

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 Address all Constitutional Challenges**

I, Theodore Wagner **Motion this Court to Address all Constitutional Challenges** (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 ask for a Lawyer be appointed to protect the Civil Rights of this person who is 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.)

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 Counsel, 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.**

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*  
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  
FAX: (803) 734-1839  
www.sccourts.org

December 09, 2019

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

*Received December  
16<sup>th</sup> 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".

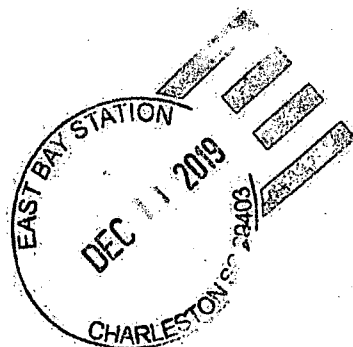
CLERK

*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

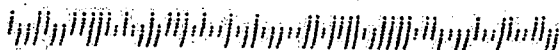
\$00.50<sup>9</sup>



ZIP 29201  
011D12602824

*Dec. 16<sup>th</sup> 2019  
1:13 PM*

2940385322 0000



**1. Post traumatic stress disorder**

Increase Alprazolam Tablet, 2 MG, 1/2 -1 tablet, Orally, Three times a day as needed for anxiety, 30 day(s), 90, Refills 2

Clinical Notes: Positive response to meds.

Denies any AE from meds.

Mood is stable.

Anxiety continues to be prominent.

Does not feel that the medication is as effective as it once was.

Discussed tolerance to meds.

Reports has had this person arrested multiple times.

Now suing him in a civil suit.

Requesting \$10 million in the suit.

Some nightmares reported.

Discussed Prazosin, however will opt to wait on starting this.

**2. Panic disorder**

Continue Restoril Capsule, 30 MG, 1 capsule at bedtime as needed, Orally, AT BEDTIME, 30 day(s), 30, Refills 2

**3. Others**

Notes: Patient Educated with: PTSD.pdf (PTSD.pdf); Services provided are medically necessary and appropriate to the patient's diagnosis and treatment needs.; Client understands the Risks/Benefits of Medication as discussed.

**Preventive Medicine**

Counseling: \*BMI Management-Follow Up. Above Normal BMI Follow-up Lifestyle education regarding diet.

MEDICATION PLAN : ADDITIONAL PLANS OR COMMENTS: Client understands the Risks/Benefits of Medication as discussed, Services provided are medically necessary and appropriate to the patient's diagnosis and treatment needs:

**Follow Up**

8 weeks

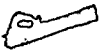
Electronically signed by Eduardo Cifuentes , MD on 07/31/2017 at 04:31 PM EDT

Sign off status: Completed

Compass Health Of Charleston  
1483 Tobias Gadson Blvd  
Charleston, SC 29407-4795  
Tel: 843-745-5153  
Fax: 843-766-8606

Patient: WAGNER, THEODORE DOB: 02/17/1958 Progress Note: Eduardo Cifuentes, MD 07/31/2017

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



## APPOINTMENT CARD

**Patient Name:** WAGNER, THEODORE T

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**Appointment:** Wednesday, November 20, 2019 at 1:15 PM ✓

**Provider:** Megan K Mahoney, LPC

**Resource:** Mahoney, Megan K

**Facility:** Compass Health Of Charleston  
1483 TOBIAS GADSON BLVD  
STE 107  
CHARLESTON, SC-29407-4795  
Tel:843-745-5153 Fax:843-766-8606

**Reason:**

---

**Appointment:** Wednesday, December 11, 2019 at 12:45 PM ✓

**Provider:** Megan K Mahoney, LPC

**Resource:** Mahoney, Megan K

**Facility:** Compass Health Of Charleston  
1483 TOBIAS GADSON BLVD  
STE 107  
CHARLESTON, SC-29407-4795  
Tel:843-745-5153 Fax:843-766-8606

**Reason:**

---

**Appointment:** Wednesday, January 8, 2020 at 12:00 PM

**Provider:** Megan K Mahoney, LPC

**Resource:** Mahoney, Megan K

**Facility:** Compass Health Of Charleston  
1483 TOBIAS GADSON BLVD  
STE 107  
CHARLESTON, SC-29407-4795  
Tel:843-745-5153 Fax:843-766-8606

**Reason:**

---

**Appointment:** Wednesday, January 8, 2020 at 1:00 PM

**Provider:** Cerrissa Hugie, PMHNP

**Resource:** Hugie, Cerrissa

**Facility:** Compass Health Of Charleston  
1483 TOBIAS GADSON BLVD  
STE 107  
CHARLESTON, SC-29407-4795  
Tel:843-745-5153 Fax:843-766-8606

**Reason:**

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v.

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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

Theodore Wagner  
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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



Theodore Wagner  
General Deliver – Homeless  
557 E. Bay Street  
Charleston SC 29403  
Phone (843) 460-2508

TheodoreWagner65@yahoo.com

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

RECEIVED  
DEC 23 2019  
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.

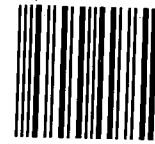
**CC: Clerk, South Carolina Court of Appeals  
The Honorable Jenny Abbott Kitchings  
Case No 2018-001125**

*Theodore Wagner*

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



1000



29211

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FCM LG ENV  
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29405  
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AMOUNT

**\$1.75**  
R2304H108335-15



Theodore Wagner  
General Delivery - Homeless  
557 East Bay Street  
Charleston SC 29403  
United States

**RECEIVED**

DEC 23 2019

SC Court of Appeals

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

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