

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

**RECEIVED**

FEB 11 2016

February 9, 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 et al  
Respondents Case No. 2015-001271

Dear Honorable Clerk Connors;

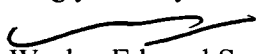
Enclosed for your immediate action, Mr. Wesley Edward Smith III answers to the State Supreme Court and lower Court Orders, by asserted defenses to support dismissing, stricken and reversal of the premature State Orders. With the State Supreme Court not having totality over all Court action is an extraordinary occurrences for which as narrowly tailored to the any or all parts of the lower court and State Supreme Court state matter decision order should be expunged as well.

The State Highest Supreme Court (See Order Attached) not having jurisdiction over the totality of the State subject matter is very concerning. Even to a independent contractor employed to work , whose landscapes and then surveys the layout of such land could find this quite repulsive, dangerous, a threat and of National importance on issues were earlier eluded to be problematic with th entirety of the State business practices.

Shirking away from responsibilities or the allowance of person to shy away from their public servant duties and obligations should not be allowed in the face of an adverse situations. This is why persons are hired to do their jobs while being paying great some money with perks and allowed to live quite comfy while owning property for such rendered services.

This is of national importance to me, for its concerns my namesake, my right to life and liberty in the pursuit of such happiness.

Thanking you for your understanding in advance

  
Mr. Wesley Edward Smith III

NO. \_\_\_\_\_  
\_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES      S.C. SUPREME COURT**

Mr. Wesley Edward Smith III .....Petitioner

VS

Pepsi Bottling Group et al, .....Respondent(s)

**PROOF OF SERVICE**

I, Mr. Wesley Edward Smith III, do swear that on this date, served the enclosed PETITIONER ANSWER AND ASSERT DEFENSES TO SUPPORT GRANTING PETITION RELIEF 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 first Class 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 9, 2016



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

NO. \_\_\_\_\_  
\_\_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

Mr. Wesley Edward Smith III .....Petitioner/

VS

Pepsi Bottling Group et al, .....Respondent(s)

**PETITIONER ANSWER AND ASSERTION OF DEFENSES  
TO SUPPORT GRANTING PETITION FOR A WRIT WHILE REVERSING  
DISMISSING AND STRICKEN THE STATE COURT ORDERS**

**I. INTRODUCTION**

I, Mr. Wesley Edward Smith III moves before this honorable court, exercising my fundamental Constitutional rights of which I am aggrieved, by asserting defenses and answering my expressed dissention of the State Supreme Court Order. The Constitution serve as my shield, sword and buckler, which protect me and my due process civil rights of which I have been deprived by the Pepsi Bottling Groups, the State Courts and now the Stat Highest Supreme Court These aforementioned entities have allowed the taking of my right to work, rights to civil rights due process, liberty, life and the freedoms of expression and happiness that comes along with or closely associated, with having unspeakable joy and being able to own property before such taking are done without the required proper proof of servicing notices or the filing of a complaint which on the face show the court having original and or the totality of such jurisdiction.

Adversely affected by PBG taking my employment rights, employment pay and wages,

employment benefits and the safeguards, protection and promises that affords me as a U. S citizen who reside and does business in the State of South Carolina, claims to allows all its residents and citizen of the State to be comfortable in its own skin by having such right to work, free from unreasonable search and seizures, free from self incrimination while being part of a set up practice that strive and makes its money on false claims and misleading many others.

Involved with such liberties is that pursuit of happiness and freedoms, the State System and practice has allowed a violation, This violation of a recognizable right under color of constitutional law have been violated by Pepsi Bottling Group INC and other. While PBG wa operation in the performance of its duties under constitutional law it decide to act of its scope as an employer and became an enforce agent acting as though it had the powers to violated the State laws and cover up the designed responsibilities to prevent any reason for anyone wanting to contaminate any and all evidences or to delay aiding and abetting others in a process.

As such related civil proceeding, I am asserting these answer and defenses, for dissenting the State actors and ultimately the State Supreme Court provisional authority to RECONSIDER, REVERSE and allow REINSTAEMENT for this matters complained of, as identified and subsequently found in error of law pursuant the provisions under South Carolina Appellant Rules 242. I have reason to believe that the court issuance order of the State doctrine Remittitur was 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 is ripe for these issues of National importance for this case under your jurisdiction judicial review.

**THEREFORE** whereas I rely on this court unbridled passion and unbiased judicial assessment while having proper venue and jurisdiction, in view of this very controversial, confusion, by interchangeable person not only being a conflict to self, but to the interest of this court while inextricably interweaving the interest of the citizens in this already known entanglement of a web as stated, by now subjecting the actualities of the law, coupled with a objectionable questionable premature order(s)

As such, I. Mr. Wesley Edward Smith III believes that fraud, deception, fraud upon the courts, abuse of power and converting the limited fabric of the courts fabric and readjusting the court furniture and alters itself, asserts the following as defenses to support the REVERSAL, REINSTAMENT AND or RECONSIDERATION while dissenting the allowance of any State order. The assertion of the plausible defenses is based admission of fact that the State Supreme Court on page 1 para 4 by not having totality, admits that the court does not have "appellate jurisdiction" over this matter. So on that basis of the court the first defense is Lacking of Jurisdiction (which could easily transcribe into or create reason for the prejudicial biases. Relying on *Wise v S. C. Dept. of Corr.*, 372 S. C. 173. 642 S.E.2d 551 (2007), secondly, Courts lacking legal familiarity (Relying on *Goodson v America Bankers Ins Co* 295 S.C. 400., 368 S.E.2d 687 (1988) and Thirdly, whereas orders (intentionally or unintentionally) racially segregates its actors based on race and color not performance of duties. (Relying on *Plessy v. Fergusson* 163 U. S. 537 1896) requires separate equal accommodations for citizens is an issue of Nation of importance, yes, once alluded to, now for your Judicial review in this Court.

Persons and the unsuspecting citizens alike of any State have a right to be informed how

other citizens, while employed or acting as independent contractor or agents quality of performing the performance of their job while employed under the state rule of laws and constitutional authority. Also, the Court order(s) should be dismissed because the State Court knew or should have reasonable known that the mannerism in which the State actors, who have wrongfully accused, failed to provide substantive proof of evidence, preponderance of evidence, reasons which are beyond a good faith reason and which any doubt does not exists or remains the genuine issue material fact, creates defaming order, causes[ing] pain and sufferings, committal of torture[ing] of Mr. Wesley Edward Smith III, that Mr. Wesley Edward Smith III was a citizen of the United States and that being a resident, student, employee and family man in the State of South Carolina he was immune from a practice on system that finding results in adverse actions and thus so, the State actors, by law were prohibited for the arbitrarily targeting and attacking of Mr. Wesley Edward Smith III.

**WHEREAS**, understanding the nature of this court which primary concern of this Supreme Court is not to correct the errors in the lower court, but to decide case presenting issue of importance beyond the particular facts and parties involved. The following issue are considered far beyond the realm of decency and elements of the particular facts and parties involved, are the orders produced and the types of behaviors displayed. The associated mannerism found and associated with actions that have been known to be as unethical, creates a crime injustice and could quite possibly lead to corrupting the court if not curtailed. By close interactions, I have found such act equating to matters that are constitutionally offensive and disrespectful to the rule of law, of which these similar sought of arrogant behaviors in things, I have come known to

despise, while finding its utterly despicable. With the interchangeability of the employed State Court actors, who also resides and does business in State of South Carolina, who, as presumed, by a deviant nature of perceived practices, are (have been) allowed to make decisions in the lower courts, then able to hold up the process for four (4) or more years, then are promoted to the next level, then four or more year pass then form the Courts to co-equally the State legislative departments (blatant Conflict of Interest with premeditated criminal intent with supporting premeditated doctrines), while still having an adverse affect in the outcome of the court final determination over the decision of the appellant courts. The State of South Carolina Supreme Court showed not having continued jurisdiction over the entire matter, subsequently the Supreme Court should have been dismissed the lower court(s) lower court action a frivolous and stricken and dismissed such action based on the mistake of law, non-compliance to the written precedent and for not having jurisdiction.

While this finding of fact is quite relevant (the expressly written orders, just cause decisions for terminating ones contract from his and her employment), these business decisions, as being allowed to be made, is beyond reprehensible. But with that same token, the State is kind enough to afforded those injured and harmed based on the practice of another's doings, a remedy for recovery and equitable means against pending adversaries of these listed persons, by law.

Those person acted offended, as the victim, a Judge, a jury and having powers a the law enforcing agency, whose acts were blatantly in conflict with due process right, human interest and beyond intolerable is premeditated, as later identified in a partial, fair and equitable


proceedings which justice being administered equally under the same set of laws, by finding those person liable, who were while employed with the State had willingly chosen to act (mean intent. Cross Claims of similar Hate crime as identified with the perpetrating State actors and officials dressing up as business persons (KKK Act of 1871) who are not regarding the State of South Carolina rules of law its citizen nor the Constitution as tangible enough.

With such creation of theses types order written from the Courts, as here on review, these types of act are also believed to be a sinister part of a unlawful business practice taken over by persons resenting the State Citizens of color and based on their race for whatever reason the respondent have deemed to its self as plausible or fathomable to prudent men and women.

I do not see any such acts as being justified, that are allowed above the call of the enacted laws.

February 9, 2016

Respectfully Submitted

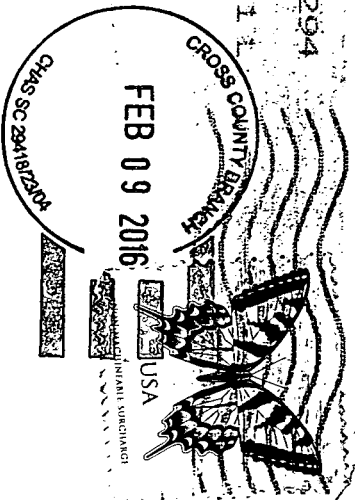
  
Mr. Wesley Edward Smith III

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Charleston, SC 294

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09 FEB 2016 PM 11

Honorable Daniel Shearouse  
South Carolina Supreme Court  
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