

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

RECEIVED
DEC 23 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

Motion for the Appointment of Lawyer to Protect Civil Rights

I, Theodore Wagner **Motion this Court for the Appointment of a Lawyer to Protect the Civil Rights of my person who suffers from Post Dramatic Stress Disorder and Panic Disorder and Panic Disorder** out of Deadline 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 Included.)

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.

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.

As a person who is mentally and emotional distressed by the actions of Mike Davis I am unable to Defend the Rights Guaranteed me by these Constitutional and and am unable to present them in a way that the Courts will protect the Civil Liberties I preserved.

The medical record and Transcript Preserving my Ninth Amendment Right have been included. The Constitutional Challenge Filed on December 19, 2016 in the lower Court has been submitted many times.

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. 19th 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

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

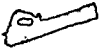
Electronically signed by Eduardo Cifuentes , MD on 07/31/2017 at 04:31 PM EDT

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

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

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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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Pro Se for the Appellant

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



Theodore Wagner
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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

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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.

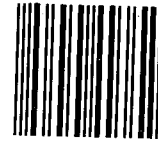
**CC: Clerk, South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
Case No 2018-001125**

Theodore Wagner

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557 East Bay Street
Charleston, SC 29403
Pro Se for the Appellant



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29211

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29405
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Theodore Wagner
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557 East Bay Street
Charleston SC 29403
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