

**NOTICE OF APPEAL  
In The Supreme Court**

---

Appeal from Charleston County  
Administrative Law Court

---

Stephanie P. McDonald , Administrative Tribunal Law Judge

---

Order dated: 27 February 2014

---

Pepsi Bottling Group et al,

Respondent(s);

v.

Mr. Wesley Edward Smith III,

Appellant,

---

NOTICE FOR APPEAL

---

**RECEIVED**  
MAR 13 2015  
SC Court of Appeals

The order of the Honorable Stephanie P. McDonald involves the challenge of the undisputed criminal activity that was overlooked. I, Mr. Wesley Edward Smith III have been victimized and adversely affected by the respondents for being deprived my Constitutional rights based on the respondent initiating an employment decision to terminate Mr. Wesley Edward smith III, This is perceived as that adverse action in terms of a wrongful usurpations of law, with a plausible cause, but without reading of rights by persons are just using the name of the PBG practice to catapult assaults and commits battery and legal kidnapping of employees, any employee, by arbitrarily targeting for legal practice while having a semblance of rights as Mr. Wesley Edward Smith III termination from employment without the PBG having the proof beyond reasonable doubt or the substantive evidence required, when there was to terminate an

employee. As actions were implied PBG acted as if it had enforcement rights to act as an officer of the law. So in accordance and pursuant to rule 201 RIGHT TO APPEAL which as stated in relevant parts:

**(a) Judgments, Orders and Decisions Subject to Appeal.** Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for a writ of certiorari to review final judgments in post-conviction relief cases is provided by Rule 243. Further, the review of decisions of the State Board of Canvassers in election cases shall be by petition for a writ of certiorari under S.C. Code Ann. §§ 7-17-250 and 7-17-270.

**(b) Who May Appeal.** Only a party aggrieved by an order, judgment, sentence or decision may appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

(1) Lower Court: the circuit court (including masters-in-equity), family court or probate court from which the appeal is taken.

(2) Administrative Tribunal: the administrative law court or agency from which the appeal is taken. Last amended by Order dated May 3, 2007.

Simultaneously, according to rule 203 Notice of Appeal. Such notices are required as stated below in relevant parts:

**(a) Notice.** A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.

**(b) Time for Service.**

**(1) Appeals From the Court of Common Pleas.** A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCPP), motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), or a motion for a new trial (Rule 59, SCRCPP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

**(2) Appeals From the Court of General Sessions.** After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment. When a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion. In those cases in which the State is allowed to appeal a pre-trial order or ruling,

the notice of appeal must be served within ten (10) days of receiving actual notice of the ruling or order; provided, however, that the notice of appeal must be served before the jury is sworn or, if tried without a jury, before the State begins the presentation of its case in chief.

With supporting arguments stemming objectively from rule 206 and rule 207. Under RULE 206 CASES INVOLVING MULTIPLE NOTICES OF APPEAL Where more than one party serves a notice of appeal, the party whose notice of appeal is first received by the appellate court shall be designated as the primary appellant and shall be responsible for performing all duties required of the appellant under Rules 207 and 210. Upon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule, and RULE 207 TRANSCRIPT OF PROCEEDING:

**(a) Appeals From a Lower Court.**

**(1) Ordering the Transcript.** Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. In appeals from the court of general sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all counsel of record, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to ordering less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

**(2) Delivery of Transcript.** The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made.

**(3) Extension for Court Reporter.** If a court reporter anticipates continuous engagement in the performance of other official duties which make it impossible to prepare a transcript in compliance with this Rule, the reporter shall promptly notify the Office of Court Administration in writing of the fact, setting forth the caption of the case involved, the length of time required to complete the transcript, and the nature and probable duration of the conflicting official duties. The Office of Court Administration may grant an extension of up to ninety (90) days. An extension in excess of ninety (90) days shall not be allowed except by order of the Chief Justice.

**(4) Notice of Extension.** Upon the granting of any extension of time for delivery of the transcript, the Office of Court Administration shall notify all parties and the clerk of the appellate court.

**(5) Failure to Receive Transcript.** If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing.

**(6) Failure to Comply.** The willful failure of a court reporter to comply with the provisions of this Rule shall constitute contempt of court enforceable by order of the Supreme Court.

**(b) Appeals From an Administrative Tribunal.**

**(1) Ordering the Transcript.** Within ten (10) days after the date of service of the notice of appeal, appellant shall, in writing, make satisfactory arrangements with the administrative law court or the agency (administrative tribunal) to obtain a transcript of the proceeding before that body. Appellant shall contemporaneously furnish all counsel of record, and the clerk of the appellate court with copies of all correspondence with the administrative tribunal. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings before the administrative tribunal. If a party to the appeal unjustifiably refuses to agree to order less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211. The administrative tribunal may establish reasonable rates for providing the transcript or a copy thereof.

**(2) Delivery of Transcript.** The administrative tribunal shall insure that the transcript is delivered to the appellant within (60) days after the date of the request.

**(3) Extension.** If the administrative tribunal cannot deliver the transcript in the time specified, it shall promptly seek an extension from the appellate court. The request for an extension shall be in writing and shall comply with Rule 240, SCACR.

**(4) Failure to Receive Transcript.** If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing.

**(c) Duty of Appellant.** The transcript received from the court reporter or the administrative tribunal must be retained by appellant during the entire appeal and for a period of at least one (1) year after the remittitur (See Rule 221) is sent to the lower court or administrative tribunal. Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

In closing, based on the aforementioned information and belief, the appellant is still waiting on the require notices from the courts remittent submitted for transcripts received from the court reporter or the administrative tribunal which must be retained by appellant Mr. Wesley Edward smith III during the entire appeal process for a period of at least one (1) year after the

remittitur (See Rule 221) by rule

**THEREFORE** pursuant to the aforementioned rules of the appellate process, Mr. Wesley Edward Smith III moves under this court authority to have challenged the undisputed lower court order(s).

March 10, 2015

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Wesley Edward Smith III', written in a cursive style.

Mr. Wesley Edward Smith III

**PROOF OF SERVICE  
In The Supreme Court**

---

Appeal from Charleston County  
Administrative Law Court

---

Stephanie P. McDonald , Administrative Tribunal Law Judge

---

Order dated: 27 February 2014

---

Pepsi Bottling Group et al,

Respondent(s);

v.

Mr. Wesley Edward Smith III,

Appellant,

---

PROOF OF SERVICE

---

I, Wesley Edward Smith III, certify that on March 10, 2015, submit's the notice to appeal with opening brief, and serving notice to also contest being denied right to proceed In forma pauperis by the Honorable Stephanie P. McDonald. The review sought were the criminal implications for being subjected to Constitutional laws without being afforded appellate rights under rule 203 (as required) and resulting convictions, Also the appellant sought to challenge the conjoining court orders which action gives reason to deprive filing a writ of Habeas Corpus, and the respondents depriving constitutional legal rights. As supported the State provides mandated instructions how to apply the constitution, without subjective deviations to the expressly written rights. The undisputed order leaves the objectionable reasonable inferences remaining in violation of my constitutional rights and contradiction to prior case at law with the supporting law memorandum, was sent by First Class Mail via United States Mail on all parties listed in this action to the following:

TO: Mr. Ashley Able III, ESQ  
One Liberty Square  
55 Beattie Place Suite 800  
Greenville, SC 29601

March 10, 2015

Respectfully Submitted



Mr. Wesley Edward Smith III

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

USE

CBSE



**Jenny Abbott Kitchings**  
Clerk of Court  
1015 Sumter Street  
Columbia, South Carolina 29201

2920139726 0076

