the free will of exercising his fundamental Constitutional right to review the unseen record of evidence or to have disposes of, the witness that were allegedly used to testify in the prior one-sided hearing. This remittetur is untimely and unconstitutional according the State Constitution for allowing the issuance of an order prior to full due process law was administered, before the citizen exercised constitutional rights, liberty and or properties could be siezed and persona apprehended.

RULE 242 QUESTION (2)

(2) Where there is a dissent in the decision of the Court of Appeals.

PETITIONER RESPONSE (2) Yes, There is a objectionable dissent based on the State constitution not being adhered to and or respected. Mr. Wesley Edward Smith III has not been respected and objectively dissents to the Court of Appeal issued remittitur based on the fact the decision is unsubstantiated by law argument and insufficient evidence with reasons to believe otherwise. Without a law argument by the Court or from Charleston County School District (the affected and injured person itself) is hearsay and inadmissible in any court. As such, State doctrine "remittitur" which is used against a citizen without plausible meaning is untimely and perceived as unconstitutional.

RULE 242 QUESTION (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.

PETITIONER RESPONSE (3) Yes.

RULE 242 QUESTION (4) Where substantial constitutional issues are directly involved.

PETITIONER RESPONSE (4) Yes, where there is a substantial constitutional issues that are directly involved such as Mr. Wesley Edward Smith III rights to be inform of the claims and or charges, right to appeal all final orders, a right to cross examine and interrogated the said witnesses used against me, The right to call expert witnesses the right to test the legal sufficiency of the respondent claims, but the claims are absent for such required test to be performed. Therefore the but, for test should apply, whereas if the respondent had not allowed me to become a business practice that practice on employment law daily, then Mr. Wesley Edward Smith III would still be employed and CCSD should have protected Mr. Wesley Edward Smith III from harm or should have reasonably known that a harm would have occurred without applying such Constitutional safeguards, shield and guarantees that comes with the duty of Care, the duty of due diligences and a duty of compassion and the reliance of trust. CCSD should have employ countermeasure setup to prevent employed from the causes and harms aof other that infringe, encroached upon the private lives of citizens, and taint the remaining limited fabric of the Court limited integrity of cloth(s) while trying to support the legitimizing of false of perpetrators whoses unsupported claims were originated in the termination employment process. The process was premised upon a lie and rumors from similar children. The respondent whether collectively or severely a human, due to carelessness, willful or wanton act, strict or contributory negligence wer obligated, responsible and liable to the State the judicial process and to Mr. Wesley Edward Smith III

RULE 242 QUESTION (5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

PETITIONER RESPONSE (5) NO, there is not a a federal question here at the juncture of the court limited jurisdiction to hear federal claims, but the questionable objectionable

dissention is why the Court of Appeal not viewing the State Constitution in a light more favorable to the adversely affected party? This is question to be included and the decision of the Court of Appeals conflicts with a decision of the Supreme Court.

III. OBJECTIVE SUPPRTING LAW ARGUMENT DISSENT OPPOSING ISSUANCE OF THE REMITTITUR

Hence dissentions are objectively supported bythe rule governing suc reversal, new trrials , reconsiderations and reinstatements based on applicable changes according : *RULE 242 CERTIORARI TO THE COURT OF APPEALS*

(a) Authority of the Supreme Court. *The Supreme Court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals.*

(b) Considerations Governing Review. *A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:*

(1) *Where there are novel questions of law.*

(2) *Where there is a dissent in the decision of the Court of Appeals.*

(3) *Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.*

(4) *Where substantial constitutional issues are directly involved.*

(5) *Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.*

(c) Time for Petitioning and Filing Fee. *A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals. An original and six (6) copies of the petition shall be filed with the Supreme Court. The copies filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court. [1] No filing fee shall be required in criminal cases or petitions filed by the State of South Carolina or its agencies or departments.*

IV. OBJECTIVE DISSENT TO PAYING OF FILIBNG FEE RESPONSE

This is quite possible because I did not receive notice of the hearings because I did not receive the proper notice of appeal notice as required from the respondent or from the designated Court of Appeal Administration department at law. I seek to move In forma Pauperis and the waiving of any filing fees based upon my undue hardships. impoverished condition s and or the that the

Court may upon its own action transfer of Court this case on the fact that all Charleston County School District willful act are predicated with the criminal intent elements based on deprivation of Constitutional rights and or the causing the false production of court order based on lies and false claims premised upon fraud, fraud upon the Courts, abuse of process and conversion by delusion from deceptive law practitioners. I dissent to the order based on persons using the business for unlawful business practices against the civil right, liberties and freedom and private lives of the citizens within a State territory or regulatory district.

V. CONCLUSION

WHEREAS the dissention a frowned upon in an array of manners and based on a plethora of will acts that are beyond intent, I request the the Courts concentration of on my raised and invoked Constitutional due process claims being violated and the remittitur being produces in error of the due process right which I Mr. Wesley Edward Smith III believe that order would be unconstitutional, thus rendering such decision as "untimely" Since the Hence dissentions are objectively opposed to and supported by the rule governing action, such acts for a reversal, new trial, reconsiderations and reinstatements based on applicable changes according to rule 242 granting the Writ of Certiorari should be granted. Without the respondent substantiating sufficient evidence for its claims for relief with proof, this is the request of for applying tion of judiciary discretion not to waste the South Carolina Supreme court time, manpower, women power and taxpayers monies.

With the aforementioned information, the remittitur implies a final action. But upon a closer review of the remittitur, the remittitur was prematurely written in error of constitutional law authority and written contrary to prior court precedence case involving unfair, unequal

separated and bias treatment of citizens. The respondents have violated Mr. Wesley Edward Smith III Constitutional Civil rights while upon operating under the color of law or not. Such as a reprehensible and appalling and there is a zero tolerance for such acts Upon this court review the Writ of Certiorira should be respectfully granted as demanded and the Court of Appelas order (Remittetur) should be dismissed, declared and ordered as frivolous on the basis the Court of Appeal order is dissented as unconstitutionally and untimely written.

WHEREAS I Mr. Wesley Edward Smith III asserts the defense the remittitur is perceives written whn a unconstitutional act preceded, absent to the finding in the respondents unsupported claims for relief. Reply Answer: Relevance.

WHEREAS I Mr. Wesley Edward Smith III, whether I am a citizen or resident of a State or not, I, Mr. Wesley Edward Smith III I should not be worried on my job or any place I choose to go. I am guaranteed a constitutional deserved to be respected and laws were my Constitutional protections should have be shielded, protected and not placed in uncompromising position to be bullied or intimidated for someone dereliction of a lawful enforcement duty. I believe that as a citizen that I have the right to be free from unreasonable searches, and the object of affection for the subjectively of another based upon his or her own cultural belief or ideology of events while operating under the State Constitution, within the confinements of the State Jurisdiction.

WHEREAS, tThe State territory is wide and winding while offering joys and pains and renders restorations through the State due process that offers relief and remedies to any and all persons adversely affected by another and against such violators who willing chooses to violate the law

THEREFORE pursuant the provision of rule 242 The Court judicial discretion and professionalism is relied upon upon because Mr. Wesley Edward Smith III assert ignorance as the plausible defending excuse based one the facts I was not informed of my right to appeal the frivolous order or the hearing governing the remittitur order. I was not informed of the consequences of doing so. I did not waive my constitutional right based on the fact that someone failed to do his or her job or who was obligated as promised to provide a service to others first and foremost.

I Affirm and or declare under the penalty that this information is true and correct . The issue herein are done in good faith and claims have not been heard or resolve according to t the State requirements regarding civil due process

November 4, 2015

Respectfully Submitted



Mr. Wesley Edward Smith III

ENCLOSURE (1)

PETITIONER OBJECTIVE SUPPORTING LAW ARGUMENTS

Appellant Court Review of Case 2015-000787

Mr. Wesley Edward Smith III, Appellant.

v.

Charleston County School District et al, Respondent,

RULE 242

CERTIORARI TO THE COURT OF APPEALS

(a) Authority of the Supreme Court. The Supreme Court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals.

(b) Considerations Governing Review. A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

- (1) Where there are novel questions of law.
- (2) Where there is a dissent in the decision of the Court of Appeals.
- (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
- (4) Where substantial constitutional issues are directly involved.
- (5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

(c) Time for Petitioning and Filing Fee. A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals. An original and six (6) copies of the petition shall be filed with the Supreme Court. The copies filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court.^[1] No filing fee shall be required in criminal cases or petitions filed by the State of South Carolina or its agencies or departments.

(d) Content of Petition. The petition for writ of certiorari shall contain the following:

- (1) Certification by counsel for petitioner that a petition for rehearing or reinstatement was made and finally ruled on by the Court of Appeals.
- (2) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court. A question presented will be deemed to include every subsidiary question fairly comprised therein.
- (3) A concise statement of the case, containing the facts material to the consideration of the questions presented.
- (4) A direct and concise argument in support of the petition. The argument on each question shall include citation of authority and specific reference to pertinent portions of the Record on Appeal. Failure of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition. The total length of a petition shall not exceed twenty-five (25) pages.

(e) Appendix. At the same time the petition is filed, the petitioner shall also file two (2) copies

of the Appendix with the Clerk of the Supreme Court. As provided by Rule 267(d), one copy filed with the Supreme Court shall be filed unbound. The Appendix shall include the following:

- (1) A copy of the Record on Appeal and brief(s), or in post-conviction relief matters, a copy of the Appendix, petition for writ of certiorari, return, reply and any briefs filed under Rule 243, SCACR.
- (2) If the matter was dismissed by the Court of Appeals for procedural or other reasons, the Appendix shall include any documents relevant to the dismissal including any motion to dismiss and any return or reply that may have been filed.
- (3) A copy of the decision of the Court of Appeals on which certiorari is sought.
- (4) A copy of the petition for rehearing or reinstatement filed in the Court of Appeals and the Court's ruling on that petition.

If the Appendix contains any of the documents specified in (2) above, a copy of the Appendix must be served on the opposing counsel and proof of service of the Appendix must be filed when the petition for writ of certiorari is filed.

(f) Return to Petition. Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his return and proof of service showing that the return has been served. The return shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review. The total length of a return shall not exceed twenty-five (25) pages. If review is being sought regarding a post-conviction relief case, the respondent need not file a return unless requested by the Supreme Court.

(g) Reply. The petitioner shall have ten (10) days from the date of service of the return to file with the Clerk of the Supreme Court an original and six (6) copies of a reply and proof of service showing that the reply has been served. The total length of the reply shall not exceed fifteen (15) pages.

(h) Consolidation. Where several cases that involve identical or closely related questions are sought to be reviewed on certiorari, the filing of a single petition for writ of certiorari shall suffice to cover all the cases.

(i) Consideration by the Supreme Court. The petition will be considered by the Supreme Court without oral argument. The petition may be granted or denied on any question presented. If the petition is granted, the Clerk shall notify each party or his attorney, specifying the question or questions to be considered, and the parties shall prepare briefs addressing the question(s). Petitioner shall have thirty (30) days from the date the petition is granted to serve a copy of his brief on all parties to the appeal, and file with the Clerk of the Supreme Court fifteen (15) copies of his brief, along with proof of service. At the time he files his brief, petitioner shall also file thirteen (13) additional copies of the Appendix. Within thirty (30) days after service of petitioner's brief, respondent shall serve a copy of his brief on all parties to the appeal, and file with the Clerk of the Supreme Court fifteen (15) copies of his brief, along with proof of service. Petitioner may file a reply brief. If a reply brief is prepared, petitioner shall, within ten (10) days after service of respondent's brief, serve a copy of his reply brief on all parties to the appeal and file with the Clerk of the Supreme Court fifteen (15) copies of his reply brief, along with proof of service. The briefs shall, to the extent possible, comply with the requirements of Rule 208(b). Oral argument shall not be permitted unless ordered by the Supreme Court.

(j) Costs When a Writ of Certiorari Has Been Granted.

- (1) **To Whom Awarded.** Unless otherwise ordered by the Supreme Court or agreed to by

the parties, costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals. When the decision of the Supreme Court has the effect of reversing the judgment of the lower court or tribunal which was on appeal, costs shall be assessed against the respondent before the Court of Appeals. When the decision of the Supreme Court has the effect of affirming or reversing in part or vacating the judgment of the lower court or tribunal which was on appeal, costs shall be allowed only as ordered by the Supreme Court.

(2) Costs Allowed. The party entitled to recover costs may recover all those costs specified in Rule 222(b), to include the attorney's fee provided by that rule. Additionally, the party may, to the extent the party actually incurred these costs, recover: (1) the filing fee paid under Rule 242(c); (2) the cost of printing the Appendix under Rule 242(e) and (i); and (3) the cost of printing the party's brief(s) under Rule 242(i). The party may also recover an additional attorney's fee in an amount which shall be set by order of the Supreme Court. [2] The allowance of additional costs will generally not be allowed except in the most extraordinary circumstances.

(3) Costs for Printing Irrelevant Matter. A party who has unjustifiably designated irrelevant matter to be included in the Record on Appeal shall not be entitled to tax the cost of printing this matter in the Record on Appeal or in the Appendix. Further, a party not otherwise entitled to costs under this Rule shall be entitled to collect the cost the party incurred for printing irrelevant matter in the Record on Appeal and/or the Appendix which another party unjustifiably designated to be included in the Record on Appeal.

(4) Motion for Costs. A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule. The motion shall comply with Rule 240. If costs are being sought under (2) above, the motion shall be accompanied by a sworn, itemized statement of costs incurred in the form prescribed in the Appendix to these rules. Any return or reply to the motion shall be served and filed in the manner provided by Rule 240. The return may oppose the request for costs or seek a reduction of the amount of costs to be awarded. The remittitur shall not be stayed by the filing of a motion for costs.

(5) Taxation. Costs under this Rule shall be taxed by the Supreme Court. If costs are taxed, they shall become part of the judgment of the appellate court and shall be added to the remittitur.

(6) Applicability. Costs shall not be awarded in criminal cases or post-conviction relief cases.

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

[1] By order dated April 17, 1990, this filing fee was set at one hundred (\$100.00) dollars.

[2] By order dated July 24, 1997, the amount of attorney's fee was set at \$1,000.

ENCLOSURE (2)

PETITIONER OBJECTIVE SUPPORTING LAW ARGUMENTS

Appellant Court Review of Case 2015-000787

Mr. Wesley Edward Smith III, Appellant.

v.

Charleston County School District et al, Respondent,

ARTICLE I.
DECLARATION OF RIGHTS

SECTION 1. Political power in people.

All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government. (1970 (56) 2684; 1971 (57) 315.)

SECTION 2. Religious freedom; freedom of speech; right of assembly and petition.

The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances. (1970 (56) 2684; 1971 (57) 315.)

SECTION 3. Privileges and immunities; due process; equal protection of laws.

The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)

SECTION 4. Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction.

No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. (1970 (56) 2684; 1971 (57) 315.)

SECTION 5. Elections, free and open.

All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office. (1970 (56) 2684; 1971 (57) 315.)

SECTION 6. Residence.

Temporary absence from the State shall not forfeit a residence once obtained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 7. Suspension of laws.

The power to suspend the laws shall be exercised only by the General Assembly or by its authority in particular cases expressly provided for by it. (1970 (56) 2684; 1971 (57) 315.)

SECTION 8. Separation of powers.

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other. (1970 (56) 2684; 1971 (57) 315.)

SECTION 9. Courts; speedy remedy.

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 10. Searches and seizures; invasions of privacy.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained. (1970 (56) 2684; 1971 (57) 315.)

SECTION 11. Presentment or indictment.

No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger. The General Assembly may provide for the waiver of an indictment by the accused. Nothing contained in this Constitution is deemed to limit or prohibit the establishment by the General Assembly of a state grand jury with the authority to return indictments irrespective of the county where the crime has been committed and that other authority, including procedure, as the General Assembly may provide. (1970 (56) 2684; 1971 (57) 315; 1989 Act No. 5; 1989 Act No. 8.)

SECTION 12. Double jeopardy; self-incrimination.

No person shall be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall any person be compelled in any criminal case to be a witness against himself. (1970 (56) 2684; 1971 (57) 315.)

SECTION 13. Taking private property; economic development; remedy of blight.

(A) Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property. Private property must not be condemned by eminent domain for any purpose or benefit including, but not limited to, the purpose or benefit of economic development, unless the condemnation is for public use.

(B) For the limited purpose of the remedy of blight, the General Assembly may provide by law that private property constituting a danger to the safety and health of the community by reason of lack of ventilation, light, and sanitary facilities, dilapidation, deleterious land use, or any combination of these factors may be condemned by eminent domain without the consent of the owner and put to a public use or private use if just compensation is first made for the property. (1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

SECTION 14. Trial by jury; witnesses; defense.

The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. (1970 (56) 2684; 1971 (57) 315.)

SECTION 15. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses.

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained. (1970 (56) 2684; 1971 (57) 315; 1998 Act No. 259.)

SECTION 16. Libel.

In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the

jury shall be the judges of the law and facts. (1970 (56) 2684; 1971 (57) 315.)

SECTION 17. Treason.

Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason, except upon testimony of at least two witnesses to the same overt act, or upon confession in open court. (1970 (56) 2684; 1971 (57) 315; 2007 Act No. 15.)

SECTION 18. Suspension of habeas corpus.

The privilege of the writ of habeas corpus shall not be suspended unless when, in case of insurrection, rebellion or invasion, the public safety may require it. (1970 (56) 2684; 1971 (57) 315.)

SECTION 19. Imprisonment for debt.

No person shall be imprisoned for debt except in cases of fraud. (1970 (56) 2684; 1971 (57) 315.)

SECTION 20. Right to keep and bear arms; armies; military power subordinate to civil authority; how soldiers quartered.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner nor in time of war but in the manner prescribed by law. (1970 (56) 2684; 1971 (57) 315.)

SECTION 21. Martial law.

No person shall in any case be subject to martial law or to any pains or penalties by virtue of that law, except those employed in the armed forces of the United States, and except the militia in actual service, but by the authority of the General Assembly. (1970 (56) 2684; 1971 (57) 315.)

SECTION 22. Procedure before administrative agencies; judicial review.

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review. (1970 (56) 2684; 1971 (57) 315.)

SECTION 23. Provisions of Constitution mandatory.

The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.)

SECTION 24. Victims' Bill of Rights.

(A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- (2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
- (3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- (4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- (5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- (7) confer with the prosecution, after the crime against the victim has been charged, before the trial or

before any disposition and informed of the disposition;

(8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;

(9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;

(10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;

(11) a reasonable disposition and prompt and final conclusion of the case;

(12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a wilful failure to comply with a writ of mandamus is punishable as contempt.

(C) For purposes of this section:

(1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated.

(3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims. (1998 Act No. 259.)

SECTION 25 Hunting and fishing.

The traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources.

HISTORY: 2011 Act No. 20, Section 1, eff May 5, 2011.

ENCLOSURE (2)

PETITIONER OBJECTIVE SUPPORTING LAW ARGUMENTS PROOF OF CITIZENSHIP

Appellant Court Review of Case 2015-000787

Mr. Wesley Edward Smith III, Appellant.

v.

Charleston County School District et al, Respondent,

SMITH, WESLEY EDWARD III
465 N. NASSAU ST
CHARLESTON, SC 294033830

DL#: 008450078
Expires: 04-29-2012

Class: D Hgt: 6-01 Wgt: 198
Sex: M DOB: 05-22-1964
Issued: 09-29-2009 10060 R 2



Wesley Smith

Restrictions: None
Endorsements: None

Go For It

THE STATE OF SOUTH CAROLINA
In the Supreme Court
APPEAL FROM CHARLESTON COUNTY
Doyet A Early, Court of Common Pleas Judge
Order 20 November 2007 and
Appellant Court Review of Case 2015-000787

RECEIVED

DEC 07 2015

Mr. Wesley Edward Smith III, Appellant.
v.


S.C. SUPREME COURT

Charleston County School District et al, Respondent,

PROOF OF SERVICE

I, Wesley Edward Smith III, certify that on November 4, 2015, submits an insertion to petition for reinstatement a response in opposition to State Court of appeal letter dated 24 September 2015 was sent by First Class Mail via United States Mail and on all parties listed below in this action to the following.

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