

# In the South Carolina Court Of Appeals

Wesley Edward Smith III A.K A  
Wesley Smith  
Petitioner/Appellant

Ticket/OCR/Warrant State.id.Number: UNKNOWN

versus

Charleston County School District et al  
Appellate Case No 2019-000616

Respondent

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

## MEMORADUM FOR THE RECORDS

NOTING CORRECTED CHANGE(S):

1. Date should have read 27 August 2019 on the CERTIFICATE OF MAILING Vice 12 August 2019 mailed
2. The mailing date was the 27th of August. Thanks You for annotating the records.

### CERTIFICATE OF MAILING (SERVICE)


I, Wesley Edward Smith III certify that on September 9, 2019, I sent a memorandum to the records noting the required date changes to last submission regarding reconsideration, reversal, dismissal and rehearing and a response to Court Order dated 27 August 2019 with a case that's absent any State or CCSD material or eye witnesses, no discovery allowed, no offered admissible evidence as relied upon when fired from job without a legal conclusion of law argument totally disregarding the agency findings, on appeal response opposing to appeals court letter dated 27 August 2019, by 1st Class postage:

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

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

September 9, 2019

Respectfully Submitted

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

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SEP 12 2019

S.C. SUPREME COURT

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Wesley Edward Smith III A.K A  
Wesley Smith

Ticket/OCR/Warrant State id Number UNKNOWN

Petitioner/Appellant

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Charleston County School District et al

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2019-001315

Respondent

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S.C. SUPREME COURT

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**PETITIONER OBJECTIVE RESPONSE TO APPELLATE COURT LETTER DATED 27 AUGUST 2019 AND SERVICE OF WARNING ABOUT POSSIBLE PROCEDURAL, SUBSTNATIVE, EQUAL PROTETCTIONS AND VICTIM RIGHTS DENIED THAT'S BEING OVERLOOKED OR NOT MENTIONED ON REQUEST ON REVIEW**

**QUESTION FOR THE LEGAL EXPERTS**

1. I Wesley Edward Smith III, in limited review of the records (absent no witness, evidence nor legal facts to support Summary Judgment), how did the Court ensure that the Lower Court provided compliance to the Court of Appeal when all the aforementioned person and materials were required for YOUR unbiased review was absent? What precedent case has been decided that shows the decision was valid without a witness, evidence or legal facts of law argument and then awad the sanction on the ex parte victim? Proof Required)
- 2) Without the unknown factors (ie, no complaint, no summons, the witness, the evidence relied upon for termination, was the jurisdiction appropriate or the case absent a factual legal conclusion of law argument,) how did this court validate the lower court finding legally accountable or ripe and sanctions appropriately administered upon the correct person without any mentioning or factual discussion by the unknown factors?
- 3) I have reported to thie court that I have been robbed, now the court is saying that If I do not pay the \$50.00 court fees, that I Wesley Edward Smith II rights will be further prohibited, and that this legal matter will be passed on somewhere else? Is this the corrected understanding for this courts Order dated 27 August 2019? (I do not believe that I would have to pay if the Lower court had followed the correct procedures, rule 3(b) covers cost those impoverish) Proof Needed

4. To the Lower Courts and its elected personnel, thanks in advance for the Fifty-Four (54) pieces of papers that I Wesley Edward Smith III previously sent to the court as attachments. The Ex parte did not receive the witness statements or complaint, the evidence used against me in the commission of the crime, nor the legal conclusion of law argument to support the Judges Summary Judgments, and still in need of the "Notice of Appeal" as referenced in the Judges order from the 29 November hearing of the Honorable Judge Doyet A Early 2007. Is this quite a common place for any court to approve Orders that on the fact share semblance tones of a racial animus or other forms of discrimination by writings and remarks of prejudice, as made reference to the Judge Order Early Order 2007, Page 10 para 3? How does that order make for an unbiased tribunal assessment that procedurally fair and substantively credible ?

## **II. COMPLIANCE**

Pursuant to rule 11, the terms and condition for Compliances under the rules was made. I Wesley Edward Smith III, have made several attempts to settle all action with my adversaries, but respondents refuse to unknown an faults or wrongdoings So in good faith I move before this courts When I attempted to ask questions from within the Lower Courts, allegedly absent the unknowns, this case was already procedurally unfair and substantively prejudicial per the expressly written order as dismissed with prejudice (Early Order 2007, Page 10 para 3). Until we get this relevance of the sanction removed or reversed, this case if allowed to be closed when Court rules and procedural requirement have not been followed. The court official knew, that if case 2003-CP-10-4751 causes of actions were the same as the first State case, then the official should have Dismissed the case on the theorized doctrine of Res Judicata.

## **III HOW CAN PETITIONER ACCURTAELY ANSWER OR COURTS ASSESS**

Petitioner is not sure how to accurately answer (denies all allegation until witness statement or evidence is produce from fist case), and as this case numbers changes, I'll just reference both cases 2019-000161 and 2019-001315. As narrowly tailored, per the Lower Court Order 2003-CP-10-4751(s), even though I Wesley Edward Smith III was an "Ex parte, each Order lacked a credible witness, Material Witness, substantive admissible evidence and factual legal conclusion of law argument. Absent this proof of a witness testimony, evidence and or a claim for relief, then the case in the Lower Court Order was moot, baseless and frivolous prior being written by the Judges.

## **IV. YEARS TOLLING**

For years, I Wesley Edward Smith III, as a displace Federal Worker, had fought for my rights as a independent Contract Worker and business opportunities in the State of South Carolina, and now forced into slave labor without pay, force in living below impoverished condition, Homeless, a Veteran and a Family man whose been denied all legal rights and to have the court demand those to have been allegedly a witness to come forth and produce any complaint for which I, Wesley Edward Smith III should be held against my free Constitutional Will and inhumanly treated (Violation to Geneva Convention Prisoner of War Laws) while in the hands of my adversaries, I, Wesley Edward Smith III have been going back and forth with

"unidentified persons" for possible solutions to find any logical, deductive or inductive reasoning's or any possibilities for the Lower Courts answers, ruling and remedies, as to how the State, State Prosecutors, State Defense Teams, Governor and others in association, contrary to the written local law and statutes were awarded Summary Judgment, but failed to provide the just cause' process with the concluded facts from the termination action? Proof Needed and explain.

#### **V. TRUTH WAS NOT THE DISCUSSION IN CASE 2003-CP-10-4751 (Moot case)**

Circumventing the system, allegedly while moving under guise of the State law, this was not an At Will law issue as the state prosecutor asserted for the State and CCSD, who also failed to ensure agents complied with SC Code 41-1-110 et seq. I, Wesley Edward Smith III was attacked, subjected to the law, and then declared CCSD actions as a "just cause" against Wesley Edward Smith III, for allegedly touching a twelve (12) year old girl breasts and allegedly kissed her several times behind close doors with the doors locked with no witness. CCSD alleged this in its thirty one (31) page letter (overlooked and not being discussed for some reason), followed with such a termination that was rendered absent these facts. The issue that quite questionable is how the Judges were persuaded from lies, to "initial each page and then sign off on the Order" as though the case were legitimately resolved and decreed and declared in the Lower Court rendition of a trial.

#### **VI. BY WAY OF CROSS CLAIM/CROs CLAIM**

Negligence, Breach of Trust, Beach of Duty, Brach of Care, Intentional interference with a the performance of a contractual relations and Defamation, By way of Counter Claim: Sham Process S C Code 15-78-60 et al

Tentatively (amending) without having legal clarity or any indication of the true element for solving for "X"(Missing complaint Claims, Summons, Witnesses, Evidence and discovery for Due Process by law) and without providing Wesley Edward Smith III the "Ex parte", each Order, allegedly lacking a credible witness, Material Witness, substantive admissible evidence and factual legal conclusion of law argument. Absent this proof of a witness testimony, evidence and or a claim for relief and reasons for sanctions, then the case in the Lower Court Order should have been summarily dismiss, for its lacked legal completeness, moot, baseless, frivolous, not ripe for adjudication and without a legal conclusion of law fact prior being written by the Judges..

#### **VII. IN CLOSING THIS OPPOSING LEGAL ARGUMENT SEGMENT**

Based on information and belief, absent the discovery in accordance with rule 26.01, I rely on this court to relinquish the relied upon admissible evidence it used to assess the written Order for guidance Full Disclosure including that the notice of appeal was served to this Wesley Edward Smith III (Referencing Judge Early Order dated 29 Nov 2007) the element for negligence, combined with other third parties intervening in the stealing of my hard earned money, bullying, lynching and targeting unemployment acts against Wesley Edward Smith III, and for the Intentional interference with Contract while in the performance of my Duties. State actors decided to act outside their scope of job requirements and breach of Duty, which has been met for which my personal injuries have incurred.

WHEREAS I rely on the law, I believe have not received notice to appeal a final determination nor sent a letter to appeal, by any legal rendition of this court sent to me, to challenge any legal conclusion and or rebut the witnesses sworn testimony. The way the courts are structured and designed. this process has me at procedural disadvantage not been fair and already I Wesley Edward Smith III have not been allowed a decision by an unbiased court official nor tribunal. This action is in conjunction with prior legal papers submitted to date. I Wesley Edward Smith III have not had a hearing, for which I have not heard a witness testimony, confront accusers, cross examine admissible evidence nor receive notice of right to appeal. provide the complaint so that I may review who is saying what, when and where. by way of Counterclaim, I believe that based on the lower court and its personnel continued non relevant actions (individual or combined) this entire action is descriptive of the State Sham Process under South Carolina Code 15-75-60. Sham legal processes involving persons impersonating government officials or employees, or by persons falsely asserting authority of law; remedies (Mocking of actual trials preferred by those in the performance of its duties as State gov't Official and employees with ulterior motives and designed outcomes)

I Wesley Edward Smith III believe based on the fact that I have not received all fair notices and the consequences by services from the courts or other state actors, under Section 16-17-735. I have been legally injured by aforementioned persons. Results of a sham legal process involving a violation has the following civil remedies against the person who committed the violation or who caused the violation to be committed:

(1) actual damages;

(2) punitive damages;

(3) costs; and

(4) reasonable attorney's fees. The amount of the recovery for the plaintiff is not determinative of the attorney's fee.

**WHEREAS**, there are supposed to be levels of professionalism. This requires one to responsible, liable, made aware and accountable to all person and laws violated (or that potentially can), as a result (per se, Contributory concert of neglecting duties) for its acts and or actions. I Wesley Edward Smith III am not understanding, how could CCSD Respondents, court please, you must come again with providing the State Attorney, State defense councils and CCSD admissible evidence that was used to grant Summary Judgment in case 2003-CP-10-4751.

**WHEREAS** I rely on the laws for strength, I am very displeased with the alleged professionals in this business who is performing their job business duties. I have never been so emasculated , mischaracterized and deprive a right to worked. By procrastinating this legal process, I have been depriving my family of their right to enjoy life, as others do too, should deservingly. Honorable Court, this ex parte, Wesley Edward Smith III am reporting to YOU that I have been displaced as

a federal employee/worker, force into impoverish status and a homeless veteran, who has be seemingly retaliated against for opposing previously internal discrimination investigation issues, Senate and Congressional hearing issues with CCSD and other actors from the State businesses, who by this show of force of power (Abuse of Office/Power) intensifies anxiety .

I have been volunteered by force against my constitutional free-will. I report to YOU as an administrative agency, I have been robbed and quite possibly in YOU pockets as a State Official, just robbing in lurking within YOUR organizational buildings. Posing as officials while using the business letter head, and then subjecting other to the Judicial Process of the Lower Court. Someone has already taking unlawfully and illegally from me according to the law (per subject discussion), while ignoring and refusing to pay me the sum (+interest incurred) the money still owed, that was well in excess of \$95,000.00 at the time of Summary Judgment. Initially based on the law, the Lower Court action should have been dismissed for it lacked Jurisdiction, had no witness to testify nor provide admissible eviece to support it firing process from employment.

**FURTHERMORE** with constant delays, without disclosing to the accused, the witness, witness evidence and or legal conclusion of law argument, this would be the "Extraordinary Occurrence" especially when the state offers releif and remedies for violation of citiznes and employee recognizable rights

September 9, 2019

Respectfully Submitted



Wesley-Edward: Smith, III

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burden of showing that his right to proceed *in forma pauperis* rests upon a statute or a fundamental constitutional right. No such right exists in this case. Therefore, this Court finds that Mr. Smith has failed to demonstrate the necessary prerequisites for proceeding *in forma pauperis*. See Ex parte: Martin v. State, 321 S.C. 533, 471 S.E.2d 134 (1995) (motions to proceed *in forma pauperis* may be granted only when specifically authorized by statute or required by constitutional provisions).

### CONCLUSION

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

ORDERED, ADJUDGED, AND DECREED that the Defendants' Motion for Sanctions filed on October 10, 2007 is hereby GRANTED; and

FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff Wesley Smith is hereby ordered to pay \$1,505.00 to the Defendant Charleston County School District as a monetary sanction for filing frivolous pleadings and documents with this Court; and

FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff Wesley Smith's frivolous pleadings are hereby stricken and dismissed with prejudice, including the "Notice of Appeal," "Affidavit of Wesley Edward Smith III," and "Introduction and Plaintiff's Supporting Memorandum" filed on October 2, 2007; the "Amended Certificate of Service" and purported subpoenas *duces tecum* filed on October 4, 2007; the "Motion for New Trial" filed on October 15, 2007; the "Plaintiff's Amended Certificate of Service (Modification)" filed on October 19, 2007; the "Plaintiff's Request: Motion for Subpoena Production of Documents (*duces tecum*) to Support Plaintiff's Motion for New Trial" filed on November 1, 2007; the "Plaintiff's Notice of Motion for Monetary Relief of Summary Judgment Order Against Defendant and Sanctions with Memorandum and Law Argument to Support Plaintiff's Motion for New Trial" dated November

CAB (1)

AF

JD

# The Supreme Court of South Carolina

Wesley Edward Smith III, aka Wesley Smith, Appellant,

v.

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

Appellate Case No. 2019-001315

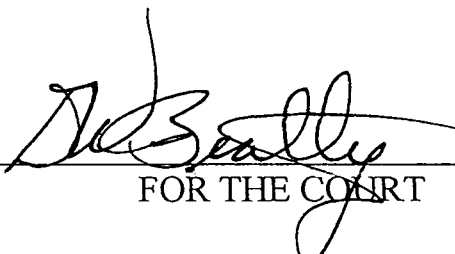
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## ORDER

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Petitioner has filed documents dated August 20, 2019. These documents have been construed as a petition for rehearing regarding this Court's order dated August 9, 2019.

The request to waive the filing fee for this petition for rehearing is denied. *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995). If petitioner fails to pay the \$50 filing fee required by Rule 240 of the South Carolina Appellate Court Rules within ten (10) days of the date of this order, the petition for rehearing will be stricken and dismissed.

  
\_\_\_\_\_  
FOR THE COURT C.J.

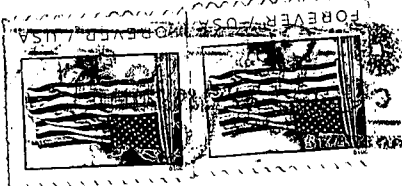
Columbia, South Carolina  
August 27, 2019

cc: Daniel Francis Blanchard, III, Esquire  
Wesley Edward Smith, III

Smith  
465 N. NASSAU ST  
CHARLESTON, S.C. 29403

CHARLESTON SC 294

10 SEP 2019 PM 3 L



CLERK of Court  
SUPREME COURT of SOUTH CAROLINA  
1231 GOLDWAS ST  
COLUMBIA, SC 29202

29201-323599

