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APR 27 2015

**SC Court of Appeals**

**AMENDED ISSUES ON APPEAL  
In The Court of Appeals**

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,

**AMENDED ISSUE ON APPEAL**

The action is submitted per this court request (See attached letter dated 15 April 2015). The appellant argument is supported in conformance with the rule, as required under 204(a) in the Transfer of a Case  
TRANSFER CASE

**(a) Improperly Filed Cases.** In the event that the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court.

This Notice of appeal is submitted to the Administrative Law court as ordered pursuant the requirements of rule 204(a)

**Per the court attachment regarding the statement:**

- The notice of appeal is not accompanied by the order(s) and/or Judgment(s) challenged on appeal

**Appellant Response** such issue arise as final disposed case per written orders (unchallenged questionable inferences drawn for the issuing of courts continually issuing a remittitur not in compliance with rule 207 ) for orders which do not allow procedural due process which process is to allow a impartial trial and all parties fair proceeding and equal administration under the state law. Such the taken on my legal right before affording m,e

the protections contain under the appellate rules action which included (absent from this party) I, Wesley Edward Smith III had:

- 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.
- The right to notice of these rights (as also to be afforded under appellate rules)
- The right to have these right enforce without the encroachment of personal barriers, use other conflicting or controversial doctrines that would undermine the constitution rights of citizen or the responsibilities and obligation of the appellate court and it 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 a 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
- 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.

These legal right and more have been taken from me prior to having my legal

constitutional rights protections in accordance with procedural due process and relief entitlements for which I am immunized. Even the personal attacks of subjectivity actions under the law individuals chooses to create a Sham like Processes under the State of South Carolina laws. With these types of reasons given to believe, the allowance of such false productions of documentations (See attached enclosures of PBG negative reference letters) which directly involves implementing Mr. Wesley Edward smith III I a state Criminal Supported Intentional (Tortuous) Act. As criminal courts entertains private wrongs, criminal cases involves a private wrong, the State may bring a criminal action in a criminal court or take the alleged public wrong to a civil court (as herein denoted), or both, as is done occasionally in obscenity, antitrust or consumer fraud case. The citizen are under assumption that the State provides trust in procedural due process, produces doctrines that are fair and do not conflict with the state constitution and nor does the state make obscure cross complaints of alleged wrongful business practices (allowing third party encroachments or third party interveners hearsay) by personnel even acting under the guise of the government's name or organizations (as herein and hereafter complained of by appellant) without resolution and or respectable remedy granting such relief by court order(s).

- **Regarding the Court statement of required filing fee has not been submitted. The correct filing fee is \$100.00.**

Appellant response draws to question the existence and causal production of the Honorable Stephanie McDonald order. Without the supporting information upon which proof has always been require, The honorable Stephanie P McDonald order denying me my right to proceed in this matter In forma Paurpis is premature and should also be reversed and denied wholly based

on the error of law and violation of the appellant legal rights under the requirement and compliances regarding procedural legal process. Her taking time upon a frivolous matter to express herself and her concern and support of the Honorable R Dennis was out of order, and in this matter very questionable under the same ground for frivolousness and due to the fact the order was not evidentially based. By the courts own admissions the order slips into the sheer speculative mode of a legal process for its is without the legal supporting memorandum of law argument as plausibly lamenting is not finding not enforceable without the support law, as governed in previous court cases at law. Therefore the \$100.00 as require to be filed should be respectfully waived.

- Regarding the court statement of proof of Service showing that a copy has been served on the Administrative Law Court has not been provided as required by rule 203(b)(6), SCACR

**Appellant Response** as supported rule 203(b)(6) **(6) Appeals From Administrative Tribunals.** When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision. If a timely petition for rehearing is filed with the administrative tribunal, the time to appeal for all parties shall be stayed and shall run from receipt of the decision granting or denying that motion. If a decision indicates that a more full and complete decision is to follow, a party need not appeal until receipt of the more complete decision

- You are request to serve and file and amended notice of appeal indicating the date you received written notice of the entry of the order or judgment on appeal. No argument should be placed in the notice of appeal. This is my amended so argument is required

Appellant Statement is the question of "the Order" is directly related to Mr. Wesley Edward Smith III seeking judicial relief and independent action in equity is the order that authorized.

The question the court appear to be asking based on the order, to be asked of Pepsi Bottling Group INC (herein referred to as "PBG") is: Where is the order that allowed "YOU" PBG to act or as actions imply to act, were the constitutional authority, a state administrative agency or as

the court appointed law enforcement agency, without providing substantive evidence or proof of probable cause of the commission of a crimes to the magistrate, prior to terminating the contract of employees thus disregarding the state constitutional shield in place, that immunes, protected and afforded the entitlement of invoke the safeguards of Mr. Wesley Edward Smith III? This arbitrarily targeting Mr. Wesley Edward Smith III ironically days just after a complaint about being mistreated on the job, for perceived personal action and conduct of unbecoming fit for PBG management and unlawful business practice and being owed money, became the person of PBG interest in a one-side investigation shareholders theft and deceit

- How many other similarity situated employees of PBG been subjected to a similar process, say, for the last 20 year or so? Have the shareholder been properly notified as well of such criminal activities and the shortfall of net revenue and the subjective process that created a clime for the diversifying of stocks and security bonds? Explain and please provide date of action, and results of such legal matters.
- Where is the evidence based substantive proof that was needed to support the “just cause” action to terminate Mr. Wesley Edward Smith III employment contract
- Where is the letter of authorization that authorized other like similarly situated citizen (employees ) act in such a mannerism the reason are given beyond the realm of indecent treatment.
- Who authorized the State prosecutor intervene in a private matter and run to the court without a complaint, indictment number, a warrant or a summons, but was able under a civil disputes heading allowed to have cause a premature error of law (Mistake of Law) of which the above mentioned adjudicator and her order to become the subject and part this anti trust, obscurity, and consumer fraud case?

This current action was based upon legal finding of fact but on the tongue of third party hearsay that was not at the time of the written order plausible on the face of the written order, supported by legal memorandum of law argument or admissible facts of law concluded without questionable objectionable facts suited for this court. SO,

**WHEREAS** based on the aforementioned rules and reason given believe above, which is due to non compliance of the rules, procedural due process rights and the adherence of the application

of the administration for the constitutional protections of the state shield before life, property or liberty should be taken, that is afforded all citizen that are subjected to the law, as based on the personnel subjections of many others taken against Mr. Wesley Edward Smith III. In review of the records it is not demonstrated or indicated in the court orders that the magistrate judge report accurately summarizes this case and the applicable law affirms. As asserted defending by objections, this action gives reason to believe that I have been inadvertently used as the misidentified suspect, mistake of law and based on ignorance have become the victim of longstanding conflict and controversy within the state process, has me legally bonded in a law court and personnel matter and I Mr. Wesley Edward Smith am very dissatisfied and unhappy with not receiving the complaint service or notifications as required by the law. I have become interwoven as property of the State by being held in contempt of court based on another lack of legal actions, breach of duty, breach of care and a Breach of a duty to warn to show enough care reasonable that constituted a constitutional protections that quietly guides procedural equality and judicial fairness

**WHEREAS**, based on Mr. Wesley Edward Smith III ignorance for having any reasonable basis to know that inquisition upon the court would be frivolous or considered moot act, without the proper service and or required notification, that such contempt of court claims would be disinterred against him. The lower court granting Summary Judgment for the respondents was premature and error to law (appellate rules), which are reasonable grounds to deny and reversal of the Summary Judgment of the court order;


**THEREFORE**, absent the magistrate judge's report and or recommendations affirming the

Honorable Stephanie P McDonalds decision on the record under case assigned 2013-CP-10-00417 and the similar orders "dismissed with prejudice" in this same courthouse (as legal issues are similarity situated) and without the issuance and service of process. It is respectfully demanded and further ordered that the respondents PBG motion for Summary Judgment be denied as previously granted in error of law and the unsubstantiated charge dropped,.

**All other right reserved and preserved at this time. I invoke the entitlements of all my afforded constitutional immunities, protections, legal rights and afforded judicial remedies and relief's for any violations of my recognizable rights.**

April 24, 2015

Respectfully Submitted

  
Mr. Wesley Edward Smith III

**AMENDED PROOF OF SERVICE  
In The Court Appeals**

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v.

Mr. Wesley Edward Smith III,

Appellant,

**AMENDED PROOF OF SERVICE**

I, Wesley Edward Smith III, certify that on April 23, 2015, submits his response to the South Carolina Appeals Court was sent to the Administrative Law Court by First Class Mail via United States Mail and on all parties listed in this action to the following:

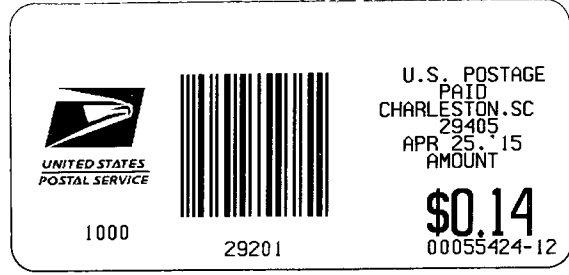
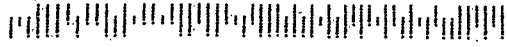
TO: Mr. Ashley Able III, ESQ  
One Liberty Square  
55 Beattie Place Suite 800  
Greenville, SC 29601

April 24, 2015

Respectfully Submitted

  
Mr. Wesley Edward Smith III

Mr. Wesley E  
465 N, Nassau  
Charleston, South Carolina 29403



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

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