

Wesley E. Smith III
465 North Nassau Street
Charleston, South Carolina 29403
(804)244-7807

February 5, 2016

RECEIVED

FEB 08 2016

S.C. SUPREME COURT

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 another copy of Mr. Wesley Edward Smith III request and service to appeal the lower court state decision.

The State highest Court (See Order Attached) is claiming not to have jurisdiction over the State lower Court presided matters. Based on information and belief, I objectionably dissent.

Thanking you in advance


Mr. Wesley Edward Smith III

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Mr. Wesley Edward Smith IIIPetitioner

VS

Pepsi Bottling Group et al,Respondent(s)

PROOF OF SERVICE

I, Mr. Wesley Edward Smith III, do swear that by certified mailing that on this date, served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that part's counsel, and on every other person require to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first call postage prepaid, or by third-party commercial carrier by delivery within three (3) calendar days .


The names and address of those served are as follows:

Ashley B. Able , III, Esquire	CLERK OF COURT
One Liberty Square	Honorable Julie J. Armstrong
55 Beattie Place Suite 800	100 Broad Street Rm 106
Greenville, SC 29601	Charleston, S. C 29403

Honorable Jenny A. Kitchens	Honorable Daniel Shearouse
South Carolina Court of Appeals	South Carolina Supreme Court
1220 Senate Street	1231 Gervais Street
Columbia, South Carolina 29201	Columbia, S. C. 29201

I declare that under the penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed on February 5, 2016


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

NO. _____

**IN THE
SUPREME COURT OF THE UNITED STATE**

Mr. Wesley Edward Smith IIIPetitioner/

VS

Pepsi Bottling Group et al,Respondent(s)

MOTION FOR NOTICE OF APPEAL FOR WRIT FOR CERTIORARI
and REQUEST TO PROCEED IN FORMA PAUPERIS WITHOUT PREPAYMENT OF
FILING FEES OR OTHER INCURRED COST

I. INTRODUCTION

I, Mr. Wesley Edward Smith III moves before this honorable court, exercising my fundamental Constitutional rights of which I am aggrieved and complaining that my constitutional due process civil rights have been deprived before the Pepsi Bottling Groups and other (et al) allowed such takings. Adversely affected was the taking of my employment rights, employment pay and wages, employment benefits and the safeguards, protection and promises that affords me as a citizen of the State, the right to such liberty, the pursuit of happiness and freedoms was allowed. This violation of my constitutional right have been violated by Pepsi Bottling Group INC while operation in the performance of its duties under constitutional law. As such related civil proceeding, I am now having to petition this court, dissent the State Supreme Court provisional authority to RECONSIDER, REVERSE and allow REINSTAEMENT for this matters complained as identified and subsequently found in error of law pursuant the provision

under South Carolina Appellant Rules 242 for which I have reason to believe that the court issuance order of the State doctrine Remittitur is unripe for the adjudication process, as perceived in error of constitutional law and its quite possible, a unconstitutionally written order which is left to be unchallenged in the State Supreme Court by its delegated officials for this important case on review.

I was led to believe that the major concern of importance of the State Supreme Court were if the lower court has allowed used my (any persons) name Mr. Wesley Edward Smith III, my place of employment Pepsi Bottling Group, my business partners, my money, my time and my involuntary services in which to conduct its promotions of frivolous matters into, what one would perceive as a plausible lawful business affair without me being present (rule of law required such proof of service be presented upon request, as herein and after needed).

This is regardless of whether or not the hearing was closed or secretly done. I believe that I have a right according to the rule of law (via rules of law SCRCR rule 3 requires a Complaint and under rule of law SCRCR 4 requires a service of a Summons) with notices of the time and date of specified hearing, so that I, Mr. Wesley Edward Smith III (American Citizen currently being held in bondage without bail (children collaterally attacked as well) in the State of South Carolina justice system against my free will) and be informed about out specifics of the personal harms that I personally cause Pepsi Bottling Group INC and not the tagalong (injunctions requested as well) third party hearsay rumors or generalizations of a moot issue

A potential problem I see in this oversight, is that with so many personal within the ranks of this legal field being promotion (I am self?), delegated and the interchangeability of the State court actors and officials, questions presented; Can anyone honestly rely on the State Highest Court supposing to allow the submission of the "Remittitur (which has been a problematic longstanding issue for members of a delegated Congress Committee and the State delegated legislators who are one in the same persons who debate keeping this dangerous foreign law in circulation, business) " from becoming asserted prematurely, by an unidentified actors, acting presumably for the State Court of Appeal, who has resorted to cause internal problems within the State practices by calling to challenged and undermined the very limited integral fabric of the previous soiled, and mimicked rendition of a presented case, of the which the State Supreme Court and that Courts have been instructed to rule based on the expressly written authority to preside over such delicate legal matter of a genuine issue of material fact that may remain. Such acts whereas issues raises a national conflicts on the application of the rule of law where inferences remains, where a questionably arguable and objectionable discrimination and prejudice controversies exist (See attached order) and the safeguards that Constitution due process rule of law which as mandated requires, that " before a persons life, liberty or property could be taken violation (deprivation already occurred). How could this action on the face, not be considered that the State is under seized by perpetrating State actors who is using the business arena for its own compelling personal reasons, by asserting the "Remittitur" only to serve as that barrier, even to the silence the State Supreme Court who by order has also relinquish its only authority to serve and protect the citizen not be considered a genuine issue remaining that is of national importance?

When the rule of law requires strict compliance of the mandated written rules without deviation(s), or that the Respondent mistakes of law may have been due to human error, carelessness, contributory neglect, strict negligence, overzealousness, wanton or even if malfeasance is found to be involved, the issue remains that a failure to provide such duty to provide a proof of service of summons accompanied with complaint which stated in an understandably written in the English (Americas) Language, that Pepsi Bottling Group is a citizen, as identified in the complaint and is that person who was personally injured and harmed by Mr. Wesley Edward Smith III while Mr. Wesley Edward Smith II was employed prior to being terminated. With such with a stated claim authorizing relief, attached would be with supporting memorandum of law argument, or even the law enforcement agency review of the claims for state violations. How can anyone presume, who claim to be reasonably mentally competent and or prudentially intelligent, even formulate the intervening third party' mere conjecture, pure speculations and rumored belief hearsay, as a final court action before the action officially commenced (began in the State lower Court) within the State Judicial Departments?

By law, I am a protected class species that is immune from being bullied, arbitrarily targeted, and used as an amusement while on display for any and a subject while at work or in my private life, but other person decided to run with this and make me a part of an unlawful business practice that Pepsi Bottling Groups support, promote and condones and believes based on its actions, PBG doesn't have to adhere or comply with to the State prohibition theory and prohibited practice as a business entity.

If the lower court reviewed the retrieved papers from the the State employed official who operates under State law, the offices as official place of business to sign forms on the letter head while conducting a business which were done by prominent men and women that expressly wrote this view while officiating on the bench (presumed), then yes. I Mr. Wesley Edward Smith III have reason to believe based on the Constitutional rule of due process as conferred by the Constitution rule of law, that the State Supreme Court did retain the rights to review this adjudicated matter on the defamation, Civil Rights and pain and suffering subject matter. This isi on the ground holding that the judgment was the made as result of the State lower court officially rendering its verdict in the State Lower Courts (SLC) by the State delegates employed citizens of the State who collects paychecks and acquire much property, attachment used for assessment in collateral damage.

My perspective is that based on the State delegated officials and appointing of personally designed as employed Executive managers lack of supervision for the requirement of a declared re duty. it is believe that such related to this action, by designed (intent is off the charts) as imitated and administered by friends acting a the supporting cast for the intervening business like entrepreneurs third party's, who by this one-sided court action design has strategically managed to manipulate the gadgets of the fine machine performance for operating in the mannerism in which is its intended, structurally, but the insiders of the corporate throd party business (also sits on the reviewing board, also as the Board of Directors) have managed this takeover to take palce and happen in the State of South Carolina. From the results of this action, the hardworking and employed resident citizen of this State who are the hardworking and underpaid law abiding

citizen and their children, family and afflictions (like myself) are being used as their enslaved, legally unfairly and mistreated as the third party scapegoat while many other continue to fall prey to the deceptive and deceitful procedural process without being afforded due process or protection by the immunity clause with prevent this type of prohibited acts based on a governing factors, such a age, race, color, gender, disabilities, religion preference, or any other form of prior means for acquiring personal servitude, extorting other money, business, service and time by deceitful means unimaginable to men or women. An investigation into thus "urgent matter" is needed. as being reported by citizens on patrol. I am told to uphold, while supporting defending the State Constitution against all enemies, foreign (Remitter) and or domestic, that by reporting all perceived violation, even as I, Mr. Wesley Edward Smith III have committed such acts (State Supreme Court will not hear or allow me this Freedom of Expression even to report a perceived violation) by fallen prey to operating guise of the Sate practice process just by being affiliated with this PBG Group as and employee, operating within a ring of lies, conversion, deceit and mistrust.

Mr. Wesley Edward Smith III again request the appeals packet necessary to proceed without paying of fees as I proceed In forma Pauperis and to appeal the State Supreme Court decision in error of the Constitution requirements and in error violation of the Rule of law. I Mr. Wesley Edward Smith III submit this request by service of "certified mailing" to this Court and other persons of interest as identified. addresses.

IN CLOSING

When I was employed, I worked in the performance and requirements of my assigned duties, So why would anyone fathom or reasonably think that members [the State Legislators [or

Congressional Committee] would put any covenants (any form of controlling or governing legislation) in the mainstream of our America governed society, only to have public believed that the consumer protection are being jeopardized and scrutinize that not to be adhered to according to the posted law, and that any citizen or consumer would not be injured as a result of false and misleading information produced by unrelated third parties. It is hard to also believe that contrary to the populist theory papers that such acts would create conflicts with the rule of law, causes controversies y between the State and the citizen, citizens and the courts and the consumers product reliability, that the creation such impeding legislation should encroached upon Federal Due process Clause. Citizen have thus, in such process has become unhappy, mistreated, unfairly accused of crimes due to the existence of such injustice, unfair legal controlling practices or reasons to believe that prejudicial administration related to full administration of justice is being controlled for some other State compelling reason other what the mechanism was designed and intend to provide. Legislators have already produce doctrine with full affect of law that governed the Federal rule of law and civil proceeding. The State Supreme Court upon to a review, could have notice that the case presided over in the lower court lacked substance and legal unfamiliar to be considered ripe for adjudication. As relying on the *Goodson v America Bankers Ins Co* 295 S.C. 400., 368 S.E.2d 687 (1988)

QUESTION PRESENTED

Prior to terminating the contract of Mr. Wesley Edward Smith III form his employment from PBG, did PBG go to the State legislators [or Congressional committee] to get its blessing or authorization to terminate the Employment rights of a U. S. citizen by subjecting him to such an astringent practice without such showing of such force, as needed by production of law argument made available ? Proof of such authorization required disclosure .

I affirm and or will declare that by this written submission that under the penalties of perjury, the foregoing this action has not been heard and the information is true and correct.

February 5, 2016

Respectfully Submitted



Mr. Wesley Edward Smith III

ENCLOSURE

(1)

SUPPORTING ARGUMENT FOR ACCEPTANCE

ON APPEAL FROM COURT OF APPEAL
CN: 2015-001271

Mr. Wesley Edward Smith III,.....Petitioner/Plaintiff
v
Pepsi Bottling Group et al,Respondent(s)/Defendants(s)

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

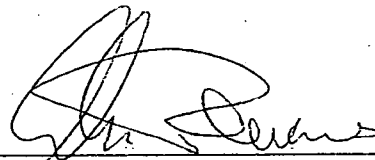
ORDER

On May 29, 2015, the Clerk of the South Carolina Court of Appeals dismissed the appeal in this matter.¹ 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

¹ Before the Court of Appeals, the Appellate Case Number is 2015-000548.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Wesley Edward Smith, III, a/k/a
Wesley Smith,

Plaintiff,

vs.

Pepsi Bottling Group,

Defendant.

IN THE COURT OF COMMONS PLEAS

CIVIL ACTION NO.: 2013-CP-10-0417

ORDER

FILED
2014 FEB 27 PM 4:09
JULIE J. ARISTAROUS
CLERK OF COURT
BY _____

Plaintiff has filed a motion to proceed *in forma pauperis* in the current action. This motion is denied. In addition, the Court takes this opportunity to address the repetitive, frivolous, and abusive nature of plaintiff's filings in this Circuit. Just today, the undersigned denied plaintiff's request to proceed *in forma pauperis* in another matter, *Wesley Edward Smith, III, vs. Charleston County School District (CCSD)*. In the CCSD case, the Honorable Doyet A. Early, III, sanctioned Mr. Smith for the filing of frivolous pleadings and documents with this Court. (See Judge Early's November 20, 2007 Order, as well as Judge Roger Young's February 20, 2013 Order in Case No.: 03-CP-10-4751).


In addition to sanctioning the plaintiff, Judge Early Ordered that "Plaintiff Wesley Smith is hereby enjoined, restrained, and prohibited from filing any new or further lawsuits, complaints, pleadings, motions, petitions, writs, or other similar documents in this Court that seek damages or other legal or equitable relief arising from the same facts or events referenced in the Complaint filed in this case on November 14, 2003, or in the Amended Complaint filed in this case on June 23, 2004." (Early Order at Page 11). Despite this specific admonition from

Judge Early and Judge Young's more recent 2013 denial of *in forma pauperis* status to the plaintiff, Mr. Smith has again attempted to file suit against the CCSD.

The current attempted action against Pepsi Bottling Group is not subject to Judge Early's Order; however, this Court looks to Judge Early's prior admonition, as well as to the South Carolina Supreme Court's analysis in *Richardson v. Stewart*, 386 S.C. 282, 688 S.E.2d 124 (2010), for guidance. A similar admonition is now necessary to address the *pro se* plaintiff's current behavior of seeking to file two separate frivolous lawsuits (with accompanying requests for *in forma pauperis* status) in Charleston County during such a short period of time. Even a cursory review of plaintiff's pleading against Pepsi Bottling Group reveals it to be frivolous. Such behavior results in a waste of judicial time and resources and interferes with the administration of justice. Therefore, plaintiff's motion to proceed *in forma pauperis* is denied.

In an effort to curb any further abusive filings, it is hereby Ordered that the Clerks of Court in the Ninth Judicial Circuit not accept any documents from this *pro se* plaintiff that require a filing fee unless accompanied by the filing fee and a properly notarized affidavit from Wesley Smith, III, stating that he in good faith believes that the document submitted is nonfrivolous and is proper for consideration by the Court. This order shall not apply to any matters in which the plaintiff has already been granted leave to proceed *in forma pauperis*. The Court takes this opportunity to warn the plaintiff that any attempt to file documents in the Ninth Judicial Circuit in violation of this order may result in him being held in contempt of this Court.

AND IT IS SO ORDERED.



Stephanie P. McDonald
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina
February 21, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Wesley Edward Smith III)
)
Plaintiff,)
)
vs.)
)
Pepsi Bottling Group, INC, et al.)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2013-CP-10-0417

**ORDER DENYING PLAINTIFF'S
MOTION FOR AN ORDER TO
PROCEED *IN FORMA PAUPERIS***

FILED
2014 AUG 18 PM 12:29
JULIE J. ARMSTRONG
CLERK OF COURT

THIS MATTER CAME before the Court on the *Pro Se* Plaintiff's Motion for an Order to Proceed *In Forma Pauperis* in order to have the required filing fee waived because of indigence.

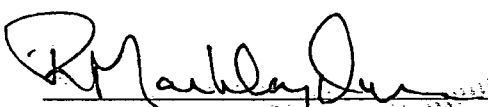
_____ The request is GRANTED. Plaintiff may proceed *in forma pauperis* without payment of _____ the filing fee and/or _____ the service cost (check one or both).

_____ The request is DENIED because the Plaintiff has not shown proof of indigence.

_____ The request is DENIED because the Plaintiff's complaint is against a political subdivision or agency of the State of South Carolina and alleges a cause of action that occurred in a county other than Berkeley County/Charleston County (circle one). The South Carolina Tort Claims Act, S.C. Code § 15-78-100(b) provides that jurisdiction is in the county in which the act or omission occurred. Therefore, the Clerk of Court is directed to return the pleadings to the Plaintiff, and the Plaintiff may re-file in the proper county.

* X _____ The request is DENIED pursuant to the reasons outlined in the attached order.

AND IT IS SO ORDERED.


The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge, Ninth Judicial Circuit

August 14, 2014
Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF C.S. & F.C.
By _____
DEPUTY CLERK

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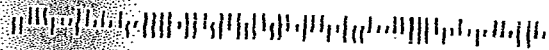
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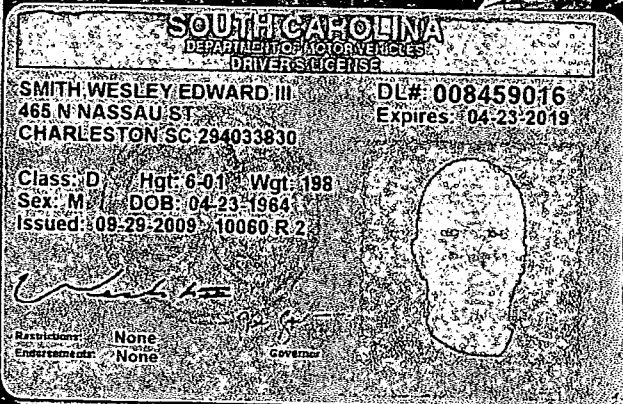
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145-64-025704

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS
CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER: 145-64-025704

NAME OF REGISTRANT: WESLEY EDWARD SMITH III

DATE OF BIRTH: APRIL 23, 1964 SEX: MALE

PLACE OF BIRTH: RICHMOND, VIRGINIA

MAIDEN NAME OF MOTHER: FLORENCE LOUISE BLAND

AGE OF MOTHER: 27

MOTHER'S PLACE OF BIRTH: SOUTH CAROLINA

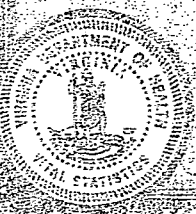
NAME OF FATHER: WESLEY EDWARD SMITH JR.

AGE OF FATHER: 35

FATHER'S PLACE OF BIRTH: VIRGINIA

DATE RECORD FILED: APRIL 29, 1964

VIRGINIA DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS



This is to certify that this is a true and correct reproduction or extract of the original record filed with the Virginia Department of Health, Planning, and Finance.

DATE ISSUED: March 10, 2008

Janet M. Rainey
Janet M. Rainey, State Registrar

Do not accept unless on security paper with the seal of Virginia Department of Health - Vital Statistics in the lower left hand corner. Section 22-1-272, Code of Virginia, as amended. VS-155

VOID WITHOUT WATERMARK OR IF ALTERED OR ERASED

EXH "A"

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

7015 0920 0002 1466 6234



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29405-16

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Honorable Daniel Shearouse
South Carolina Supreme Court
1231 Gervais Street
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