

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**

AUG 07 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

**Motion Requesting Permission to serve the Record on Appeal outside of the Deadlines for the Medical Reasons and Surgery ans State with Evidence**

I, Theodore Wagner **Motion Requesting Permission to serve the Record on Appeal outside of the Deadlines for the Medical Reasons and Surgery ans State with Evidence.**

For months and at the time the Court mailed the Letter and the Post Office Received the Letter I had to hold my Intestines inside my Body and could not go to the bathroom without causing myself to have Diarrhea.

For this reason I Pray this Court except my Designation of Matter to Be Included in The Record On Appeal and Affidavit with the Evidence and the Constitutions of South Carolina and The United States, The Supremacy Clause, to Answer this Appeal.

As for the Federal Court I did go to the Federal Court on Broad Street and show them the papers. The told me I had to file a Law Suit against Retired Judge Duffy and I have already done that that he knowingly did that with Special Agent Cynthia McCants,Assistant Prosecutor Rhett Dehart etc. He said the State Court would Transfer the case to them. That was 6 months ago. A long time ago.

The Ongoing Conspiracy to Cover up this Crime Still Exist.

Date: August 5<sup>th</sup> 2020

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

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~~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.

~~(B) Statement on Issues On Appeal~~

~~Maybe stated in question form:~~

~~1. Does a Constitutional Challenge Have To Be Addressed when properly filed and  
Transcript on Record Provided and Preserved  
severed on the South Carolina Attorney General, Redistricted Delivery? (Page 21)~~

~~2. Once a Judge on the Bench during Court sees Evidence of a Felony Crime that has been  
Committed and is holding the Evidence can he Complicity Enable and aid in the Facilitation in the  
Ongoing (Cover up of this Felony Crime) (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)

~~4. Was I wrongly kicked out of Court on May 8, 2018 by Judge Hall using SCRC 41 B?~~

*Part of Constitutional Challenge on the Record, Article 1, Section 2 S.C. Constitution* (Pg. 35) *Supremacy Clause*

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 (4) to for the Government or its Departments to make law,~~

~~case laws, rules, procedures, etc. that Oppress witnesses from appearances that will prove a part of your~~

~~Grievance?~~

(Pg. 37)

7. Can the Court rule to change your Grievance Filed to protect Wrongdoers? (Pg. 37)

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

(Pg. 38)

(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 SCRC 41 B** (Pg. 35)

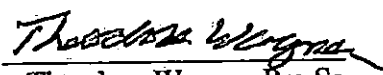
(Exhibit 6, 2 pages) **For medical Records.** (Pg. 38)

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.

Date: Aug. 31, 2018

  
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Charleston, SC 29403  
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Kenneth G. Goody, Jr., Attorney  
4 Carriage Lane, Suite 204  
Charleston, South Carolina 29407  
Attorney for Respondent

Please File  
5/10/11 and  
Return in  
S.A.S.F.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEL FROM CHARLESTON COUNTY  
Danial Hall, Circuit Court Judge

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 Brief, Leave to  
Supplement the Record on Appeal, Second Motion for Appointment of a Lawyer, ~~Designation of~~  
~~Matter to Be Included in The Record On Appeal~~ Certification, Motion for Permission to Exceed  
Limitations of Length of Briefs, Motion for no Extra Briefs or Cost, Affidavit of Service, at the U.S.

Post Office to:

Clerk, South Carolina Court of Appeals  
To Ms. Jessica Lucas  
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: ~~August 10, 2011~~

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

=====

EAST BAY  
 557 E BAY ST  
 CHARLESTON  
 SC  
 29403-9998  
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 08/31/2018 (800)275-8777 2:14 PM

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Product Description	Sale Qty	Final Price
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PM 1-Day (Domestic) (CHARLESTON, SC 29407) (Weight:1 Lb 1.40 Oz) (Expected Delivery Date) (Saturday 09/01/2018) (USPS Tracking #) (9505 5127 2835 8243 2039 87)	1	\$7.25
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Insurance (Up to \$50.00 included)	1	\$0.00
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Special Olympics (Unit Price:\$0.50)	4	\$2.00
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PM 2-Day (Domestic) (COLUMBIA, SC 29211) (Weight:1 Lb 4.90 Oz) (Expected Delivery Date) (Tuesday 09/04/2018) (USPS Tracking #) (9505 5127 2835 8243 2039 94)	1	\$7.25
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Insurance (Up to \$50.00 included)	1	\$0.00
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US Flag Bklt/2 (Unit Price:\$10.00)	1	\$10.00
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Total		\$26.50
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Debit Card Remit'd		\$26.50
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(Card Name:VISA)  
 (Account #:XXXXXXXXXXXX2505)  
 (Approval #:  
 (Transaction #:974)  
 (Receipt #:017878)  
 (Debit Card Purchase:\$26.50)  
 (Cash Back:\$0.00)  
 (AID:A0000000980840 Chip)  
 (AL:US DEBIT)  
 (PIN:Verified)

Includes up to \$50 insurance

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

*Transcript  
Part of the  
record and  
Preserved*

Karen V. Andersen, RMR, CRR  
Circuit Court Reporter

*Constitutional Challenge of  
the Supremacy Clause Preserved*

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.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE CURCUIT COURT )  
9TH JUDICIAL CIRCUIT )

Theodore Wagner )

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

VS. )

Docket No. 2015-CP-10-4166

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

**TRIAL BY JURY DEMANDED**

2016 DEC 19 PM 12:30  
JULIE J. ARMSTRONG  
CLERK OF COURT  
**FILED**

**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 5<sup>th</sup> 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 Commanded 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**

**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 under this Constitution 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... ”.

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.

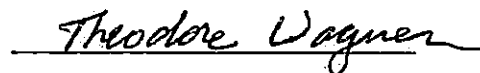
My grievance is that if Laws, provisions, Case Laws, etc had not been used to Oppress Redress of Grievances I would have had the Truth put on the Record years ago. Again now on the record I have shown that if this Conspiracy had been exposed if nothing else, all the Evidence would have all become **"Fruits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

**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 place before 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, 1 month, 16 days old on June 25<sup>th</sup> 1999 when she had 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 not withstanding 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 Noting but the Truth about me in 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 5<sup>th</sup> 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  
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

APPEL FROM CHARLESTON COUNTY  
Danial Hall, Circuit Court Judge

**RECEIVED**  
AUG 07 2020  
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 copies of an **Affidavit of Service** with a **Evidence and Motion for Late Filing for – Surgery – Medical Extraordinary Circumstances** Along With ....

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

- 1 - Cover Letter to **The Honorable Jenny Abbott Kitchings**.
- 2 – Cover letter and Discharge paper for Hernia, umbilical, Operation July 28, 2020.
- 3 - **Motion for Late Filing – Surgery - Medical Extraordinary Circumstances**.
- 4 - **Motion Requesting Permission to serve the Record on Appeal outside of the Deadlines for the Medical Reasons and Surgery ans State with Evidence**
- 5 - Designation of Matter to Be Included in The Record On Appeal August 31, 2018
- 6 – Affidavit of Service including Designation of Matter to Be Included in The Record on Appeal August 31, 2018
- 7 – Receipt from the Post Office of the Mailing to Court of Appeals and Mr. Goode August 31, 2018
- 8 – Cover of Transcript for May 7, 2018; including page 68 where on line 11 I state 'Well, I mean, I didn't want anything of mine oppressed because the Ninth 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.

9 – Constitutional Challenge Filed in the lower Court on December 19, 2016 which is part of the lower Court Record and I Reserved that Ninth Amendment Right in Court on the Transcript on May 17, 2018 and is part of the Transcript Record above.

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  
Charleston, South Carolina 29407  
Attorney for Respondent

Date: August 5, 2020

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Kenneth G. Goody, Jr., Attorney  
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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

August 5, 2020

**RECEIVED**  
AUG 07 2020  
SC Court of Appeals

**To: The Honorable Jenny Abbott Kitchings**

I just received a Letter from this court I could not have received before now. I, Theodore Wagner Motion for Late Filing – Surgery - Medical Extraordinary Circumstances .

Days after receiving the last Court Letter I had my intestines come out of my Belly Button. The doctor was clear that as Fat / Obese as I am that the mesh that is used during surgery has a high probability of ripping. I had to stay in bed to keep my intestines from coming back out and hold them in while for months I tried to loose weight to have the operation.

Even though I am just at the Obese weight ( I have lost weight.) I could not weight any longer to have the operation and had the operation on July 28, 2020. **Discharge paper included**. I waited one week after surgery to move not wanted to rip the mesh and intestines come back out.

The last papers I sent to you with a Self Addressed Stamped Envelope was never returned. They are part of the story of the Evil and Bias of the Court system and I ask that the be Stamped Received and Returned as they do show the Complicity and Enabling of an Ongoing Conspiracy to cover up the

Truth, The whole Truth, and Nothing but the Truth in Violation of the Supremacy Clause of the United States Constitution. Please return the last papers I mailed in in the Envelope I provided.

I will Supply another Self Addressed Stamped Envelope

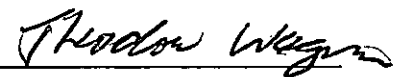
I need the Appointment of a Lawyer and want a continuous record of this. South Carolina Appellant Court Rules is in violation of the Supremacy Clause of the U.S. Constitution. I have Tried to put things in the Form of a Motion even though the wording of the First Amendment makes it unlawful to force 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 the Court Orders the Cover up of the Truth and Join in this Ongoing Conspiracy. I am Freaking out so bad I do not know what to remove. I'm 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, Pro Se  
General Delivery - Homeless  
557 East Bay Street  
Charleston, SC 29403  
Pro Se for the Appellant



U.S. POSTAGE PAID  
 SOUTH CHARLESTON, SC  
 PERMIT NO. 100  
 AUG 07 2020  
**\$2.60**  
 R25244108335-15



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

**RECEIVED**

AUG 07 2020

SC Court of Appeals

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

