

Wesley E. Smith III
465 North Nassau Street
Charleston, South Carolina 29403
(804) 244-7807

April 28, 2016

CLERK
Honorable Julie J. Armstrong
General Session Court
100 Broad Street
Charleston, S C 29403

RE: Mr. Wesley Edward Smith, III Petitioner v STATE

Enclosed for your immediate is Mr. Wesley Edward Smith III files a criminal lawsuit, in pursuit of petitioning this Court for review on matters related release and relief under Habeas Corpus. many crime involved the State law, but has been swept under the rug. When a defendant has been charge, convicted and terminated from employment because he or she has been charged with a state-law crime, the state brings the lawsuit against the alleged criminal. The lawsuit are brought by prosecutors of the local jurisdiction where the crime was allegedly committed.

Based on information and belief, the prosecutors are lawyers who are state employees. But failure and being neglectful for the State selected employee (my adversaries) not to do its performance of assigned job duties while in dereliction of duties, by (1) failing to read Miranda rights and failing to timely prosecute alleged matter, does not allow the waving of an immunity cloth which mean that the State could continually deny and deprive citizens, to the very date a fair hearing in violation of ones federally protected rights.

I, Wesley Edward Smith in the performance of my state assigned duties, performed my job as assigned. I was told to repost and protect to the State.

I did/do not consent to the waiver, use of my precious time and services have anyone to use me as practice on my legal or personal rights. I not authorized, as this is my claim and charges against the State of South Carolina for Involuntary Manslaughter (servitude) and harms against persons (inter alia). All other charges, and afforded rights are preserved and reserved at this time.


Mr. Wesley E. Smith, III

Copy To: Governor Nikki Haley
FILE

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN COURT OF GENERAL SESSIONS

)

)

Mr. Wesley Edward Smith III,

) Trial Case No.

)

)

Petitioner/ Plaintiff,

)

v.

)

)

State,

)

Governor Nikki Haley et al

)

)JURY TRIAL RESPECTFULLY DEMANDED


Respondent/Defendant (s))

)

PROOF OF SERVICE

I, Wesley Edward Smith III, certify that on April 28, 2016 submit's a petition for habeas corpus review and relief and summons was sent by First Class Mail via United States Mail and on all parties listed below in this action to the following.

TO: State Attorney General
Allen Wilson III Esquire
1000 Assembly Street
Columbia, South Carolina 29201
Attorney for Respondent


Mr. Wesley E. Smith, III
465 N. Nassau Street
Charleston, SC 29403
(804) 2447807
Petitioner, Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN COURT OF GENERAL SESSIONS

)

)

Mr. Wesley Edward Smith III,

) Trial Case No.

)

)

Petitioner/ Plaintiff,

) Complaint, Review and Relief under Habeas Corpus

v.

)

)

State,

)

Governor Nikki Haley et al

)

)JURY TRIAL RESPECTFULLY DEMANDED

Respondent/Defendant (s))

)

I. INTRODUCTION

Alleged and claimed as followed:

I, Mr. Wesley Edward Smith III (State Identification number (XXX-XX-3407), do solemnly swear and or affirm that the information contained in this complaint is true to the best of my ability and that I state by petitioning to this Court for review on matters related to my being bonded, released and relief under Habeas Corpus.

I, Mr. Wesley Edward Smith III, am in a form of custody (such as in prison or subject to supervised release) based on a state court conviction that I tried to appeal and have challenged in the State Court conviction or sentence because it violates federal laws. My objectionable argument is that the United States Constitution and the due process clause which states in relevant parts "that No person or NO State shall set barriers, that will or has the ability to deprive of life, liberty, or property without due process of law"

I present to the state court by arguments that my conviction violates federal law, either on direct appeal or in an application outside the appeal process. I attempted to include in my federal § 2254 petition all grounds for relief and facts supporting such grounds to the state court. I have

been imprisoned by this state and governmental officials business affairs on or before 1996.

In 1996, I asked the State members of Congress, the State Senate and State legislators about the application of its At will law practice. I believe that on this basis, that I, my family, friends, affiliates and associates have been since stalked, harassed, bullied, hated on and subsequently collaterally attacked. The State business practice is believed to be an unlawful business practice, who targets for its practice, in plethora of related or unrelated venues. The State has violated the due process clause.

II. BACKGROUND FACTS

Mr. Wesley Edward Smith III files a criminal lawsuit, in pursuit of petitioning this Court

for review on matters related release and relief under Habeas Corpus. I was denied The petitioner has not afforded the following as required by law for a person subjected to the State laws:

- ☐ The right to all notifications of all court proceedings related to the offense
- ☐ The right to be read rights (in set up cases related to possible entrapment) to remain silent in prevention of unnecessary self incrimination
- ☐ The right to be reasonably protected from the accused offender
- ☐ The right to have input as such sentencing and hearings, such as a victim impact statement
- ☐ The right to information about the conviction, sentencing, imprisonment and release of offender.
- ☐ The right to order restitution from the offender. Free from Cruel and unusual punishment
- ☐ The right to notice of these rights (as also to be afforded under appellate rules)
- ☐ The right to have these rights enforced without the encroachment of personal barriers, use other conflicting or controversial doctrines that would undermine the constitutional rights of citizen or the responsibilities and obligation of the appellate court and its supporting rules

- ☐ **Notice of Right.** Any defendant charged with a crime not triable by a magistrate shall be brought before a magistrate and shall be given notice of his right to a preliminary hearing solely to determine whether sufficient evidence exists to warrant the defendant's detention and trial. In the case of bailable offenses, the notice shall be given at the bond hearing
- ☐ **Time for Hearing.** If the defendant requests a preliminary hearing, the hearing shall be held within ten days following the request. The hearing shall not be held, however, if the defendant is indicted by the State grand jury or waives indictment before the preliminary hearing is held. The defendant may appear by counsel or in person or both.
- ☐ **Probable Cause.** If probable cause be found by the magistrate, the defendant shall be bound over to the Court of General Sessions. If there be a lack of probable cause, the defendant shall be discharged; but his discharge shall not prevent the State from instituting another prosecution for the same offense, and
- ☐ **Preponderance of Evidence .** before concluding a hearing by a court order or official documents, both parties must review the evidence, be allowed to offer counterclaims and assert defenses at the hearing. The delegated hearing officer shall transmit forthwith to the Clerk of the Court his findings together with all papers at the hearing.
- ☐ **Conclusion of Hearing.** After concluding the hearing the magistrate shall transmit forthwith to the Clerk of the Court his findings together with all papers in the hearing.

As many crimes involving the State and the application of its law has been swept under the rug.

When a defendant has been charge, convicted and terminated from employment because he or she has been charged with a state-law crime, the state brings the lawsuit against the alleged criminal. The lawsuit are brought by prosecutors of the local jurisdiction where the crime was allegedly committed.

Based on information and belief, the prosecutors are lawyers are also state employees.

But failure or being neglectful for the State selected employee (my adversaries) not to do its performance of assigned job duties while in dereliction of duties, by (1) failing to read Miranda rights and (2) failing to timely prosecute alleged matter, does not allow the waving of an

immunity cloth to mean that the more favorable state employee or preferred customer can continually deny or deprive citizens their federal right on the State campuses. To this very date I Mr. Wesley Edward Smith III have not has a fair or equitable hearing in violation of ones federally protected rights. I, Wesley Edward Smith in the performance of my state assigned duties, performed my job as assigned. I was told (implied and or expresses in writing) to report any perceive violations and protect the State against any and all persons, foreign and or domestically

The State of South Carolina and its selected, elected or even delegated official and agencies have no regards whether of not the human person is a resident, students, elders or even grandparents. No regards shown. While officiating, the state has premeditated prejudging doctrines that are used and asserted as a defense strategy, that is perceived to wrongfully constrain the legal and fundamental protected due process right of the United States citizen and other person similarly situated while in the State of South Carolina. South Carolina uses and hide under the umbrella of its foreign polices then seeks immunity from criminal punishment and civil liability after knowingly applying contaminated dander doctrines on the civilized society of citizen and those unsuspecting of faulty and negligent product in the State business circulation [ie At-Will Law (which interferes with employment contracts), Remittitur (denies citizens ALL parts of the state appellant process), Res Judicata (keeps the United States federal claims from being heard in the federal court)].

With the issuance of such commands, mens rea of the actors intent are beyond comprehension of reasonableness. To intentionally deprive any citizen of its judicial procedural

and substantive machinery in violation of the enacted constitution is a crime (see your rule of laws). With the act put in motion (actus reus) by then having the audacity to legally silence, bound and imprisoned citizens in a process without a affording fair or equitable hearing. No reason given not to allow the citizens of their constitutional fundamental rights and afforded protections, the ability to cross examine the State evidence or even confront the State accusers, is a federal constitutional violation.

Allege within the confines of this complaint and summons is that my federally protected rights afforded me under the United State Constitution fourteenth (14th) amendment in the State of South Carolina Courts judicial process has been denied which violates the protections. The violation of these recognizable rights were committed by South Carolina and its governing officials and agencies while acting under and in accordance with the State enacted regulations, laws, rules, color of State law, public policies and Constitution. These person are listed and captioned in the attached complaint.

I. Wesley Edward Smith III was seeking relief that I was denied and deprived my constitutional protections and safeguard from unreasonableness and encroachment upon my of due process right. This was due to the fact that my such protections infringed and encroached upon by above listed and or captioned third party interveners while I, Wesley Edward Smith was in the performance of my job duties while employed with the United States Marine Corps, while being reassigned under the independent contract while being treated in the same or similar mannerism, within the State jurisdiction while once employed with the State businesses of

Wackenhut Security, Cummins Engines, Holset, Charleston County School District and the Pepsi Bottling Group.

Objectionable the United States Constitution is the framework of the judicial system which provides another reliable supporting source of information, that I have come to rely upon, to used as support while dissenting the state courts premature order(s) and torturous mistreatment(s). Without fair hearing the court declare me not legally competent and declared such claims as frivolous in violation of S C Code 15-36-10 et seq". Such relief is sought in this Court in accordance with South Carolina Appellate rule 242.

III. CONCLUSION

Upon closer review of the court argument, the State and the States officials maybe allowing these aforementioned third parties legal entities that practice by, on and under such Constitutional law to commit crimes against People he resident, citizen and protected citizens within the State territory which potentially raises product issue. Whereas based on fraud, fraud upon the courts, abuse of process, abuse of office, abuse of powers, conversion and deception by State business practices, I am seeking to maximized the full enforcement of the State law against all third party legal entity to be criminal prosecuted, civilly liable and enjoined from further proceeding of the Court hearings after this same third party (and many others) has caused so much to Mr. Wesley Edward Smith III and Family and damaged the judicial process. The State has allowed Mr. Wesley Edward Smith III to be mislead that its practice would allow a fair hearing and had me believing that law guaranteed equity, judicial protections, unbiased assessments, procedural fairness, liberty, pursuit of happiness an equality. Instead the State is reneging on ts written

promises, by having me, as a reliable consumer believe that the State is promoting, selling and advertising a longstanding governing device as valid but mores' a antibiotics mechanisms and a faulty product. State elected and delegated officials who support and Co-signed such unripe legislation back into public and private circulation (Co-Signors) knew or should have know had a duty to warn the PEOPLE) of their intended tactics or compelling reason for this barricade, of such road and building damages laying wait and vehicle destruction for hazards that exist. This is why I believe State and its supporting officials promoted such propaganda for a strategic argument designed to harass and encroached upon not on the citizen, but mainly the adjudicators or Hearing office precious time, resources, but fray at the courts limited integrity clothe at the same time and judicial spaces. Move for Product Liability claims against state for deprivation of rights and falsifying claims. State and officials are all liable and the proximate cause of action in this case. Herein I am now also requesting leave of court to apply while requesting upon completion of this trial, to move in Civil Courts proceedings regarding Tort law to be granted relief and punitive damages under S C Code 15-78-10 et seg, Then Move for counter claims based on the aforementioned (ie fraud, conversion abusive of office) under S C code 15-75-10 et seg SHAM PROCESS (It's a Sham Shame)

The above listed respondents have actually performed the prohibited acts as follows, Under common law, actual performance of the criminal act is called actus reus (guilty act). Under the State Penal Code, the prohibited act may be analyzed in terms of conduct, circumstances and

subsequent results. The element of Criminal intent are:

- 1) Purposeful
- 2) Knowingly
- 3) Recklessly and
- 4) With Criminal Negligence

IV. RELIEF AND PUNISHMENTS BY CHARGES TO BE ENFORCED

CHARGES TO BE ENFORCED under 17-1-10 (inter Alia) CLAIM

Involuntary Manslaughter (servitude)

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Crimes taken against persons

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Criminal Conspiracy

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Inchoate Crimes

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Attempt to Commit a Crime

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Adding and Abetting the commission for crime

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Obstruction to justice

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Corporate Criminal liability

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Money laundering Act [18 U. S. C Section 1957]

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Criminal RICO

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

[Civil RICO]

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Organized Crimes

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Racketeer Influenced and Corrupt Organizations Act [18 U, S, C Sections 1961-1968]

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Assault

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Battery

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Murder

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Rape

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Mayhem

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Kidnapping

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

False Imprisonment

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Robbery

CHARGE TO BE ENFORCED under 17-1-10 et seg)

Strong Armed Robbery

CLAIM CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Grand Larceny

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Burglary

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Theft

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Receiving of Stolen property

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Arson

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Forgery

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Extortion

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Embezzlement

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Criminal Fraud

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Mail and Wire Fraud

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Bribery

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Prostitution

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Gambling

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Foreign Corrupt Practice Act [15 U. S. C section 78m]

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Destroying religious property

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Identity Theft and Assumption Act of 1988

CHARGE TO BE ENFORCED under 17-1-10 et seg) CLAIM

Unethical and fraudulent Conduct

V. BY WAY OF COUNTERCLAIM

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Duty to Report Criminal Activity

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Duty not to willfully or wanton injure

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Duty to loyalty

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Duty of Ordinary care

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Duty of Reasonable Care

CHARGE TO BE ENFORCED under 17-1-10 et seg) BY WAY OF COUNTERCLAIM

Blackmail

I did/do not consent to the waiver, use of my precious time and services have anyone to use me as practice on my legal or personal rights. I not authorized, as this is my claim and charges against the State of South Carolina for Involuntary Manslaughter (servitude) and Crimes against persons (inter alia). All other charges, and afforded rights are preserved and reserved at this time.

There are irreconcilable differences of these legal matters in dispute, that the State and Mr. Wesley Edward Smith were unable to resolve.

I declare that under the penalty that the information is true and correct.

April 28, 2016

Respectfully Submitted


Mr. Wesley Edward Smith III