

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED

SEP 17 2018

SC Court of Appeals

Case No 2018-001125

Theodore Wagner.....Appellant

v.

Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike Davis....Respondent

Motion to Discontinue all Court Deadlines Until Challenge Heard

I, Theodore Wagner, Pro Se Appellant, **Motion this Court to Discontinue all Court Deadlines until a Full and Fair Constitutional Challenges of the Appellant Rules of Civil Procedure can be Heard.**

Oppression of my Constitutionally Protected Rights by the Rules etc. as written by the South Carolina's Appellant Court Rules and ask for a Full and Fair Redress of all these Rules and Procedures as compared to the Constitutions of South Carolina and The United States Constitution, not Case Law. I use the same **Standard of Review** Cases as I use in my Brief and would have used in Court if I had been aloud to have a **Trial By Jury Demanded** with every witness brought in by the Court.

My Post Dramatic Disorder and Server Panic Attacks as diagnosed by a licensed Doctor and served on this Court make it difficult to express myself. My Notarized Financial Declaration shows on the S.S.I.s 750.00 Dollars a month there is no way to pay for all the copies requires of Transcripts etc., many copies of Bonded books required, postage and many other things. A Permanent Disabled as I am will forever be banned from the Appeals Process in violation of the Constitution (s) or anything that

generates a cast system that exclude different classes of people from the Privileges of the Rich to have Redress of our Grievances or have the Truth about me put on the Record and Government Crimes Exposed.

I showed Evidence of Crimes committed by the Government to the Court to Judge Hall who took them in the back to examine and included with my Brief. I showed them to the Defended on June 21, 2014, that is how me met. I have shown these Crime committed by the Government to Kenneth Goode who then repeated the Lies told by the government in Court after meeting the F.B.I. Agent and persons who started this Conspiracy.

I clearly put this in my Constitutional Challenge but the **Standards of Review** would back up not only my Constitutional Challenge must be heard before enforcing anything things that Oppress my Rights Guaranteed in the U.S. And S.C. Constitution but all Judges have a Duty to do so.

I did serve copy of this Challenge on: **Attorney General Alan Wilson**, 1000 Assembly Street, Room 519, Columbia, South Carolina, 29201, **Certified Mail Restricted Delivery, 7016 1370 0000 4821 9665**

I know a real lawyer could do better but if any of my Public Pretenders had defended me in 2002 instead of conspiring with the prosecution to cover up Andrea's age I would not be hear today.

Having to beg for money to mail this again.

Date: Sept. 11th 2018

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Attorney for Respondent

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APPEL FROM CHARLESTON COUNTY
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Case No 2018-001125

Theodore Wagner.....Appellant

v.

Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike Davis....Respondent

Constitutional Challenge of Court of Appeals Rules

I, Theodore Wagner, Pro Se Appellant, make this Constitutional Challenge of the Oppression of my Constitutionally Protected Rights by the Rules etc. as written by the South Carolina's Appellant Court Rules and ask for a Full and Fair Redress of all these Rules and Procedures as compared to the Constitutions of South Carolina and The United States Constitution, not Case Law. I use the same **Standard of Review** Cases as I use in my Brief and would have used in Court if I had been aloud to have a Trial By Jury and Demanded.

My Post Dramatic Disorder and Server Panic Attacks were triggered on Thursday, September 6, 2018 bringing this to my attention. I had not checked Emails for 2 weeks. After going to the Post Office to Check General Delivery I went to the Main Library to use the Internet. While deleting 100s of nothings I get an Email from Kenneth Goode, the Respondent's / Defendant's Lawyer. He said it is customary for the opposing lawyer as a courtesy to send the Transcript to the other Lawyer. He would pay for an Uber driver to pick me up to bring them and take me back again. In a few minutes I realized the Appeal Process is banned from me because if I have trouble coming up with money for one set of

copies it is impossible to come up with all the Draconian copies the Court of Appeals requires for access to the Appeal process.

As I have sent into this Court a Notarized Financial Statement, I am on S.S.I., Disability, 750.00 Dollars a month and have to eat a soup lines. This Court is aware I have No Money. That all through the Appellant Court Rules there are Rules that cost large amounts of money to File. Many Sets of Copies, Bound Copies, many things which make it inaccessible to a poor man so only a rich man like the Millionaire Defendant can afford to avail themselves to this right.

In this Challenge of Court of Appeal Rules, etc, I am clear that I am Challenging the Court of Laws made in Violation of Article 1, Section 2 of the South Carolina Constitution and / or actions used in Violation of Article 1, Section 2 of the South Carolina Constitution's 5th Mandate that states “5) The General Assembly shall make no law respecting the right of the people to peaceable petition the Government or any department thereof for a redress of grievances**”. The Department of Justice.**

This Challenge is a Challenge of all Laws, Rules, Regulation, or Procedures or the lack of that Oppress the **Constitutionally Protected Rights of Redress of Grievances of The People** in Violation of Article 1, Section 2 of the South Carolina Constitution and as Commanded in The First Amendment of the U.S. Constitution. The Court of Appeals Rules use indirect restraints to Oppress my access to an Appeal and Challenge each one that does. I panicked so bad after Mr. Goods Email I can not check my Emails again and ran out of the Library.

“The First Amendment (Article 1, Section 2) would, however, be a hollow promise if it left government free to destroy or erode its guarantees by indirect restraints so long as no law is passed that prohibits free speech, press, petition, or assembly as such. We have therefore repeatedly held that laws which actually affect the exercise of these vital rights cannot be sustained merely because they were enacted for the purpose of dealing with some evil within the State's legislative competence, or

even because the laws do in fact provide a helpful means of dealing with such an evil.” UNITED MINE WORKERS OF AMERICA vs. ILLINOIS STATE BAR ASSOCIATION et al., 389 US 217 (1967).

I showed Crimes committed by the Government to the Court, included with my Brief, to the Defendant, that is how me met. I have shown these Crime committed by the Government to Judge Hall, and to Kenneth Goode, who then repeated the Lies told by the government.

When these unlawful acts were committed, they were crimes only of the officers individually, The government was innocent, in legal contemplation; for no federal official is authorized to commit a crime on its behalf. **When the government, having full knowledge, sought, through the Department of Justice, to avail itself of the fruits of these acts in order to accomplish its own ends, it assumed moral responsibility for the officers' crimes. And if this court should permit the government, by means of its officers' crimes to effect its purpose of punishing the defendants, there would seem to be present all the elements of a ratification. If so, the government itself would become a lawbreaker. OLMSTEAD VS. UNITED STATES, 277 US 438, June 4, 1928**

The South Carolina's Rules of Appellant Procedures bar me as a poor person for the South Carolina Court of Appeals and aids is the continuation of a crime and cover up that started in the State of South Carolina. Filled in the Lower Court on DVD because I had no money is the Affidavit sworn to by Detective William Crews to get the Search Warrant. In it he swears Andrea the day before my arrest watched her tapes I have never watched in my life that she made as an Adult on June 25, 1999 but leaves out she was watching with other adults at the time. I have never been there when she showed her tapes to people. As a whole, the whole South Carolina Affidavit is a lie making Andrea's tapes Fruits of the Poisonous Tree.

I Challenge the Court of Appeals also under ARTICLE I., DECLARATION OF RIGHTS, SECTION 3. Privileges and communities; due process; equal protection of laws. “The privileges and communities of citizens of this State and of the United States under this Constitution shall not be

abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

I am denied the privilege of the Appeal Process because I am poor. With the mental disability of suffering of Post Dramatic Stress Disorder I have trouble expressing myself but I do know the Appellant Court Rules and my poverty bar me from the Appellate process. Mike Davis knew I was Innocent before he started using the Internet and more to Terrorize me for Years.

Because of the Appellant Court Rules this Court which holds Positive Evidence that the Government proves in 4 Government Documents the Government committed an intentional cover-up under 18 U.S.C. § 1503 by U.S. Attorney Dehart and S.A. Cynthia McCants before the Grand Jury in 1999. Andrea's birthday can never change, May 9, 1979. The day Andrea made her tapes June 25, 1999 can never change. The Fact you can not be a victim under 18 U.S.C. § 1503 (a) can never change. The fact Detective Crews who was arrest for sex crimes against children knew Andrea was an adult watching the tapes of herself as an adult in the South Carolina Search Warrant Affidavit before my arrest and never change. The Court of Appeals Rules because I am poor aid in the Facilitation of this Government Crime as Mike Davis's **Trial by Jury** would have forced Andrea to generate a record.

What can change is the Laws, Rules, Provisions, etc. made by the Department of Justice of South Carolina that Oppress my Redress of Grievance in the Court of Appeals in violation of the Constitution.

Anton v. South Carolina Coastal Council, 469 S.E. 2d. 604 at 605 (S.C. 1996) “Where there is a conflict between the statute and the State Constitution, the Constitution overrides the Statute.” This would include the United States Constitution as it is the Supreme Law of the land.

As my Challenge states I ask this Court to do away with all Extra Copies as in this Day and Age any person of the Court and bring up and print as may Copies as they want at the Taxpayers Expense

whereas a person who is Permanent Disabled as I am will forever be banned from the Appeals Process in violation of the Constitution (s) or anything that generates a cast system that exclude different classes of people from the Privileges of the Rich to have Redress of our Grievances or have the Truth about he put on the Record and Government Crimes Exposed.


I Still holed to my “**Standard of Review**” for this **Constitutional Challenge** that is in the Brief but I don't have the money to add “Pages 10 thru 21 of the Brief” in copies and postage.

I clearly put this in my Constitutional Challenge and there is no Doubt that is was properly served in the State Of South Carolina. All of these **Standards of Review** would back up not only my Constitutional Challenge must be heard before enforcing anything that Oppresses my Rights Guaranteed in the U.S. And S.C. Constitution but all Judges have a Duty to do so.

I did serve copy of this Challenge on: Attorney General Alan Wilson
1000 Assembly Street, Room 519
Columbia, South Carolina, 29201
Certified Mail Restricted Delivery
7016 1370 0000 4821 9665

I know a real lawyer could do better but if any of my Public Pretenders had defended me in 2002 instead of conspiring with the prosecution to cover up Andrea's age I would not be hear today.

Having to beg for money to mail this again.
Date: 11 Sept 10, 15 2015


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Attorney for Respondent

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SC Court of Appeals

Case No 2018-001125

Theodore Wagner.....Appellant

v.

Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike Davis....Respondent

Motion for no Extra Briefs or the Court pay all Cost

I, Theodore Wagner, **Motion for no Extra Briefs or the Court pay all Cost.**

I was In Forma Pauperis in the Lower Court.

I had to do without heart medicine to get a haircut the other day because I have been a year without a real one. No one will answer my calls anymore because of all the begging I did for the Transcript and Filing Fee. No one will answer the phone or there door for me to beg! I don't want to look like a Stalker like Mike Davis trying to get this money. **Now I had to beg for More money.**

I should not be denied My **Trial By Jury as Guaranteed in the Constitution** or the Wrongful denial of it because I am Poor. To the Millionaire Defendant this is a joke. To me it is my LIFE.

The whole Transcript shows the Skill of the Defendants Lawyer to cover up the Truth and the Crimes along with the Trauma his client caused me. Every page has something that needs to be addressed. I am in total PANIC trying to read how he covers up the Truth.

And I Believe he already had the Medical Documents as that was the fight at the Psychiatrist Office that they were going to send him a copies free. The Defendant gets them Free and I have to pay

180.00 Dollars for a set! Hell No! Mr. Goode keeps the case out of Court for years and then brings it up the day of Court?

I ask this Court to be able to send in one copy to be scanned and Everyone has a Copy at **The Court of Appeals**. I may still be denied Access to the Appeals Court if I can't come up with the money for 3 sets of copies and postage.

Please grant my request to send in to the Court only 1 Set of Copies and that is it. Please Help and not financially bar me from the Truth because I am Poor!

This is included with my **Constitutional Challenge of Court of Appeals Rules**.

Date: Sept. 10th 2018

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Attorney for Respondent

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Theodore Wagner.....Appellant

v.

Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike Davis....Respondent

Motion for Appointment of a Lawyer

As the Medical Documents attached state through the years of Trauma of the Respondent Mike Davis I have increased **Post Dramatic Stress Disorder** because of the Terror of a man who will wear rubber surgical gloves carrying a knife at your door, will break in your residence through a window, break into your room, and stand over your bed as I sleep, and much more. This Appeal Brief causes Trauma all day every day as I try to do it. Sense the unlawful hearing that got these documents I am much worse. At times I lay in bed for hours just to stop shaking having to remember and relive all this. I pray this Court appoint a Lawyer to finish the protecting of my Constitutional Rights.

When you live with **Post Dramatic Stress Disorder** and **Panic Disorder with Agoraphobia** as diagnosed from you psychiatrist every day is a Mental Struggle.

In Court Judge Hall on May 8, 2018 was very clear in Court that he felt that due to the medications prescribed to me by my Doctors due to the Stalking, Terrorizing, and Trauma by Mike Davis and his Confederates I have had to endured and the reason I have have to take these medications I was in a state he could not understand and would not be able to present my case to a Jury Demanded

as of Right as Guaranteed by the Constitution.


I take urine test to assure I do not drink alcohol or do any drugs not prescribed by my doctors.

If I am so unable to present my case then Judge Hall should have Appointed me Lawyer to protected my Constitutionally protected Rights.

Copies of June 9, 2015 and July 31 2017 medical diagnoses included. It is much worse not but a am not allowed copies of medical Recorders. This show the mental deterioration because of the Emotional Terror and Trauma.

For this reason I Pray this Court appoint me a Lawyer to protect my Constitutionally protected Rights.

Date: Sept, 10 2018


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Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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SC Court of Appeals

Theodore Wagner.....Appellant

v.

Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike Davis....Respondent

Affidavit of Service

I, Theodore Wagner on this day did place in the to all the same copies of: **Constitutional Challenge of Court of Appeals Rules, Cover Letter to Attorney General Alan Wilson, CC: Clerk of Court, Motion to Discontinue all Court Deadlines Until Challenge Heard, Motion for no Extra Briefs or the Court pay all Cost, Motion for Appointment of a Lawyer, Affidavit of Service, at the U.S. Post Office to:**

Clerk, South Carolina Court of Appeals
To Ms. Jessica Lucas
Post Office Box 11629
Columbia, South Carolina, 29211

Attorney General Alan Wilson
1000 Assembly Street, Room 519
Columbia, South Carolina, 29201
Certified Mail Restricted Delivery
7016 1370 0000 4821 9665

Kenneth G. Goody, Jr., Attorney
4 Carriage Lane, Suite 204
Charleston , South Carolina 29407
Attorney for Respondent

Date: Sept. 11th 2018

Theodore Wagner

Kenneth G. Goody, Jr., Attorney
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Pro Se for the Appellant



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Charleston SC 29403
Phone (843) 406-2508
TheodoreWagner65@yahoo.com

September 10, 2018

To: South Carolina Attorney General
Alan Wilson
1000 Assembly Street
Columbia, SC 29201

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SEP 17 2018

SC Court of Appeals

Regarding: **Certified Mail Restricted Delivery 7016 1370 0000 4821 9665**

Theodore Wagner..Appellant v. Designa Print and Mike Davis including anyone who is Complicit or Enabled protecting Mike. Case No 2018-001125

Dear Mr. Wilson,

I mailed one to you yesterday but when you live with **Post Dramatic Stress Disorder** and **Panic Disorder with Agoraphobia** as diagnosed from you psychiatrist every day is a Mental Struggle.

Please find enclosed **Constitutional Challenge of Court of Appeals Rules, Cover Letter to Attorney General Alan Wilson, CC: Clerk of Court, Motion to Discontinue all Court Deadlines Until Challenge Heard, Motion for no Extra Briefs or the Court pay all Cost, Motion for Appointment of a Lawyer, Affidavit of Service.**

I have filed Notarized Affidavit showing I am on S.S.I. and can not afford the Draconian cost of the Appeal process. As a Citizen of South Carolina **In this Challenge of Court of Appeal Rules, etc,** I am clear that I am Challenging the Court of Laws made in Violation of Article 1, Section 2 of the South Carolina Constitution and / or actions used in Violation of Article 1, Section 2 of the South Carolina Constitution's 5th Sentence that states **“5) The General Assembly shall make no law respecting the right of the people to peaceable petition the Government or any department thereof for a redress of grievances”**. The Department of Justice.

This Challenge is a Challenge of all Laws, Rules, Regulation, or Procedures or the lack of that Oppress the **Constitutionally Protected Rights of Redress of Grievances of The People** in Violation of Article 1, Section 2 of the South Carolina Constitution and as Commanded in The First Amendment of the U.S. Constitution. The Court of Appeals Rules use indirect restraints to Oppress my access to an Appeal and Challenge each one that does.

I also so Evidence that show Crimes by the Government and the Defendant that I do not believe the court should knowingly be able to cover up.

I ask you to VOID as shown in the **(D) Standard of Review** of any actions used in Violation of Article 1, Section 2 of the South Carolina Constitution's 5th Sentence to Oppress the Right of the People to a Full and Fair Redress of our Grievances. Just I am Mentally Disabled and Poor having to live on S.S.I. For all my expenses I should not have to beg for postage to Mail you.

Furthermore I am banned by the number of copies and bound books from a time long past.

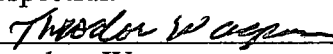
I NEED your help to have a lawyer pointed to write these wrongs as the Brief only show a few.

As you took an Oath to defend the South Carolina and United States Constitution before any law I am hoping you will wright these oppressions and restore the peoples Right to a Redress of our Grievances. Please read all documents submitted. As I am a lawyer they are a mess and need a Lawyer to fix them.

If my Public Pretenders, Ann Walsh, Guy Vitetta, and Andy Savage had not conspired with Detective Will Crews of South Carolina prosecution in the 1999 I would not be here. A Couple pieces of Evidence of these Crimes are induced and shown to Judge Hall and everyone else.

CC: Clerk of Court

Respectful.



Theodore Wagner
Constitutional Patriot



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29211

F0M L4 ELY
CHARLESTON, SC
29403
SEP 11 18
AMOUNT
\$2.05
R2303S100576-99



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