

In the South Carolina Court of Appeals - Columbia

August B. Klein, III - 365998) CA No: 2015-002340

ProSe 504/ADA-Vet.)

Double Computer) Motion to Release Ineff. Assist. Appellant

- VS -)

Counsel Ruder, for failing to raise ProSe's

The State;) Constal. violations & ProSe must seek to file

R.M. Ruder - Counsel) 32 pgs. ProSe Memorandum Brief. With this

Defendant.) Motion Clerk Allen blocked on Nov. 30, 2016.

1.) ProSe is forced to remove Ineff. Assist. Appellant Counsel R.M. Ruder, off his appeal, so he can raise all Constal. violations, to exhaust them for Fed. Habeas review, if his ProSe's Memorandum Brief 32 pgs. attached reliefs isn't granted & ProSe seeks to proceed. ProSe. so his issues will be Proper before the Court for review & correct errors of law;

See: *Lit*, 880 F.2d 1040, 1047 (9th Cir. 1989) 6th Amend. right to proceed ProSe)

See: *Myers v. Collins*, 8 F.3d 249, 252 (5th Cir. 1993) State criminal Def. has a Constal. right to present ProSe Motions & brief on appeal by 6th Amend. & Supremacy Law over rules state law);

Clerk N.C. Allen, Forced ProSe To remove Ruder by refusal to file 32 pgs. nor give Ruder them to file for ProSe, which denied access to Counsel to argue his brief issues.

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3.) These pages could well not just grant relief & have in these Memorandum Brief & proceed in emergency proceedings.

Dated: Dec. 5th, 2016
Respectfully Submitted,
August R. Kraus, III #365998
A-K Top Gun Navy-Vet
504/ADA - Double Amputee

"Certificate of Services"

3.) These certifies he served R.M. Ruder & A.M. Wilson a copy of No-
tion to remove. Ruder as forced to by Clark DeLeon & Curtis,
Miller, 697 S.E. 2d 527c (S.C., 2010) holding in *Lincomental & Milk's*
Supremacy Clause) of S.C. Comm. of Judicial Appointments Co.
Box 11589, Columbia, SC, 29201 & Wilson, 1552 Assembly St. Rm 519,
Columbia, SC 29201; on Dec. 5, 2016 one copy of Motion to remove
Ruder & 32 pgs. sent to G.A. Kitchings, at P.O. Box 11639, Columbia,
SC 29211; & return to monitor penalty of purging or true & cer-
copy, & Ms. Merchant Mail Div. will come out by Inter-Agency
Mail from below address.

Dated: Dec. 5, 2016
Respectfully Submitted,
August R. Kraus, III #365998

Are you Kitchings,
Please file my Motion to remove Ruder, as your letter dated
Nov. 30, 2016, forced me to do 32 pgs. plus 20 pgs & place before the court,
for Emergency Appeal hearings. Thanks & Best Wishes for the holidays!

Respectfully,
August R. Kraus, III #365998



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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November 30, 2016

August Byron Kreis, III, 00365998
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: The State v. August B. Kreis, III
Appellate Case No. 2015-002340

Dear Mr. Kreis:

The Court has received your recent correspondence. Because you are represented by counsel, we are returning your filings to you. See *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire
Vann Henry Gunter, Jr., Esquire

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DEC 12 2016

SC Court of Appeals

In the South Carolina Court of Appeals Columbia

August Byron Kreis, III, ProSe 504/ADA-Vet, Appellant;

- VS -

The State; et. al,

Respondent.

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Appeal from Lexington County

NOV 28 2016

Honorable Dyet A. Early, III, Circuit Court Judge

SC Court of Appeals

Appellate Case No: 2015-002340

ProSe's Memorandum Brief Supplemental to his Appeals

to Support Reliefs Sought-Released.

And.

For an Emergency Speedy Appeal.

Defendants.

ProSe:

Alan Wilson

August B. Kreis, III, 365998

Atty. General for So. Car.

504/ADA-Vet

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Pages 32 / Nov 29, 2016

Table of Authorities):	Pages
Blair, (S.C. 1987),	VI, 12, 16
Blockburger, (U.S. 1932),	IX, 8, 10, 21,
Brady, (U.S. 1963),	25,
Bray, (S.Ct. 1993),	17,
Bryant, (S.C. 1992),	25,
Burks, (U.S. 1978),	X, 26,
Cannon, (8th Ct. 1996),	VII,
Chapman (U.S. 1967),	VIII, IX, 20
Cooper, (U.S. 1896),	12
Clawford (U.S. 2004),	I, (IV, VI, VIII, 1, 2, 13, 14, 16, 18, 20, 21,
Dickerson (U.S. 2002),	VII, 13
Dixon, (U.S. 1993),	8, 10
Dolle, (4th Cr. 2000),	VIII, 19
Hands, (11th Cr. 1999)	VII, 13
Hooks, (S.C. 2003)	II, 8, 9, 10
Finney, Chief Justice, Purs. to Article V. & 4. (March 5, 99),	VI
Floyd, (2nd Cr. 1990)	VIII, 4, 17, 18
Garzoa, (5th Cr. 1979)	II, 4
Gaster, (S.C. 2002),	II, 6
Green, (S.C. 2003)	15
Guest, (U.S. 1966)	17
Jackson, (U.S. 1979)	IV, XI, 5, 27
Jones, (S.C. App. 1996)	IX, 21
Jones, (4th Cr. 1976)	11
McDonald, (U.S. 1982)	VII, 11
McHone, (N.C. 1993)	VII
McMullin, (S.C. 1996)	26
McLaughlin (S.C. 2003)	24
Miranda, (U.S. 1966)	VI, 13

TABLE OF Authorities, continued);	
Old Chief, (U.S. 1997),	VII, 5, 18, 19
Primus (S.C. APP 2003),	V, VI, 8, 9, 10
Simpson, (S.C. 1993),	21, 22
Smart, (S.C. 1983),	, I (VI, VII, 5, 13, 14, 15
South, (S.C. 1993)	X, 25
Strange, (S.C. 1992),	X, 15, 26
Strickland, (U.S. 1984),	XI, 5, 26, 27,
Swaringer, (S.C. 1980),	16
Robinson, (U.S. 1962),	VII
Wright, (U.S. 1990)	1
Constal. Ammends.;	
1, th	0
4, th	0
5, th	14, 19
8, th	VIII, 19, 27
13, th	VII,
14, th	VIII, 19
	VIII, 19
Codes statutes;	
S.C. Code 17-27-45 (C) (Supp 2000),	, 22
16-3-655 (C) (1976) 8 (B) (1),	V, VI, 9, 10
17-24-45 - (C) (Supp. 2000),	VII, VIII, 22
16-3-656,	, 8
16-15-140,	V, 8

Questions before the Court for release;	Pages
1. The Court erred by allowing Prose wife Kately Nellis's letter from Prose to be used in violation of Crawford v. Washington, 124 U.S. 1354 (2004)?	1, 2
2. The Court erred by allowing jury to rehear Barbara's & Prose's testimonies, because they were not listening & some asleep; & wasn't it a form of vouching for Barbara; and all state witnesses (3-times triple) <u>Harris</u> , 608 F. 2d 659, 662, (5th Cir. 1979) reversible error, ?	2, 3, 4
3. The Court erred by allowing Solicitor Mays, to put up vouchers state witnesses to manipulate jurors into believing more existing evidence, (Jackson, 443 U.S. 307 (1979) insufficient evidence)?	4, 5
4. ("Question for Court to clarify" Adult-hood), The Court erred by not dismissing Barbara Meis's Indictments, by she was an adult at 18 yrs, & already shackled up - with Ryan Stephens - said husband, "under the statute of limitations she had to report said abuse before she turned 18, & not wait until she's 19 yrs. 8 mos. 26 days old after she in a big argument & ordered to leave the property over Ryan's	

(Question 4 continued)	Pages
bullying her brothers Jack-Julius Kreis & Eddie Kreis; the child statute no longer applies to one (marked up with lower); ?	
Hester, 564 S.E. 2d 87 (S.C. 2002) S.C. Constitute law since 1885 empowers young women to consent to sex at (14 fourteen); ?	5, 6, 7
5. The court erred by giving third & second degree charges to jury, when Prose not charged with 3rd degree; Hooks, 517 S.E. 2d 211 (S.C. 2003) ?	7, 8
6. The court erred by not dismissing Ind. 15-2030, for 16-15-140 found not upon a child, when Barbara's age was 11 yrs. 1 mo. 12 days old on May 8, 05, & 14 yrs. 6 mos. 5 days old, on Oct 1, 2008; fell under 2nd degree statute; & overlapped into Ind. 15-2034; Primus, 564 S.E. 2d 103 (S.C. app 2002) ?	8, 9
7. The court erred by not dismissing Ind. 15-2034, for 16-03-655 (B)(1) c/s/j/w/m 2nd degree, when Barbara's age was 11 yrs 1 mo 12 day old May 8, 05, & (14 yrs. 6 mos. 5 days old on Oct 1, 08; in to 3rd degree;) Primus, (S.C. App. 2002) ?	9,
8. The court erred by not dismissing Ind. 15-2036, for 16-15-140	

(Question & Continued)	Pages
<p>Lewd act upon a child under 16 yrs. old 16-3-655(c) (1976), when Amanda's age was 8 yrs. 2 mos. 14 days old May 8, 05, & 12 yrs. 7 mos. 7 days on Oct 1, 08; fell under 1st degree statute, & 2nd degree, not lewd act one. <u>Pimm</u>, (S.C. app 2002), ?</p>	10
<p>9. The court erred by not dismissing all Inds. for per-Inds. delay, when Prose was falsely accused Jan 21, 14, & arrested, & weren't indicted till Aug. 11, 2015 over 1 yrs. 6 mos. 20 days later; to circumvent 180 days statute-trial must take place denying Prose his rights to speedy trial; <u>McDonald</u>, 456 U.S. 1 (1982) by Chief Justice <u>Rehnquist</u> order pers. to article 8, & 4 (Mar. 5, 99), ?</p>	10, 11
<p>10. The court erred by not holding a Blair hearing, & stop trial until Prose's mental testing was ordered done, by his sayings. <u>Blair</u>, 275 S.E.2d 529, 273 (S.C. 1987) S.C. Code 14-23-H10 (1976), ?</p>	11, 12
<p>11. The Court erred by allowing Sol. Myers, to tell jury in her closing arguments, that Prose admitted he did said charges & did it violate <u>Crawford v. Washington</u>, & also his 5th Amend. rights to remain silent, under <u>Miranda</u>, <u>Smart</u>, 299 S.E. 2d 686 (S.C. 1983), ? by</p>	

- (Question 11 Continued)	Page
<p><u>Dickerson</u>, 503 U.S. 428 (2002)? also <u>Hanks</u>, 184 F.3d 1322, 1328-29 (11th Cir. 1999) (reversible error)?</p>	12, 13, 14
<p>12. The Court erred by allowing <u>Sol. Mayer</u>, to vouch for state witnesses during trial & in closing arguments; <u>Smart</u>, 299 S.E. 2d 686 (S.C. 1983)?</p>	14, 15
<p>13. The Court erred by sentencing <u>Prose</u> to a life & death sentence, when charges & statutes did not allow it, by his age, 61 yrs. old & tried on his birthday, that proved bias by <u>Sol. Mayer</u>; the sentencing table of So. Car. life in SCDC to live is expected to be 10 yrs, making <u>Prose's</u> cruel by 8th Amend. <u>Robinson</u>, 370 U.S. 660, 666-67 (1962)?</p>	13, 16
<p>14. The Court erred by allowing <u>Sol. Mayer</u> to argue in <u>Prose's</u> (mor-beliefs) of hatred & bigotry & anti-government, preached but not practiced; by him; which he was not indicted for; <u>Cannery</u>, 88 F.3d 1495, 1502-03 (8th Cir. 1996) constitute reversible error)? <u>Robinson</u>, 370 U.S. 660, 666-67 (1962) punished for beliefs unconstitutional)??</p>	16, 17

(Questions continued)	pages
<p>15. The court erred by allowing Lol. Hayes, to make like Barbara & Amanda & Abby, were little children testifying, by use of (male & female anatomy drawings) acting like they could not name body parts; & wasn't this vouching & manipulating the jury to get false convictions by calling on "jury's passions" ? Floyd, 907 F.3d 347, 354-55 (2d, Cr. 1990) Reversible error?</p>	18
<p>16. The court erred by not allowing Prose, by Lol. Hayes, request, a public trial his 6th Amend. rights by 14th Amend; they made public. leave wrongly; Doldz, 204 F.3d 133 (4th Cr. 2000); ?</p>	18, 19
<p>17. The court erred by allowing untried Abby Kreis, pending charges for Richmond & Kennerly Counties & Amanda's by Old Chief, 117 S.Ct. 644 (1997) to be used to vouch Lexington charges; ?</p>	19
<p>18. The court erred by allowing Jennifer Kreis's letter - post to be read by Barbara Kreis, before sentencing by Crawford V. Washington, Holdings; to prejudice & make Judge bias; Chapman, 386 U.S.</p>	

(Question 18 Continued)	Pages
18, 22 (1967) impartial Judge not subject to harmless error review)?	20
19. The court erred by not consolidating all Richland, & Kershaw, charges into Lexington charges, once Sol. Mayer, sought to use those untried pending ones to launch her cases, & by failing to dismiss all but one charge per-3-Kreis, Once consolidated; Jones, 479 S.E. 2d 577 (S.C. App. 1996) ?	20, 21
20. The court erred by not dismissing all Indictments, because same dates, acts, mens-evidence used, same 9-persons, & State D.S.S., & Dickerson Advocacy, & Sheriffs & SLED agents, and schemes, & Counties & Priso; all related & used to prove all Inds. by, Blockburger, 284 U.S. 299 (1932) ? at close of State's Mayer, cases; ?	21, 22
21. The court erred by not forcing Sol. Mayer & SLED, & Dickerson Advocacy, & Lexington, Richland, & Kershaw Sols., & Governors, & Atty.-Gen., to turn over impeachment crimes of Judges, SLED Agents were lying & falsifying evidence in So. Car. & nationwide Courts, & of Tom	

(Question 21 continued)	Pages
<p>Clark's ^Ibreakin at SLED, & drug expert SLED agent arrested & allowed to lie in all So. Car. & nation wide courts so prose could impeach all witnesses & seek dismissal of all charges; - (they withheld from Prose & Grand & trial juries) & is this newly discovered evidence; South, 427 S.E. 2d 666 (S.C. 1993) S.C. Code 17-24-45 (C) (SPP. 2000)??</p>	22, 23, 24, 25
<p>22. Does Georgia bar the use of Lassie's wife's letter sent her by Prose (3-16, 14) & Richland & Kershner charges, & Jennifer's letter-post, & Eddie Kreis' & Barbara & Abby, & Amanda Kreis' & all State witnesses testimony's at another trial or trials in So. Car., by already used at Lexington (Nov. 7, 15) trial to prove same charges; by Mc Mullin, 469 S.E. 2d 600 (S.C. 1996) Burns (1978) bar; Them! ?</p>	25, 26
<p>23. The Court erred by ordering juries they had to be unanimous; judge should have said (one or two of you, ^{or} ten or eleven, could find him guilty or not guilty, & thereby we would have a hung jury; so court gave a unconstitutional charge & needs clarifying. ?; Strange, 417 S.E. 2d 609 (S.C. App. 1982), ?</p>	26

Statement of the cases):

1.) Prose incorporates his Appellate R.M. Duder's pages of his initial brief of Prose's statement of cases.

2.) And Supplemental Amend. to it, Prose states he went to trial to be tried only for Lexington false charges & was shocked to find out he was being tried for Kershaw & Richland Counties false charges to, which now Kershaw charges have been dismissed, that voids Lexington convictions by those said evidence no longer exists, see as proof Prose Exhibits #16-A; That supports his Prose Memorandum Brief for Duder to argue for Prose to save for Federal Habeas if Reliefs not granted by Court now,., As taught below;

Argument 1):

The Court committed reversible errors by allowing Prose's wife, Karley Hollis's, letters from Prose, to be used in, violation of Crawford, 124 U.S. 1354 (2004), by back door, circumvented, because she could not testify, & see Detective, S. Dykes, illegal acts, TR. Trans. pgs. 257 to 272 & pages 425 lines 16-25 to 431 lines 1-5, & 437 lines 20-25 to 438 1-15; done through Sol. X. Mayer, & all state witnesses used this back door, violating Miranda Supra), & Prose's right to confront unavailable wife K. Hollis, which they vouched all non-witnesses - none - evidence to brain-wash juries, & (make-believe), they have all these witnesses & evidence by "stacking"; see TR. Trans. pages 1-438, to get false convictions; when [Crawford, et, Wright, 497 U.S. 805, 820, - 824 (1990) We hold out of Court statement - was not admissible simply because the truthfulness of it was corroborated by other evidence at trial, not even if (declarant-maker) testifies to same matter at Court & a wife or ex-wife can not testify to facts between her and her husband, nor can medical drs., Nis., Rescue workers, Child Advocacy, police, give statements to me in court's (We change the whole land scope of what can't be used in courts)]; Bared wife's letters of Prose; &

Then Sol. X. Mayer, doesn't stop there nor Court, "None-witnesses Jennifer Kreis," was also by letter-post, by "Barbara Kreis," to stand up in Court & read Jennifer's, said Post to prejudice-Bias-judge-toward Prose more, see TR. Trans. pages 425 lines 16-25 to 439 lines 1-21; as Mayer said (this is and was psychological warfare) by Solicitors & state wits. to frame Prose at all costs, & see below argument 2, what uses of

Argument 1 (continued):

letter caused; &

And once Prose "stipulated" to K. Hollis's letter was his, it could not be used to convict him nor circumvent Crawford's holding, nor Miranda supra., Prose has a right that no one tell jury he admitted he did said crime by his letter of (3-6, 2014), when he could not confront wife to get her meanings of "his words used to her"; not what Sol Mays said they were. See proof TR. Trans. pages 251 to 292, & 377 to 388, & see parts pg. 377 lines 19-25, & pg. 378 lines 13-21, & pg. 379 lines 6-25, & (pg. 380 lines 1-10), & pg. 384 lines 17-23, & pg. 385 lines 17-19, & pg. 387 lines 1-4, & 20-25, & pg. 385 lines 1-17; this was a disgrace act by Sol Mays, to deny Prose Fair Trial & bias Jurys. & 6th Amend. Rights - viol.; &

Argument 2.):

The court committed reversible error by allowing jury to rehear Barbara's and Prose's testimony's, because, they were not listening & some asleep; & was a form of "triple vouching" for Barbara & all state witnesses, which did prejudice Prose, because he had no one to vouch for himself & court to young woman [Open your eyes], Tr. Trans. pg. 365 lines 12-13; replays pages 403 lines 9-25 to 406 lines 1-3, plus jury made notes to of Prose's and Barbara's testimony's; then Sol Mays, Reasoned the jury's mind by her words, TR. Trans. pg. 377 lines 19-25 (those who might be into his message of hatred & bigotry) & pg. 378

Argument 2 Continued):

lines 1-4 (people on the outside, he spent just as much effort manipulating & controlling his own children in their own home where he kept them in a prison of silence) & line 17 (where we know he's anti-government); lines 13-21; "he wrote that letter."!

And Tr. Trans. pg. 379 lines 6 to 15, & 16-25, (Does that sound like the words of an innocent man? "of course not." & (Oh, he didn't like the plea offer. He didn't like to plea offer. And now, all of a sudden his own words where he acknowledges his guilt ---

And Tr. Trans. pg. 380 lines 1-10; Mr. Shealy, objection, your Honor may we approach? The Court, yes. (side bar conference) Ms. Mayer (the defendant's own words, the plea offer was stupid. So now where are we? All of a sudden his acknowledgement of guilt & it's not going to trial, he decides he's going to use that as a weapon. And why is that? Because in his mind they are still little girls.

And in Tr. Trans. pg. 385 lines 17-19, (and the testimony of Barbara & Amanda on these crimes is "UNDENIABLE"), "Vouched & found facts for jury," Mayer did!

And Tr. Trans. pg. 387 lines 1-4 (and yet he's still able to carry out this crime against her. He will always be a danger to the community & he'll always be a threat to children, because he's a sex offender.)

Mayer called on the "passion of the jury" to act for the community! Tr. Trans. 387 lines 20-25 - Parts (And, as I stated before, their testimony, their credibility is Paramount. Everything they testified to has been corroborated by each other by, Page 388 lines 1 (his own words in that letter, & by little Eddie). Tr. Trans. pg. 388 lines 2-7 (what about his

Argument 2 Continued):

credibility? What we know about him is he's a convicted felon, a convicted felon for lying, false statements to Federal Authorities. He has no credibility. But what was true were his own words in that letter when he still thought he would control those girls. But he was wrong.)

Found facts for Jury & used his letter, and put Fed. charges to call on jury to disbelieve. Prose "was reversible error by Judge" see; *Garga*, 608 F.2d 659, 662 (5th Cir. 1979) reversible error); see; *Floyd*, 907 F.2d 347, 354-55 (2d Cir. 1990) seeking Jury's passion, we vacate-). & *McHone*, 435 S.E. 2d 296, 334 N.6627 (1993) Sol. arguments were grossly improper due process & plain error vido. & error by Court failure to dismiss charges); &

Argument 3):

The Court committed reversible errors allowing Solicitor Mays, to put up vouchers - state-witnesses to manipulate jury's into believing non-existing evidence, see Tr. Trans., pages 161 to 308 - lines 1-17, all none-state vouchers-witnesses to stack - "make-believe" we get real evidence, whom none existed! (the real corroborator - Mays) ↓

But Solicitor S. Mays, erred that big problem, (she became a wit-to-vouch-her-own cases) see Tr. Trans. pages 377 lines 10-²⁵ 13 to 388, as proof, & again by replying Barbara's & Prose's testi-

Argument 3 continued):

money's pgs. 403 lines 13-25 to 406 lines 1-3, & by Greg's notes¹³,
Warden what half asleep Greg's put on them to show others?;
See above arguments 1 & 2 to support 3.

see; Jackson, 443 U.S. 307 (1979) insufficient evidence to convict;
we vacate);

see; Smart, 299 S.E. 2d 686 (S.C. 1983) we vacated, by Sol. personal
opinion subjected into jury, deliberations);

see; Strange, 417 S.E. 2d 609 (S.C. App. 1992) Our Sup. Ct. reversed
conviction when state, because of burden-shifting jury charge
to prove to prove their innocence);

See above argument 1 & 2 & below to support prejudiced by
Sol. Mayer illegal conduct & used his past illegal conviction
to convict him, violated Old Chief, Supre. by Sup. Ct. holdings of

Argument 4): ("As for Court to Clarify Adult-Word")

The Court erred by committing reversible errors, by allowing
Barbara's Krew's Inds. to be heard & failing to dismiss, by she
was a adult at 18 yrs. old, & already (shocked-up) with Ryan
Stephens - said husband, "under the statute of limitations she
had to report said abuse before she turned 18; & not wait
till she's (19 yrs. 8 mos. 26 days old), after she's in a Big argument
& ordered to leave over Ryan's bullying her brother mar-

Argument 4 Continued):

Julius Klein & Eddie Klein, & "the child statute no longer applies to one (shackled-up-with lines) ? & works at a job & she's living & acting as adult. ; ;

see; *Hastor*, 564 S.E. 2d 87 (S.C. 2002) S.C. Const. the law since 1885 empowers "young woman" to consent to sex at 14-fourteen);

The Const. of So. Car. use (young woman) - "not child," word meaning, she's no longer a child, but a full grown woman & now - once she starts to have a sex relationship, can have babies, & 2006 news article So. Car. leads the nation in 5, 6, 7 yrs. old girls having babies, & it's stated once they start to have sex, they change to full grown woman status, by their female reproduction organs active;

So Prose seeks for Court to Clarify female adult-hood for 14 yrs. forwards, because if she can consent to sex at 14 & get married to not 14, 15, 16, 17, 18; she's a woman not a child; & statute of limitation should come to play & bar any sex abuse charges, when those facts exist at any time, also trials.) . &

See; TR Trans. page 76 lines 19-25 to page 140; see parts of (her shack-ups) - page 94 lines 4 to 21, & page 104 lines 14-25, & pg. 105 - lines 1-25, & pg. 106 line 1 & pg. 125 lines 17-25 (Barbara gets revenge), & pg. 126 lines 1-25, & pg. 127 lines 1-25, & pg. 128 lines 1-25, & pg. 129 lines 17-25, & then Court stop being a Public trial, pages 138-140 (Judge (so you can leave voluntarily, or I'll get the cops to remove you. Thank

(Argument 4 continued);

you) & to lines 1-15. Not on good terms with Prose; &

Argument 5); (As for the Honorable Court to answer)

The Court committed reversible error by giving third & second degree charges to jury, when Prose not charged with 3rd degree, see trial trans. pages 399 lines 1-3, (And the state must prove beyond a reasonable doubt that the victim was less than 16 yrs. old, but at least 14 yrs. old);

The Court gave 2nd degree charge 11 to 14 yrs. thereby giving (2, two) different charges confusing jury's 103-656 by having a mixed Ind. & 2 different charges, by if Prose one did not jury, then would find him guilty on the other one, Violating Jeopardy Clause, & be the same as using evidence from disproved Ind. to prove the same mixed Ind., & a mixed statute. 1st, 2nd, & 3rd degree one would be unconstitutional. (by one could never defend it);

Thereby Prose wasn't really indicted by Grand Jury & Court lack subject matter Jurisd. & all Judgts. are void. see: Trial Trans. pg. 399 lines 19-25, (the law defines a minor, as a person under the age of 18; the Court pg. 406 lines 1-9, now (child has to be 16 yrs old), & not 18;); Court confused the jury again; & by below arguments no's 6, 7, 8;

(Argument 5 continued);

Improperly Indicted on mixed ones;

See; *Primus*, 564 S.E. 2d 103 (S.C. App. 2003) there must be proper Ind. by Grand jury);

* See; *Neoka*, 517 S.E.2d 211 (S.C. 2003) Ind. is Jurisd. de Facto & doesn't have to be objected to before jury sworn in);

See; *Blockberger*, 284 U.S. 299 (1932) double jeopardy viol. - ed if same evidence is used to prove another said charge, also *Dixon*, 509 U.S. 688 (1993) same, but it's OK);

Prose prays court will answer these questions of law, to help Prose & Prose's. &

argument 6);

The court committed reversible error by failing to dismiss Ind. 15-2030, for 16-15-140 - bad act upon a child, when Barbara's age was (11 yrs. 1 mos. 12 days old) on May 8, 05), & 14 yrs. 6 mos 5 days), on Oct. 1, 2008), fall under 2nd degree Statute 15-3-656, & over lapped into Ind. 15-2034;

thereby a mixed Ind. & Prose not Ind. for 2nd degree, & state raised 2nd. degree charges, (not laws acts);

See; *Primus*, 564 S.E. 2d 103 (S.C. App. 2002) there must be Ind. on crime charged, or court lacks Jurisd. & it can be raised even on appeal);

Argument 6 continued);

See; *Hook*, 517 S.E. 2d 211 (S.C. 2003) Judgt. by a court can't be affirmed where the court had no right to act, & absence of sub. matter, it's void, & by Ind. failed to contain necessary elements of charged offense, was a Jurisd. defect, & does n't have to be objected to before jury swearing in); & See; *Tr. Trans.* pg. 21 lines 5-6, & pgs. 22 lines 12-22, & pg. 25 lines 20 to 25, & pg. 26 lines 1-19, & pg. 399 lines 19-25, & pg. 400, lines 1-9; & see below arguments No. # 7 & 8. Why all Inds & Charges should have been dismissed. &.

Argument 7);

The court committed reversible error by failing to dismiss Ind. 15-2034, for 16-03-655 (B)(1), 1/5/c/u/m-2nd degree, when Barbara's age was (11 yrs. 1 mo. 12 days old May 8, 05), & (14 yrs. 6 mo. 5 days old, on Oct. 1, 05), into 3rd degree.

Thereby another mixed Ind. & Prose wasn't Ind. ed for 3rd. degree; making this one void, for lack of proper Grand Jury Ind. & mixed one;

See; *Primus*, 564 S.E. 2d 103 (S.C. App. 2003) there must be proper Ind. by Grand Jury); & see *Tr. Trans.* pg. 21 lines 1-4, & pg. 73 lines 2-7, pg. 399 lines 1-3; & see above Argument No. # 7, Why it should be dismissed, they overlap also... &.

Argument 8);

The court committed reversible error, by failing to dismiss Ind. 15-2036, for 16-15-140 lewd act on a child under 16 yrs. old 16-3-655 (c) 1976), when Amanda's age was (8 yrs. 2 mos. 14 days old May 8, 05), & (12 yrs 7 mos. 7 days on Oct. 1, 08) fell under 1st degree statute & 2nd degree, not lewd act one;

Thereby another mixed Ind. & wasn't Ind.-ed by Grand Jury on either 1st nor 2nd degree, correct charges by falsehood testimony's.

See; *Primmer*, 564 S.E. 2nd 103 (S.C. App. 2003) There must be proper Ind. by Grand Jury.);

See; *Brooks*, 517 S.E. 2d 211 (S.C. 2003) (same) & it's Grand defective);

See; *Blackburner*, 284 U.S. 299 (1932) jeopardy viol.-ed if some evidence is used to prove another & id charged or over lay, each other, *Dixon*, (1993-US) (name)); & see Tr. Trans. pg.

21 lines 5-6, & pg. 4-7, & pg. 399 lines 19-25, & pg. 400-lines 1-9.

But see T. Barr - Sgt. Tr. Trans. pg. 238 lines 1-16, age 13-14 was 2nd degree... &

Argument 9);

The court committed reversible error by failing to dismiss Inds. for pre-Inds. delay, when these was falsely accused.

Argument 9 continued);

(Jan. 21, 14) & arrested, & wasn't indicted till (Aug 11, 2015) over 1 year, 6 mos. 20 days, later, to circumvent 180 days statute; trial must take place, denying Prose his right to Speedy Trial, see, T.R. Trans. pg. 257.);

See; McDonald, 456 U.S. 1 (1982) & (by Chief Justice, Finney orders Prose to article v. 34, (March 5, 99)? all cases have to be heard within 180 days.);

See, Jones, 94 F. 2d 900 (4th Cir. 1976) Right to Speedy trial & prompt & due process without delay.); which gives accusers time to plot & watch each other. see T.R. Trans. pgs 10 lines 12-25 to 21 lines 1-15, & pg. 95 lines 8-25, & pg. 96 lines 1-6, & pg. 99 lines 20-25, & pg. 100 lines 1-6, & pg. 105 & pgs. 126-129, & pg. 150 - (Amanda sat on porch), & see All pgs. 76, to 230 - accusers, & (pg. 223 lines 1-25 - T. Barr - Sergeant - Jan. 21, 2014) said: abuse reported after Big argument, then Barbara gets revenge. &

Argument 10);

The court committed reversible error by not holding a Resair hearing, & stop trial until Prose's mental testing was ordered done, by his sayings at trial; court could see and hear he was under stress & not thinking clearly nor

Argument 10 continued);

following Counsel Shealy's advice; see Tr. Trans. pg. 183-190, Prose unknowingly consented to Abbey & Eddie & he did not judge for one, Tr. Trans. pg. 191, lines 1-12 (Well I mean [to me]); Prose wants tested & judge used Prose's unknowing consent to allow Abbey & Eddie's charges in pgs. 191-221, including Old Chief holdings; &

See; Blair, 275 S.E. 2d 529, 273 (S.C. 1987) S.C. Code 14-23-410 (1976), by Cropey, 517 U.S. 348 (1996) holdings);; one test to see if Prose is mentally unstable, & one to see if he understands his charges & can help his lawyer & follow his advice & understand Court proceedings; see Tr. Trans. pgs. 48, lines 1-25 & pg. 138, lines 24-25 & pg. 139, lines 1-13 (I was just scratching my neck, Sir, Court, I don't believe you. "I'm telling you, don't push me"), & pgs. 328 to 329, & pg. 331, & pg. 335 & 341, lines 1-16, & pg. 345, lines 18-25, & pg. 346, lines 1-2, & pgs. 403 to 405 lines 1-7, & pgs. 425 - lines 9-15 & pgs. 435, lines 16-25, to 438, & his charges required a Blair testing mandatory! &

Argument 11);

The Court committed reversible error for allowing Sol. Mayes, to tell Jurors, in her closing arguments, that Prose admitted he did

Argument 11 Continued);

said charges, & it did violate Crawford v. Washington, & also his 5th Amend. rights to remain silent, under Miranda by Smart, 299 S.E. 2d 686 (S.C. 1983), by Riker, 503 U.S. 428, CLR. 477 (2002) & also Ward, 184 3d 1322, 1328-29 (11th Cir. 1999) was reversible error; (Sol. Mayer lies-perjury to jury's belief);

see; Tr. Trans. pgs. 337 to 388, & (Parts) to prove Sol. Mayer did turn witness for herself & cases, & found facts for jury's & vouched all her non-witnesses testimony's; & most certainly shifted burden to Prose to prove himself innocence which he could no longer do & (Court allowed such conduct, but see argument No. #18 Why); & Tr. Trans. pgs. 307, lines 10-25 & pg. 378 lines 13-25 & pg. 379, lines 6-25 (Does that sound like the words of an innocent man? of course not) & (Oh, he doesn't like the plea offer. He didn't like the plea offer. And now, all of a sudden, his own words where he acknowledges his guilt - pg. 380, lines 1-14 (Mr. Sheedy-Objection, your honor, may we approach? Court, yes. (side bar conference)... Mayer, (the Defs. own words. The plea offer was stupid. So where are we? All of a sudden his acknowledgement of guilt & it's not going to trial.); & Then pg. 381, lines 14-24 (Abby's charges are not before you, because she's in Kershaw & Richland counties) Sol Mayer lied to jury, when that's her whole case; & then pg. 385, lines

Argument 11 (continued);

17-19 (And the testimony of Barbara & Amanda these crimes
is undeniable). & then pg. 387 lines 20-25 (and, as I stated
before, their testimony, their credibility is paramount);
& pg. 388, lines 1-16 (you knew he is a convicted felon, & has no
credibility & what was true is his own letter); but those sta-
ted! on pg. 338, lines 2-11 (Prose, I've never touched them period,
not that way) by Shealy questionings, which disprove
Mayer perjury to Jury's & never once corrected it., see the
holdings in Smart, supra, requires judges. to be vac-
ated & bar retrials by above laws & jeopardy 5th Amend.
by Crawford, violations to: &

Argument 12);

The court committed reversible error by allowing Ad.
Mayer, to vouch for state witnesses during trial & in closing
arguments, & turn witness herself to vouch her own cases;
see; Tr. Trans. pgs. 377 to 338, & see arguments No^{ts} 1, 2, 3, 4, 5,
6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, to support the whole frame,
you Prose. trial was built upon vouching, perjury's, & "more
believe" non-evidence & non-so-called advocacy, non-ex-
perts testimony's, which (only one was said to be qualified)
H. Smith-Child Advocacy & Shealy objects to her use, Tr. Trans.

Argument 12 continued);

pgs. 279 to 308 -

See; *Smart*, 299 S.E. 2d 686 (S.C. 1993) (We vacated by Sols. personal opinion injected into jury's deliberations);

See; *Strange*, 417 S.E. 2d 608 (S.C. App 1992) (state shifts burden to Prose, to prove his innocence, We reverse);

See; *Green*, 564 S.E. 2d 83 (S.C. 2003) (relief will only be granted for Constal. violations that backs the universal sense of Justice); ¶

By law Prose is to be released & dismiss all Inds. charges with prejudice against the state in all three Counties & bar to any attempts to retry or bring more charges, from contaminated sources. ¶

And Mayer through off on Prose's 10 months in war during Vietnam as a Naval crewman on the destroyer, the U.S.S. Bainbridge DLGN-25, just off the coast of N. Vietnam during the years of 72' & 73'; see; *Th. Trans.* pg. 344 lines 15-25 & pg. 378, lines 13-21, she doesn't file Prose getting Vet-handicap monies nor services, Prose Navy, member on ship; bombers go often by air off aircraft carriers which are protected by destroyers and other naval ships, protecting such as Mayer & others... ¶

Argument 13);

Argument 13 continued);

The court committed reversible error by sentencing Prose to a life & death sentences, when charges & statutes did not allow it, by his age, 61 yrs old & tried on his birthday, that proved bias by Sol. Mayes,

Under the sentencing table of So. Car. in SCDC - one is only expected to live 10 yrs. by poor, foods, med. care, or being killed by guards or FMs & Court allowed Sol. Mayes & Prose to control courts Judgt. on sentencing, see Tr. Trans. pgs. 48 & pg. 425, lines 9-15 & pg. 435, lines 16-25 to 438, (Prose, I want life & said fuck you?, toward (some one?, pg. 437);

See; Swaringen, 273 S.E. 2d 339 (S.C. 1980) (we vacate excessive sentence);

And these acts by Prose call for the Blair testings, see argument No#10 above; to support sentences are unconstitutional, successive, gave because of Jennifer's letter-post got in by back-door, by Barbara, see argument No#18 below to support & was double hearsay & violated Crawford, holding, it's barred from being used)... &

Argument 14);

The court committed reversible error by allowing Sol.

Argument 14 continued);

Mays, to argue on Prose's (non-beliefs) of hatred & bigotry & anti-government, preached but not practiced by him, which he wasn't indicted for; see Trial Trans. pgs. 335 to 339, by asking improper Q's to invoke jury's passions & hatreds; (you are anti-government, on the Domestic Terrorist watch list, Ken Klee Klan, The Christian Sheriff's Posse Comitatus, Oregon Nations & took position as International Dir., (on Jerry Springer, (grandstanding) I was advertising) for monies, & paid to come back a week later, got to make it sound good for ratings), and you young forces with Al-Queda correct? Prose, only to the intent we have a common enemy, now I've since reminded that because the -- it just wouldnt work, I mean it's not the way for our folks & I used the media just like they used me);; & then by replying Prose's & Barbara's testimony, see argument No #2 above, vouch Mays improper Q's, to invoke jury's passions to deprive Prose of his constal. rights to fair hearing on charges, not his non-beliefs, by Mays entered into conspiracies with state witnesses to frame him, & see; Bray, 113 S. Ct. 253 (1993) in conspiracy to deprive any one of their constal. rights by the 13th Amend., Hunt, 383 U.S. 745 (1966), also, Floyd, 1990) we vacate when jury's passion invoked); &

Argument 15);

The court committed reversible error by allowing Sol. Hayes, to make like Amanda & Abby, were little children testifying!; by use of male & female anatomy's drawings); acting like they can't name body parts; & wasn't this reaching & manipulatory the jury to get false convictions by calling on (jury passion); see Tr. Trans. pp. 5 lines 14-15 & 18-19 - Exhibits, & pgs. 145, 167 & 172 & 173, to prejudice those. See; Floyd, 907 F. 2d 347-354-55 (C. 1990) (feeling jury passion, we vacate); & Viol.-ed, Crawford, holdings, gave statements to be used at trial & Sol. Hayes knew they viol.-ed Old Chief, holdings, Sol. manipulating the laws & rules of Court. &

Argument 16);

The Court committed reversible error by "not allowing him a public trial" under the 6th Ammend., by Sol. Hayes request to judge, see Tr. Trans. pgs. 138, lines 24-25 & to 140. Sol. (unless they are family members, they don't need to be in the courtroom)

Court & Sol. Hayes, made Public leave the Court room & only left ones involved in framing those there, not a hole left in there for those, viol.-ing the 14th Ammend, under the 6th Ammend. due process & equal protection clause &

Argument 16 continued);

fair trial so wit-accusers had to face public. (not just here)!
see; Dolle, 204 F.3d 133 (4th Cir. 2000) under the 6th Amend.
by way of the 14th one, Defs. are entitled to a public trial);

Argument 17);

The court committed reversible error, by allowing (untrial)
Abby Kreis's pending charges for Richmond & Kershaw Counties,
& Amanda's, by they were used to vouch Lexington Co.
false charges, & violated the 5th Amend. by using other
charges to prove other Inds. charges;

see; Old Chief, 117 S.Ct. 644 (1997) Jury hears other crimes will
prejudice Def. because they might convict them just
because you are a bad person & (you deserve punish. & once
heard Jury can't get it out of their minds.); see Tr. Trans.
pgs. 161 to 251 & then wit-Vouching - Tr. Trans. pgs. 230 to
251, & then the most damaging, prejudice Voucher 5. Dykes,
Tr. Trans. 251 to 272 with (a blind expert H.M. Smith -) Tr.
Trans. pgs. 279 to 309; should have never been allowed when
there's no evidence, & what she said in, in-camera was total
diff. than to jury, so she could get before jury & vouch
all wits. of state's, for a fee of course. #1

Argument 18);

The court committed reversible error allowing Jennifer Kreis's letter-prot to be read by Barbara Kreis, before sentencing to prejudice & make judge bias, see, Tr. Trans. pgs. 425, lines 16-25 to pg. 431 lines 1-5 & pg. 437, lines 20-25 & pg. 438, lines 1-15 - Court (Young lady, that's quite a statement, & I'd like to have a copy);

see; Chapman, 386 U.S. 18, 22 (1967) (Impartial Judge not subject to harmless error, review); & she never wrote it, [Jennifer Kreis-did] & Barbara Kreis, said that they read & added a little at the end, Tr. Trans. pg. 425 lines 15-25 & pg. lines 1-15 (was voucher own self & double hearsay for uncharged crimes!!!)

Argument 19);

The court committed reversible error by not consolidating all Richland & Kanshaw charges into Lexington charges, once Sal. Mayer, sought to use those untied untried pending ones to voucher cases, & by failing to dismiss all but one charge (per-3-Kreis(w)) once consolidated; see Tr. Trans. pgs. 140 to 221, & 245 to 272, & 279 to 308, & 425, lines 16-25 to 439; & Crawford, holdings, based these being used, & Old Chief, also, (which prejudiced-convicted Prose)!

Argument 19 continued);

See; Jones, 479 S.E. 2d 517 (S.C. App. 1996) charges-a-Rin, same-persons, facts, dates are continuing acts, are to be consolidated & tried as one felony, so there will not be overlapping evidence nor successive sentencing); & viol.-ed Old Chief, supra, jury seeks to punish for bad acts not charged); Court should order all consolidated & dismiss all to cure Prose's Constal. violations & to restore his liberty

Argument 20);

The Court committed reversible error, by not dismissing all Inds., because same dates, acts, mens-vidence used, same 9 persons, & State DSS, & Dikerson Advocacy's & Sheriff's & SLED agents, & schem, & Counties S.C., & Prose, all related & used to prove all Inds.; see Tr. Trans. pgs. 1-439, proof, viol.-ing Prose's rights not to use same same evidence to prove each Ind.

See; Blockburger, 284 299 (1932) Ind. or evidence that over lapse must be dismissed by jeopardy bars it's use); &

See; Tr. Trans. pgs. 1-439 as proof & Sol. Mayes, improper vouched closing; arguments above numbers 2, 3, 11, 12, 14, 17, to support reliefs sought released in speedy proceedings.

See Simpson, 471 S.E. 2d 455 (S.C. 1993) Prose may seek emergency

Argument 20 continued);

immediate release when held wrongly); &

Argument 21);

The court committed reversible error, not forcing Sol. Mays & SLED & Dickerson Advocacy & Lexington, Richland, & Kershaw Sols., & Governors, & Judges, Atty. Generals, & others, to turn over, "Impeachment crimes," to use "to impeach state officials witnesses," for lying in all So. Car. & nation wide courts, to frame Prose's, to use to disprove their credibility's (& they used fraud & perjury & falsified evidence to get false convictions) & (had no credibility); which Prose could have impeached all witnesses & sought dismissal of all charges; (by they with-hold from Prose & Grand & trial juries to, & [this is a newly discovery evidence (Oct. 27, 16)] by S.C. Code 17-27-45(C) (Supp. 2000) allowed it to be raised, (OF theirs) &

(Mays & Vouchers Dirty little secrets &)

(History changing when News Media's Know)!

Prose notes he could have impeached, by his Counsel & healy, (SLED & Mays & all state writs. above, by major. issues that voids any charges on Prose, by corrupt SLED & EX-SLED agents handling Prose's invests. & his family mem-

Argument 21 (continued);

bers - accusers, when they admitted to framing all persons, by falsifying reports, tests, & gave false-perjury testimony at all trials in So. Car. & nationwide courts, & R. Steward - Ex Dir. SLED did so admitted at Fargo, N. Dakota, Fed. Ct. he fired Ex 45 - ? Marshall female "Quit because she wasn't a team player to frame persons & for refusing to lie in Courts & make up false reports)" & she gave a 298 pg. affid. in sex discrimination lawsuit on SLED refusing to hire females, that detailed out how SLED agents falsified evidence & testimonys, reason U.S. Attys, R. T. Lloyd, & W. H. Niles & E. H. Holder, had it moved to Fargo, so no So. Car. FMs wouldn't see it in newspapers or T.V. news & it's in law books & internet!

And covered up "Tom Clark F.M." broke into SLED & "opened" all evidence bags & boxes & pilled - mixed it all together, & took all monies, & SLED in over 500,000 cases lied to Judges, lawyers, Jals., & Jurys (we don't know how the SLED evidence got in new bags & boxes & new seals, but that's the evidence for this case), lying!, & still to this day!!

And went to banks & got more monies & copied it & put that up as monies "Tom" took, & said, that's the monies for this case, we used the money to buy things or put it in the State treasury, lying! again.

And drug expert at SLED arrested for stealing & using

Argument 21 continued);

drugs, & then while (high flying) made out false tests at home & lied to all courts, & Soli., lawyers, & Seps., I had to burn all the drugs, smelly bad, & used all up testing the drugs, & I have none to give you to do tests on, & then went Nation & So. Car. wide, lying to all courts; to get false-illegal convictions, & J. H. Tool & Atty. Gen., & Governors & Judges & U.S. Attys R. I. Lloyd & W. N. Nettles, with others, ordered above & below covered up; H.

And that SCDC-turned Killer & killed 2-Death Row ^Fms per. month, in 2008, 2009, & 2010, because of "Tom Clark's" destroyed & contaminated all evidence, & state-SCDC, - no longer had evidence to put them to death, nor to hold them, & killed them to ensure they could not seek release;; & sold their bodies for \$ one million each;; see: McLaughlin, 575 S.E. 2d 841 (S.C. 2003) SLED-drug expert arrested on drug charges & Judge allowed him to testify as expert on drugs & murder cases & refuse to allow jury to hear he had been, & J. H. Tool said, it was OK);; & went Nation-wide getting Prose's life & other false convictions, by use of So. Car. illegal ones; & his perjury's;; which has been concealed from public & ^Fms. & Civil Rights lawyers & Death Row Advocacy groups, citizens against it, & lawyers & Judges & Soli.; See Tr. Trans. pages 1-439 where SLED agent W. Caldwell & G. Dykes, most certainly told-Barbara,

Argument 21 Continued);

Amanda, Abby & Eddie Kreis, how to testify & Dickerson Advocacy Center, all joined to ensure false convictions, with others kept secret, & entered into conspiracy?

Which had Prose known about secrets-crimes it would have barred any trials forever & now gives Prose a right to seek released & dismissal of charges, with prejudice against framers - State all Counties.

see; South, 427 S.E. 2d 666 (S.C. 1993) Once newly discovered Evidence, Prose has one year to raise it & seek dismissal of charges);

see; Brady, 373 U.S. 83 (1963) Gov. has to turn over Impeachment Evidence);

see; Bryant, 415 S.E. 2d 806, 808 (S.C. 1992) moving state has to disclose evidence in its possession or knowledge favorable to Prose, & material to guilt, or innocent, or to impeach witnesses (under Brady));

Argument 22);

Prose states double jeopardy: base the use of Prose's wife's letter sent her by Prose (3-6, 14); & Richland & Kershaw charges & Jennifer's letter-post, & Eddie Kreis's & Barbara & Abby & Amanda Kreis's & all state witnesses testimony's & another

Argument 22 continued);

trial or trials in So. Car., by already used at Lexington
(Nov. 2-5, 15) trial to prove same charges by McMullin, 469
S.E. 2d 600 (S.C. 1996) also Burke, (1978) bars them?

Argument 23);

The court committed reversible error by order jury they had
to be unanimous; by judge, should have said (one or two of
you, are ten or eleven, could find Ref. or Mr. Kreis, guilty, &
thereby we would have a hung jury, so Court gave a unconstal.
charge & force a wrongful conviction, Prose asks for Court to
clarify & correct these state-wide errors, & issue a ruling
to be used by others & Prose; by there's is none yet, to cure
Constal. harms, & stop judges from forcing jury's to convict
by being coerced, by court misleadings charge to them
& it's time to stop it, Strange, 417 S.E.2d 609 (S.C. App. 1992) Burden shifted,

Argument 24);

Prose seeks for Court of Appeals to give ruling on trial
Atty. Shealy, Ineff. assist. on Prose's behalf, by above facts
under Strickland standard, Tr. Trans. pg. 309 - lines 1-16;

Argument 24 continued);

failure to seek proper Motion for directed verdicts for Court to rule correctly, because Judge gave ruling on none-Motion, Tr. Trans. pg. 309, lines 6-13; Court, so I respectfully deny the motion. What Motion? None filed! see; Strickland, 466 U.S. 668 (1984) trial atty. fail below a reason. standard & was Ineff. by failing to defend Prose's case properly by 6th Amend.)

See; All above arguments to support Ineff. trial counsel & Tr. Trans., pgs. 1 to 439.

Argument 25);

Prose notes Lexington Co. convictions are void, by use of Kershaw false charges - Ind. 14-05-28-0215 & Wal. # A2810100113 2nd & 3d degree charges were dismissed Dec. 2, 15 by Sol. Dan Johnson & see proof below 176A pages, gotten from Subose & Robinson, PC - Kershaw Co. lawyers (Nov. 17, 16) sent (Nov. 11, 16) & held 7 days; Convictions can't stand by use of these to frame Prose, see above Arguments 1 to 24; as proof appeal reliefs should & must be granted, & order Prose released & bar to retrial by jeopardy against state with prejudice. see; Jackson, 443 U.S. 307 (1979) insufficient evidence to support convictions).

clerk

State of South Carolina In The Court of Appeals

August B. Kreis, III) C/A No.

ProSe Petitioner 504/ADA)

vs.)

Appellant of Services

The State)

Certificate of Services

1. ProSe certifies he served A.M. Wilson - A. Gen. at Rembert Dennis Bldg. 1000 Assembly St, Rm. 519 Colo. S.C. 29201, one copy of 32 page ProSe's Memorandum Brief, from address below & sworn to under penalty of perjury as true & correct by Ms Merchant, Mail Dir. by inter-agency or regular U.S. Mail.

Respectfully Submitted,

Dated Nov 19, 2016,

x August B. Kreis, III, #365998

Perry Cos. Smet. ALU-193 430 Oaklawn Rd. Polmer S.C. 29669

Sworn to before me this date)

ProSe 504/ADA

on x)

x) x

Notary Public for South Carolina)

A-K Top Gun Navy-Vet.

x)

Double Amputee.

My Commission Expires)

clerk

26.

"Conclusion":

By the above arguments, Court should reverse Prose's convictions, & vacate & dismiss all charges & Indictments with prejudice, against state, & bar any attempts to re-charge or retrial, & hopefully clarify Questions of laws that need answering, & Prose prays Court will do speedily to restore Prose's Liberty-Freedom denied him with unjustified acts.

Respectfully Submitted,

Dated, Nov. 19, 2019,

x. August B. Kreis, III

August B. Kreis, III, #365998

Prose 504/ADA - A-K Vet Top Gun Navy

Perry Corr. Inst. A44-193-A / 430 Oaklawn Rd. / Pelzer, SC 29669

Sworn to before me this date:

Prose 504/ADA

~~11-21-16~~

x Nancy C Merchant

x August B. Kreis III ✓

Notary Public for South Carolina

A-K Top Gun Navy - Vet

x 1-23-2022

double Amputee

My Commission Expires:

32 pages.

Dear Clerk J. A. Kitchings;

NOV 19, 2016

1. Please file my ProSe Memorandum Brief of 32 pages & please waive any page limitation & serve my atty. Rudel, so he can agree & support it for me, so all issues will be saved for any and all courts as exhausted, if I have to go higher up; which I pray I do not.

2. And can you or Rudel, send me a copy of these 32 pages, so I'll have a copy to use; if so please send it to me & that Rudel can serve Atty. Gen.

3. Thanks & God's blessings for the holidays;

Sincerely,

August B. Kreis, III, 365998

Air Top Gun Navy - Vet - 504/ADA

Double Amputee

Perry Cor. Inst. ALU-193-A 430 Oallons Rd Pelyer, SC 29669

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NOV 28 2016

Cover Letter

SC Court of Appeals

In the South Carolina Court of Appeals Columbia

August B. Kreis, III

Prose 504/ADA, Appellant

-13-

The State, et. al.

Respondant;

Appeal from Lexington County

Honorable Dyet A. Early, III, Circuit Court Judge

Appellant case no. 205-002340

Prose Memorandum Brief Supplemental to his Appeals

To support reliefs sought - Released
and

For an Emergency Speedy Appeal

(Exhibits - 1-6-A)

Defendants,	Prose
Alan Wilson) August B. Kreis, III, 365998
Atty. General for S.C.) 504/ADA-Vet. Double Amputee
P.O. Box 11549) Perry Cr. Inst. AUL-193-A
Cola, S.C. 29211 (or)) 430 Oaklawn Rd.
1000 Assembly St., Rm. 519) Pelzer, S.C. 29669
Cola, S.C. 29201) Pages 32 (Nov. , 2016)

Exhibits - A

Index A.	
Index, Exhibits;	I-A
DuBois - Robinson, - P.C., Atty. Nov. 2016, letter informing Prose Kershaw 2 charges are dismissed, received, 11-17-16;	I-A
General Sessions tracking sheet, war/ticket 2015-65-2800215, prog charges dismissed & attached to 50 yrs. Lexington sentence;	2-A
Indictment 2015-65-28-0215 for U.S. 15, Grand Jury for A-Kris - Julie charges;	3-A
Back side of Ind. 2015-65-28-0215 - True Bill;	4-A
General Sessions tracking sheet - Ind. # 00006528? knowing charge of (A-R-K) was dismissed, 12-2-15, & tied to 50 yrs. Lexington sentence;	5-A
War. # 2014-A-2810100113, for Prose of (A-R-K) fm above #5-A exhibit;	6-A.

I-A

DuBose-Robinson, PC

ATTORNEYS AT LAW
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Camden, South Carolina 29020
Telephone: 803-432-1992
Fax: 803-432-0784

got 1/11/16
at 11:30 AM
merchaut
aka Dr. Ave

J. Kennedy DuBose, Jr.
Jonathan M. Robinson
John K. DuBose, III
H. Thomas Morgan, Jr.
L. Shawn Sullivan

Columbia Office
2725 Devine St.
Columbia, SC 29205
Telephone: 803-254-5445

November 11, 2016

REPLY TO: Mailing Address
PO Drawer 39
Camden, SC 29021

Send

August B. Kreis, III #365998
Perry Correctional Institute
ALU-193A
430 Oaklawn Road
Pelzer, South Carolina 29669

RE: Freedom of Information Act Request – November 1, 2016

Dear Mr. Kreis:

Your South Carolina Freedom of Information Act (FOIA) request dated November 1, 2016, for "a copy of all my case files", has been forwarded to my office for a response.

Enclosed are the records from responsive to your request.

Very truly yours,

DuBOSE-ROBINSON, PC

J. Kennedy DuBose, Jr.
Kershaw County Attorney

JKDuB, Jr.:srd

Enclosures

1-A.

General Sessions Tracking Sheet
Indictment # 2015GS2800215

got 1/17/16
At 11:30 AM
Merchant
C/O D. C. Lee

Name: Kries, August Byron III
AKA:
Addr: 925 Old Oak Drive
Columbia, SC 29203

Warrant/Ticket #: 2015GS2800215
Date of Arrest: 04/08/2015
Date of Offense: 01/18/2014
Date Rev by Clerk: 04/08/2015
Magistrate: Clerk Of Court C P, G S, And Family Court

SSN# 152-50-5323
Sex: M Race: W
DOB: 11/02/1954
DL# SC/ 100765040

Counts: Code: 0396/Sex/ Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg
Indictment # 2015GS2800215

RECEIVED
NOV 28 2016
SC Court of Appeals

Disposition Information

- 1. Transmitted to SOL & SCCA:
- 2. Disp Received by Clerk:
- 3. Date of Disposition: 12/2/15

- Disposition 1. Guilty plea
- 2. Trial -- guilty
- 3. Trial -- not guilty
- 4. Dism/Not Pros/Pros Ended
- 5. Judicial Commitment
- 6. Judicial Dismissal
- 7. Remanded
- 8. Dismissed at Prelim
- 8. No Bill
- 9. Failure to Appear
- 10. Other

Explain: Defendant received 50
year sentence on another
charge.
Explain:
Explain:

Judge: _____
Defense Atty: _____
Counts: _____ Code: _____
Sentence: _____

Court Reporter: _____
Solictor: _____

got from
Ji Kennedy DuBose, Jr
Kershaw County Atty

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

INDICTMENT

RECEIVED

NOV 28 2016

SC Court of Appeals

At a Court of General Sessions, convened on April 8, 2015, the

Grand Jurors of Kershaw County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

That AUGUST BYRON KREIS, III did in Kershaw County, on or between NOVEMBER 1, 2013 AND JANUARY 18, 2014, willfully, unlawfully and feloniously engage in sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: ABBAGALE ROSE KREIS; all in violation of Section 16-03-655(B), S. C. Code of Laws, 1976, as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



DAN JOHNSON, SOLICITOR

3-A,

WITNESSES

(S) S Knafelc

- Kershaw County Sheriff

ARREST WARRANT NUMBER

DP00037

ACTION OF GRAND JURY

TRUE BILL

Barbara White
Foreperson of Grand Jury

Date:

APR 08 2015

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS280215

The State of South Carolina

County of

Kershaw

COURT OF GENERAL SESSIONS

APRIL TERM 2015

K98

THE STATE

vs.

August Byron Kreis, III

AKA

August Byron Kries, III

Indictment for
CRIMINAL SEXUAL CONDUCT WITH A
MINOR 2ND DEGREE

SC Code: 16-03-0655(B)(1)

CDR Code: 0396

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2015 APR - 8 PM 12:45
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

4-A

General Sessions Tracking Sheet
Indictment # 0000GS28

got 11/27/16
at 11:30 AM
Merchant
C/D. Ave

Name: Kries, August Byron III
AKA:
Addr: 925 Old Oak Drive
Columbia, SC 29203

Warrant/Ticket #: 2014A2810100113
Date of Arrest: 03/27/2014
Date of Offense: 11/01/2013
Date Rcv by Clerk: 04/01/2014
Magistrate: Clerk Of Court C P, G S. And Family Court
Counts: Code: 0162/Sex: / Criminal sexual conduct -
Third degree

SSN# 152-50-5323
Sex: M Race: W
DOB: 11/02/1954
DL# SC/ 100765040

Indictment # 0000GS28

Disposition Information

- 1. Transmitted to SOL & SCCA:
- 2. Disp Received by Clerk:
- 3. Date of Disposition: 12/2/15

- Disposition 1. Guilty plea
- 2. Trial -- guilty
- 3. Trial -- not guilty
- 4. Dism/Not Pros/Pros Ended
- 5. Judicial Commitment
- 6. Judicial Dismissal
- 7. Remanded
- 8. Dismissed at Prelim
- 8. No Bill
- 9. Failure to Appear
- 10. Other

Explain: Defendant received 50
year sentence on another
charge.
Explain:
Explain:
Explain:

Judge: _____
Defense Atty: _____
Counts: _____ Code: _____
Sentence: _____

Court Reporter: _____
Solicitor: _____

Got From
(Fr Kennedy DuBose, Jr.)
Kershaw Co. Atty

5-A

ARREST WARRANT

2014A2810100113

STATE OF SOUTH CAROLINA

County/ Municipality of

Kershaw

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

County/ Municipality of

Kershaw

FILED FOR RECORD
2014 APR - 1 PM 2:22
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

Personally appeared before me the affiant, S Knafelc

being duly sworn deposes and says that defendant August Byron Kries, III

did within this county and state on or about 11/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of

Kershaw

in the following particulars:
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

THE STATE
against
August Byron Kries, III

Address: 925 Old Oak Drive

Phone: _____
Sex: M Race: W Height: 6 1 Weight: 275
DL State: SC DL #: 1907-5040
DOB: ~~11-11-1972~~ Agency ORI #: SC0280000

Prosecuting Agency: Kershaw County Sheriff

Prosecuting Officer: S Knafelc - 7099

Offense: Sex / Criminal sexual conduct - Third degree

Offense Code: 0162

Code/Ordinance Sec: 16-03-0654

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

Richland

The accused is to be arrested and brought before me to be dealt with according to the law.

V.R. Sharma (L.S.)
Signature of Judge

Date: 3/28/14

RETURN

A copy of this arrest warrant was delivered to defendant August Byron Kries III on 3-27-14

C. Beck #17
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
1121 Broad Street
Camden, SC 29020

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Signature of Affiant:

S. Knafelc

STATE OF SOUTH CAROLINA

County/ Municipality of

Kershaw

Affiant's Address 821 Ridgeway Rd.

Lugoff, SC 29078-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/1/2013

defendant August Byron Kries, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Kershaw

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/18/2014

William D. Corbett (L.S.)
Signature of Issuing Judge

William D. Corbett

Judge Code: 7029 7278

Judge's Address Post Office Box 1528

Camden, SC 29021-

Judge's Telephone (803)425-1500

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

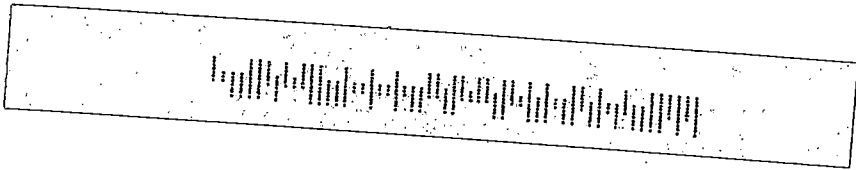
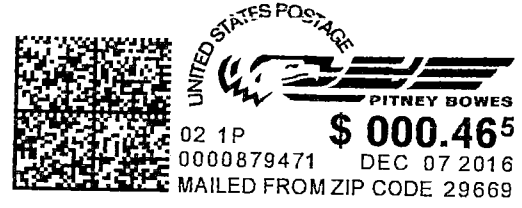
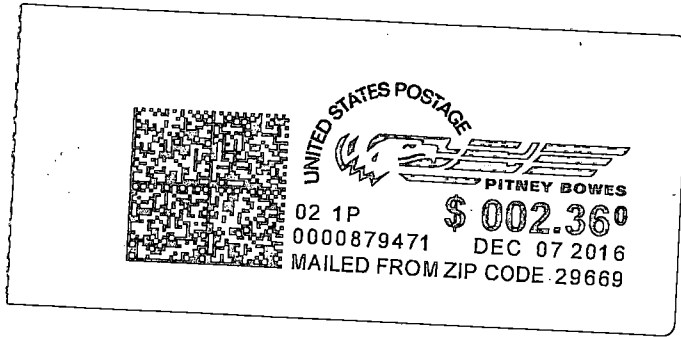
ORIGINAL

ORIGINAL

August B. Kries, III

6-A

August B. Kreis, III #365998
Perry Cor. Smet. ALL-193a
130 Oaklawn Road
Pelzer, So. Car. 29669



J. A. Kitchings, Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia So. Car. 29211

RECEIVED
DEC 07 2016
CI Mailroom

RECEIVED
DEC 12 2016
SC Court of Appeals