

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APR 23 2014

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Doyet A. Early, Circuit Court Judge

Case No. 2013-CP-10-00417

Wesley Smith,

Respondent

v.

Pepsi Bottling Group, INC

Appellee

NOTICE OF APPEAL

Mr. Wesley Edward Smith III (a person now having a legal interest and standing as a ex parte) appeals the notice of entry of judgment of the Honorable court letter dated 27 February 2014.

Mr. Wesley Edward Smith III based on the lack inactivity of this legal proceeding is justified. I have reason that the action that was imitated by Pepsi Bottling Group, INC should have been dismiss without prejudice pursuant the provision of the SCRCF under rule 12(5) due to the lack of service of process as law requires (proof needed). Subsequently, I am opposing objectively based on Pepsi Bottling Group, INC failures to comply to the rule of law and adverse action that statutorily violated a recognizable state statute as an unlawful employment practice . Such in adverted action gives reasons to believe a mistaken identity has been made for which I am

seeking to challenge Pepsi Bottling Group, INC procedural due process for the related court action. The test of whether substantive due process is met is whether a "Reasonable Person" could understand the law to be able to comply with it. laws that do not meet this test are declared *void for vagueness* (As defense is affirmatively asserted)

While I am not here to practice law, I am ignorant and incompetent to the entwining of the operation of any judicial practice, that is constantly under the construction and cause such procreating issues. Such legal recourse gives reason to believe legal rights are hindered by enacted doctrines which is depriving the substantive due process as well. This court integrity mechanisms for which all vehicle regardless of ant discriminatory action of a protected class in violation to S. C law 1-13-80 based on a persons race color, disability, age sex or former means of cultural belief or lifestyle was understood, are to operate legally within the confine of judicial proceeding and supported by the applicable enforcement of the law agency review without harassments or threatening mannerisms of things.

Upon entrance into this vessel under a faulty premise on behalf or the Pepsi Bottling Group. INC rendition of an alleged "just cause " subjective reasoning for my being terminated from employment, gives reasons to believe that such adverse treatment of similarity situated citizen were more righteous and expeditiously completed, with an irregularity an error of law, while on the other hand, the application under the color of law was applied to a protected person of race, the law applied is unfair, partially administered and applied unequally. I am aggrieve and identified and respectfully requesting to liberally exercise my fundamental legal right afforde men under state law, while proceeding In forma Pauperis. In forma Pauperis based on the fact that these actions have caused me to endure further unnecessary and undue hardships, the

inability to afford a competent legal counsel and based upon limited financial conditions due to impoverished conditions. This action gives reason to believe a mistake for inadvertently sanctioning Mr. Wesley Edward Smith III XXX-XX-3407 for using the inquisitional approach, so that an experience official professional of law or adjudicator could explain what constitutes an irregularity in procedural due process and does the assertion of the defense such as the "At-Will" doctrine creates that substantive due process issue that all is gagged from speech and uncontested this date due to the lack of actions or expedition of a neutral process which gives to believe that such a longstanding doctrine, erodes the rule of law and considered statutorily offensive to a law abiding citizen. There is a genuine issue of material fact that remains for which ruling is an irregularity not in conformance with the register of statutory requirements nor the precedence cases. A declaratory relief and affordable remedy, by order, decree or mandate is respectfully in order on this instant subject matter before this honorable court for redress or reconsideration without the required legal proof necessary in rulings or relief's afforded by law.

All other rights afforded to me that are expressly written laws are preserved and reserved until further notified.

I declare that under the penalty of perjury this information is true and correct

April 15, 2014

Respectfully Submitted



Mr. Wesley E. Smith, III
465 N. Nassau Street
Charleston, South Carolina 29403
Respondent Pro Se

Counsel of Record For Pepsi Bottling Group INC (PBG)
Mr. Ashley B. Able III ESQ
One Liberty Square
55 Beattie Street Suite 800
Greenville, South Carolina 29601

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Doyet A. Early, Circuit Court Judge

Case No. 2013-CP-10-00417

Mr. Wesley Edward Smith, III, Respondents

v.

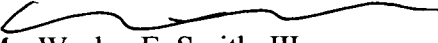
Pepsi Bottling Group, INC Appellant

PROOF OF SERVICE

Mr. Wesley Edward Smith III (a person now having a legal interest and standing as a ex parte) on April 15 2014 certify that the denial of Motion to Proceed In forma pauperis and warning of contempt judgments of this Honorable Court dated on 27 February 2014 and the subsequent actions of the Honorable Doyet A. Early order dated 28 March 2014 which gags any of my afforde legal opportunities was sent to the parties addressed

To: Mr. Ashley B. Able III ESQ
One Liberty Square
55 Beattie Street Suite 800
Greenville, South Carolina 29601
Counsel for Appellee

April 15
March ~~25~~, 2014


Mr. Wesley E. Smith, III
465 N. Nassau Street
Charleston, South Carolina 29403
Appellant Pro Se

SWORN TO BEFORE ME

Denise M Farmer

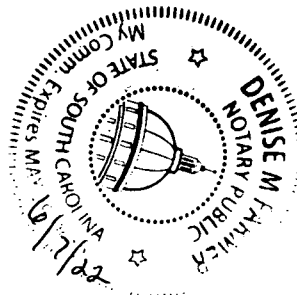
this 15 day of April 2014

Notary Public for the State of

SOUTH CAROLINA

My Commission expires

6/7/22



Wesley E. Smith III
465 North Nassau Street
Charleston, South Carolina 29403
(843)723-8598

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APR 23 2014

SC Court of Appeals

**LETTER TO CLERK OF LOWER COURT
FILING NOTICE OF APPEAL**

April 15, 2014

CLERK


Honorable Julie J. Armstrong
100 Broad Street Suite 106
Charleston, South Carolina 29401

RE: Mr. Wesley Edward Smith, III Respondent v. Pepsi Bottling Group, INC Appellee RE: Case 2013-10-CP-00417

Dear Honorable Clerk Armstrong;

Enclosed for filing is a notice of appeal in the above case.

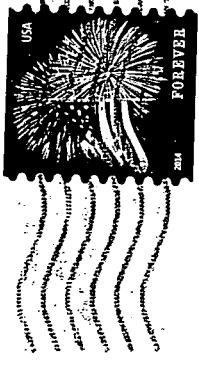
Sincerely, Person of legal Interest in that case


Mr. Wesley Edward Smith III
Wesley Edward Smith III
465 N. Nassau Street
Charleston, South Carolina 29403
(843) 723-8598
Respondent Pro Se

cc: Counsel of Record For Pepsi Bottling Group INC (PBG)
Mr. Ashley B. Able III ESQ
One Liberty Square
55 Beattie Street Suite 800
Greenville, South Carolina 29601

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

CHARLESTON SC 294
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APR 21 2014

SC JUDICIAL DEPARTMENT
FINANCE AND PERSONNEL

Jenny Kitchens

CLERK
The Honorable Tanya A Gee
The South Carolina Court of Appeals
~~Post Office Box 11629~~ 1105 Pennington St
Columbia, South Carolina 2920



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