

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
FEB 20 2020
SC Court of Appeals

Theodore Wagner.....Appellant

v.

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

Designation of Matter to Be Included in The Record On Appeal

Throughout the **Whole Transcript** I see comments and matters to be addresses all through it. I shall have some in the Brief. But the Whole Brief shows Mr. Goode's skill of coverings up and masking the Truth. It was way over 200 pages and I had to Remove important maters.

I have to start with the **Constitutional Challenge of the Truth and any Law that Oppresses that Constitutional Right** as (Exhibit 1, 8 Pages) as it shows that it was severed Restricted Delivery. I also Challenge it as **Allen Wilson** did not sign for it this time either and with Electronic Emails of today He could have be notified when Scanned. The Constitutional Challenges are part of the Record and Page 68 of Transcript from May 7, 2018 included where I reserved that Right to the Truth.

(B) Statement on Issues on Appeal

May be stated in question form:

1. Does a Constitutional Challenge Have To Be Addressed when properly Filed and served on the South Carolina Attorney General Redistricted Delivery? The Constitutional Challenges are part of the Record and I have paid 100.00 Dollars to have my Ninth Amendment and

First Amendment Challenges heard in Federal Court. The lower Court Record and Page 68 of Transcript from May 7, 2018 included is part of the Supremacy Clause of the United States Constitution. (Page 21) ???

2. Once a Judge on the Bench during Court sees Evidence of a Felony Crime that has been Committed and he is holding the Evidence can he Complicity Enable and aid in the Facilitation in the Ongoing Cover up of this Felony Crime? Evidence Filed with the Lower Court may be on a DVD as I had no money. (Pg. 25) ???

3. Does a Judge who aided in and was part of a Criminal Conspiracy of the sentencing of a person have the right to sit in judgment of a case of those same issues in a Civil Case? (Pg. 33) ??? Judge Jefferson was the State Judge who sentenced me to may years I served in State Prison. Just because the State covers up and Seals those Records does not give her the Right to hear me Civil Case which was part of the same Ongoing Conspiracy. Send to Federal Court and put Andrea's True Age on June 25, 1999 as 20 years old on the Record! Get me off of the Registry for Andrea's party and Crimes by the Government.

4. Was I wrongly kicked out of Court on May 8, 2018 by Judge Hall using SCRCP 41 B? This Violates the Supremacy Clause of the First Amendment Right of Redress that Voided part of the Original Constitution.. Marbury vs. Madison, 1 CRANCH 137 A Law repugnant to the constitution is void.

(Pg. 35) ???

5. Can a person who has Evidence from From a Licensed Mental Health Doctor who states he Suffers from Metal Disorders be denied the Assistance of a Court Appointed Attorney as defined in the United States Constitution and the South Carolina Constitution? (Pg. 36) ???

6. Does It violate the Constitution (s) to for the Government or it's Departments to make laws, case laws, rules, procedures, etc. that Oppress witnesses from appearances that will prove a part of your

Grievance? The Supremacy Clause of the First Amendment's fifth sentence says **“Congress shall make no law respecting the right of the people to peaceable petition the Government for a Redress of grievance.”** Not only does it Void part of the Original Constitution but it makes it Unconstitutional to Oppress any part of Redress of Grievances. Unconstitutional Case Law was used by the Defense to Oppress witnesses I Subpoenaed in.

(Pg. 37) ???

7. Can the Court rule to change your Grievance Filed to protect Wrongdoers? My Complaint uses the same language used by the Government in their Civil Case, “Complicit or Enabled”. It is not up to a Judge to Change my Grievance. I Demanded My Constitutional Right to a Trial By Jury. It was up to a Jury to decide if someone was Complicit or Enabled any part of the Wrongdoing. (Pg. 37) ???

8. Can a lawyer demand you supply a second set of copies of evidence he already received?

(Pg. 38) ???

I can't Find the Original Appeal yet or Exhibits and Pages.

(Exhibit 1, 8 Pages) Constitutional Challenge with Proof of Restricted Delivery. (Pg. 20, 21)

(Exhibit 2, 16 pages) I believe there were more. (R. pp. 33-38) (Pg. 7, 19, 25)

(Exhibit 3, 3 pages) Called a Status Conference and used to send me back to Prison. (Pg. 7)

(Exhibit 4, 10 pages) (R. p. 41, Line 19-21) Mike Davis continues Terror and the Government covers it up. (Pg. 10)

(Exhibit 5, 2 pages) The signed by Judge Hall, Dismissal per SCRCF 41 B (Pg. 35)

(Exhibit 6, 2 pages) For medical Records. (Pg. 38)

Again, the whole transcript is reliant and even tough some pages and parts are pointed out the use of Misrepresentations and use of Lies **Triggered my Post Dramatic Stress Disorder and Panic**

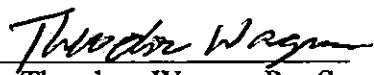
disorder with agoraphobia To the best of my ability I have tried to follow the draconian rules to avail myself to my Civil Rights.

The Constitutional Challenge was properly served and has not been heard and the Evidence of a Criminal Conspiracy is now before this Court.

I Reserve my Ninth Amendment Right to Have the Truth Put on the Record that My Wife Andrea was 20 years old on June 25, 1999 when she had her party and My Transfer to Federal Court to hear Constitutional Challenges.

Panic! Panic! Panic! Panic! Panic! Panic! Panic!

Date: Feb. 17, 2020


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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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Certification

I, Theodore Wagner, Certify that the Designation of Matter to be Included in the Record on Appeal and The Brief contain no matters which are not irrelevant to the Appeal. There is no way to cover all the Maters Relevant to the Appeal as all the 6 inches of Material I showed Mike Davis on January 21, 2014 are Relevant to the Appeal. Transcript, Mr. Goode's comment on (R. p. 29, line 7-9) makes Everything Relevant. That is the only reason I met Mike Davis on January 21, 2014 and the **DVD Audio of Mike Davis on that night after looking for an hour and a half at all the evidence proves he believes I am innocent of my charges** and in the Government Cover Up. I gave only part to Kenneth Goode but more than enough to prove the Crime and explained it to him as I was going to present it. I showed Judge Hall only a few pieces that prove the Government committed a Crime including 18 U.S.C. § 1503 to put me on the Registry. That makes the DVD Relevant! The Reason I met Mike Davis! As I am poor I put and Filed with the Lower Court much of the Record on DVD.

Besides, I feel the Trauma when I receive an Eviction notice because Mike gets Aaron fired. Every time Aaron came in screaming how much he hated Mike **for years** every time Aaron saw Mike Stalking him again, I felt the Trauma! **Panic!** If it caused my roommate Trauma it caused me twice the Trauma. I would shake and Panic! Goode tries to separate the two. Aaron had a girlfriend to dump on. I

had to Panic in Trauma in the corner alone. Everything is Relevant!

I Reserved the Right to the Truth in my Filed Constitutional Challenges as part of the record and Page 68 of Transcript from May 7, 2018 included. The Constitutional Challenges is a Filed part of the Record.

All the Evidence of the Crimes of the Government given to Danial Hall, Circuit Court Judge may have been filed on the DVD Filed with the Court.

Date: Feb 17, 2020

Theodore Wagner

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Pro Se for the Appellant



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

RECEIVED

FEB 20 2020

SC Court of Appeals

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

February 17, 2020

To: The Honorable Jenny Abbott Kitchings

In response to the letter I received from this Court on February 14, 2020. I found a **Designation of Matter** and Certification in my Computer I have included but I am mental unable to read and comprehend these Rules. 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 Theodore Wagner have also Reserve and Retain my Right under the Ninth Amendment to have the aid of an attorney as a my **Post Dramatic Stress Disorder and Panic Disorder with agoraphobia**. The Courts reposeful to give me aid does violate the Supremacy Clause of the United States Constitution.

I reserve the Ninth Amendment Constitutional Challenges Filed in Lower Court on the Record and the Removal to the Federal Court to be heard as I reserved on the Transcript on Page 68 on May 7.

2018. Copy included.

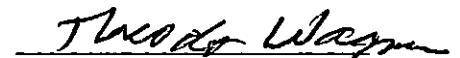
As I am Homeless and have no real home to store, sort, or keep in order any documents I can only hope that I have found all papers relevant to this case to include in Designation of Matter.

I have included copies of of the Filings 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**


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Pro Se for the Appellant

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Affidavit of Service

I, Theodore Wagner, on this day did place copies of an **Affidavit of Service** with a **Designation of Matter and Certification** for Fear of being Kicked out of the Court Of Appeals as Layman. As I am Homeless I have nowhere to store and keep organized my Legal Papers. The Designation of Matter was on my computer as was the Certification.

Included Page 68 of Transcript from May 7, 2018 again that shows I Reserved my Ninth Amendment right to the Truth be put on the Record as stated below.

CC: Of Cover Letter to The Honorable Jenny Abbott Kitchings.

This in no way is intended to Impede or Impair my previous **Motion for Removal to Federal Court** or 100.00 Dollars to hear my Constitutional Challenges under the Supremacy Clause in the United States Constitution of the Ninth and First Amendment's Rights to the Truth to End the Ongoing Conspiracy to Cover up that the Government knew at the **Grand Jury** on April 9, 2002, "Victim A" -- Named Andrea Crisel in the FBI 302 Forms was Born on May 9, 1979 and was my wife when she threw her party with her friends, not mine, on June 25, 1999, and was a 20 year, 1 month, 16 Day old adult. The Government committed an intentional cover-up under 18 U.S.C. § 1503 by U.S. Attorney Dehart and S.A. Cynthia McCants in the **Grand Jury Transcript** from April 9, 2002 who was a Married Adult and not a Child or a Minor as Required to be a Victim to cover up the Truth with others

who were Complicit and Enabled this Cover up that Causes me reoccurring Pain, Panic, and Trauma 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
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Attorney for Respondent

Date: Feb. 18, 2020

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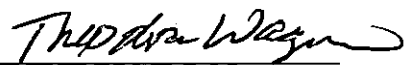
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Date: Feb. 17, 2020


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