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APR 29 2015

SC Court of Appeals

**MEMORANDUM TO THE RECORDS  
In The Court 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,

\_\_\_\_\_  
**MEMORANDUM TO THE RECORDS:**

**Please insert on page 2 para 1 Amended Service Appeal submitted on 24 April 15).**

Such the taken on my legal right before affording me the protections contain under the appellate rules action which included (absent from this party) I, Wesley Edward Smith III had:

Denied the procedural rights affording a competent carousel with the ability to pay for the proper professional forensic specialist to collect DNA evidence

Denied other legal entitlement such as the right to obtaining a competent defensive legal counsel (or be afforded one for my impoverish conditions due to financial hardships) or other matters with PBG involvement with fraudulent orders, Jury Tampering, Tax evasion, security exchange violation, and other act constituting fraud

**Please insert on page 7 para 3 Amended Service Appeal submitted on 24 April 15).**

Also, on the face of the Stephanie P. McDonald, Administrative Tribunal Law Judge

Order dated: 27 February 2014 it doesn't show the appearance of the PBG termination action

against Mr. Wesley Edward Smith III was discriminatory or retaliation because the appellant opposed to adverse treatment and what was perceived as unlawful business practice that In him being termination from employment for a "just cause" But such termination was not done in conformance with the expressly state appellate rules or his legal right the State constitutional shield afford under Article 1 sect 24. This lack of compliance of a longstanding constitutional immunity of his deprived rights, the court should have reviewed that an "error of law" and Summarily Dismiss the action initially that lacking a claim without the Magistrates recommendations affirm such civil reliefs. The court is viewed by the civilized society based on information and belief as that that final protector that ensures without any doubt, of providing any citizen "accused of a crime" such protection and afford the correct procedural due process.

Maybe the order alone doesn't pinpoint accurately or clearly illustrate a legal determination that a discriminatory or retaliatory acts occurred within PBG, but however, now illustrates the importance of this given more reason to believe (as offered as direct or indirect evidence of that substantive evidentiary proof of Stephanie P. McDonald, Administrative Tribunal Law Judge Order dated 27 February 2014, being such element that stands in agreement a decision that was "dismissed with prejudice" on its face, by the Honorable R. Markly Dennis order dated 20 March 2003 and conclusory order of supporting adjudicator, the Honorable Doyet A Early dated 27 November 2007 on page 10 para 3) while acting under the color of the state laws and constitutional provisions

My cross claims (although never served the required notifications and still lacking the original complaint of PBG and authorization order for PBG to act as an enforcement agency without following proper procedures or to act in such an authorized legal manner), concerning my right to contest on appeal, challenge PBG decision and appeal the order for which an alleged violation on my life and Constitutional legal rights, that affords liberty protection and safeguards prior to the taken of life, liberty or my property. This is systemic to many uncontested or unchallenged legal events form state businesses collateral attacks while in the hands or legal bonds of this court with reasonableness. Businesses are believed to be authorized to do State business within the territories of South Carolina but what about the ill will and preconceived notion of many other person that do not show concerns for other employees. As understood, from past occurrences, people have been genuinely known to dress up and disguise themselves as reputable servants in many states, as a plausible honest business legal entity that cares about the citizens of the state. Many departments today, however disguised has come undone at the end of the day, thus the nature of PBG claim is not supported on the records. However delegated, someone was responsible for the legal harms and judicial injuries. I am demanding that all perpetrators of justice be held liable for the lack of compliance to the protective rights of others, as enforceable under the state laws. It's an important that the administrative law question be ask, answered and judgment awarded by professional who do not seek only to debate, by the assertion a longstanding, out of time doctrine with only listening to their own legal twist. Crimes are being committed at a record high and those that are committing crime are still employed and affecting many other, as we ponder whether to grant a violation a citizens procedural due process rights.

PBG did not ponder in its travels to circumvent a lengthy process. PBG directly pointed to me as the theft, lacking entrepreneurial skills and an egregious work performer (inter alia). So, why is Mr. Wesley Edward Smith III, and like others being left to suffer and continually be under the attack mode, while being personally subjected and expose to other unlawful business dealings.

I was an employee of PBG within the State. Reasons are given to believe when you have persons working that interweave business, because of business associations while working together, this will cause some problems. I, Wesley Edward Smith III being similarity situated do understand how difficult it is to remain professional in the business, where others did not share the same believe or have understanding of virtuous standard for living. Absent being subjective to the state laws without proof of providing the constitutional protections the State requires by PBG. Based upon the lack of all notifications require by the State of South Carolina Rule, Appellate court Rules and the State Constitution, upon which I rely on that fact that professionals personal endeavors and business requirement affairs but remain divided from within the work place for their own compelling reasons.

Thus The order of the Stephanie P. McDonald, Administrative Tribunal Law Judge Order dated 27 February 2014 seems to serves no purpose other than to hinder the judicial process prevent the judicial mechanism from operating in the mannerism that it was designed, encroaching upon the protections of Mr. Wesley Edward Smith III constitutional rights and opens the veils of the courts limited integrity. This speculation is supported based on the law memorandum that was to be provided for validly and not speculative hearsay from others that

have chosen to intervene and interject frivolousness while encroaching upon my constitutional protections. As well, there are safeguards against this sort of behavior afforded under South Carolina Law SC Code 1-13-10 et seq regarding prohibited acts of discrimination are defined and entailed protections taken against person of race, color, age, disability, sex or any previous forms or involuntary servitude or enslaver. Should this question arise to such extent? However it may be defined in a more modernized way vice the traditional means that we have come to know that discriminatory acts were taken against the people of the republic state for with it still stands under justice.

For you see, I, Mr. Wesley Edward Smith III was not given that opportunity to choose or make a choice before PGB made the final move and freely chose to exercise some presumed authorized power (absent from the findings) to terminate my employment contract as is perceived the discriminatory act in violation to SC Code 1-13-80-et seq. What about the proffering of an argument as part of the court, asserting precedents to an already frivolous and speculative case as viable law argument from the seat of the court (intervening) while not remaining neutral (impartial) thus allowing the rules and constitution answer for the parties, “do and don’t” for the parties that believes was adversely affected by the other and the means of showing of evidentiary proof that is to prevail for Summary Judgment/Judgment. The action taking against Mr. Wesley Edward Smith III continues to adversely affect me and allowing me to address PBG (my adversary/opposing party) to legally stand up and my best legal argument, which provides the winner the case before the court. Seems like the court was not reprehensible in declaring its winner (preferred client or customer), while encroaching (Crouching Tiger) upon

my constitutional rights and others as well. I'm just saying. The perception these order(s) give me reasons to believe that this is a part of a another organization that is support crimes, allows arbitrary targeting of any person, and exploitation of the court, while covering while being exploited in a corporate businesses light. To the employed, there are unsuspecting personnel.

I, Mr. Wesley Edward Smith III believes he has been and is being legally attacked.


**QUESTION PRESENTED**

How can the action or presenting an order, be seem as descent when the order of the Appellant court rules are not being adhered to or proven valid followed by PBG when not allowing Mr. Wesley Edward Smith III his due process rights? This is after he was pointed out and been accused of a crimes, lost his job entitlements and the subsequent to the order those PBG house workers on Appeal.

Taken into account the tangible evidence of cited the conclusion of the Charleston County Administrative Law Court Stephanie P. McDonald, Administrative Tribunal Law Judge Order dated 27 February 2014, can it not also be discriminatory (denial of procedural due process rights) when order is not legally supporting the augment, absent the enforcement agency legal memorandum of law argument and not accompanied by the magistrate affirming findings of criminal fact that Mr. Wesley Edward Smith III violated the recognizable rights of PBG for which the civil relief should have been granted. Therefore based on the lack of support of the aforementioned, charges are demanded dropped, a reversal of the order granting Summary Judgment be denied and reinstatement of a amended complaint addressing the cause of action by PBG, under rule 207 the modification, emending and or reversal and remand is in order"

April 27, 2015

Respectfully Submitted

  
Mr. Wesley Edward Smith III

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v.

Mr. Wesley Edward Smith III,

Appellant,

**PROOF OF SERVICE**

I. Wesley Edward Smith III, certify that on April 27, 2015, submits his MEMEROANDUM TO THE RECORDS was sent to the Administrative Law Court by First Class Mail via United States Mail and on all parties listed below in this action to the following:

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

April 27, 2015

Respectfully Submitted

  
Mr. Wesley Edward Smith

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

CHARLESTON SC

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