

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

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 5<sup>th</sup> 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 Counsel, 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



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**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**, Motion for no Extra Briefs or the Court pay all Cost, 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 4822-5741**

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

Date: Sept. 10<sup>th</sup> 2018

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