

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

**RECEIVED**

JAN 25 2016

**S.C. SUPREME COURT**

January 21, 2016

Office of the Clerk  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543


RE: Mr. Wesley Edward Smith, III Petitioner v Pepsi Bottling Group, INC INC et al  
Respondents Case No. 2015-002061

Dear Honorable Clerk Connors;

Enclosed for your immediate action, is Mr. Wesley Edward Smith III request and service to appeal the lower court state decision.

Mr. Wesley Edward Smith is also requesting the appeals packet necessary to proceed without paying of fees as I proceed In forma Pauperis.

Thanking you in advance

  
Mr. Wesley Edward Smith III

**NOTICE TO APPEAL  
IN THE UNITED STATES SUPREME COURT**  
on Appeal South Carolina Supreme Court  
Court Review of Case 2015-001271  
Order dated January 5, 2016

**RECEIVED**

JAN 23 2016

**SC SUPREME COURT**

Mr. Wesley Edward Smith III, ..... Appellant/Plaintiff.

v.

Pepsi Bottling Group, INC, et al.....Respondent/Defendant

Mr. Wesley E. Smith, Pro Se  
465 N. Nassau Street  
Charleston, SC 29403  
(804)244-7807  
Pro Se  
Ashley B. Able III, Esquire  
One Liberty Square  
55 Beattie Place Suite 800  
Greenville S. C 29601  
(864) 735-7700  
Attorney for Respondent

**NOTICE REQUESTING TO APPEAL LOWER COURT DECISION**

**I. INTRODUCTION**

I, Wesley Edward Smith III, (herein refer to as Appellant/Plaintiff) is requesting a Pro Se litigant packet while being afforded to proceed In Forma Pauperis.

I, Mr. Wesley Edward Smith III believe that in the lower court ruled on case number 2014-CP-10-000417 in error of law against the absent party frivolously Mr. Wesley Edward Smith III who was absent those proceeding and not service a notice of the secret hearings.

Subsequently, the ruling resulting from the lower court case imitated by state delegated third party actors, was sent to the Court of Appeals under review of case Number 2015-00757 (issue the State doctrine Remittitur) and ultimately the case was forwarded to the State of South Carolina Supreme Court, case Number 2015-001271 (that concurred and affirm the Court of Appeal Remittitur as finalizing the case for review).

The granting of the order in question was from the reliance (not support of legal arguemt of law

enforcement review supporting memorandum), but just the continued hearsay of the respondents, who is believed to have friend who have unlimited access in the courts judicial process. Based on the rule of law and how the law is supposed to be applied, this case is not final while leaving objectionable inference and of which the genuine issue of material fact remained. This action draws a conclusion which point to a plethora of reasons why the error of law has occurred. Such mishaps may have occurred due to the respondents overzealousness, the preferred paying client and customer, conceitedness, flamboyancy, willful intent, carelessness, willfully acted, malfeasance, strict negligence, Contributory negligence, human error, ignorance or just a application mistake of law. But do to this costly and time consuming oversight in procedures, the assertion of an Remittiured order issued by the State Appellate and Supreme Courts adjudication process was made in violation of rule 56 (c).

This perceived violation of a recognizable civil right occurred under the South Carolina Rule of Civil Procedures Rule 56(c) was committed by the respondents, Pepsi Bottling Group INC while operating under the law, treaties, statutes public polices and the constitutional authority.

As direct result, I, Wesley Edward Smith III (herein refer to as Mr. Wesley Edward Smith III) was personally harmed and inured when deprived such an afforded civil right.

The reason for this court review and grant the certiorari is that the issuance of the State supported doctrine "Remittitur" and the termination of employee by use of the At will Employment Law is believe unconstitutional for which its existence as in this case, has the aftertaste and effect to create unchallenged, uncontested, one sided hearing (both sides not given equal opportunity, full treatment for discovery or the required notification of hearings in the

process) is believed to be that extraordinary occurrence for which this United State Supreme Court review exist an intervention matters to its United State Citizens. This action does not only show that the lower court may have been erroneous and hasty in making this determination without having proper jurisdiction over Mr. Wesley Edward Smith III while lacking legal familiarity, but the national importance of having the United States Supreme Court decide this issue is based on whether the court that decided this case is in conflict with the decision of another appellate court and does the State support is own compelling reasons in its lower court or appellate court that regardless of the outcome, insert its prejudging doctrine, by holding all others and mannerism of thins bondage over all it has chosen to survey and then later capture while operating under the guise of the State employment law (employment being in this States as a means to entrap a citizen for number of reasons other than allowing the citizen to work according to his or her performance of job duties).

The order is perceived as unconstitutional according to the requirements for the allowance, protection and safeguards the due process clause affords all person regardless of race, color, sex, religion, disability and age according to the Civil rights Act of 1964("Title VII")

In closing: If the State Highest Supreme Court is not allowed to hold others accountable based on the assertion of the Remittitur Order (a Lip lock devise which silences everyone, and of which is believe existing only to serve for a duel purpose: First, the barrier prevents the States finest Men and Women from making sound conscientious determinations based on the individual professional and educated prognosis at each hearings, and secondly its very lucrative and profitable for the self delegated party members who are timely adjudicating issues based on the

merits of each case as presented), while other employee who are working under the law are not being held responsible overlooked a civilly liable, unaccountable and mandating that others comply by adhering rule of law.

This climate and place in the State of South Carolina creates a uncomfortable environment, hostile workplace employment arena and promotes an unhealthy business and personal private rights is an issue of National Importance. The civil unrest is having to continually endure an injustice anywhere which is that threat to Justice everywhere. Anything that chooses or anyone who has willingly chosen to erode at the rule of law is said to be considered part of that risk factor as an unconstitutional act, actor, and action. Courts not affording the affordable relief and remedies to injured and harmed citizens, but action gives reason to prefer its own friends,, client and customer over the right of the law. Dissatisfied, aggrieved, injure party who fall under the governance of the law as the "protect" citizen class with question regarding a cross claim are being shot down on the step. Complaints are not being allowed to be ruled upon on a case by case basis or based on the merit and preponderance of evidence, but adverse result are the assertion of a longstanding doctrine, that only seem to serve the State for its own compelling reason(s). I understand the assertion of the prejudging doctrine Remittitur order as a prejudicial devise that continually harm and injure any citizen. I further believe based on personal understanding with reason given to believe that the protected class citizen are also the subject to work termination from employment by the State delegated solely asserting the At-Will law. The At Will law seems to be that state businessperson asserted personal barrier that serve his an her State delegates accordingly, but according to the United States Constitution due process clause is

a requirement that service must be provided and all opportunities to prevail in the court of law must be afforded before any person liberty, life and property is taken from them. PBG and other actors act were prohibited and not allowed.

I, Mr. Wesley Edward Smith III was terminated from employment while working under the State rule of law and these businesspersons(s) that actively practice daily at the rule of law are actively involved in defending PBG as the employer, by undermining me, Mr. Wesley Edward Smith III as the employee partner whose money is being extorted while having me, Mr. Wesley Edward Smith III ostracized from being employed, my pay checks and financial dividends. Also taken in this process without being afforded due process is the release from this state practice, back pay, employment promotion, seniority, benefit plans, education benefits, Medical and dental insureds, planned fiduciaries and service providers claims against ERISA lawsuits alleging breaches of fiduciary duty, claims for benefits due and statutory penalties from the employee, also for violating these, my protected civil rights as rule 56 (c) affords the protected class citizen from being the arbitrary target. My brand name is Wesley Edward Smith III. This is the only brand name I rely upon as the court finds proper for identification. I have been target on my job but later misidentified and defamed by PBG and others while they to work under the rules of law for this, in my Great State.

January 21, 2016

Respectfully Submitted



Mr. Wesley Edward Smith III

**PROOF OF SERVICE**  
**IN THE UNITED STATES SUPREME COURT**  
on Appeal South Carolina Supreme Court  
Court Review of Case 2015-001271  
Order dated January 5, 2016

Mr. Wesley Edward Smith III, ..... Appellant.  
v.  
Pepsi Bottling Group, INC, et al.....Respondent,

**PROOF OF SERVICE**

I, Mr. Wesley Edward Smith III, do swear or declare that on this date, January 21, 2016, as require bt the Supreme Court Rule 29 I have served the enclosed Notice to Appeal, Requesting Motion and information for Leave In forma Pauperis and this as Notice Requesting to Petition for Writ of Certiorari on each party to the above proceeding or that party's counsel and on every other person required to be served, by depositing an envelope containing documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to third party commercial carrier for delivery with 3 calendar days

The names and addresses of those served are as followed:

Mr. Ashley B Able  
One Liberty Square  
55 Beattie Place Suite 800  
Greenville S C 29601

Pepsi Bottling Group, INC  
(Attn: Chief Executive Officer Mr.Erik Foss)  
One Pepsi Way Route 100  
Somers, New York 10589

I declare that under the penalty of perjury that the foregoing is true and correct.

Executed on January 21, 2016



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

# ENCLOSURE (1)

## ISSUE ON REVIEW: DISSENTING COURT ORDER DATED JANUARY 5, 2016

under Court Review of Case 2015-002016  
Order dated December 8, 2015

Mr. Wesley Edward Smith III, Appellant.

v.

Pepsi Bottling Group, INC et al, Respondent,

# The Supreme Court of South Carolina

Wesley Edward Smith, III, Petitioner,

v.

Pepsi Bottling Group, Respondent.

Appellate Case No. 2015-001271

Lower Court Case No. 2013CP1000417

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## ORDER

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On May 29, 2015, the Clerk of the South Carolina Court of Appeals dismissed the appeal in this matter.<sup>1</sup> When no motion to reinstate was received within the time specified by Rule 260(a) of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals properly sent the remittitur on June 16, 2015.

By order dated June 17, 2015, this Court dismissed the petition for a writ of certiorari seeking review of the decision of the Court of Appeals. No petition for rehearing was filed regarding this order.

Petitioner has now filed documents again seeking review of the decision of the Court of Appeals. These documents are hereby stricken and dismissed for two reasons:

First, nothing in the SCACR allows for the filing of successive petitions for a writ of certiorari under Rule 242, SCACR. Second, since the Court of Appeals properly sent the remittitur in this case, appellate jurisdiction over this case has ended, and no further petitions or motions can be considered by either appellate court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).



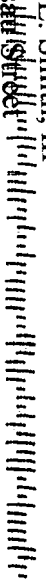
C.J.

FOR THE COURT

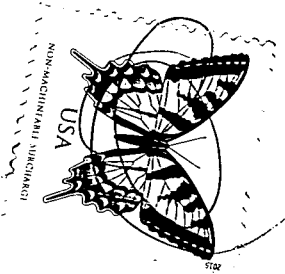
Columbia, South Carolina  
January 5, 2016

<sup>1</sup> Before the Court of Appeals, the Appellate Case Number is 2015-000548.

Wesley E. Smith, III  
65 N. Nassau Street  
Charleston, SC 29403



95610252



CLERK  
Honorable David Shearouse  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, S C 29201

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