

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEL FROM CHARLESTON COUNTY
Danial Hall, Circuit Court Judge

MAR 26 2021

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

~~Record on Appeal~~

S.C Constitution and Supremacy Clause of the U.S. Constitution

Please forgive my Pro-Se presentation as I am Mentally Unable to Present my case on my own anymore and was Denied a A Court Appointed Attorney. As I rant about the Government turning against God and the Supreme Law of the Land in every section to my counselor she counseled me that I should still try and File something or I will regret Giving Up.

My Record on Appeal will be based and refer to Documents on Record from Court, Date May 7, 2018, and May 8, 2018 Transcript, Constitutional Challenge State and Federal Constitutions, All part of the Record. Messed up as I am I will have use copy and paste of Filings already Filled mostly to write this so forgive my Post Dramatic Stress Disorder and Panicking Fried Brain.

As I am a Indigent Layman of Diminished capacity as clearly stated by Jude Hall in lower Court I will respond a lot In numbered order of the Court Order.

I, Theodore Wagner respond to the Order received on March 12, 2020, Filed February 23 2020. to serve the record on appeal with numbers 1 thru 5.

Reason Case was Filed, This Appeal is now for the Oppression of Constitutional Right of Redress

This case started because of Mike Davis,s years of attacking me breaking into my residence,

opening my bedroom door where he contemplated killing me, *his words*, repeatedly cutting my bicycle tires and many years of torture towards me personally that has caused my mental disorders, not Mike Davis's attacks against my roommate that happened separately and sometimes at the same time.

As I am a Indigent Layman of Diminished Capacity as clearly stated by Judge Hall in lower Court I will Change it all again. I am no longer mentally capable and much worse than when Judge Hall said so. I was told by someone who does law that Judge Hall knowing I am Indigent and Mentally unable is the issue. My Civil liberties are still the issue to me. But I have to put something in the mail.

Record on Appeal.

When Judge Hall on May 8, 2018, (Transcript p, 2, Line 17 – 19) “Under Rule 41 (b) of our rules of Procedure, I am going to dismiss this case under the 41 (b) dismissal action.” This violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I, DECLARATION OF RIGHTS,**

Court Reporter Karen V. Andersen let me have 1 Transcript for each day May 7, and May 8, 2018 and the few Pages are included are referenced. From Motion Included. Judge Hall knowingly violated my Constitutional Rights as an Court Granted Indigent person, judgment entered on July 15, 2015. (Copy Included) Judge Hall said because of the Medication I was given I was rambling and incoherent and so on. May 8, 2018, (Transcript page 4, Line 13 – 25 and page 5, Lines 1 and 2) Because of Mike Davis's campaign of Terror against me I could only survive with the medication. I am much worse now and can not function. I take more medication.

Just because of my mental **DIMINISHED CAPACITY Judge Hall** I had the same Civilly protected Rights as someone who is not. I was to pour to have my Grievances heard by a **Trial By Jury Demanded**. Judge Hall in the Transcript knowing I am to pour to afford a Lawyer to protect my Civil Rights states “I'm going to dismiss the case procedurally under Rule 41 (b)” .

Judge Hall still took the Lawyers Oath and the Judges Oath to discharge those duties and **will**

preserve, protect, and defend the Constitution of this State and of the United States;.... I will assist the defenseless or oppressed by ensuring that justice is available to all citizens. Judge Hall had a responsibility once he reasonably believes that I am in a diminished capacity to protect my Civil Rights he took an Oath to Preserve and not Oppress by postponing the case and **appointment of a guardian ad litem.**

The felling of being Raped of my Civil Rights in Court, by the Courts has cause me more Trauma than Mike Davis. The more I read the babble in this Petition to have The Civil Liberties that the Court and Government Cover up that I have presented Brought to light the more Panic and throwing up I do.

I have a Constitutional Right to a Full and Fair Redress of the Truth, of my Grievances. The Ninth Amendment of the U.S. Constitution protects my Right to the Truth as I clearly Challenged to have it put before the people, a Jury in 4 time on 4 of 4 of my Constitutional Challenge for a Full and Fair Redress of the Truth. Judge Hall Raped me of my day in Court after all those hearings after the day before saying I would have my day in Court with a Trial by Jury Demanded.

Once Judge Hall reasonably believes that I am in a diminished capacity to protect my Civil Rights he took an Oath to Preserve and not Oppress by postponing the case and **appointment of a guardian ad litem.**

VI. Rules Governing the Administration of the Courts

S.C. App. Ct. R. 608, RULE 608 APPOINTMENT OF LAWYERS FOR INDIGENTS and RULE 1.14: CLIENT WITH DIMINISHED CAPACITY (a) Purpose. This rule provides a uniform method of managing the appointment of lawyers to serve as counsel for **indigent persons in the circuit and family courts pursuant to statutory and constitutional mandates. Protection of Constitutional Rights is in Transcript and Filed in Lower Court.**

S.C Constitution and Supremacy Clause of the U.S. Constitution

South Carolina RULE 1.14: CLIENT WITH DIMINISHED CAPACITY(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

When Judge Hall on May 8, 2018, (Transcript p, 2, Line 17 – 19) “Under Rule 41 (b) of our rules of Procedure, I am going to dismiss this case under the 41 (b) dismissal action.” This violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I, DECLARATION OF RIGHTS**.

Judge Hall Raped me of a Full and Fair Redress of my Grievances and of my Trial By Jury Demanded. Mike Davis caused me Trauma I will never get over but what Judge Hall did to me by Raping of my Constitutionally Protected Rights was way worse and put in a none functioning Diminished Capacity.

I will get something in the mail even if it is babble but this should have been over years ago and I should not feel violated of many Constitutionally protected Rights!

Send it back and appoint a guardian ad litem who Loves our Constitution and is an Oath Keeper not an Oath Breaker! Brain Dead!

Record on Appeal.

1 – Include all matters designated by both parties.

The Defendants Lawyer, the other party, took an Oath in the name of Father God as a Lawyer to always preserve, protect, and defend the Constitution of this State and of the United States... So help me God. This Oath is always in effect when ever Attorney Kenneth Goode inters a Court Room. As far

as I know every JUDGE is a Lawyer and has taken this same Oath even before He or She takes the Judges Oath. Again, A JUDGE takes an Oath to defend both Constitutions to the Creator Father God. Oath Keeper of Oath Breaker?

SCACR Rule 402 Lawyer's Oath: "I do solemnly swear, Kenneth Goode that: I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge those duties and **will preserve, protect, and defend the Constitution of this State and of the United States;.... I will assist the defenseless or oppressed by ensuring that justice is available to all citizens and will not delay any person's cause for profit or malice; So help me God.**

Kenneth Goode took an Oath in the name of God that he "I will assist the defenseless or oppressed by ensuring that justice is available to all citizens and will not delay any person's cause for profit" When he entered that courtroom that even for Profit he would NOT Oppress Justice or turn his back on the Constitution's protections for all just as Judge Hall had. Mr. Goode first responsibility was to Mike Dave and the Defendants and protecting the Defendants and proving them Innocent but not Oppressing the Truth or my Constitutional Right to have my Grievance heard.

1 – Include all matters designated by both parties.

(Jury Trial Demanded) This is how Mr. Goode put it on the Answer he filed with the Court on August 17, 2020. (Copy of page 1 of 5 included.) A Constitutionally protected Right. I worded on all my Fillings Trial By Jury Demanded. This is part of the Seventh Amendment that Attorney Mr. Goode and Judge Hall took and Oath of Office to Defend and Protect.

1 – Include all matters designated by both parties.

1. **Ninth Amendment guarantees me the right to the truth, the whole truth and nothing but**

the truth and I reserve that right. "Part of the Record in Lower Court"

I have to to print , Sign, Make sure every one gets all the same copes and Mail before the Post Office Closes. This in no way diminishes my Constitutionally Protected Rights as I Reserve them even if I am of a **Mental DIMINISHED CAPACITY.**

Every Judge and Lawyer Oath taken by every member of the Court of appeals swore an an Oath to Father God they will preserve, protect, and defend the Constitution of this State and of the United States.

Every person with Mental DIMINISHED CAPACITY has a Right to there Constitutionally Protected Rights.

Signed and Dated at the Bottom where ever that is.

In this Case on December 19, 2016 I Filed and properly served on all a Filed Constitutional Challenge for a Full and Fair Redress of the Truth etc. "TRIAL BY JURY DEMANDED". A protected Right under the Ninth Amendment of the U..S. Constitution. This Right does fall under the Supremacy Clause of Article 6 of the United States Constitution.

On page 3 of 4 I stated in Filed Challenge on December 19, 2016 I stated to be heard in Court "I Theodore Wagner retain the Right to have the Government tell the Truth, the whole Truth, and nothing but the Truth about me." **Properly Stated and Retained.**

Properly Stated and Retained in Court on May 7, 2018, (Transcript p, 68, Line 11 - 15) Ninth Amendment, Supremacy Clause, in front of Judge Hall on page 68 of the Transcript I stated "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.”

The South Carolina Constitution, **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.” The S.C. Constitution Guarantees that the U.S. Constitution will not be abridged.

This Ninth Amendment Right was properly challenged and when I said in May 7, 2018, (Transcript p, 68, Line 14) **“And I reserve that right”** in Court I invoked the Supremacy Clause of the Ninth Amendment protected in **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.** Protected by the South Carolina Constitution. As a Layman of the Law I made it clear that I Retained this Right for Truth for myself Protected in the Ninth Amendment.

Question: Does this Ninth Amendment Right that I have Lawfully reserved for myself in Court belongs to every American who Invokes and Reserves this Right under the Supremacy Clause of the U.S. Constitution and the South Carolina Constitution? You should not have to say it so clearly as I did. As an American it is implied as of Right.

2. “TRIAL BY JURY DEMANDED” “ Part of the Record in the Lower Court”

I put at the top of all my Filling, **“TRIAL BY JURY DEMANDED”**. This does fall under the Supremacy Clause of the United States Constitution in the Seventh Amendment. No part of any Constitution of any state can override it and **“the right of trial by jury shall be preserved”**. As I did not want a Judge to rule on facts that included Federal Crimes by Federal and State Employees, Contractors, and / or Agencies, **I demanded a Trial by Jury**. This also falls under the Supremacy

Clause of the U.S. Constitution and the South Carolina Constitution?

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

“Where there is a conflict between the statute and the State Constitution, the Constitution overrides the Statute.”

The South Carolina Constitution, **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3. Protects the Trial by Jury** and can not be oppressed. This also falls under the Supremacy Clause of the U.S. Constitution and the South Carolina Constitution?

When Judge Hall on May 8, 2018, (Transcript p, 2, Line 17 – 19) “Under Rule 41 (b) of our rules of Procedure, I am going to dismiss this case under the 41 (b) dismissal action. ” This violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.** Protected by the South Carolina Constitution.

I Clearly Invoked my Right under the Supremacy Clause of the Seventh Amendment for a “**Trial by Jury**” when I stated on May 8, 2018, (Transcript p. 8, Line 2) when I said “**it’s cost me way over \$20.**” Rule 41 (b) clearly violated the Supremacy Clause as no State can make a Law, Rule, Case Law, or Procedure that Oppresses the Supreme Law of the Land, Article 6, U.S. Constitution..

The Seventh Amendment states,

In Suits at common law, **where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

3. Rule 41 (b) of our rules of Procedure, 41 (b) dismissal action Violates the Supremacy Clause of the U. S. Constitution and the The South Carolina Constitution, ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.

The South Carolina Constitution, **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.” **The S.C. Constitution Guarantees that the U.S. Constitution will not be abridged.**

Filed in the Lower Court as Record on December 19, 2016 I Filed “Constitutional Challenge for a Full and Fair Redress of the Truth etc.”, “TRIAL BY JURY DEMANDED”

In this Constitutional Challenge “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 5th 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.”

I added this statement to put the Supremacy Clause of the First Amendment before the Jury of the People and not any Government Entity. It proves Rule 41 (b) of our rules of Procedure, 41 (b) dismissal action Violates the Supremacy Clause of the U. S. Constitution and the The South Carolina Constitution, **ARTICLE I, DECLARATION OF RIGHTS, SECTION 3.**

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. This was intentional to invoke the Fifth Sentence of the First Amendment also. **Lack of was for the Ninth Amendment Challenge.**

Proof you can't have it both ways. The U.S. Constitution was Ratified in 1788. **Slavery was legal.** The Thirteenth Amendment in 1865 Rectified that. **Slavery was outlawed.**

SCHICK VS. UNITED STATES, 195 US 65 (1904) 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... .

You can't have it both ways. Either Slavery is still legal or as of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make. Or Slavery is Legal.** For the South Carolina's Court of Appeals to decide. It proves Rule 41 (b) of our rules of Procedure ar VOID along with all other Laws made to OPPRES Redress of Grievances.

The Bill of Rights was Ratified in 1791. The First Amendment is in the Bill of Rights. As **Marbury vs. Madison, 1 CRANCH 137** states any **“law repugnant to the constitution is void”** **Marbury vs. Madison, 1 CRANCH 137,** state that all laws that are repugnant of the Fifth Mandate of the First Amendment, the Supreme Law of the Land, are Void and protected by - The South Carolina Constitution, ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.... **“and of the United States under this Constitution shall not be abridged.”**

The First Amendment has five parts, and the Government wants to hide one of them from you.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people

peaceably to assemble, and to petition the Government for a redress of grievances.”

The First amendment can be broken down into Five distinct sentences just as The South Carolina Constitution, ARTICLE I., DECLARATION OF RIGHTS, SECTION 3

- 1) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof:
- 2) Congress shall make no law abridging the freedom for speech.
- 3) Congress shall make no law abridging the freedom of the press.
- 4) Congress shall make no law respecting the right of the people peaceable to assemble.
- 5) Congress shall make no law respecting the right of the people to peaceable petition the Government for a Redress of grievance.**

As of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make.** As of the Ratifying of the First Amendment **no part of Congress or any part of any Government** Under the Supremacy Clause of the United States could make any law Oppressing a Full and Fair Redress, Relief of Remedy of the People's Grievances. This would include Rule 41 (b) of South Carolina's Court Rules.

Part of the Record on Constitutional Challenge in Lower Court so is Record on Appeal.

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.**"

Some of the Cases demanding this petition be heard like Marbury vs. Madison, 1 CRANCH 137

can be found in Initial Brief, Dated August 31, 2018. I am Panicking to bad to Copy and Paste that much. I am #%&*^# Freaking out. Xanax does not help!

Conclusion: Questions to be answered and put on the Record.

1 - Does Ninth Amendment guarantees me the right to the truth, the whole truth and nothing but the truth and as I reserve that right. "Part of the Record in Lower Court"?

2 - "TRIAL BY JURY DEMANDED" " Part of the Record in the Lower Court" As I placed on all Filings "TRIAL BY JURY DEMANDED" and I even stated in court as a Layman I Clearly Invoked my Right under the Supremacy Clause of the Seventh Amendment for a "Trial by Jury" when I stated on May 8, 2018, (Transcript p. 8, Line 2) when I said "it's cost me way over \$20. The South Carolina Constitution, **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3. "The privileges and immunities of citizens of this State **and of the United States under this Constitution shall not be abridged**, Invoke the Supremacy Clause of Article 6 "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."?**

3 - Does Rule 41 (b) dismissal violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3 Protected by the South Carolina Constitution. As of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make.** As of the Ratifying of the First Amendment **no part of Congress or any part of any Government** Under the Supremacy Clause of the United States could make any law Oppressing a Full and Fair Redress, Relief or Remedy of the People's Grievances. This would include Rule 41 (b) of**

South Carolina's Court Rules?

Rule on the Fifth Sentence of the First Amendment Voided The United States Constitution's Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make** as clearly presented or rule Slavery is Legal?

Did the Supremacy Clause void the right of the State of South Carolina to Make Rule (41) and Rape me of my Day in Court?

4 – Reinstate the Court Hearing and the Court Except all Cost to bringing all the Truth, the whole Truth, and nothing but the Truth as the Supremacy Clause of the Seventh Amendment Guarantees me to be placed on the Record with all Witness Present including Andrea with no Federal Support at in a State Civil Court.!

Because of the Courts Complicity and Enabling of this Ongoing Conspiracy against Civil Rights and that Frying my Brain into a Babble the State of South Carolina is to appoint me a guardian ad litem of the best Constitutional Lawyer such as Sidney Powell etc who understands the Criminal behavior of Government in the Country and assume all cost.

I have given notice to this Court and Petitioned for the Appointment of a Lawyer in the Ongoing Conspiracy to Cover Up the Truth of the Federal Felony Crimes by the persons of the Federal and State 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. To always be part of the Record the Record! This one day of my Adult Wife's life and the Government Conspiracy has left me unable to function as I should.

Why are my S.A.S.E. With copies not being returned?

I need a Lawyer!

I AM UNABLE TO AVAIL MYSELF TO MY CIVIL RIGHTS.

Date: March 24, 2021

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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APPEL FROM CHARLESTON COUNTY
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My Record on Appeal will be based and refer to Documents on Record from Court, Date May 7, 2018, and May 8, 2018, Constitutional Challenge State and Federal Constitutions, All part of the Record. Messed up as I am I will have use copy and paste of Filings already Filled mostly to write this so forgive my Post Dramatic Stress Disorder and Panicking Fried Brain.

I, Theodore Wagner respond to the Order received on March 12, 2021, Filed February 23 2021. to serve the Record on Appeal, Specifically, with 1, 2, 3, 4, 5, That includes an Index and file a proof of service. As Judge Hall was so clear to point out on May 8, 2018 that because of the Medical Treatment for the Defendant's Terrorizing me personalty I am now of a **Diminished Capacity**. My Diminished Capacity in no way Deny or Oppress me of my Constitutionally Protected Rights under the State of South Carolina of the United States Constitutions. Before Mike Davis's campaign of Terror

against me that caused me to seek treatment for my Post Dramatic Stress Disorder and Panicking Fried Brain I did not babble. I still Reserve an Retain all my Civil Protected Rights for the Truth and the Transcript shows Judge Hall was very clear I was of Diminished Capacity and as an Indigent who could not afford a Lawyer should have appointed a guardian ad litem as the Transcript shows.

Reason Case was Filed, This Appeal is now for the Oppression of Constitutional Right of Redress

Index for Record of Appeal

Changed everything last night so this is from **Motion** included VI. Rules Governing the Administration of the Courts S.C. App. Ct. R. 608 RULE 608 APPOINTMENT OF LAWYERS FOR INDIGENTS and RULE 1.14: CLIENT WITH DIMINISHED CAPACITY *I am of Diminished Complicity* much worse then when Judge Hall said so.

Appoint a **guardian ad litem** to present this the way you want that will Defend my Constitutional Right to have my Grievances heard by this Court is the only way to preserve my Constitutionally Protected Rights.

Court Reporter Karen V. Andersen let me have 1 Transcript for each day May 7, and May 8, 2018. (May 7, 2018 is page 1 and 68.) (May 8, 2018 is pages 1,2,4,5,8.)

Page 1 of Motion WITH DIMINISHED CAPACITY. VI. Rules Governing the Administration of the Courts S.C. App. Ct. R. 608 RULE 608 APPOINTMENT OF LAWYERS FOR INDIGENTS

Page 1 of Motion WITH DIMINISHED CAPACITY. S.C. App. Ct. RULE 1.14: CLIENT WITH DIMINISHED CAPACITY

Page 1 and page 2 of Motion WITH DIMINISHED CAPACITY. Order Granting Motion to Proceed Informa Pauperis included.

Page 2 of Motion **Somewhere in S.C. App. Ct. RULE** **A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently.**

Page 2 of Motion **May 8, 2018,** (Transcript page 4, Line 13 – 25 and page 5, Lines 1 and 2)
May 8, 2018, (Transcript p, 2, Line 17 – 19) “Under Rule 41 (b)

Page 2 of Motion **May 8, 2018,** (Transcript page 5, Lines 1 and 2) “I’m going to dismiss the case procedurally under Rule 41 (b)” .

1 – Include all matters designated by both parties.

Page 1.

Page 2, **May 8, 2018,** Transcript

Page 5, **Found in SCACR Rule 402 Lawyer's Oath,** **"I do solemnly swear,**
Kenneth Goode that: I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge those duties and **will preserve, protect, and defend the Constitution of this State and of the United States;.... I will assist the defenseless or oppressed by ensuring that justice is available to all citizens and will not delay any person's cause for profit or malice; So help me God.**

1 – Include all matters designated by both parties.

Page 5, Page 1 of 5 of the Answer Filed by **Mr. Goode** on **August 17, 2015** where he captions

(Jury Trial Demanded). My Caption was always Trial By Jury Demanded. A Constitutionally protected Right that **Mr. Goode** and **Judge Hall** made an Oath to Father God to protect. (I have included a copy of this page also.)

1 – Include all matters designated by both parties.

Page 5. **Seventh Amendment**. Part of the U.S Constitution that Constitutionally protected Right to a Trial By Jury Demanded protects that **Mr. Goode** and **Judge Hall** made an Oath to Father God to protect. This Right does fall under the Supremacy Clause of Article 6 of the United States Constitution that both **Mr. Goode** and **Judge Hall** made an Oath to Father God to protect.

1 – Include all matters designated by both parties.

Page 5. **Ninth Amendment** Part of the U.S Constitution that Constitutionally protected Right **the right to the truth, the whole truth and nothing but the truth and I reserve that right.** The Ninth Amendment when preserved and I did protects that **Mr. Goode** and **Judge Hall** made an Oath to Father God to protect. This Right does fall under the Supremacy Clause of Article 6 of the United States Constitution that both **Mr. Goode** and **Judge Hall** made an Oath to Father God to protect. I was unconstitutional Denied this Right by Judge Hall because as he stated in the Transcript I was of a **Mental DIMINISHED CAPACITY**. This did not Diminish this Constitutionally Protected Right that both men swore an an Oath to Father God they **will preserve, protect, and defend the Constitution of this State and of the United States** which included my Ninth Amendment Right.

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Every Judge and Lawyer Oath taken by every member of the Court of appeals swore an an Oath to Father God they will preserve, protect, and defend the Constitution of this State and of the United States.

Every person with Mental DIMINISHED CAPACITY has a Right to there Constitutionally Protected Rights.

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The South Carolina Constitution, **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.” The S.C. Constitution Guarantees that the U.S. Constitution will not be abridged.

This Ninth Amendment Right was properly challenged and when I said in May 7, 2018, (Transcript p, 68, Line 14) “**And I reserve that right**” in Court I invoked the Supremacy Clause of the Ninth Amendment protected in **ARTICLE I, DECLARATION OF RIGHTS, SECTION 3.** Protected by the South Carolina Constitution. As a Layman of the Law I made it clear that I Retained this Right for Truth for myself Protected in the Ninth Amendment.

Question: Does this Ninth Amendment Right that I have Lawfully reserved for myself in Court belongs to every American who Invokes and Reserves this Right under the Supremacy Clause of the U.S. Constitution and the South Carolina Constitution? You should not have to say it so clearly as I did. As an American it is implied as of Right.

2. “TRIAL BY JURY DEMANDED” “ Part of the Record in the Lower Court”

I put at the top of all my Filing, “**TRIAL BY JURY DEMANDED**”. This does fall under the Supremacy Clause of the United States Constitution in the Seventh Amendment. No part of any Constitution of any state can override it and “**the right of trial by jury shall be preserved**”. As I did not want a Judge to rule on facts that included Federal Crimes by Federal and State Employees, Contractors, and / or Agencies, **I demanded a Trial by Jury.** This also falls under the Supremacy

Clause of the U.S. Constitution and the South Carolina Constitution?

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

“Where there is a conflict between the statute and the State Constitution, the Constitution overrides the Statute.”

The South Carolina Constitution, **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3. Protects the Trial by Jury** and can not be oppressed. This also falls under the Supremacy Clause of the U.S. Constitution and the South Carolina Constitution?

When Judge Hall on May 8, 2018, (Transcript p, 2, Line 17 – 19) “Under Rule 41 (b) of our rules of Procedure, I am going to dismiss this case under the 41 (b) dismissal action.” This violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.** Protected by the South Carolina Constitution.

I Clearly Invoked my Right under the Supremacy Clause of the Seventh Amendment for a “**Trial by Jury**” when I stated on May 8, 2018, (Transcript p. 8, Line 2) when I said “**it’s cost me way over \$20.**” Rule 41 (b) clearly violated the Supremacy Clause as no State can make a Law, Rule, Case Law, or Procedure that Oppresses the Supreme Law of the Land, Article 6, U.S. Constitution..

The Seventh Amendment states,

In Suits at common law, **where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

3. Rule 41 (b) of our rules of Procedure, 41 (b) dismissal action Violates the Supremacy Clause of the U. S. Constitution and the The South Carolina Constitution, ARTICLE I., DECLARATION OF RIGHTS, SECTION 3.

The South Carolina Constitution, **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.” **The S.C. Constitution Guarantees that the U.S. Constitution will not be abridged.**

Filed in the Lower Court as Record on December 19, 2016 I Filed “Constitutional Challenge for a Full and Fair Redress of the Truth etc.”, “TRIAL BY JURY DEMANDED”

In this Constitutional Challenge “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 5th 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.”

I added this statement to put the Supremacy Clause of the First Amendment before the Jury of the People and not any Government Entity. It proves Rule 41 (b) of our rules of Procedure, 41 (b) dismissal action Violates the Supremacy Clause of the U. S. Constitution and the The South Carolina Constitution, **ARTICLE I, DECLARATION OF RIGHTS, SECTION 3.**

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. This was intentional to invoke the Fifth Sentence of the First Amendment also. **Lack of was for the Ninth Amendment Challenge.**

Proof you can't have it both ways. The U.S. Constitution was Ratified in 1788. **Slavery was legal.** The Thirteenth Amendment in 1865 Rectified that. **Slavery was outlawed.**

SCHICK VS. UNITED STATES, 195 US 65 (1904) 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... .

You can't have it both ways. Either Slavery is still legal or as of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make. Or Slavery is Legal.** For the South Carolina's Court of Appeals to decide. It proves Rule 41 (b) of our rules of Procedure ar VOID along with all other Laws made to OPPRES Redress of Grievances.

The Bill of Rights was Ratified in 1791. The First Amendment is in the Bill of Rights. As Marbury vs. Madison, 1 CRANCH 137 states any **“law repugnant to the constitution is void”** Marbury vs. Madison, 1 CRANCH 137, state that all laws that are repugnant of the Fifth Mandate of the First Amendment, the Supreme Law of the Land, are Void and protected by - The South Carolina Constitution, ARTICLE I, DECLARATION OF RIGHTS, SECTION 3.... **“and of the United States under this Constitution shall not be abridged.”**

The First Amendment has five parts, and the Government wants to hide one of them from you.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; **or the right of the people**

peaceably to assemble, and to petition the Government for a redress of grievances.”

The First amendment can be broken down into Five distinct sentences just as The South Carolina Constitution, ARTICLE I., DECLARATION OF RIGHTS, SECTION 3

- 1) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof:
- 2) Congress shall make no law abridging the freedom for speech.
- 3) Congress shall make no law abridging the freedom of the press.
- 4) Congress shall make no law respecting the right of the people peaceable to assemble.
- 5) Congress shall make no law respecting the right of the people to peaceable petition the Government for a Redress of grievance.**

As of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make.** As of the Ratifying of the First Amendment **no part of Congress or any part of any Government** Under the Supremacy Clause of the United States could make any law Oppressing a Full and Fair Redress, Relief of Remedy of the People's Grievances. This would include Rule 41 (b) of South Carolina's Court Rules.

Part of the Record on Constitutional Challenge in Lower Court so is Record on Appeal.

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.**"

Some of the Cases demanding this petition be heard like Marbury vs. Madison, 1 CRANCH 137

can be found in Initial Brief, Dated August 31, 2018. I am Panicking to bad to Copy and Paste that much. I am #%&*^# Freaking out. Xanax does not help!

Conclusion; Questions to be answered and put on the Record.

1 - Does Ninth Amendment guarantees me the right to the truth, the whole truth and nothing but the truth and as I reserve that right. "Part of the Record in Lower Court"?

2 - "TRIAL BY JURY DEMANDED" " Part of the Record in the Lower Court" As I placed on all Filings "TRIAL BY JURY DEMANDED" and I even stated in court as a Layman I Clearly Invoked my Right under the Supremacy Clause of the Seventh Amendment for a "Trial by Jury" when I stated on May 8, 2018, (Transcript p. 8, Line 2) when I said "it's cost me way over \$20. The South Carolina Constitution, **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3. "The privileges and immunities of citizens of this State **and of the United States under this Constitution shall not be abridged**, Invoke the Supremacy Clause of Article 6 "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."?**

3 - Does Rule 41 (b) dismissal violates the Supremacy Clause of the U.S. Constitution protected in **ARTICLE I., DECLARATION OF RIGHTS, SECTION 3 Protected by the South Carolina Constitution. As of 1791 the Fifth Sentence of the First Amendment Voided Article 3, Section 2, the last sentence of paragraph 2, **with such Exceptions, and under such Regulations as the Congress shall make.** As of the Ratifying of the First Amendment **no part of Congress or any part of any Government** Under the Supremacy Clause of the United States could make any law Oppressing a Full and Fair Redress, Relief or Remedy of the People's Grievances. This would include Rule 41 (b) of**

South Carolina's Court Rules?

Rule on the Fifth Sentence of the First Amendment Voided The United States Constitution's Article 3, Section 2, the last sentence of paragraph 2, with such Exceptions, and under such Regulations as the Congress shall make as clearly presented or rule Slavery is Legal?

Did the Supremacy Clause void the right of the State of South Carolina to Make Rule (41) and Rape me of my Day in Court?

4 – Reinstatement of the Court Hearing and the Court Except all Cost to bringing all the Truth, the whole Truth, and nothing but the Truth as the Supremacy Clause of the Seventh Amendment Guarantees me to be placed on the Record with all Witness Present including Andrea with no Federal Support at in a State Civil Court.!

Because of the Courts Complicity and Enabling of this Ongoing Conspiracy against Civil Rights and that Frying my Brain into a Babble the State of South Carolina is to appoint me a guardian ad litem of the best Constitutional Lawyer such as Sidney Powell etc who understands the Criminal behavior of Government in the Country and assume all cost.

I have given notice to this Court and Petitioned for the Appointment of a Lawyer in the Ongoing Conspiracy to Cover Up the Truth of the Federal Felony Crimes by the persons of the Federal and State 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. To always be part of the Record the Record! This one day of my Adult Wife's life and the Government Conspiracy has left me unable to function as I should.

Why are my S.A.S.E. With copies not being returned?

I need a Lawyer!

I AM UNABLE TO AVAIL MYSELF TO MY CIVIL RIGHTS.

Date: May 24, 2021

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

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

THEODORE WAGNER,)
Plaintiff,)
vs.)
DESIGNA PRINT and)
MIKE DAVIS,)

Defendant.)

Court of Common Pleas
Case No. 2015-CP-10-04166

Transcript of Record

DATE: May 7, 2018

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

Karen V. Andersen, RMR, CRR
Circuit Court Reporter

MAY 7, 2018

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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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

THEODORE WAGNER,)
Plaintiff,)
vs.)
DESIGNA PRINT and)
MIKE DAVIS,)
Defendant.)

Court of Common Pleas
Case No. 2015-CP-10-04166

Transcript of Record

DATE: May 8, 2018

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

Karen V. Andersen, RMR, GRR
Clerk of Court Reporter

1 THE COURT: Good morning, ladies and gentlemen.

2 Mr. Wagner, did you get any rest last night?

3 MR. WAGNER: Oh, it was bad. I worked until, like,
4 12:30. And then I was scared. I hadn't slept in, like, five
5 days. So I took two sleeping pills, two hydrocodones, two
6 Xanax, and went to bed. I went right to sleep. And I woke up
7 at 7 in the morning. And I found out I couldn't get here on
8 time. And I had to strap all this stuff with a belt on my back
9 and ride my bicycle all the way across to catch another bus,
10 which would get me to another bus to get me here on time. But
11 I made it.

12 THE COURT: All right. Well, you made it.

13 MR. WAGNER: And got three hours sleep, about.

14 THE COURT: Well, here's what the Court is going to do
15 in this particular case, and certainly taking that into
16 consideration as well this morning.

17 Mr. Wagner, what you told the Court is -- ~~under Rule~~
18 ~~41(b) of our rules of procedure,~~ I am going to dismiss this
19 case under the ~~41(b) dismissal action.~~ The Court -- well,
20 certainly, the Court has the inherent authority to dismiss
21 cases, in fact, where it appears that the action -- where the
22 plaintiff has failed to properly prosecute.

23 The rule says: For failure of the plaintiff to
24 prosecute or to comply with these rules or any order of a
25 court, a defendant may move for dismissal of an action of any

1 which, again, is certainly a failure to comply with the rules
2 of court in issuing subpoenas and language in subpoenas.

3 It seems that in listening yesterday and going through
4 the materials filed in the case, that the plaintiff seems
5 primarily aimed at trying to have an action that would overturn
6 his plea and conviction to sex offenses in federal court, and
7 then seeking some type of monetary damages against the
8 defendant, because if that was -- because that was improperly
9 done. This is certainly not the court or the venue to seek to
10 have a criminal conviction overturned.

11 MR. WAGNER: That --

12 THE COURT: Hold on just a minute. Again, the
13 subpoenas, as well as the argument heard yesterday, ~~appeared to~~
14 ~~be incoherent, almost unintelligible for the court to try to~~
15 ~~digest. And to be able to communicate that to the jury, it~~
16 ~~would be -- the court finds that great difficulty and sort very,~~
17 ~~rambling yesterday.~~

18 ~~Mr. Wagner himself indicated yesterday that he had not~~
19 ~~slept for four days, that he was on Xanax, he was heavily --~~
20 ~~that he was medicated, on pain medication today in court, one~~
21 day later, he's indicated not only did he sleep very -- had
22 ~~limited sleep last night, he again took two Xanax, sleeping,~~
23 ~~pills and pain medication, hadn't slept in five days.~~

24 ~~Based on that and the circumstances in this case,~~
25 ~~what's been presented in this case to this court, the history,~~

1 of this case, ~~I'm going to dismiss the case procedurally under~~
2 ~~Rule 41(b)~~

3 Anything you want to say, Mr. Wagner?

4 MR. WAGNER: Yes, sir. I am totally fine. I am not
5 drugged up or anything. I have -- 99 percent of this case is
6 him. I mean, it's videotapes of him, me hanging a camcorder on
7 him coming into our house, him talking. This is all about the
8 terror I've been living. And the medical records I just gave
9 him, all the medical records are about him terrorizing me for
10 years. That is this case.

11 The only reason that Andrew was in it at all was I met
12 him because of this transcript where I was going to Butner and
13 I needed somebody to look after my money. And I talk about
14 that. That is a very first video I tried to play to you, audio
15 play it.

16 But the whole case, all the evidence, everything
17 except for just the few pages that show that Andrea Crisel --
18 you look at them -- was 20 years, one month, 16 days old. And
19 the prosecution and the FBI knowingly conspired in Grand Jury
20 to cover up the truth.

21 That was what I showed him. And he was agreeing. And
22 that's when -- from that point on, the whole case, all the
23 evidence is completely just, you know, playing audio for him
24 that he knew was going on, phone calls. He would call in the
25 middle of the night and talk to me, and just, oh, you got to

May 8, 2018

1 jury of people see what Mike Davis did and let them decide, my
2 right to have a jury. I mean, ~~it's cost me way over \$20.~~ I've
3 had to -- I even made all the copies of the medical records to
4 bring him. I didn't have the money for that. I mean, this has
5 gone on and on.

6 Please let's go on with this. I object to stopping it
7 when I have taken this many years. I'm a pro. se. I'm doing my
8 best. Every time that I told you something, I do whatever I'm
9 told. When the judge told me to go to prison, I said, yes,
10 sir, and I went. But I have not been told anything about, you
11 know -- I was supposed to have a jury today, a jury trial..

12 I have spent so much time worrying about it, thinking
13 about it. I lost my life. I can't get a job. I can't
14 function. And Mike Davis did it. And it just -- he's just
15 like, oh, well.

16 He lived in Summerville. He didn't have to come every
17 day, every morning, every afternoon to Charleston, South
18 Carolina, to terrorize us. He would pull up beside me when I'm
19 riding my bicycle down the street. And he would be going,
20 bomp, bomp, bomp, bomp, honking his horn and waving at me with
21 a big smile on his face after the judge just told him not to
22 come back around us. I want to put this on the record.

23 THE COURT: All right. Well, here's the thing,
24 Mr. Wagner. I gave you -- you had an opportunity to put a lot
25 on the record. There is a record from everything that has been

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

THEODORE T. WAGNER,

PLAINTIFF,

vs.

DESIGNA PRINT AND MIKE DAVIS including anyone who is complicit or enabled protecting Mike Davis,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-4166

ANSWER

~~Jury Trial Demand~~

NOW COMES THE DEFENDANTS, Designa Print and Mike Davis, hereinafter collectively Defendants unless referred to specifically, through their undersigned attorney, answer the Plaintiff's Complaint as follows:

1. Anything not specifically answered in Plaintiff's Complaint herein, is denied and strict proof thereof is demanded.

2. Defendants deny the first paragraph of Plaintiff's Complaint, beginning with "I, Theodore Wagner . . ." and ending with "pleading guilty for stalking in the City of Charleston," and demand strict proof thereof.

3. Defendants deny the second paragraph of Plaintiff's Complaint, beginning with "These are part of the Chronology . . ." and ending with "Aaron at 3:50 am., July 19th 2015," and demand strict proof thereof.

4. Defendants are without knowledge or information sufficient to answer what conversations were had between Plaintiff and Aaron Satcher, but Defendants deny all contents and claims of those conversations as stated in Plaintiff's Complaint and demand strict proof thereof.

August 17th - 2015
attorneys

Signed by
Kenneth Goodie, Jr

Used on March 23, 2021

Pg 1 of 5

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2259
RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org



14



THEODORE WAGNER
334 E BAY ST # 180
CHARLESTON SC 29401-1592

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC

Order/Order Granting Motion to Proceed Informa Pauperis

CASE NO: 2015CP1004166

Theodore Wagner VS Designa Print

This judgment was entered on the 29th day of July, 2015, and notice mailed first class on Monday, August 03, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

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-10-166

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

Mike Davis. Defendants.)

2016 DEC 19 PM 12:00
JULIE J. ARMSTRONG
CLERK OF COURT
FILED
TRIAL BY JURY DENIED

**Challenge of The Right to The Truth, The whole Truth,
and Nothing but the Truth, as protected by the South Carolina
Constitution under the North 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 ~~as in V. Wilson 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 5th Mandate that states "5) The General Assembly shall make no law respecting the right of the people to peaceably petition the Government or any department thereof or 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

*Used
March 23, 2021*

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."

If 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 25th 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. **What 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. **What before U.S. 1st** does Article 1, Section 2 of the South Carolina Constitution's 5th 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. **What before U.S. 1st**, 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. **What before U.S. 1st** 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

Theodore Wagner
Constitutional Patriot
334 East Bay Street, #180
Charleston, SC 29401
843-460-2508

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