

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED
JUL 31 2019
SC Court of Appeals

Case No. 2015-CP-10-4166
Appellant Case No 2018-001125

Theodore Wagner.....Appellant

v.

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

Objection to Response to Defendant's Reply Brief Before RULE 82 (c) HEARING

I, Theodore Wagner, **OBJECT TO ANY REDRESS OF Response to Respondent's Briefs Before a Full and Fair Redress Under, Notice of RULE 82 (c) Removal to Federal Courts, as they do VIOLATE THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION.**

1 – I Object to any Redress off the Defendant's Reply Brief until after Redress under Article 6, The Supremacy Clause of the United States Constitution and all Involved Questions of the Supreme Law of the Land and Answered on the Record in Open Federal Court as Demand under RULE 82 (c) as to the Rights of the People under the United States Constitution.

In this Case on December 19, 2016 and properly served on all I Filed Constitutional Challenge for a Full and fair Redress of the Truth etc. "TRIAL BY JURY DEMANDED". **A protected Right under the Ninth Amendment of the U..S. Constitution.** This Right Does Fall under the Supremacy Clause of Artificial 6 of the United States Constitution. On page 3 of 4 I stated "I Theodore Wagner retain the Right to have the Government tell the Truth, the whole Truth, and nothing but the Truth about me." Properly stated and Retained. In court on May 7, 2018 in front of Judge Hall on page 68 of the Page 1 of 5 **Objection to Response to Defendant's Reply Brief Before RULE 82 (c) HEARING**

Transcript I stated I didn't want anything of mine oppressed because the Night Amendment guarantees me the right to the truth, the whole truth and nothing but the truth and I reserve that right. And that's what I'm trying to get on the record on everything.” Does this Right that I have Lawfully reserved for myself belongs to every American has been moved under **RULE 82 (c)** to be argued and heard in Open Federal Court. (Proof of this Federal Constitutional Challenge Filled in State Court Included)

I, *Theodore Wagner*, **OBJECT TO ANY REDRESS OF Response to Respondent's Briefs Before a Full and Fair Redress Under, Notice of RULE 82 (c) Removal to Federal Courts, as they do VIOLATE THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION.**

2 – I Object to any Redress off the Defendant's Reply Brief until Article 6, The Supremacy Clause of the United States Constitution and all Involved Questions of the Supreme Law of the Land and Answered on the Record in Open Federal Court as Demand under RULE 82 (c) as to the Rights of the People under the United States Constitution.

I put at the top of all my Filling “**TRIAL BY JURY DEMANDED**” This does fall under the Supremacy Clause of the United States Constitution in the Seventh Amendment. No part of any Constitution of any state can override it and “the right of trial by jury shall be preserved”. As I did not want a Judge to rule on facts that included Federal Crimes by Federal Employees I demanded a Trial by Jury. On May 7, 2018 **Judge Daniel Dewitt Hall** did take the Evidence that showed a Felony Federal Crime had been committed before a Federal Grand Jury into the back to examine it and that the State Defendant was aware of these Federal Crimes when used they to cause pain and Trauma against myself, Theodore Wagner. Judge Hall ruled that Subpoenaed Witness **Andrea Lynn Crisel Gentry** would have to testify the next day on the stand Under Oath as to the Documents and that she was 20 years, 1 month, 16 days old on June 25, 1999 when she had her sex party on her own before a Jury as Demanded. Andrea was accompanied by **Federal Representative** with the aid of the Defendants Lawyer at a Civil State Court Hearing.

That Federal Employees Conspired to give Perjured or Misleading testimony to a Federal Grand Jury under Title 18, United State Code, Section 1503 by S.A. Cynthia McCants, of the Federal Bureau of Investigations (F.B.I.) and Federal Assistant Attorney, Rhett Dehart on April 9, 2002 by knowingly calling Andrea, they know to be 20 years old on June 25, 1999, "Victim A" to mislead the Grand Jury into believing Andrea was under 18 years old in her tapes. Andrea was not a Victim. Not a Minor. Not a Child. She was and adult who had sex parties with her friends almost every day and not at our house!

The next day the Supremacy Clause was Violated by Judge Hall using a State Rule SCRCP 41 B.

I, *Theodore Wagner*, **OBJECT TO ANY REDRESS OF** Response to Respondent's Briefs Before a Full and Fair Redress Under, Notice of **RULE 82 (c)** Removal to Federal Courts, as they do **VIOLATE THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION.**

3 – I Object to any Redress off the Defendant's Reply Brief until Article 6, The Supremacy Clause of the United States Constitution and all Involved Questions of the Supreme Law of the Land and Answered on the Record in Open Federal Court as Demand under RULE 82 (c) as to the Rights of the People under the United States Constitution.

In my Constitutional Challenge Filed on December 19, 2016 in Case Number 2015-CP-10-4166 I was careful to make sure I invoked the **Supremacy Clause, The Supreme Law of the Land**, on the First Page.

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. This was intentional to invoke the Fifth Sentence of the First Amendment also. **Lack of was for the Ninth Amendment Challenge.**

The U.S. Constitution was Ratified in 1788. Slavery was legal. The Thirteenth Amendment in

1865 Rectified that. The Bill of Rights was Ratified in 1791. The First Amendment is in the Bill of Rights. As Marbury vs. Madison, 1 CRANCH 137 states any “law repugnant to the constitution is void”

Marbury vs. Madison, 1 CRANCH 137, state that all laws that are repugnant of the Fifth Mandate of the First Amendment, the Supreme Law of the Land, are Void.

The First Amendment has five parts, and the Government wants to hide one of them from you.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The First amendment can be broken down into Five distinct sentences.

- 1) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof:
- 2) Congress shall make no law abridging the freedom for speech.
- 3) Congress shall make no law abridging the freedom of the press.
- 4) Congress shall make no law respecting the right of the people peaceable to assemble.
- 5) Congress shall make no law respecting the right of the people to peaceable petition the Government for a Redress of grievance.**

As of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make.** As of the Ratifying of the First Amendment **no part of Congress or any part of any Government** Under the Supremacy Clause of the United States could make any law Oppressing a Full and Fair Redress, Relief of Remedy of the People's Grievances. As it has been Challenged and under **RULE 82 (c) Removal to Federal Courts** this Case has been moved to Federal Court must be ruled on or all parties are part of this separate Ongoing Conspiracy.

Questions for Federal Questions to be addressed in Federal Court:

Does the Ninth Amendment of the Supreme Law of the Land give every citizen the Right to Preserve and Protect the Right to have the Truth, the whole Truth and nothing but the Truth be told about them.

Does the Supreme Law of the Lands command in the Seventh Amendment protect the Right to "TRIAL BY JURY DEMANDED".

Was I wrongly kicked out of Court on May 8, 2018 by Judge Hall using SCRCP 41 B when I had invoked TRIAL BY JURY DEMANDED and my Ninth Amendment Right to the Truth.

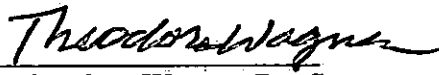
Is SCRCP 41 B Void Under the Supremacy Clause!

After a Judge has viewed, examined, and is aware of Felony Crimes committed by the Government, does Judge have the Right to use his Power of Office to cover them up.

Did the Fifth Sentence of the First Amendment Void Article 3, Section 2, the last sentence of paragraph 2, "with such Exceptions, and under such Regulations as the Congress shall make".

I, Theodore Wagner, OBJECT TO ANY REDRESS OF Response to Respondent's Briefs Before a Full and Fair Redress Under, Notice of RULE 82 (c) Removal to Federal Courts, as they do VIOLATE THE SUPREMACY CLAUSE OF THE UNITED STATES CONSTITUTION.

Date: July 29th 2019


Theodore Wagner, Pro Se
General Delivery - Homeless
557 East Bay Street
Charleston, SC 29403
Pro Se for the Appellant

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



July 29, 2019

Theodore Wagner
557 East Bay Street
General Deliver - Homeless
Charleston SC 29403
Phone (843) 406-2508
TheodoreWagner65@yahoo.com

Theodore Wagner - Complaint and Grievance

Request for: Request for Complaint Number and the Investigator for this Complaint.

Y'all have received all Evidence in previous Mailings.

To: Administrative Office of the United States Courts as **Federal Judge Micheal Duffy** was a party.

To: Office of Professional Responsibility as **Assistant U.S. Attorney Rhett Dehart** was a party.

To: Office of the Inspector General as **Special Agent Cynthia McCants of the Federal Bureau of Investigations** was a party. From the Evidence presented there were many other participants.

Administrative Office of the United States Courts U.S. Department of Justice One Columbus Circle, NE Washington, DC 20544	Office of Professional Responsibility U.S. Department of Justice 950 Pennsylvania Avenue, NW, Room 3266 Washington, DC 20535-0001
Office of Inspector General U.S. Department of Justice Inspection Division 950 Pennsylvania Avenue, NW, Room 4706 Washington, DC 20530	

Regarding: **Conspiracy to give Perjured or Misleading testimony to a Federal Grand Jury under Title 18, United State Code, Section 1503** by S.A. Cynthia McCants, of the Federal Bureau of Investigations (F.B.I.) and Federal Assistant Attorney, Rhett Dehart and the Ongoing Conspiracy to Cover it up.

These **Constitutional Challenge** has not been heard yet in Federal or State Court. All the Evidence of the Crime above was presented in this case and personally given to State Judges and all of the Departments above named along with the paper to show I have mailed it to the proper Federal Departments for these Federal Crimes and Conspiracy. **I was very clear to all, of my Commanded Protection in the Ninth Amendment to the Truth, the whole Truth, and nothing but the Truth and to end the Ongoing Conspiracy to cover up that Andrea was my wife and 20 years old on June 25, 1999 on April 9, 2002.** Same thing in every one since before I was unlawfully Sentenced by Judge

Duffy in 2003.

This is a **Constitutional Challenge** that was Filed on December 19, 2016 in **S.C. State Court, Number: 2015-CP-10-4166** and has not been addressed yet, one of many Filed in Court using the **Commanded Protection of the U.S. Constitution**. All the Evidence of the Crime above was presented in this case was personally shown to the Defendant, to Judge Hall, given to Defendant's Lawyer and Filed in the Court. I am always clear of the Ongoing Conspiracy to cover up that Andrea was 20 years old on June 25, 1999 as I am on page 10 in this Constitutional Challenge. It is in the S.C. Court of Appeals now and copies of this letter is included in the Filling as the Affidavit of Service states. I have invoked **Rule 82 (c) Removal to Federal Courts.**

This is a Federal Issue as the U.S. Constitution is the Supreme Law of the Land and if the State Judges are Conspiring against the U.S. Constitution it is a Federal Issue!

The **Objection of Response to Defendant's Reply Brief before Rule 82 (c) Hearing** which is included does explain the Federal Supremacy Clause issues better but all 3 of your departments of the Department of Justice have already received all the evidence of these Felony Federal Crimes and have done nothing as of yet. This is to continued the Paper Trail of the Conspiracy.

I have invoked Rule 82 (c) Removal to Federal Courts to have these issues involving the Supremacy Clause of Article 6 of the U.S Constitution heard in Federal Court in The Court Of Appeals before Appellant Case Number 2018-001125 can go forward.

I have included Copies to all of:

"Notice of Rule 82 (c) Removal to Federal Courts" from State Appeals Court **Appellant Case Number 2018-001125** with that "Affidavit of Service" and "I Invoke Rule 82 (c) Removal to Federal Courts", All stamped Received on May 13, 2019 at the Court of Appeals.

The page sent to me from the **Department of Justice** Highlighting that I am sending this complaint to the Correct Offices to show the Ongoing Conspiracy to cover up these Federal Felony Crimes.

The Filed Copy of my Constitutional Challenge under the Supremacy Clause of the Seventh Amendment for the Truth, the whole Truth, and nothing But the Truth, "TRIAL BY JURY DEMANDED" Filed on December 19, 2016 the Courts Unconstitutionally Refuse to Address.

Page 68 of the State Transcript from May 7, 2018 where in Court before Judge Hall I Invoked my Ninth Amendment Right under the Supremacy Clause of the United States Constitution, "I didn't want anything of mine oppressed because the Ninth Amendment guaranteed me the right to the

truth, the whole truth and nothing but the truth And I reserve that right. And that's what I'm trying to get on the record on everything."

A copy of Objection of Response to Defendant's Reply Brief before Rule 82 (c) Hearing.

Filed in the South Carolina Court of Appeals in Appellant Case No. 2018-001125.

**Affidavit of Service that shows CC: to Clerk of Court of Appeals in Appellant Case
Number 2018-001125**

CC: To Clerk of Court of Court of Appeals in Appellant Case Number 2018-001125

Date: July 29th 2019

Theodore Wagner
Theodore Wagner, Pro Se
General Delivery - Homeless
557 East Bay Street
Charleston, SC 29403
Pro Se for the Appellant

I
Invoked
The
Supremacy
Clause
of the
U.S.
Constitution
in
court
on
May
7,
2018

1 important issues is third-party emotional distress requires
2 manifestation of bodily harm. And he does not have that.
3 Either got to be a relative or witness a violent act on Aaron,
4 if he's pleading that. And there's very minimal language as to
5 conduct actually directed towards him. So I don't know if
6 that's something you want to wait until a jury charge.

7 THE COURT: Well, I will deal with that in the
8 morning. Anything else?

9 MR. GOODE: No, sir, Your Honor.

10 THE COURT: Mr. Wagner, anything from you?

11 ~~MR. WAGNER: Well, I mean, I didn't want anything of~~
12 ~~mine oppressed because the Ninth Amendment guarantees me the~~
13 ~~right to the truth, the whole truth and nothing but the truth.~~
14 ~~And I reserve that right. And that's what I'm trying to get on~~
15 ~~the record on everything.~~

16 From the time I met him, I showed him all these
17 documents to prove I was innocent. He believed in me. And so
18 I want the jury to see every single document. And I want
19 Andrea to just come in on those.

20 I mean, she can't say she wasn't 20 years old. They
21 were her friends. I didn't know them. I never allowed them to
22 ever do it again in my house. And they did it all the time,
23 but it was Andrea's house too. They could come over. She
24 could bring anybody over. I just didn't want the freakiness at
25 the house.

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STATE OF SOUTH CAROLINA)	
)	Court of Common Pleas
COUNTY OF CHARLESTON)	Case No. <u>2015=CP=10=04166</u>
<hr/>		
THEODORE WAGNER,)	
)	
Plaintiff,)	
)	
vs.)	<u>Transcript of Record</u>
)	
DESIGNA PRINT and)	
MIKE DAVIS,)	
)	
Defendant.)	DATE: <u>May 7, 2018</u>
<hr/>		

B E F O R E:

THE HONORABLE DANIEL DEWITT HALL

A P P E A R A N C E:

THEODORE WAGNER
Pro Se Plaintiff

KENNETH GEORGE GOODE, JR.
Attorney for the Defendant

Karen V. Andersen, RMR, CRR
Circuit Court Reporter

~~STATE OF SOUTH CAROLINA~~
COUNTY OF CHARLESTON

IN THE CIRCUIT COURT
9TH JUDICIAL CIRCUIT

Theodore Wagner

~~(Constitutional Challenge
for a Full and Fair Redress
of the Truth etc.~~

VS.

Docket No. 2015-CP-10-9166

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

~~TRIAL BY JURY DEMANDED~~

FILED
DEC 19 PM 12:33
JULIE J. ARYAN
CLERK OF COURT

~~Challenge of The Right to The Truth, The whole Truth,
and Nothing but the Truth, as protected by the South Carolina
Constitution under the Ninth Amendment of the U.S. Constitution.~~

I Theodore Wagner, give notice of a Constitutional Challenge to the South Carolina Attorney General, Allen Wilson and 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**". " This would include Wrongs Sustained against them.

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 Comanded in The First Amendment of the U.S. Constitution.

I reserve this Challenge not only to those named but also to those not named as part of this Ongoing Conspiracy Against Civil Rights.

Challenge as of Right.

I Theodore Wagner Challenge as of Right that any Statue or Court Rule that forces "The

Exhibit 3, Pgs, 8 thru 11

People” or a pro se litigant to personally serve the South Carolina Attorney General Certified mail or Registered mail or at all is in violation and Repugnant of the The South Carolina Constitution and Demand that “The People” as a Jury Hear this Challenge.

~~Challenge of The Right to The Truth, The whole Truth,~~
~~and Nothing but the Truth.~~

ARTICLE I, DECLARATION OF RIGHTS, SECTION 3. Privileges and immunities; due process; equal protection of laws. “The privileges and immunities of citizens of this State ~~and of the United States~~ ~~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.”

ARTICLE III. LEGISLATIVE DEPARTMENT, SECTION 26. Oath of office.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, **and all members of the bar, before they enter upon the practice of their profession.** shall take and subscribe the following oath: “I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, **to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God.**”

ARTICLE VI. OFFICER, SECTION 5. Form of oath.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, **and all members of the bar,** before they enter upon the practice of their profession, shall take and subscribe the following oath: “I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, to the best of my ability, discharge the duties thereof, **and preserve, protect, and defend the Constitution of this State, and of the United States. So help me God.**”

SCHICK VS. UNITED STATES, 195 US 65, “If there be any conflict between these two provisions, **the one found in the Amendments must control,** under the well-understood rule that the last expression of the will of the lawmaker prevails over an earlier... ”.

Ag. 9

The Ninth Amendment of the United States Constitution states: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

I Theodore Wagner retain the Right to have the Government tell the Truth, the whole Truth, and nothing but the Truth about me. I have presented Fact and Evidence to show the Government of South Carolina Knowingly has Facilitated an Ongoing Conspiracy of Malicious Prosecution. The people of the Government of South Carolina took an OATH to defend the Integrity of the both the South Carolina Constitution and the United States Constitution. When the Government is given proof of intentional wrongs done by government people to change the course of Justice, by covering up the Truth, they compound that wrong when the Courts use their power to Facilitate a Government Cover up.

My grievance is that if Laws, provisions, Case Laws, etc had not been used to Oppress Redress of Grievances I would have had the Truth put on the Record years ago. Again now on the record I have shown that if this Conspiracy had been exposed if nothing else, **all the Evidence would have all become "Fruits Of the Poisonous Tree" and the Truth would have been put on the records**

Let this Challenge be known to all here and now. I Challenge any Law, Case Law, Provision, etc. that this court uses to Oppress a Full and Fair Redress of the Grievance I have placed for this Court of this Ongoing Conspiracy to cover up that Andrea Crisel was my legal wife to Obtain the Arrest Warrants and Search Warrant and the Ongoing Conspiracy to cover up that Andrea was 20 years, 11 months, 10 days, 5 weeks and 2 days her sex party as Unconstitutional under the U.S. and S.C. Constitutions as Unlawful to use and cover up the Truth to Oppress Redress a Full and Fair Redress of this Grievance. The South Carolina Constitution is the Supreme Law of South Carolina notwithstanding the U.S. Constitution and no Law of the State or Case Law of the Court can stand before it.

I give notice that I want the People to Rule if does the Ninth Amendment gives me the Right to Retain that the Government tell the Truth, the whole Truth, and Nothing but the Truth about me. South Carolina as Protected in the South Carolina Constitution.

Some of the Questions to be answered by the People / The Jury.

1. I put before the Jury, does the Government have the right to cover up the Truth and bear False Witness about them or ~~does the South Carolina Constitution protect the Commanded Right of a person through the Ninth Amendment to have The Right to The Truth, The whole Truth, and Nothing but the Truth placed on record about them~~
2. I put before the Jury, does 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**". make all Laws, Rules Regulation, or Procedures or the lack of that Oppress the **Constitutionally Protected Rights of Redress of Grievances of The People** a Violation of Article 1, Section 2 of the South Carolina Constitution and as Commanded in The First Amendment of the U.S. Constitution as Commanded in Marbury vs. Madison, 1 CRANCH 137 that "the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument."
3. I put before the Jury, with today's technology should a poor person have to serve the Attorney General with the added expense to Certified mail. When you file it with the Clerk of Court the Government has a filed copy and a computer can be programmed to Serve a True Copy as soon as it is logged to the Attorney Generals Office.
4. I put before the Jury, does through the Command of the OATH of OFFICE of the South Carolina Constitution make it a duty of their position in Government that if they see a violation of the Constitution of South Carolina or the United States Constitution, a Duty to address and remedy the Violation.

Theodore Wagner

Theodore Wagner
 Constitutional Patriot
 334 East Bay Street, #180
 Charleston, SC 29401
 843-460-2508

February 15, 2015

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

*Please File Stamp
and Return in
S.A.S.E.*

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED

MAY 13 2019

Case No. 2015-CP-10-4166
Appellant Case No 2018-001125

SC Court of Appeals

Theodore Wagner.....Appellant

v.

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

Notice of RULE 82 (c) Removal to Federal Courts

I, Theodore Wagner on this day give **Notice of RULE 82 (c) Removal to Federal Courts** do to
the Response to the Respondent's Brief of May 1, 2019 in the Ongoing Conspiracy to Cover Up the
Truth of the Federal Felony Crimes by the persons of the Federal Government to Cover Up that My
Wife Andrea was 20 years, 1 month, 16 days old on June 25, 1999 and Mike Davis's knowledge of
these Felony Crimes and his Complicity and Enabling in the Facilitation of these Federal Crimes to
Cause Permanent Pain and Trauma.

Date: May 9th 2019

Theodore Wagner

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557 East Bay Street
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Pro Se for the Appellant

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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Please File Stamp
and Return to
S.A.S.E.

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED

MAY 13 2019

SC Court of Appeals

Case No. 2015-CP-10-4166
Appellant Case No 2018-001125

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 **Response to
Respondent's Briefs May 1, 2019, Notice of RULE 82 (c) Removal to Federal Courts, Affidavit of
Service**, at the U.S. Post Office to:

Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina, 29211

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

Date: May 9th 2019

Theodore Wagner
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Pro Se for the Appellant

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

*Please File Stamp
and return in
S.A.S.E.*

THE STATE OF SOUTH CAROLINA
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Theodore Wagner.....Appellant

v.

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

Response to Respondent's Briefs May 1, 2019

I Invoke RULE 82 (c) Removal to Federal Courts

Date: *May 9th 2019*

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557 East Bay Street
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Pro Se for the Appellant

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

REGARDING REQUESTS FOR LEGAL ASSISTANCE

If you are requesting legal assistance or advice:

The United States Department of Justice, as the federal agency representing the United States Government, is generally limited by law to giving legal advice only to federal officials and agencies. We suggest that you consult private legal counsel, contact a local law school that has a legal clinic program, or contact a legal aid society regarding your rights and any remedies that may be available to you in this matter.

If you believe you have received ineffective assistance of counsel:

If your attorney was appointed by the court and is not effectively representing your interests, you should raise this issue with the court, which can address any considerations you have and may be able to appoint a different attorney. If you hired a private attorney to represent you and you are unsatisfied with their services, you should raise your concerns with your state bar association.

If you are requesting assistance in obtaining a ruling from a court:

The Department of Justice as part of the executive branch of the United States Government has no authority over the judiciary's handling of its cases.

REGARDING YOUR STATUS AS AN INMATE

If you have complaints regarding prison conditions or conflicts with inmates or Bureau of Prison officials:

Typically, the Federal Bureau of Prisons (BOP) has primary responsibility for addressing these types of complaints. You should first consider raising your complaints through your facility's Administrative Remedy Program. That program provides for a formal and graduated process for bringing complaints, starting with a Request for Administrative Remedy Informal Resolution, and escalating all the way to a BP-11 national appeal. We suggest you review your Admissions and Orientation Handbook, which explains the Administrative Remedy Program in detail.

If you are a federal inmate requesting a prison transfer:

All requests for transfers or re-designations must originate with the inmate's Unit Team at his or her current facility. The Designation and Sentence Computation Center (DSCC) then evaluates referrals submitted by institution staff and makes decisions based on the information provided by the institution to determine if transfer to a facility closer to the inmate's family and friends is possible. The Bureau of Prisons attempts to designate inmates to facilities commensurate with their security and program needs within a 500-mile radius of their release residences. If an inmate is placed at an institution more than 500 miles from his or her release residence, generally it is due to specific security, programming or population concerns.

If your letter pertains to a non-federal prison:

State prisons do not fall under the jurisdiction of the U.S. Department of Justice. Inquiries regarding prison conditions, conflicts with inmates or officials, or other complaints should be directed to the appropriate local or state office which oversees your state's prisons.

REGARDING ALLEGATIONS OF MISCONDUCT

Allegations of judicial misconduct:

If you believe that the federal judge who presided over your case engaged in judicial misconduct, the appropriate course of action for you is to file your complaint and any supporting documents with the Clerk of the Court for the United States District Court in which your case was handled. The Court Clerk can advise you of the proper procedures to follow. In addition you may file your complaint with the **Administrative Office of the United States Courts** at: One Columbus Circle, NE, Washington, DC 20544.

Allegations of misconduct by an Assistant United States Attorney:

The United States Attorneys' offices (USAOs) seek in all their proceedings to maintain the utmost ethical and professional conduct. It is the goal of the USAOs to guarantee a fair trial to all citizens who come under federal prosecution. If you believe that the Assistant United States Attorney handling your case engaged in misconduct in connection with his or her official duties, you may contact the Department's **Office of Professional Responsibility** at 950 Pennsylvania Avenue, NW, Room 3266, Washington, DC 20535-0001. That office is responsible for investigating allegations that Department attorneys have engaged in misconduct in connection with their duties.

Allegations of misconduct by FBI agents or other federal law enforcement officials:

You may report such allegations to the Department of Justice's Office of Inspector General, which conducts independent investigations into allegations of misconduct by Department employees. You should direct your complaint to the **Office of the Inspector General**, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, NW, Room 4706, Washington, DC 20530.

If the matters you have raised in your letter pertain to issues not covered elsewhere in this document, please note:

The Department of Justice has no authority to intervene in matters of state law. The Department of Justice can assume jurisdiction only when there has been a violation of federal law. Accordingly, you may want to consider consulting with local law enforcement agencies, your state's Attorney General's Office, or the appropriate state or local officials. Administrative members of the court with jurisdiction over your matter, or private counsel may also be useful in addressing your concerns.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED

JUL 31 2019

SC Court of Appeals

Case No. 2015-CP-10-4166
Appellant Case No 2018-001125

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 **Objection to Response to Respondent's Reply Brief before RULE 82 (c) Hearing , Copy of Notice of RULE 82 (c) Removal to Federal Courts as the actions have been in violation of the Supremacy Clause of Article 6, ~~Copy of Letter to 3 Department of Justice Offices of Invoking of RULE 82 (c) in the Court of Appeals, CC: Clerk of Court,~~** Evidence with Transcript, Affidavit of Service, at the U.S.

Post Office to: 30 Days from June 27, 2019 falls on a Saturday so the last day of mailing in of this Objection is July 29, 2019.

Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina, 29211

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

To: Administrative Office of the United States Courts as **Federal Judge Micheal Duffy** was a party.

Administrative Office of the United States Courts

U.S. Department of Justice

One Columbus Circle, NE

Washington, DC 20544

To: Office of Professional Responsibility as **Assistant U.S. Attorney Rhett Dehart** was a party.

Office of Professional Responsibility

U.S. Department of Justice

950 Pennsylvania Avenue, NW, Room 3266

Washington, DC 20535-0001

To: Office of the Inspector General as **Special Agent Cynthia McCants of the Federal Bureau of Investigations** was a party. From the Evidence presented there were many other participants.

Office of Inspector General

U.S. Department of Justice

Inspection Division

950 Pennsylvania Avenue, NW, Room 4706

Washington, DC 20530

All Federal Offices Have Received all this Evidence and more and are Aware of the Ongoing Federal Conspiracy under Title 18 of the Conspiracy to give Perjured or Misleading testimony to a Federal Grand Jury under Title 18, United State Code, Section 1503 by S.A. Cynthia McCants, of the Federal Bureau of Investigations (F.B.I.) and Federal Assistant Attorney, Rhett Dehart on April 9, 2002 by knowingly calling Andrea, they know to be 20 years old on June 25, 1999, "Victim A" to mislead the Grand Jury on April 9, 2002 into believing Andrea was under 18 years old in her tapes. Andrea was not a Victim. Not a Minor. Not a Child. She was and adult who had sex parties with her friends almost every day and not at our house!

Date: July 29th 2019

Theodore Wagner
Theodore Wagner, Pro Se
General Delivery - Homeless
557 East Bay Street
Charleston, SC 29403
Pro Se for the Appellant

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



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SC Court of Appeals

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Theodore Wagner
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