

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

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

RECEIVED
DEC 23 2019
SC Court of Appeals

Theodore Wagner.....Appellant

v.

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

Motion to Removal to Federal Courts under RULE 82 (c)

I, Theodore Wagner **Motion to Removal to Federal Courts under RULE 82 (c)** (In the Form of a Motion.) and ask this Court to File outside of Deadline. I did not receive this Court's Letter until I was on the way to the Doctor's Office on Monday, December 16, 2019. (Copy included)

I Motion this Court to Removal to Federal Courts under RULE 82 (c)

I have included a copy of Page 68 of the Transcript from May 7, 2017 where **I reserved my Ninth Amendment Right the guarantees me the right to the truth, the whole truth and nothing but the truth of the Bill of Rights of the Supremacy Clause of the U. S Constitution** which is sported by the South Carolina Constitution and I did File a Constitutional Challenge to Protect that Right in the Lower Court on December 19, 2016.

CARTER VS. CARTER COAL CO., 298 US 238 (1936)

[14][15] And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, is whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they

have been permitted to possess, the Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible, "**We the People of the United States,**" it says, "**do ordain and establish this Constitution...**" Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly- "**This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;... shall be the supreme Law of the Land;...**" The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, **must apply the supreme law and reject the inferior statute**

[298 US 297]

whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, *Adkins v. Children's Hospital*, **but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry.**

Anton v. South Carolina Coastal Council, 469 S.E. 2d. 604 at 605 (S.C. 1996) -

Constitution overrides the Statute. The State of South Carolina's Constitution supports the **Supremacy Clause of the U.S. Constitution's Bill of Rights.** I have made Lawful Challenges. Now in the Form of a Motion to back up my Filed Challenge in the Lower Court on December 19, 2016.

Marbury vs. Madison, 1 CRANCH 137 - Law Repugnant to the Constitution is Void.

I ask for a Lawyer be appointed to protect the Civil Rights of this person who is getting worse

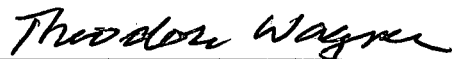
and finds it even harder to comprehend the way to properly protect my Civil Rights as Guaranteed in the U.S. Constitutions Supremacy Clause and the South Carolina Constitution/

I suffer from Post Dramatic Stress Disorder and Panic Disorder because of the Defendant's Actions and am still being treated to this day. (Dr. Cifuentes, MD report Filed before and Present Appointment Card to show continued Treatment.)

For this reason I am unable to work more than a few minutes at a time and the Panic makes my mind Panic when I think of the Lies Mike Davis was able to use because the Government will not put the Truth on the Record 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.

For this these reasons I ask this Court to Grant all motions I am able to Complete before the Post Office Closing on December 19, 2019.

Date: Dec. 19, 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



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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December 09, 2019

Theodore Wagner
557 East Bay Street
General Delivery / Homeless
Charleston SC 29403

*Received December
16th 2019 1:13 PM.*

Re: Theodore Wagner v. Designa Print
Appellate Case No. 2018-001125

Dear Mr. Wagner:

We are in receipt of your filing titled "Constitutional Challenge under the U.S. Constitution to Letter Received November 4, 2019." Please be advised that any request for relief must be made in the form of a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules. No further action will be taken on this filing.

Furthermore, our records reflect that the time for serving the record on appeal has expired. Within ten (10) days of the date of this letter, you must serve the record on appeal along with a motion requesting permission to serve the record on appeal outside of the filing deadlines set by Rule 210 of the South Carolina Appellate Court Rules. Your appeal will be dismissed if no motion is made within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

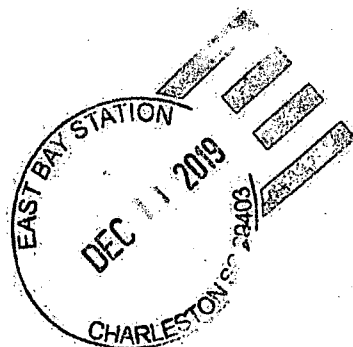
CLERK

gac

cc: Kenneth George Goode, Jr., Esquire

South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211



THEODORE WAGNER
557 EAST BAY STREET
GENERAL DELIVERY / HOMELESS
CHARLESTON SC 29403

Hasler

12/09/2019

US POSTAGE

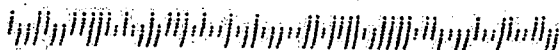
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*Dec. 16th 2019
1:13 PM*

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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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Affidavit of Service

I, Theodore Wagner on this day did place in the to all the same copies of, Motion to File Outside of Deadline, Motion for the Appointment of Lawyer to Protect Civil Rights, Motion to Address all Constitutional Challenges, Motion to Removal to Federal Courts under RULE 82 (c), Found "Designation of Matter to Be Included in The Record On Appeal", Cover letter to The Honorable Jenny Abbott Kitchings, Affidavit of Service, at the U.S. Post Office to:

Clerk, South Carolina Court of Appeals
To: The Honorable Jenny Abbott Kitchings
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: Dec. 19, 2019

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Attorney for Respondent



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To: Clerk, South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina, 29211

Re: Stamping extra copies – S.A.S.E. Included.
Appellant Case No. 2018-001125

December 19, 2019

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SC Court of Appeals

To: The Honorable Jenny Abbott Kitchings

In response to the letter I received from this Court on December 16, 2019 I ask that you file all papers mailed on December 19, 2019. I found a Record on Appeal in my Computer I have included but I am mental unable to read and comprehend these Rules in less than 2 days. South Carolina Appellant Court Rules is in violation of the Supremacy Clause of the U.S. Constitution. I have Tried to put things in the Form of a Motion even though the wording of the First Amendment makes it unlawful to force me as a mentally handicapped person to have to do that to have a Redress of my Grievances.

I have included copies of of the Fillings and a S.A.S.E. for copies of same to be returned to me.

Thank you for your and putting up with my **Post Dramatic Stress Disorder and Panic Disorder with agoraphobia** that was caused by Mike Davis, the defendant in this case. I wrote the Truth in my Brief and now withing days I am Court orders to Cover up the Truth and Join in this Ongoing Conspiracy. I am Freaking out so bad I do not know what to remove. In not a Lawyer.

Thank you for putting up with my Mental Disabilities.

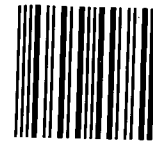
**CC: Clerk, South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
Case No 2018-001125**

Theodore Wagner

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Pro Se for the Appellant



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