

# 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

RECEIVED  
APR 11 2019  
SC Court of Appeals

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**APPEAL FOR REHEARING UNDER REVIEW PURSUANT RULE 201, 203, 222 et seq**

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## **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 aas 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 premeditate judging, expressing personal statement or who took part in the fact finding tha the case 200e state involvement on appeal and denied of my right to appear and be informed) This the O as allege robbery was interfered with and encroached upon the contractual relationship the State Constitution and I that existed. Such state involvement abridged and denied me such protection for which adds to me being legally injured and violated as a result.

Not preventing procedural unfairness and inequality under the constitutional laws. Mainly my

rights under the 5th Amendment, from self incrimination, the 14th amendment, that and gaveling to endure what constitute cruel and unusual punishment, as defined within the language of the 8th amendment. Based on such information and belief the terms of my expressly written contractual relationship as a resident and citizen, the State Constitution alter the terms of the assertion of the At Will Law. The assertion of the At Will laws as a defense was asserted by a non privy, 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 credibility 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.

11. 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.*

12. I Wesley Edward Smith III claim that I have been procedurally robbed of my constitutional protections which affords protection is believed revisable based on human error while operating under the constitutional authority. I Wesley Edward Smith III, tried for the last sixteen (16) years to raise objection to point out such inconsistencies 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 seq because of case 2003-CP-10-4751 actions. This is not procedurally fair to this Ex parte who has been denied from the court inquisition process, excommunicated and procedurally ostracized.

13. 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, was just seeking (now seeking upon rehearing) to have action dismissed under S C R Civ Pro rule 12(b)(4)(5)(6)(7). I was not privy to and employment action that actually concerned me, but were not my indication of cause of actions, state prosecutor or Defense council who prematurely and ineffectively 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).

14. 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

15. 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 prroof.

16. 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 Edcuation 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 exhauting 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?

17. 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.

18. 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.

19. I Wesley Edward Smith III object and believes if discovery was allotted under the would prevent the allege contamination pof 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

20. 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 relsut 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

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APR 11 2019

SC Court of Appeals

*Wesley-E. Smith J.J.*  
465 North Nassau Street  
Charleston, South Carolina [29403]  
email: [wsmittyd4@gmail.com](mailto:wsmittyd4@gmail.com)

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SC Court of Appeals

April 8, 2019

**MEMORANDUM TO THE RECORDS**  
CLERK

Supreme Court of South Carolina  
1231 Gervais 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 Rule 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 et seg. 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

# 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

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

**Person with Subrogation Interest :**  
Honorable Henry McMaster State House  
1100 Gervais Street Columbia,  
South Carolina 29201

April 8, 2019

Respectfully Submitted

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

WESLEY SMITH  
415 N WASSAW ST  
CHARLESTON, S.C. 29403

SOUTH CAROLINA COURT OF APPEALS  
1015 SUMNER STREET  
COLUMBIA, S.C. 29201

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WESLEY SMITH  
415 N WASSAW ST  
CHARLESTON SC 29403

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