

# In the South Carolina Court Of Appeals

Wesley Edward Smith III A.K A  
Wesley Smith

Ticket/OCR/Warrant State id Number UNKNOWN

Petitioner/Appellant

versus

Charleston County School Distriict et al

Appellate Case No 2019-000616

Respondent

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

**RECEIVED**  
AUG 14 2019  
SC Court of Appeals

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**PETITIONER OBJECTIVE RESPONSE TO APPELLATE COURT LETTER DATED 1 AUGUST 2019. RETIONER REQUEST FOR THE COURT TO HAVE RELEASED IS THE PRODUCTION OF THE ADMISSBLE EVEDNCE AND WITNESS STATEMENT TO BE IN ALIGNMNET WITH THE APPELATTE COURT REQUEST, THIS PETITIONER REQUEST FOR FULL DISCLOSURE OF ALL ADMISSIBLE DOCUMENTS, AFFIDAVITE AND MEDICAL NOTES AS USED IN THE AWARDING OF SUMMARY JUDGMENT TO THE STATE AND ITS ACTOR IN THE LOWER COURT CASE 2003-CP-10-4751, PREMATURELY WHEN GENIUNE ISSUE OF MATERIAL FACTS AND OBJECTIONBLE QUESTIONS REMAINS UNANSWERED( prevents alleging Collusion, Allowing Exploitation of citizena ndn employ alike, Aiding and abetting Criminal, Obstruct Justice, leds to concepts of conspiracy, inter alia))**

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There seems to be a performance issue being overlooked, that is not in compliance with the rule of the court, constitution nor that complies with the prior precedent for adjudicating on cases under the description of finality The case with the Lower Court, Middle Court and the Court in the Upper Court Room, seems to lack legal and lawful conformity, which disharmonizes and creates ramblings from subject matters being left inundated.

Since, I Wesley Edward Smith III been targeted and working while I was in the performance of my contractual duties, were breech and interfered with, I Wesley Edward Smith Lost all monies, right to employment and business relation compromised at the hands of personnel within the wall of this court. I an reporting and seek law enforcment for being robbed financially andof all rights.

I Wesley Edward Smith III, by being involved with your business and the spirit of law been accused of crimes (as written by letter on the corporate letter head and a written cause of action case awarded to my adversaries. The result I conclude for the written order not in compliance is based on one of the three factors absent the admissible evidence or the legal conclusion of law argument is: 1) personnel not properly trained or ready for the encumbrances of not knowing what the job requires, 2) personnel forced into positions not wanting to partake in or 3) personnel outwardly cry for help from an oppress and tyrannical state of being called to perform an unnecessary relations to those person being inhumanly treated and denied victims all right.

With the production of the Lower Court Order, that was not an Executive nor legislative challenging issue of conflict, because the expressly Written Order was decreed and declared as Official, True and Correct. Thus, the concerning issue will be the implied act to assert the "Remittitur". The remittitur, as alleged concludes all the findings of the Appeals Court, upon the finding that the Lower Court has no Genuine issues of material facts remaining.

#### **QUESTION FOR THE LEGAL EXPERTS**

With the implied premeditated act or action that are perceived as life threatening, as intent by the asserting the "State Remittitur" from the Appeals court, could these types of remarks be construed as that need to Constitutionally Challenge the State Executive and State legislative doctrines for legality, for which the Genuine issue remains uncontested on the docket?

#### **ISSUES IN LOWER COURT OVERLOOKED LEGAL QUESTION PRESENTED**

**ISSUE 1;** Did the personnel who was allegedly authorized to perform a service and duty in the state Lower Courts ensure this was the correct Wesley Edward Smith III (issue of identifying the correct assailants still a problem as identified in Judge Young Order) action, that was accused being involved in criminal activity protection afforded under privileges and immunities weher secure, prior to I Move to dismiss on the ground of mistaken identity)

**ISSUE 2:** Did the personnel who was allegedly authorized to perform a service and duty in the state lower Court ensure that the substantive parameters were intact before assigning a docket number? (Absent admissible evidence I Move to dismiss on the ground absent witnesses and evidence

**ISSUE 3:** Did the personnel who was allegedly authorized to perform a service and duty in the state Lower Court ensure that the substantive due process rights and all other legal parameters (Service of complaint and summon and cross examinations) were accomplished in order before assigning a docket number? (Absent admissible evidence I Move to dismiss on the ground absent witnesses and evidence

**ISSUE 4:** Did the personnel who was allegedly authorized to perform a service and duty in the state Lower Court ensure that the court had totality over the substantive and procedural due process rights and all other legal protection such as "protection and Immunities clause affords all

citizen before life, liberty and or property is taken or somehow seized without authorization and protective clause were followed before Wesley Edward Smith III was fired from employment, all personal properties and forfeiture home allegedly wrongfully relinquished to third party, relatives or friends were accomplished and in order before assigning a docket number? (Absent admissible evidence I Move to dismiss on the ground Court lacked jurisdiction over the totality of the circumstances

## **PROCUDRAL REQUEST**

Review the facts of the case and provide the require admissible evidence or a legal conclusion Procedural fairness to the adversely affected and dissatisfied citizen) of the law argument relied upon by the state and its actors that would not show blatantly perceived as frivolity or construed as be frivolous. So without any proof of evidence or the State witness who [previously testified, a deny each an every allegation not supported as required by law as pray for the case which legal disabled by this court personnel process, Wesley Edward Smith III be dismissed from the proceeding of a idea case, for it lacks witnesses and evidence. As a matter of law, the State affords remedy and relief for substantive and procedural wrongs discovered at any point, which I am entitled to financial awards as well for any violation of my protected rights.

WHEREAS, these question and more arise based on the rules are not being followed and adhered to and also the lower court ruling is not in compliance with any identified rules, constitutions rights not in conformance with the precedent, I motion to dismiss the state and its actors action on the grounds of frivolousness and procedural and substantive prejudice denial of protection and immunity clause overlooked involving due process. This response in opposition based on the fact that I Wesley Edward Smith III served with the complain, a summon, not my right to appeal under this SCRAP rule 20 for which I was accused, charged and fired because of said crimes overlooked, but have been brought into your State courts by personnel who are allegedly authorized to make sound judgment based upon the law. But instead, as identified, the lower court have overlooked the following issue which calls to question the actors who are employed by the state and performances of its duties, who have allowed person to come on my job without first seeking an honorable resolution its claims (false reports filed and claim with a faulty promise) are making grave assessment and act of legal rendition against other employees in the business. In the process the person, but have not allow the exercise of fair justice and legal proceedings

1). Petitioner/Appellant Wesley-Edward; Smith, III, et al state id number 145-64-025704, alleges and claims that this petition is requested on the following: 1) due to prosecutorial misconduct, 2 State's failure state a claim, 3) that the defense attorney did not adequately represent the petitioner during the original trial and/or direct appeal process, 4) Prosecutorial Misconduct, 5) and should be Dismissed for failure to provide witness and evidence or reads Miranda right which affords all constitutional protections, immunities and guarantees afforded by the Fifth, Sixth Seventh, Eight and Fourteenth Amendments (inter alia) , used as applicable from which

the South Carolina Constitution which governs such proceedings from any implied or expressed inflictions of self incrimination, denial or deprivation of afforded all Rights and court rules are violated on reveiw.

2) Petitioner/Appellant Wesley-Edward; Smith, III, et al state id number 145-64-025704, alleges and claims I am to a victim, for I have not been able to answer<sup>1</sup> truthfully or accurately absent service of a complaint and summon as required which based on information and belief the State claims were previously made in error of state law or from human error. Even with the influx of various State prosecutors, the providing of a valid complaint to all opposing parties to objectively rebut or answer all allegation, under the due process clause, which allows cross examining of its State witness and discovery to prevent surprise or untimely delay in proceedings. State previously claims witnesses testified regarding my termination from employment and voiding of my contract from the Charleston County School District (CCSD) on 29 November 2001.<sup>2</sup>

3) Petitioner/Appellant Wesley-Edward; Smith, III, et al state id number 145-64-025704, alleges and claims the State and its State prosecutors claims to have complaint by stating I violated the State law under S.C code 16-10-355 which was the "Just Cause" for my termination.

### **RELIEF REQUESTED**

With changes occurring in court who operates under two sets of rules (Procedurally and administratively) needs native admission of law for which rules applies when and in which of the numerous courts (two set of rules). Which rules are the appellant court relying on accept the ideal of seeking to exploit more monies from me a n my family (continually) which I do have based on the lack of favorbel result to the fining of the lower court based on the unbiased comparison of the preponderance of the admissible of evendence. I Wesley Edward Smith III seek legal and lawful remedy as offered by Equitable Means and Declaratory Judgment affording all legal (lawful) remedies and relief this PCR affords the petitioner is sought at this time from which deprival of due process was denied while being held hostage by the State legal bondage. My family and I compensated as detained and release from the bile's of identified injustices of disgust aided in this process without further delay. Compensation for the lost of my time, employment, service, self esteem and good reputation are a portion of the legal harms and personal injuries sustained for which an Acquittal by an expressly written order and, legal remedy and equitable relief and Procedural, substantive and summary Declaratory judgment are in ORDER.

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<sup>1</sup> Although the caption of the alleged original complaint of CCSD, nor MMS never service a complaint or summons to Wesley-Edward: Smith, III state id number 145-64-025704 to answer or respond to the original Complaint. Appeal would be premature and untimely. FULL DISCLOSURE w/Proof required.

<sup>2</sup> (See attached Judge Dennis Order 2015 p 2 para 2) that he agrees with his State business colleagues/ associate that supports the making of the alleged implied, but as expressly written defaming, prejudicial and discriminative statements with prejudice, which he makes clear by determining to continually DENY me of all subsequent due process rights

With the State unwillingness and continued harassment, irreconcilable differences do exist for which the judge summarily granting per expressly written order, the rights to Family Court and or Probate Court to divide such property and the liquidation assets and financial dealing to restore the Family descent name(s) would be descent and in ORDER.

I have been irreparably harmed by the State legally which I cannot get back, and as this State, State prosecutors State agencies, State Officials who continually insist on intervening, continues to collaterally attack, have infringed upon my privacy, has taken (Grand Larceny) my Home, my family, vehicles and personal property of which have all been seized also without the proper respect of due process of law returned is in ORDER

I Wesley Edwad Smith demands as required by law, the Restorative justice which allows a fair, impartial, equal hearing with reformation of legislation and removal (REVOKE) of identified conflicting state doctrine which impedes, infringes and or encroaches upon the limited integrity of the State court elites and right of the citizen which as noted could prevent the Justices from adequately performing its limited duties without prejudices is also needed by ORDER. Thus an Order for Acquittal is in ORDER per this courts finding<sup>3</sup>.

I Wesley Edwad Smith demands as required by law, Expunging of any and all charges and other relief affords as necessary. which allows recovering economically, financially and monetary relief for having to endure uncalculated sustained personal injury for my being terminated from Employment and contract voided without the due process, according to law is in ORDER.

I Wesley Edwad Smith demands as required by law, that the petitioner deserves full disclosure and respect of the law and seeks immunity from the State practices, to enjoy the right to be fully free of self without restraints from further any implied or expressly written defaming propaganda, harassment or other snarling entrapments by enjoining like others and to free from hostage taking tactics and the torturous inhumane treatment for the depravation of any rights which impoverishes, creates ones low income or any unequal treatment by ostracizing which inadvertently changes another socio economic statues by inextricably interweaving other matters as it very own is in ORDER.

I Wesley Edward Smith demands as required by law, The State, State prosecutors, Official, State agencies, or its other legal entities entire action be dismissed With regards to Criminal Contempt Direct in presence of Court requesting Judge to punish Summarily in its entirety is in ORDER

I Wesley Edward Smith demands as required by law, By Court order, enjoining any all other state legal entities and or friends of the court, by temporary, restrictive and or permanent injunction

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<sup>3</sup> Due to the insufficiency of Service of Process of any Complaints CCSD claims was not service to Wesley-Edward: Smith, III state id number 145-64-025704 [Must dismissed as a matter of law under S.C.R. Civ Pro, 12(b)(4)-(5) or Prior ORDER REVOKED under S.C.R. Crim Pro 102] unnecessarily delaying for others action or due lack of duty of care owed the public servant before its client as determined a frivolous and sanctioning matters. FULL DICLOSURE. Proof Required

and the declaring by Criminal contempt for violators has and continues violated such a sacred trust, by punishing errant behavior while upholding the dignity of the Court is in ORDER

I Wesley Edward Smith demands as required by law, that the "Corporate Veil" be removed which affords open communication and all the Constructive Trust that governs Title 33 CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS Specifically citing SECTION 33-41-10 et seg. "Uniform Partnership Act" (or the lack thereof) which conveys the title to "all properties(ie. building, land, vehicle, homes as also illegally or unlawfully seized) acquired by fraud to rightful owner which include and all proceeds from sale of item is in ORDER.

I Wesley Edward Smith demands as required by law, that the "Corporate Veil" be removed which allows for Recovery of finances, which in Business Torts shows the implied or expressed usurpation and wrongful interference with the business rights of others which interfered with a contractual relationship and interference in business dealings is in ORDER (but not the exhausted list. AMEND).

August 12, 2019

Respectfully Submitted



Wesley-Edward: Smith, III



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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August 01, 2019

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

Re: Wesley Edward Smith, III v. Charleston County School District  
Appellate Case No. 2019-000616

Dear Mr. Smith:

Upon reviewing your motion received July 26, 2019 and your petition received August 1, 2019, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected in their entirety or your filings will not be considered:

- Pursuant to the order of the Supreme Court dated October 9, 2018, the filing fee is \$50.00 for a motion filed on or after October 15, 2018. You must provide the correct \$50.00 filing fee for your motion received in this Court on July 26, 2019, and a \$50.00 filing fee for your motion received in this Court August 1, 2019.
- Pursuant to the order of the Supreme Court dated October 9, 2018, the filing fee is \$250.00 for a notice of appeal filed on or after October 15, 2018. As of the date of this letter you have not provided the correct \$250.00 filing fee and the proof of service for your notice of appeal received April 9, 2019.
- All deficiencies must be corrected no later than August 12, 2019 or the remittitur will be sent.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Daniel Francis Blanchard, III, Esquire

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Wesley Smith

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## CERTIFICATE OF MAILING (SERVICE)


I, Wesley Edward Smith III certify that on August 12, 2019, in the spirit of this court judicial efficiency, submit this respinse in oppsoition to the Appela court of the aforementioned grounds in the State and uts business actors case against Wesley Edward Smith III [consolidated to the South Carolina Court of Appeal in connection] on letter dated 1 August 2019, by 1st Class postage:

TO: Mr. Daniel F, Blanchard III Esquire  
P. O Box 893  
Charleston S C 29401

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

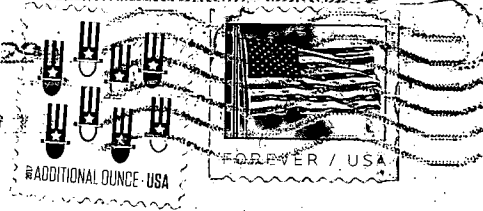
August 12, 2019

Respectfully Submitted

  
Wesley-Edward: Smith III  
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Charleston, SC [29403]

South  
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