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MAY 19 2017

The South Carolina Court of Appeals - Columbia SC Court of Appeals

August B. Kreis, III, 365998 ) / ANo: 2015-002340 - Appeals

Prose 504/ADA Double Amputee ) A Supplemental Amendment to Prose's

- VS -

) Prose Memorandum Brief of ( ) to support

The State - Alan M. Wilson; ) (Nov. 2-5, 15) Lexington illegal convictions are void

et al. Defendants; ) by use Kershaw or Richland false charges that's

) dismissed expunged.

1. Prose A-K seeks to Supplemental Amends his appeals with the Richland Cty. expungement order of Dan Johnson (3-31-17) & Judge G. R. Touy? (Judge code 2126) (4-7-2017) sent by Kershaw Cty. Jennifer Blair-Cood. (5-3-17) rec. (5-11-17); exhibit page 2 below;

2. Prose states there's no evidence to support (Nov. 2-5, 15) false convictions by use of Kershaw's or Richland charges were dismissed & now being expunged; & they can not stand, because these charges could never have been tried & Sala Mayes lied to jury & used Kershaw's charges as Richland's, as Prose proved already by his other Suppl.-Amends he send to court, & now seeks for court to grant his appeals & order reliefs & his release & void all Lexington Cty. charges & bar to any attempt to retry Prose & after court removes R. M. Sudek, & appoints Prose a street lawyer to do his Prose Memorandum Brief issues, if Ct. doesn't except his Brief & hear the appeals once Sudek is removed.

3. Prose prays court will act speedly & free innocent Prose.

Respectfully Submitted,

Dated: May 11, 2017,

August B. Kreis, III, # 365998

Perjury Conv. Inst. AU-193A/430 Oarlawn Road/Pelzer, South Carolina 29669

"Certificate of Services"

H. Prose certifies he served Docs. A.M. Wilson & Hunter - A-Gems, @ P.O. Box 1549, Cola, SC 29211; one copy of 3 pages Suppl. Amend to Appeals 2015-002340, of Richland Expungements of false charges, by Ms. Merchant-Mail Div. from above address & sworn to under penalty of perjury as true & correct on May 11, 2017.

May 11, 2017

Respectfully Submitted,  
August B. Kreis, III, #365998

Dear Clerk Kitchings &

A-Gems. Wilson & Hunter

May 11, 2017

Appeals 2015-002340

3<sup>rd</sup>.

1. Please file & acknowledge & place before the court & I am waiting for the Keeshaw-Cty. expungement orders to come back, I did send them at the same time, & then I'll send them also, Thanks & many blessings to all.

Respectfully Submitted,  
August B. Kreis, III, #365998

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS

ORDER FOR DESTRUCTION OF ARREST RECORDS  
RICHLAND COUNTY  
FILED

THE STATE OF SOUTH CAROLINA

Race W Sex M  
2017 APR 26 11:27:39 AM  
SSN 152505323  
SC02140759

MAY 19 2017  
Age 62

SC COURT OF APPEALS

v.

SID #  
JEANETTE W. McBRIDE

AUGUST BYRON KREIS III  
Defendant

C.C.P. & G.S. charges were disposed of in the court indicated below:

Magistrate  Municipal  General Sessions

AKA

IT APPEARS that the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed or sealed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/GS No. 2014A4010600172 Date of Arrest 2-19-2014 Place of Arrest RICHLAND County, S.C.  
Arrest Charge SEX/CRIMINAL SEXUAL CONDUCT WITH MINOR, OR ATTEMPT-VICTIM 11- TO 14 YEARS OF AGE INCLUSIVE 2<sup>ND</sup> DEGREE  
OBSCENE/DISSEMINATING OBSCENE MATERIAL TO A MINOR 12 YEARS OR YOUNGER

- §17-1-40. The charge was dismissed, *nolle prossed*, or the defendant was found not guilty on 12-3-2015.
- §22-5-910. The defendant was convicted of a first offense in magistrate, municipal or general sessions court for a crime carrying a penalty of not more than 30 days imprisonment or a fine of \$1,000, or both, on \_\_\_\_, that offense did not involve an offense involving the operation of a motor vehicle, and no additional criminal conviction as defined by §22-5-910 has taken place within three years from date of conviction or five years from the date of conviction for first offense criminal domestic violence (conduct occurring prior to June 4, 2015) or third degree domestic violence under §16-25-20. (*Summary court judge must attest to eligibility if disposed of in that court.*)
- §22-5-920. The defendant was convicted of a first offense as a youthful offender on \_\_\_\_, that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by §22-5-920 has taken place during a five-year period following completion of his sentence, including probation and parole as a youthful offender.
- §34-11-90(e). The defendant was convicted of a first offense misdemeanor under the fraudulent check law on \_\_\_\_ and no additional criminal conviction as defined by §34-11-90(e) has taken place in one year from date of conviction.
- §44-53-450(b). The defendant, who has not previously been convicted of any offense under Article 3, Chapter 53, Title 44 or any offense under any state or federal statute relating to marijuana, stimulant, depressant, or hallucinogenic drugs, successfully completed all terms of and received a conditional discharge of possession of a controlled substance under Section 44-53-370(c) and (d), or Section 44-53-375(A).
- §56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle on \_\_\_\_ and no additional criminal conviction has taken place for three years after completion of the sentence.

SLED verifies the offense listed above is eligible for expungement:  Yes  No SLED date 3-27-17

IT IS ORDERED that all records relating to such arrest and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except as follows:

- (1) arrest and booking record, associated bench warrants, mug shots and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); under §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order;
- (2) probation records retained by S.C. Department of Probation, Pardon, and Parole Services pursuant to §17-1-40 (B)(3) whose charges were dismissed by conditional discharge pursuant to §44-53-450;
- (3) nonpublic information retained by S.C. Law Enforcement Division (SLED) pursuant to §22-5-910, §22-5-920, 34-11-90(e), and §44-53-450; and
- (4) nonpublic information retained by SLED and S.C. Department of Public Safety/Department of Motor Vehicles pursuant to §56-5-750(F), as well as any nonpublic records retained by S.C. Commission on Prosecution Coordination as required by law.

Name of Defense Counsel (if represented) \_\_\_\_\_ S.C. Bar No.: \_\_\_\_\_

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
Jeanette W. McBride  
C.C.C.P. & G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA  
Page 1 of 3

3-3

To be completed by Summary Court Judge if charge disposed of in that court:

I ATTEST that the defendant is eligible for expungement pursuant to §22-5-910, §34-11-90(e), or §44-53-450(b).

I CERTIFY (check one):

The defendant was fingerprinted and the summary court has coordinated with SLED and confirmed the criminal charge is statutorily appropriate for expungement.

The defendant was not fingerprinted and the summary court has coordinated with the arresting law enforcement agency and confirmed that no fingerprints were taken from the defendant for this charge.

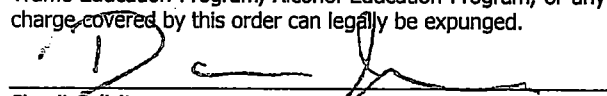
\_\_\_\_\_  
Summary Court Judge

Printed/Typed Name: \_\_\_\_\_ Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20

To be completed by Solicitor:

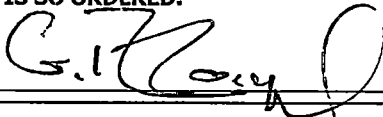
Solicitor:  Consents  Declines to Consent  Determined ineligible for expungement

The charge covered by this order was not dismissed or *nolle prossed* because of successful completion of the Pre-Trial Intervention Program, Traffic Education Program, Alcohol Education Program, or any other statutorily authorized diversion program operated by a solicitor's office. The charge covered by this order can legally be expunged.

  
\_\_\_\_\_  
Circuit Solicitor

Printed/Typed Name: Dan Johnson Signed this 31<sup>st</sup> day of March, 2017

IT IS SO ORDERED.



\_\_\_\_\_, Circuit Court Judge

2126 Judge Code

Signed this 7<sup>th</sup> day of April, 2017

For SLED internal use only: Expunged by SLED by: \_\_\_\_\_ Date: \_\_\_\_\_

August B. Krew, III, 365998  
Perry Corr. Inst. AU-193A  
430 Oaklawn Rd.  
Pelzer, South Carolina 29669

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MAY 15 2017

PCI Mailroom

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

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SC Court of Appeals

LEGAL MAIL