

In the South Carolina Court Of Appeals

Wesley Edward Smith III A.K A
Wesley Smith

Ticket/OCR/Warrant State id Number UNKNOWN

Appellant

versus

Charleston County School District et al

Respondent

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APR 12 2019

S.C. SUPREME COURT

REF: Civil Case No 2003-CP-10-4751
Honorable Roger Young
Order Dated 18 March 2019

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APR 16 2019

APPEAL FOR REVIEW PURSUANT RULE 201, 203 and 222 et seq. SC Court of Appeals

I. OPENING RULES REGARDING REVIEW, REHEARING REMAND FOR REDRESS AND RELIEFS OR EQUITABLE REMEDY

1. Enclosed is the correctly identified Wesley Edward Smith III (See exhibit "A" of copy of Certificate of Live Birth (not Berth), SC Drivers License and address as offered into as admissible evidence). This Notice of Appeal identifies to and with the 1) State Circuit Court. 2) State Court of Appeal and 3) the Supreme Court of South Carolina. For the efficiency of judicial time, such action are to be decided independent of collectively give the pace of proper jurisdiction to make such determination for reversal, remand, review, rehearing of cases, redressing issue overlooked, as to be reviewed by these courts to acts governed accordingly under the South Carolina Rule for appellant procedure Rule 201 and 203 respectively (See Enclosure mark for later appendix (1) offered as substantive evidence used objectively for the cases).

2) On appeal under review for appeal for rehearing, redress, remand, reaffirmation, declaration reconsideration or rehearing for Equitable remedy and or Judicial relief by enforcement of law, taken from the Honorable Roger Young Order dated 18 March 2019 as case number was assigned by this court identified by 2003-CP- 10-4751 in 2003. Ex parte Wesley Edward Smith III was unfamiliar and legal misguided and not procedurally informed about the state government actors intent.

3) I Wesley Edward Smith III would like to bring you attention on review regarding the statement made by the Honorable Roger Young for the action that previously took place (See Exhibit "C" of Order offered as substantive proof on review for rehearing and redressing (objectionably acts overlooked due to sanction placed on case number 2003-CP-10-4751 for frivolousness) I believe the case was frivolous before I Wesley Edward Smith III used the inquisition process. On that not of frivolity, upon review of the Order of Roger Young filed dated 18 Mach 2019, second line "operative words are "Plaintiff Wesley Smith was thereby enjoined". How can this Wesley Edward Smith III be enjoined, if he was an Ex [parte and ex communicated from all event, nor considered to later " joined" properly under S C R Civ Pro rule 19 or as discovery would afford opportunity to locate persons of interest or other suspects under S C R Civ Pro 26, but official misidentifies and still refers to the name given another person (I, Wesley Edward Smith III declare under perjury I never worked within any department located within CCSD located at 75 Calhoun Street in Charleston, S C 29403 at any time), such information was relied upon from children like rumors and NON privy state prosecutors or defense counsel who relayed such misinformation to adjudicating officials the name of A. K. A Wesley Smith.(objection). How

could this be so when my Certificate of Live of Birth assigned and identifies me as Wesley Edward Smith III? (Proof Needed Explain)

4 I, Wesley Edward Smith III did further inquiry to this matter to prevent any confusions regarding question of Wesley Smith. I researched Google.com, Yellow pages.com, White Page.Com, 411.com and Ancestry.com, as realized a mistake could have been made based on the facts (See exhibit D' as offered as substantive proof) that there are over two (2) million variation of the name given for 'Wesley Smith". The asserting of S. C. R. Civ. Pro.

11(a) and or S. C. Code Ann. §§ 15-36-10 et seq holds neutral officials, agencies and even reasonable minds in contempt inadvertently. by not allowing to raise a common sense approach to the inferences and objectionable question that remains in case 2003-CP-10-4751 actions. Such as allowing a review based on "human error" mistake of law and questions regarding the perceived lack of supervising oversight that by proofing the records and orders for consistency with prior proceedings, would not leave premature sanction when the objectionable questions and inferences reek of discrimination and prejudices prior to final judgment(s)

5. I, Wesley Edward Smith III was Ex parte and excommunicated from the entire process up to the lower court 2003-CP-10-4751. I Wesley Edward Smith III in good faith (since 2001) over. Nineteen (19) tried raise such objectionable question and inference in the decision making process of a faulty procedure to clear my name, for which the process protection have been compromised

6. A copy of this my notice to appeal was also sent State Circuit Court from which this act originated.

7. I, Wesley Edward Smith III am appealing the Order of the Honorable Roger Young dated filed dated 18 march 2019 (as copy is enclosed.

8. I Wesley Edward SMith III believes that due to the lack of service and proper identification or parties, created the complexity of this case. I Wesley Edward Smith III have been force to become a displaced worker, homeless and below the standard of a impoverished citizen and pursuant to rule 222, request to waive all fees associated that I may objective to Case 2003-CP-10-4751 since my once retain attorneys was rescued by the lower courts.

9. Based on information and belief a private Pro Se party, rely on this court and the rules under South Carolina Rule of Appellant procedure rule 201, 203 and 222 and as other to seek appropriate relief respectively

10. Based on information and belief in accordance with the wy the procedure has been handled, due to the lack of supervision or oversight un guarding the courts limited integrity fabric, someone in the Lower Court allowed others to use my place business and associates, place of employment and my name in a premature fashion. I was not properly identified as here proof of Substantive facts on appeal rehearing and review) has allowed complete access to me, Wesley Edward Smith III, to be targeted in any mannerism of things while being blindsided and then robbed procedurally (objection: the legal mistreatment is in the substantive factual form per this case 2003-CP-10-4751 and all the state government actors that were actively involved in the premeditated judging, inserting of statement while expression his and her personal beliefs took part in the fact finding of the case 2003-CP-10-4751 on appeal. This action for review involves the raping me of my substantive due process. by violating my recognizable rights afforded by state statutes, Statutory rights were explained in terms and conditions as each expresses

11. I Wesley Edward Smith III object because nowhere in case 2003-CP-10-4751 did the State Court Government follow the rules governing Court substantive due process, presenting of applicable evidence, the calling of witness or allowing discovery which allots such time preventing adverse action to the following the rules 3, 4 11, 12, 15, 19, 26, 30 or rule 56 of the South Carolina Rule of Civil Procedures. No service of due process provide me,(if I am the one in question) the substantive evidence to refute. or raise objections in case 2003-CP-10-4751 nor did State Court or other government employee or delegated personnel ensure that a recognizable statutory requirement for employee Right to Work under S C Code 41-7-10 et seg were not violated or in any terms infringed upon, by even the non privy state prosecutor(s) pleasure of offering protection for the intervening as a State prosecutor or defense council from raping Wesley Edward Smith III of my statutory protection, bef, during or after the legal entitiy on duty asserted a asserting a problematic At Will law Statute under S C Code 41-1-110 et seg, or the ensuring that person who was adversely affected a pay owed complaints were satisfied or reasons for not being paid were in compliance of upon review under S C Code 41-7-10 et seg Pay of Wages that were due the termination of such subjected employees. Where's the money still owed to a adversely affect or dissatisfied party or others whose statutory violation of right did occur , by intervening other (extortion process) of another personnel whether or not its initiation was accomplished intentionally or unintentionally by administering physical, emotional, financial or psychologically associated incurred injuries to other/anyone involved before, during or after the ruling of the final judgment or verdict that governed oversight and protecting owed in proceedings

13. I Wesley Edward Smith III object to the of supervision by letting a non privy party that asserted the At Will laws as a defense was a non eye witness and non employee of CCSD, who makes reference by the submission of a personal affidavit in Case 2003-CP-10-4751. The credibly of relying on state prosecutors, Defense council and other to act as agent official or the courts, being a credible material or expert witness for testimony (therefore requesting enjoining like other also in position as similarly situated by filling this as notion for injunctions either Permanent, temporary or under special circumstance unless to provide relevant documentation and to answer question by the courts as to certain facts or relativity to those actions, are truly questionable) and other like this person will be a rocky road, if the person herein and hereafter identified must held such these accountable, responsible and liable (in the performance of your job duties one must set the example to these perpetrators) for apparent action. Intent should based on the entire action to date of this case to be further investigated by proper authority or how the review official of this court delegates.

14. I, Wesley Edward Smith III seeking additional independent action suit in equity for relief and remedy, redemption, release, bond, recovery, expunging, acquittal exonerated, and vacating of orders prematurely assigned frivolous order and court actions pursuant **RULE 71.1**

POST-CONVICTION RELIEF ACTIONS

(a) Procedure. The procedure for post-conviction relief is provided by the Uniform Post-Conviction Procedure Act (Act), S.C. Code Ann. §§ 17-27-10 to -120 (1985). The South Carolina Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the Act.

(b) Time and Form of Application. An application for post-conviction relief cannot be made while an appeal from the conviction or sentence is pending or during the time in which an appeal may be perfected. All applications shall be made on the form set out in the Appendix of Forms.

The Office of Court Administration shall insure that an adequate quantity of these forms are available to the circuit court clerks for distribution to persons seeking post-conviction relief. **(c) Independent Action.** An application filed under the Act is an independent civil action which should be separately filed and indexed by the clerk of court. The caption in all post-conviction relief actions shall read: *Full Name and Prison number (if any) of Applicant v. State of South Carolina.*

15. I Wesley Edward Smith III claim that I have been substantively rapped or my statutory protections which adversely affected the procedural rights, as believed is revisable based on human error while person were operating under the state statutory authority. I Wesley Edward Smith III, tried for the last sixteen (16) years to raise objection to point out such inconstancies in proceedings, for what I reviewed that such decision due to human error but was inadvertently being held in contempt under S. C. R. Civ. Pro.11(a) and or S. C. Code Ann. §§ 15-36-10 et seg because of case 2003-CP-10-4751 actions. This is not procedurally fair to anyone especially this Ex parte rape victim, who has been denied from the court inquisition process, substantively excommunicated and procedurally ostracized,.

16. This action was sought before this action went much further to draw unnecessary national exposure, civil unrest or as action are perceived as an extraordinary occurrence (circumstance and narrowly tailored, wss just seeking (now seeking upon rehearing) to have action dismiss under S C R Civ Pro rule 12(b)(4)(5)(6)(7). I was not privy to and employment action that actually concerned my, but were not my indication of cause of actions, state prosecutor or Defense council who prematurely and infectively intervened. As an employee, I was always trained to help others in need. I, Wesley Edward Smith III relief and remedy in independent suit in equity for relief action seeks pursuant for declaratory Judgment, Direct Verdict, JNOV Summary Judgment of as Suit in Equity related for 1) abuse of process, 2) Conversion, 3) Fraud upon the court on the narrower theory that acts of omission were committed by officers of the court under S C R Civ

Pro rule 60(b)(3).

17. This appeal for reconsideration, redress, remand, vacating order, review and reversal for Judge Roger M. Young Order date 18 March 2019 under case review 2003-CP-10-4751 for procedurally robbing the identified Wesley Edward Smith III of his constitutional protections before the taking liberty, life, and property without affording the due process as required by law. As such the term of my constitutional contract that exist between Wesley Edward Smith III, alter arbitrary mistreatment by being targeted for similar acts, for which as a citizen, resident and business person, affords the protection immunity, fair proceedings and equal application of law justice, tortuous like activities (inhumane mistreatment) nor cruel nor unusual punishment, even from protection that serves as Wesley Edward Smith III legal shield when other legal entities fall short of the legal advice given due to breach of duty and care owed to the customer or negligence, while telling many lies and leaving Wesley Edward Smith III stranded, civilly and criminally open for more collateral attacks, targeted by other personnel, as involved in this State process Suit in Equity related for 1) abuse of process, 2) Conversion, 3) Fraud upon the court on the narrower theory that acts of omission were committed by officers of the court under S C R Civ

Pro rule 60(b)(3).

18. This appeal for reconsideration, redress, remand, vacating order, review and reversal for Judge Roger M. Young Order date 18 March 2019 under case review 2003-CP-10-4751 for procedurally robbing the identified Wesley Edward Smith III of his constitutional protections before the taking liberty, life, and property without affording the due process as required by law. As such the term of my constitutional contract that exist between Wesley Edward Smith III, alter

arbitrary mistreatment by being targeted for similar acts, for which as a citizen, resident and business person, affords the protection immunity, fair proceedings and equal application of law justice, tortuous like activities (inhumane mistreatment) nor cruel nor unusual punishment, even from protection that serves as Wesley Edward Smith III legal shield when other legal entities fall short of the legal advice given due to breach of duty and care owed to the customer or negligence, while telling many lies and leaving Wesley Edward Smith III stranded, civilly and criminally open for more collateral attacks, targeted by other personnel, as involved in this State process

19. I, Wesley Edward Smith III Pursuant rule 240 et seg and other assertions of rules upon finding of applicability, seeks to exercise all right affording to include the filing of any all applicable motion related or which involves objections to raise for previous acts in case 2003-CP-10-4751. I Wesley Edward Smith III did not volunteer to waive and legal or appealant right rights, I was just Ex parties and Ex communicated fro the entire hearing absent subsnative proof.

20. I. Wesley Edward Smith III demand that this tortuous and barbarian acts cease. People are not performing what is perceived a simple task to adjudicate a case on a case basis, in the mannerism the court was design by warding off all outside interferences that could a potential to prevent the judicial machinery from performing its simple task. without questioning its limited integrity nor raising issues on morality and ethical duties . A such, upon closer review, I Wesley Edward Smith III believes based on information and belief that this "slavery", just being disguise by the state actors by "Arbitrarily Targeted" a local court and assigning a case number. I, Wesley Edward Smith III hopes that someone would do its job, I, Wesley Edward Smith, III have personally contacted the below listed person while in the performance of their state duties (or as offices

changes) as delegated duties, the following: The Governors Offices Nikki Haley Mark Sanford, Henry McMaster's, the Mayors Office Joe Riley, State of South Carolina Attorney General Office Alan Wilson. Samuel Water Jr. South Carolina State Department of Treasury Curtis Loftis, State Solicitor Scarlett A. Wilson, State Legislators Office Wendell Gilliard, Department of Education Office Mr Jim Rex Defense Counsel Chalmers Johnson Law Firm, LLP ESQ's and Bonnie Hunt ESQ, Jackson and Lewis Law Firm LLP ESQ's, Jody Smitherman, Ashley Abel ESQ, Lynne S Holly ESQ, Scott Katrosh, Cromer an Ambry LLC Lyndsy Graham Senator Ernest Fritz Hollings Congressman James Clyburne, Samuel Waters ESQ, LLC Rosen, Rosen and Haygood Law Firm LLP ESQ's Inc Alice Paylor, ESQ, Daniel F Blanchard ESQ, Curtis Jasper A ESQ (but not the exhausting list) but rely or concern about the employment condition within the State. This draws the question or comments concerning the citizens and law abiding constituents is, how can one become so demanding and such an apparent demonstrative authority, while enjoying getting paid and living gloriously without having to perform for the citizen(s) who expresses concerns of adverse condition in terms of employment?

21. I, Wesley Edward Smith III, objects and see no grounds for allowing, orally nor by the expressly written assertion of sanction, awarding fees or reasons for holding other in contempt of a process that's perceived as frivolous before the case number was assigned under S. C. R. Civ. Pro. 11(a) and or S. C. Code Ann. §§ 15-36-10 et seg. This is like a mind altering substance for which a person who is addicted and obsesses with telling and hearing lies, could easily become lost, while such act are founded on trickery and deceit when you were taught to believe a process should be one-way, and finding out that it is obviously not.

22. I Wesley Edward Smith III, objects and believes that by design, see case number 2003-CP-10-4751 used as a barrier that serves no other purpose but not to allow neutral officials, credible agencies officers or commissioner reasonable minds to conclude without objectionable questions or inferences remaining in the final judgment. Act should be vacated, which frees itself from this inadvertently, complex and inextricably interwoven state business process and allow the case its liberty, freedom and rights to life without being falsely lied on.

23. I Wesley Edward Smith III object and believes if discovery was allotted under the would prevent the allege contamination of evidence (spoliation) tampering of with witnesses, juries, and or evidence or the perceived withholding of critical evidence to prevent any surprises in proceedings or suspensions of conspiracy or the states having ulterior motives. On the outside looking in as the Ex parte that was not served after the investigation of similar subject matter, state this process allows its officials in the performance of its duties to sit idly by, while many others endure personal injuries such as emotional distress, mental anguish, psychological suffering needlessly, while procrastinating of discovery time, and suffered and legal harms such as insufficiency or process such all applicable notices and the financial harm, such as lost of income and rights thereunto pertaining and any mannerism

24. I, Wesley Edward Smith III Object and demand to be left alone and forever be free from the persons acting under the guise of the state process performers only for seemingly ill gotten reason such as way to exploit money and business opportunities from Wesley Edward Smith III and family (associates) who subjects others needlessly to a process with not favorable end result but to harm and or injure. The law are designed to protect all citizen in our absents from any others

who continually pretend to have the citizens best interest in heart or who claims to have good cause for this type of similar action, especially when absent the production of the require substantial facts for "commencing" purposes that was due but rules violated.

I, Wesley Edward Smith III object to all practice of and at case 2003-CP-10-4751 and declare that under the penalty of perjury that this action is done in good faith, non frivolous and true to the best of my limited knowledge.

April 8, 2019

Sincerely,



Wesley Edward Smith, III

The Supreme Court of South Carolina

Wesley Edward Smith III A.K A
Wesley Smith

Ticket/OCR/Warrant State id Number UNKNOWN

Appellant

versus

Charleston County School District et al

Respondent

REF: Civil Case No 2003-CP-10-4751
Honorable Roger Young
Order Dated 18 Mar 2019

CERTIFICATE OF MAILING (SERVICE)

I, Wesley Edward Smith III certify that on April 8, 2019 sent Notices to Appeal objecting to the Honorable Roger Young Order dated 18 March 2019 by 1st Class postage:


TO: CLERK

Supreme Court of South Carolina
1231 Gervais Street
Columbia, S. C. 29201

Person with Subrogation Interest :

Honorable Henry McMaster State House
1100 Gervais Street Columbia,
South Carolina 29201

Respectfully Submitted


Wesley-Edward: Smith III
465 N Nassau Street
Charleston, SC [29403]

April 8, 2019

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Wesley-E. Smith J.F.F

465 North Nassau Street
Charleston, South Carolina [29403]
email: wsmittyd4@gmail.com

April 8, 2019

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APR 10 2019

SC Court of Appeals

MEMORANDUM TO THE RECORDS

CLERK

South Carolina Court of Appeals
1015 Sumter Street
Columbia, S. C. 29201

RE: Wesley-Edward: Smith III A.K.A Wesley Smith Appellant against Charleston County School District et al Trial Civil Case No.2003-CP-10-4751/Ticket/OCR/Warrant Agency Id Incident Report UNKNOWN

Dear Clerk of Court

Enclosed is Wesley Edward Smith III Notice of Appeal to the this State Circuit Court. State Court of Appeal and the Supreme Court of South Carolina, as law practicing is governed under South Carolina Rules of Appellant procedure rule 201, 203, 222, and 240 et seg respectively

This appeal is for reconsideration, redress, remand, vacating, rehearing and review on order attached under rule 203 inter alia. An alleged mistake of law has been made due to human error contrary acting to the written rules. Upon Judge Roger Young Order file dated 18 March 2019 here on appeal is case 2003-CP-10-4751 for review. This doesn't seem like a personal attack, but a mistake made due to the lacked of proper supervision, as relied upon and misguided education due to the complex business dealing and opportunities involved in the business transaction absent applicable evidence and or supporting facts

Please stamp and return the applied case information with instructions to me in the self-addressed stamped envelope enclosed. Thanking you advance.

Sincerely,



Wesley-Edward: Smith, III

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Charleston SC 29403

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COLUMBIA SC 29201 - 3236

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