

Kitching

(17-CP-40-138)

THE SOUTH CAROLINA COURT OF APPEALS - COLUMBIA

August B. Kreis, III, 365998) % No. 17-CP-28-131 & 17-CP-40-1181 & Lexington Cty., & 3:17-344
 Prose 504 / ADA Double Amputee) TLW-PJG & 3:11-646 & 3:17-3731-JFA, et al forged by
 -VS-) Both Drake & R. F. Daley);
 1. Dan Johnson - Evil State, of 5,000) A Suppl-Amended To Prose A-K's Appeals he filed (7-28-
 conspirators, & now 6,002, &) 17), by U.S. Mail 9114-9012-3080-3077-3571-83 & Inter-Ag-
 2. R.H. Audek - Evil-Atty) ency on (8-2-4, 17); a copy of Def. Manning (8-14-21-17) Sham
 3. L.C. Manning - Evil-Depts) Fraud-Satan-Evil Conspirator Orders to support his
 4. H.M. McFadden, Evil-Depts) Appeals of 16 pgs & S.C. Code 8-13-705 (A-F) except (E), &
 5. R.L. McMahon, Evil-Depts, et al.) 16-9-340-(2)(a) (2003), & 16-7-100 & 410 & 15-13-440 (6) & (7)
 Defendants:) Applies with 15-55- acts.

1) Prose A-K Supplemental-Amends his appeals of (7, 28, 17) of 16 pgs. he sent twice by U.S. Mail & Inter-Agency (8-2-4, 17), with Def. L.C. Manning - Evil-Conspiracy - whom still is racist, & violating Ethics & misprison of felony laws, Sham-Fraud bribed order of (8-14-21, 17) of 2 pgs. hereto attached, by Fed. Rule 15 (1) (3) & order violates Fraud-Conspiracy-Corruption laws & aiding felonies:
 See; Meek, 88 S.E. 2d 768 (S.C. 1955) Sham Fraud replies & orders has to be set aside);
 See; Dixon, 2003 WL 1216 290 (9th Cir. 2003) perpetrator of fraud not allowed to dispute it's effects of it after the fact);
 See; Wilson, 433 S.E. 2d 864 (S.C. 1993) (cf. Sheffer, 498 U.S. 468 (1990) Conspiracy is an going continue crime until it's stopped)); &

2) This Amend supports Prose's Appeals issues of lower courts corruption, & with depts W.H. Davidson, & Briggs, & R.H. Audek, & J. D. Lockmey, & L.C. Manning, & R.L. McMahon, & H. McFadden, & D.W. Beatty; conspirators of 5,000 plus; with A.H. Wilson & Hunter, A-Hons;

Dated, 9, 5, 2017, Respectfully Submitted,
 August B. Kreis, III, #365998
 "Certificate of Service"

3.) Prose A-K certifies he served Depts W.H. Davidson & Briggs & depts @ P.O. Box 8568 Colo, S.C. 29201 & Clerk Kitchings @ S.C. Ct of Appeals P.O. Box 11629 Colo, S.C. 29211, one copy of Suppl-Amend of 16 pgs of Def. L.C. Manning - Evil-Racists - Sham-Fraud-Final Order, on (9-6-17) by Ms. Merchant-Mail Dir, & sworn to under penalty of perjury as true by (18 USC 1621-1622-1623-1746 from Parry Corr. Inst. AUC-193A / 430 Oallawn Rd. / Polyer, S.C. 29669-9363

Dated, 9-5-17, **RECEIVED** Respectfully Submitted,
 August B. Kreis III, #365998
 (9-5-17 AK)

Kershaw

(17-CP-40-138)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF KERSHAW)
)
 August B. Kreis, III,)
)
 Plaintiff,)
)
 v.)
)
 Dan Johnson, David Ross, David)
 Johnson; et al,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 17-CP-28-131

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS

FILED FOR RECORD
 2017 AUG 21 PM 12:40
 JANET C. HASTY
 CLERK OF COURT
 KERSHAW COUNTY, S.C.

This matter came before the Court on July 24, 2017 pursuant to four Motions to Dismiss filed on behalf of Defendants Wilson, Gunter, Dudek, the South Carolina Commission of Indigent Defense, Mayes, Samellas, the 11th Circuit Solicitor's Office, and the Honorable William P. Keesley. At the hearing, these Defendants were represented by William H. Davidson, II, Esquire, and Brandon M. Briggs, Esquire of Davidson & Lindemann, P.A., and Plaintiff appeared *pro se*.

Having considered the oral arguments presented and the entirety of the record before this Court, including all filings made by all parties, the Court finds that Plaintiff's claims must be dismissed as a matter of law, as is set out in detail herein, and that the pending motion must be, and hereby is, **GRANTED**.

Plaintiff August B. Kreis, III, proceeding *pro se* and *in forma pauperis*, filed this action on, or about February 14, 2017. He subsequently filed numerous filings titled "Supplemental Amends to All Complaints." In his "Complaint", Plaintiff set forth unclear allegations that certain "rights" had been violated, that his name and picture had been published in the newspaper, and that the Defendants entered into a conspiracy to frame him.

Exhibits

ATTEST True, Correct & Certified
 Copy of Original on File in this
 Court
 Janet C. Hasty
 Clerk of Court Kershaw County

filing, Plaintiff attempted to include Judge Keesley as a Defendant, alleging that he was a conspirator in said conspiracy. Plaintiff alleged no other facts to support his claims. These Defendants have moved for dismissal of Plaintiff's claims based on failure to properly serve a summons and complaint, failure to state facts sufficient to show that Plaintiff is entitled to relief, improper filing of an Amended Complaint, absolute prosecutorial immunity, absolute judicial immunity, Plaintiff has other pending actions between some of the same parties in other jurisdictions, and Defendants are improper parties under the South Carolina Tort Claims Act.

DISCUSSION

Plaintiff has Failed to Properly File and Serve a Summons and Complaint

In their Motions to Dismiss, these Defendants argue that Plaintiff's claims must be dismissed because he failed to properly file and serve a Summons and Complaint upon any Defendants. This Court agrees.

"A court ordinarily obtains personal jurisdiction by the service of a summons." *Ex parte S.C. Dep't of Revenue*, 350 S.C. 404, 407, 566 S.E.2d 196, 198 (Ct. App. 2002) (citing *State v. Sanders*, 118 S.C. 498, 502, 110 S.E. 808, 810 (1920) ("The purpose of the summons is to acquire jurisdiction of the person of the defendant")); Rule 3(a), SCRPC ("A civil action is commenced by filing and service of a summons and complaint."). An action may be dismissed by the court upon failure to serve the summons and complaint. Rule 5 (d), SCRPC.

Under the South Carolina Rules of Civil Procedure, an action is not commenced until the summons and complaint are filed and served. Rule 3 (a)(1), SCRPC. In order to affect service, the summons and complaint must be served in accordance with Rule 4, SCRPC. When a person has served process upon a party, they shall make proof of service and promptly file such proof with the court. Rule 4(g), SCRPC. "If service is by mail, the person serving process shall show in

his proof of service the date and place of mailing, and attach a copy of the return receipt or returned envelope when received by him showing whether the mailing was accepted, refused, or otherwise returned.” *Id.*

In this case, the Plaintiff has failed to properly serve a summons and complaint upon any of the Defendants. Defendants Wilson and Gunter received an unfiled copy of a complaint captioned in Richland County through standard mail prior to the filing of this action. Defendants Dudek, Mayes, Samellas, and Keesley did not receive a summons and complaint at all, as they received documents titled “Notice to Hire Counsel.” Plaintiff has made no contention that any other Defendants in this case have been served. Additionally, to the extent Defendants are state officers, Plaintiff has also failed to serve the Attorney General by registered or certified mail. Plaintiff has not filed any proof of service, nor could he provide any proof of service at oral arguments.

Therefore, it appears clear that Plaintiff has not properly served any of the Defendants as required by the South Carolina Rules of Civil Procedure, and as a result, these Defendants’ Motions to Dismiss are hereby **GRANTED**, and this matter is **DISMISSED**.

Plaintiff has Failed to State Facts Sufficient to Show that He is Entitled to Relief

Defendants also argue that even if the Plaintiff had properly served any of the Defendants, his claims still fail because he has failed to state facts sufficient to constitute a cause of action against any of the Defendants. *See*, Rule 12(b)(6), SCRPC.

Initially, Plaintiff has wholly failed to allege any claims against most of his named Defendants in the body of his Complaint, specifically Defendants Wilson, Gunter and Dudek¹.

¹ Defendants Wilson and Gunter were not mentioned at all in the body of Plaintiff’s Complaint. Defendant Dudek was mentioned briefly, but only in the context that he “handled the [Plaintiff’s] appeals.”

Because Plaintiff has wholly failed to allege any claims against Defendants Wilson, Gunter and Dudek, his claims against them are **DISMISSED**.

Plaintiff has similarly failed to allege sufficient facts as to constitute a cognizable claim against Defendants Samellas and Mayes. As best as Plaintiff's Complaint can be understood, his claims include collateral attacks on his November, 2015 conviction for criminal sexual conduct; false arrest allegations for charges brought in Richland county; allegations of alienating his family by publishing his conviction in the newspapers; and allegations of a broad, undefined conspiracy. Plaintiff has not specifically named Defendants Samellas or Mayes in any of the above allegations except for the contention that they "enter[ed] into conspiracies" in order to convict the Plaintiff on his criminal sexual conduct charges in Lexington County². Plaintiff's broad accusations of a conspiracy against him fail to reach the pleading requirements set by the Rules of Civil Procedure, and as such, his claims are hereby **DISMISSED**.

Finally, Plaintiff appears to have attempted to amend his Complaint to include Defendant Keesley in his suit. In his "Supplemental Amend" filed on April 13, 2017, Plaintiff alleged that Defendant Keesley "had suits undocketed and no numbers given illegally to cover up for felony acts of [Defendants]." In support, Plaintiff attached an Order issued by Defendant Keesley and filed in Lexington County that denied Plaintiff's request to file this same lawsuit in Lexington County because Plaintiff did not submit his Complaint in the proper form. Plaintiff does not plead any other facts to support his attempted claim against Defendant Keesley. Once again, Plaintiff makes broad accusations of conspiracy against him, which fails to reach the pleading requirements set by the Rules of Civil Procedure, and as such, his claims are **DISMISSED**.

² To the extent that Plaintiff has attempted to allege a civil conspiracy claim against any Defendants, his claim fails because he has not plead any specific acts made in furtherance of a conspiracy, or special damages. *See, Hackworth v. Greywood at Hammett, LLC*, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (Ct. App. 2009).

Plaintiff Did Not Properly File his Amended Complaint

Even if Plaintiff had alleged facts sufficient to constitute a claim against Defendant Keesley, his attempted amended complaint was improperly filed, and is **DISMISSED**. Under Rule 15, SCRPC, “[a] party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served ... [o]therwise, a party may amend his pleading only by leave of the court or by written consent of the adverse party.”

Plaintiff’s “Supplemental Amend” filed on April 13, 2017 appears to be the fourth out of eight attempted amended complaints filed by the Plaintiff. The filing in question would not be Plaintiff’s first attempted amendment, nor was it filed with leave of the court or by written consent of the adverse parties. Because Plaintiff did not properly file the purported Amended Complaint that attempts to include Defendant Keesley in this suit, the filing is **DISMISSED**, and Defendant Keesley is removed from this action.

Defendants Wilson, Gunter, Samellas, and Mayes are Entitled to Absolute Prosecutorial Immunity

Even if Plaintiff had alleged facts sufficient to state a claim against Defendants Wilson, Gunter, Samellas and Mayes, his claims would fail because these Defendants are entitled to absolute prosecutorial immunity. Plaintiff filed this action seeking to recover against these Defendants, prosecutors in this State. However, these Defendants, as prosecutors in this State, are entitled to absolute prosecutorial immunity from suit pursuant to the common law doctrine and the immunity provisions of the South Carolina Tort Claims Act.

We hold a prosecutor in the employ of this state is immune from personal liability under . . . the South Carolina Tort Claims Act for actions relating to the prosecution of an individual as a criminal defendant-regardless of the prosecutor’s motivation- *provided the actions complained of were committed while the prosecutor was acting as an advocate . . .*

Williams v. Condon, 347 S.C. 227, 250, 553 S.E.2d 496, 509 (Ct. App. 2001) (emphasis added).

Further, the Act includes an exception to the waiver of immunity for “legislative, judicial, or quasi-judicial action or inaction; and administrative action or inaction of a legislative, judicial, or quasi-judicial nature.” *See* S.C. Code Ann. § § 15-78-60(1) and (2). *See also, Williams*, supra, (finding that the duties of the prosecutor fall squarely within the exceptions enumerated by this provision. Additionally, the immunity provided by the South Carolina Tort Claims Act for the “institution or prosecution of any judicial or administrative proceeding” provides an equally applicable ground for immunity, in favor of the Defendants. S.C. Code Ann. § 15-78-60(23).

In this case, the underlying issues that appear to be contained in Plaintiff’s Complaint are regarding Plaintiff’s jury trial, conviction, and sentence. To the extent any of Defendants Wilson, Gunter, Samellas, and Mayes are included in the Complaint, the claims relate to their conduct in bringing about criminal proceedings, and subsequently the defense of Plaintiff’s appeal³. At all times relevant to Plaintiff’s claims, these Defendants were acting as advocates for the state. Therefore, because these Defendants were acting as advocates of the state during the prosecution of the Plaintiff, and in defense of his corresponding appeal, the Defendants are entitled to absolute prosecutorial immunity, and the Plaintiff’s claims against them are **DISMISSED**.

Defendant Keesley is Entitled to Absolute Judicial Immunity

Even if Plaintiff had properly filed his attempted amended complaint and had alleged facts sufficient to state a claim against Defendant Keesley, his claims would fail because Defendant Keesley, a judge in this state, is entitled to absolute judicial immunity.

³ At best, Plaintiff has brought a premature action for Post Conviction Relief, which should be dismissed because he has failed to follow the specific guidelines and requirements to file an application under the Post Conviction Procedure Act. *See*, S.C. Code Ann. § 17-27-10 *et seq.*

“Judicial immunity is one of the basic common law tenets upon which the modern system of justice was built.” *O’Laughlin v. Windham*, 330 S.C. 379, 384, 498 S.E.2d 689, 692 (Ct. App. 1998). The absolute immunity afforded by common law judicial immunity is vital for the continuation of an independent judiciary and for the preservation of judicial integrity. See *McEachern v. Black*, 329 S.C. 642, 496 S.E.2d 659 (1998); see also, *Stump v. Sparkman*, 435 U.S. 349, 98 S.Ct. 1099 (1978). Judicial immunity is an absolute bar against litigation with few exceptions. *O’Laughlin* at 385. Further, the Tort Claims Act includes the same exception to the waiver of immunity to judges as it does for prosecutors: “legislative, judicial, or quasi-judicial action or inaction; and administrative action or inaction of a legislative, judicial, or quasi-judicial nature.” See S.C. Code Ann. § § 15-78-60(1) and (2).

The underlying issues that appear to be contained in Plaintiff’s Amended Complaint are regarding his failed attempt to file a lawsuit in Lexington County, and Defendant Keesley’s order denying Plaintiff’s request to file without payment of the filing fee. To the extent Defendant Keesley is included in the Amended Complaint, the claims relate only to the previously mentioned order. At all times relevant to Plaintiff’s claims, Defendant Keesley was acting in his judicial capacity, and performing a judicial act. Therefore, because Defendant Keesley was acting in such a capacity, he is entitled to absolute judicial immunity, and to the extent Plaintiff has attempted to include him as a defendant, and the Plaintiff’s claims must be, and hereby are **DISMISSED**.

Defendants Gunter, Dudek, Samellas, Mayes, and Keesley are Improper Parties to Plaintiff’s Action

Even if Plaintiff had stated claims against them, Defendants Gunter, Dudek, Samellas, Mayes, and Keesley are improper parties to this matter pursuant to the provisions of the South Carolina Tort Claims Act, specifically S.C. Code Ann. § 15-78-70 (c). The Act states

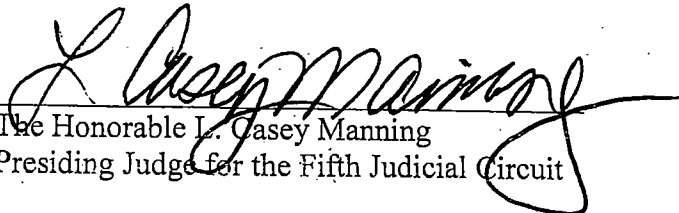
that when a person brings an action against a governmental entity, the person "shall name as a party defendant only the agency . . . for which the employee was acting." S.C. Code Ann. § 15-78-70 (c). "In the event that the employee is individually named, the agency ... for which the employee was acting must be substituted as the party defendant." *Id.* Defendant Gunter is an employee of the South Carolina Attorney General's Office; Defendant Dudek is an employee of the South Carolina Commission on Indigent Defense, Defendants Samellas and Mayes are employees of the 11th Circuit Solicitor's Office, and Defendant Keesley is employed through the South Carolina Court Administration. Because the Plaintiff in this case named individual employees of state agencies, the individually named Defendants are **DISMISSED**.

CONCLUSION

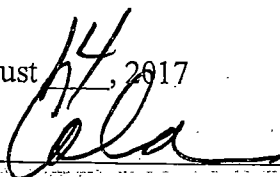
Therefore, for the reasons set forth herein, the Court finds that Plaintiff's action against the Defendants must be, and hereby is, **DISMISSED**.

Plaintiff cannot successfully maintain in this court any cause of action based on any of his allegations in this case, and therefore the Court finds that these Defendants' motions must be, and hereby are, **GRANTED**, and this matter is hereby **DISMISSED**.

AND IT IS SO ORDERED.


The Honorable L. Casey Manning
Presiding Judge for the Fifth Judicial Circuit

August 14, 2017

 South Carolina

(Recused)

South Carolina County of Richland, et al., (17-CP-28-13)

August B. Kreis, III, 365998) 1/A No 17-CP-40-1181 + 17-CP-28-131 + Lexington + 3:17-344-
Pro Se 504/ADA, Double Amputee) TLW # 3:11-646 + 3:17-JFA, et al. Motion-Mandamus
- V.S. -) A. Suppl-Amended to all cases + to Oral Arguments
Dan Johnson, et al of 5,000) put up in writing 02(6-8-17 + 7-24-17) hearings before
Conspirators, et al.) depts. Judges Manning + McFaddin, for below Judges
Defendants:) to recuse themselves by conflicts exist, by they
) have covered up ProSe's + J-Rocks issues - Felonies for
) Deps, + for R.K. McMahon to recuse off 9-21-17 hear-
) ing + transfer to A.R. Lee or J.E. Howard or Miller.

1.) ProSe seeks to Suppl-Amend. his cases with Motion Mandamus for these judges to recuse themselves by conflict exists, by these have entered into depts. conspirator conspiracies + felonies, to cover up ProSe's + J-Rock's same issues + facts + could not file till now by I just received J.K. McMahon-Dep. McBride's Aug. 23, 17 Notices, + Deps. W.H. Davidson + Briggs Knowl McMahon-Dep. was to recuse by (7-24-17) 176 pages Clerk Hasty filed attached, + McMahon gained Deps. conspiracies (7-21-08) in PCR-07-CP-37-423 Oconee Cty. Ct. + that illegal orders was raised by Dep. - W.V. Sanjivani at Nov. 10, 08 York Cty. Ct. to get rid of Mandamus 9A. 08-CP-46-634 by Dep. Judge L.S. Afford; + no final orders ever issued same as Manning never did on 03-CP-40-4328- where all below judges are depts with Atty. W.H. Davidson + John Lay; +

2.) These judges need to recuse, + pass to Judge A.R. Lee or J. Miller, or J.E. Howard; to handle; Dep. judges et M. McFaddin, + R.H. Dennis, + L.C. Manning, + J.D. Lockmey, + G.H. Toal, + G.R. Barber, + G.H. Bailey, + R.K. McMahon, + R.L. McIntosh, + W.J. Young, + C.J. Maddox, + J.W. Cooper, + Cliff Newton, + G. Johnson, + Alex Macaulay, + James Williams, + Rodney Peoples, + H.D. Hall, + G.C. Nicholson, + G.A. Walker, Jr., + G.C. Moore, + E.C. Burrett, III, + C.H. Phicoines, + W.T. Lauderdale, + T. Edwards, + R.L. Lloyd, + L. Ferguson, + Lee S. Alford, + W.P. Keesley, + D.W. Beatty, + A.A. Carley, III, + Paul Burch, + R.E. Hood, + any So. Car. Sup. or Ct. of Appeals judges

- ProSe seeks for these conspirators to recuse forever more off his cases);
See; Pilla, 542 F.2d 56, 58 (8th Cir. 1976) 455 (6) (i) Mandatory judges recuse if they have interests or depts. in case, or they are bias, joined. Deps. in conspiracy to consual raised felony- issues or friends or partners with Atty. or judges);
See; Litzky, 510 U.S. 540 (1994) Mandatory recusal of prospective bias Judge or even if it appears there might be bias or conflict);
See; In re: Eakridge, 559 S.E. 2 575 (S.C. 2002) Judicial cond. Rule 501-SCACR Canon-1 (A) Judge shall enforce high standards, 2(A) + respect + comply with the law + shall not anytime show impartiality, 2(B) nor allow family, friends, social, political or other relations

(Recused)

ship to influence the judges, nor convey or present others to convey the impression that they are in a special position to influence the judge, 2 (B)(2), & shall not be swayed by parties interests, shame or fear of criticism, 3 (B)(2), nor shall a judge initiate, permit, or consider ex parte communications, or consider other communications made to judge outside the presence of the parties concerning a pending or impending proceedings, judge shall recuse self, are viol. Rule 7(a)(1) R.F.D.E. & Rule 502 SCACR);

3.) Prose prays judges above will recuse themselves & pass to neutral judges Lee, or Miller, or J. E. Kinard, or any judges not listed above & not involved in Refs. Conspiracies of Prose's & G. Rock's cases, & hear Prose's cases speedily & grant the reliefs he seeks in his Prose's Oral Arguments put up in writing & sworn to under penalty of perjury as true above judges def. have a conflict of interest & bias & are def. in suits of Prose's & G. Rock's cases, & incorporate my 176 pgs served Davidson 17-131 info (actions);

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

Perry Conn. Inst. AU-193A / 430 Oaklawn Road / Pelzer, South Carolina 29669-9363

"Certificate of Services"

4.) Prose certifies he served Clerk J.W. McBride @ Richland County Court P.O. Box 2766 Cola, S.C. 29202-2766 & Attys. W.H. Davidson & Briggs @ Davidson & Lindermaan, P.C. P.O. Box 8568 Cola, S.C. 29201, one copy of Motion-Mandamus to recuse def. judges above, of 18 pgs. & by hand delivered in Ct. to Ct. Bailiff to judge & lawyers, sworn to under penalty of perjury as true (18 USC-1621-1622-1623-1746) & by U.S. mail 7-6-17;

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

Dated 8/6/2017,

Dear Clerk J.W. McBride,

9-5-17,

Please file & serve Judge R.K. McMahon, & Davidson & Briggs & send me a stamped filed copy of these 18 pages for Ref. judges to recuse off my cases forever more, & it's suppl. Amended to my 176 pgs. Prose's Oral Arguments put up in writing (6-8-17 & 7-24-17) & incorporated there in 8-2-17 hearing & cases to support beliefs sought.

Respectfully,
August B. Kreis, III, #365998

Dated 9-5-17

(cover letter Notice)

K5

(Recusal)

State of South Carolina County of Kershaw, et al.

(17-131)

August B. Klein, III, #365998) 2017 JUL 24 AM 9:30
#1A No. 17-CP-28-131 & 17-CP-40-1181 & Lexington #3:17-344-TLW & 3:11-646

Prose 504/40A, Double Amended, #3:17-3731-JFA, et al., Motion-Mandamus A Suppl-Amended to all
-15- CLERK OF COURT
KERSHAW COUNTY, S.C.
Case # to his Oral Arguments put up in writing at (7-24-17) hearing
San Johnson, et al. of \$,000) by Unknown judge ? for below judges to Recuse themselves
Conspirators, et al.) by conflict exists, by they have covered up Prose's & G-Rock's issues
Defendants) before.

8 ->

- 1) Prose seeks to Suppl-Amend his cases with Motion-Mandamus for these judges to recuse themselves by conflict exists, by these have entered into life conspirators conspiracies & felonies, to cover up Prose's & G-Rock's same issues & facts; & could not be filed till now by Clerks refuse to tell judges name, nor put it on said Hasty order of (7-7-17) re: (7-11-17), & sought judges name (7-12-17) & got Hasty's 7 pages back (7-20-17) without judges name, nor full copy of default judgment 6 pgs. Prose requested; &
- 2) These judges need to recuse, & pass to Judge A.R. Lee, or Miller, or J.E. Kinard; to handle;; Ref. judges: St. M. McEldin, R. M. Dennis, L. C. Manning, G. D. Lockney, J. H. Seal, J. R. Barber, G. H. Bakley, R. K. MacMahon, R. L. McIntosh, W. G. Young, C. G. Maddox, T. W. Cooper, Cliff Newton, J. Johnson, Alex Macaulay, James Williams, Rodney Peoples, A. O. Hall, J. C. Nicholson, J. H. Walker, Jr., J. E. Moore, E. C. Burrell, III, C. H. Alcones, W. T. Saunders, T. Edwards, R. L. Lloyd, L. C. Ferguson, Lee S. Olyard, W. P. Kealey, D. W. Beatty, D. A. Earley, III, Paul Burch, R. E. Hood, any So. Car. Sup. or Ct. of Appeals
Judges - Prose seeks for these conspirators to recuse forever (more off his cases);
See: Pilla, 542 F.2d 56, 58 (S.H.Cr. 1976) 455(b)(1) Mandatory judges recuse if they have interests or depts. in case, or they are bias, joined Refs. in a conspiracy to conceal raised felony issues or friends or partners with attys. or judges);
See: Litaly, 510 U.S. 540 (1994) Mandatory recusal of prospective bias judge or even if it appears there might be bias or conflict);
See: In re: Earl Kidge, 557 S.E. 2d 575 (S.C. 2002) Judicial Cond. Rule 501-SCACR Canon 1(A) Judge shall enforce high standards, 2(A) & respect & comply with the law & shall not anytime show impartiality, 2(B) nor allow family, friends, social, political, or other relationship to influence the judge's judgments, nor convey or present others to convey the impression that they are in a special position to influence the judge, 2(B)(2), & shall not be swayed by parties interests, fame or fear of criticism, 3(B)(7), nor shall a judge initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceedings, judge shall recuse self, are viols. Rule 7(a)(1) R.T.D.E. & Rule 502 SCACR);
- 3) Prose prays judges above will recuse themselves & pass to neutral judges Lee or Miller, or J.E. Kinard, or any judge not listed above & not involved in Refs. conspiracies of Prose's & G-Rock's cases, & hear Prose's cases speedly & grant the reliefs he seeks in his Prose's Oral Arguments put up in writing & sworn to under penalty of perjury as true above judges Refs. have a conflict of interest & bias & are depts.

1-2. OF 4

12-18

(7-24-17) AK

173
176

6
4

in suits of Prose's + J-Roe's cases, see ps. 3 to 4 as proof it exist.

Respectfully Submitted,

August B. Kreis, III, #365998

Dated: July 24, 2017,

Perry Cour. Smt. AU-193A / 430 Oaklawn Road / Pelzer, South Carolina 29669-9363

"Certificate of Services"

4) Prose certifies he served Refs. Judge ? at (7-24-17) Kershaw Cty. Court, + Refs. W.H. Davidson + Briggs - Attys. of Refs. SCDC's + A.M. Wilson, one copy of Motion-Mandamus to recuse dys. judges above, of 2 pgs., by hand delivered in Court to Court Bailiff? to Judge + lawyers, sworn to under penalty of perjury as true (18 USC-1621-1622-1623-1774)

Respectfully Submitted,

August B. Kreis, III, #365998

Dated: July 24, 2017,

Dear Clerk J. Harty,

7-24-17

1) Please file + serve Judge ? + Davidson + Briggs, + give me a filed copy, thanks so much, of 2 pgs. for Ref. Judges to recuse off my cases forever more, + it's Suppl-Amended to my 172 pgs. Prose's Oral Arguments, put up in writing.

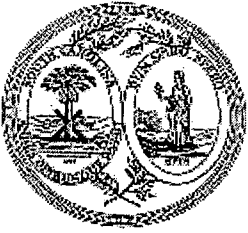
Respectfully,

August B. Kreis, III, #365998

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4/2

August 23, 2017



Motion "MDISMS - Motion to Dismiss on behalf of S Mayes, C Samellas & 11th Ci" for Case: 2017CP4001181 - August B Kreis #365998 III vs Dan Johnson , defendant, et al has been added to the following Motions Roster:

1148 - MOTION ROSTER SEPTEMBER 21, 2017 COURTROOM 3A

This hearing of this motion has been scheduled for 9/21/2017 at 2:00 PM.

The above referenced case is scheduled for Motions Hearing before Judge Knox McMahon in Courtroom 3A. The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a \$25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing to kncmahonlc@sccourts.org

Mail Notice To:

August B Kreis #365998
 Perry Correctional Institute ALU-193A
 430 Oaklawn Road
 Pelzer, SC 29669

Court Info:

Richland County Common Pleas
 Richland County Judicial Center
 1701 Main Street
 Columbia, SC 29201-9201

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(803)576-1999

Respectfully,

Jeanette W. McBride
Clerk of Court

(Set 8-28-17
1:30 PM
merchand
clerk / sam...
ms Reg for...

Exhibits
14-18

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

(17-CO-40-1181)
(17-CO-28-131)

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: <i>AUGUST B. KREIS III</i>	SCDC #: <i>365998</i>	Housing Unit: <i>ALL-193</i>	Date: <i>7-24-17</i>
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GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

** Trackers Please **

To be completed by
SCDC staff:

Item	Amount		Cost
Envelope		① Janet C. Hasty Clerk of Ct. Kershaw Cty P.O. Box 1557	
Pen		USPS TRACKING # & CUSTOMER RECEIPT 9114 9012 3080 3077 3572 06 For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Paper		⑤ Beth Drake - U.S. Atty. Gen. 1441 Mt. St. 500 Columbia SC 29201	
Postage		USPS TRACKING # & CUSTOMER RECEIPT 9114 9012 3080 3077 3572 20 For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Tape		③ Joseph E. Anderson E. Judge 901 Richland Street U.S. D. Court	
Box		USPS TRACKING # & CUSTOMER RECEIPT 9114 9012 3080 3077 3572 13 For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Electronic Repair			
Other			
Sub-Total:			

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount		Cost
Envelope		④ W.H. Davidson - Atty. Davidson & Linderhann, P.C. P.O. Box 8568	
Pen		USPS TRACKING # & CUSTOMER RECEIPT 9114 9012 3080 3077 3571 90 For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	88
Paper		⑤ Frank S. Potts (GEAA) Atty. P.O. Box 11608 Columbia SC 29211	88
Postage		12 pgs.	46
Other		# INTER-AGENCY	46
Sub-Total:			

*Motion to set aside Davidson's Motion to Dismiss 18 pgs
Motion-Mand. to get Jury minutes from Richland Cty. 1 pg.
Motion-Mand. to set Aside Wooten order + move to N. Car 3 pgs.
17-CO-23-151+17-CO-40-1181+3:17-34-724+
3:11-645+3:16-3731-JFA Forged*

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by
SCDC staff:

Item	Amount		Cost
Photocopies		⑥ Allan M. Wilson - Atty. Gen. 1000 Assembly St. Rm. 519 Columbia SC 29201	
ENTER-AGENCY			
Sub-Total:			2.68
TOTAL			2.68

August B. Kreis III
Inmate Signature

Conwell
Mailroom/Canteen Signature (Request filled by)

7/27/2017
Date
(Exhibits 4)
15-18

White - Inmate
Canary - Mailroom/Canteen Employee

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: AUGUST B. KREIS, III	SCDC #: 365998	Housing Unit: ALU-193	Date: 7-27-17
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GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

To be completed by
SCDC staff:

Item	Amount	Description	Cost
Envelope	6 per	Janet C. Hasty - Clerk Kershaw Cty. Court P.O. Box 1557 Camden SC 29021	\$
Pen	#	USPS TRACKING # 9114 9012 3080 3077 3572 44 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	67
Paper		W.H. Davidson - Atty Davidson-Linderman, P.C. P.O. Box 8568 Columbia SC 29202-8568	
Postage	6 per		
Tape	#	USPS TRACKING # 9114 9012 3080 3077 3572 37 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Box		J.A. Rutchings - Clerk S.C. Court of Appeals P.O. Box 11629 Columbia SC 29211	
Electronic Repair	6 per		
Other	#	USPS TRACKING # 9114 9012 3080 3077 3571 83 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Sub-Total:			

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount	Description	Cost
Envelope		Allan H. Wilson - Atty. Gen. 1000 Assembly St. Rm 519 Columbia SC 29201	
Pen	#	3 pgs. INTENT TO APPEAL INTER-AGENCY	
Paper			
Postage	1		\$ 67
Other			
Sub-Total:			

Motion-Mand. to set aside 4 pgs
Intent to Appeal 3 pgs.

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by
SCDC staff:

Item	Amount	Cost
Photocopies		
Sub-Total:		67

TOTAL

August B. Kreis, III
Inmate's Signature

Mc Merchant
Mailroom/Canteen Signature (Request filled by)

7/28/17
Date

White - Inmate
Canary - Mailroom/Canteen Employee

1618

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: AUGUST B. KREIS, III	SCDC #: 365998	Housing Unit: ALL-193	Date: 8-8-17
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GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

To be completed by
SCDC staff:

Item	Amount	Source	Cost
Envelope	65. Brown Envelope	Danielle Sherman - Clerk Alo. S.C. of So. Cal. P.O. Box 11330 Colo. SC 29211	
Pen	29 pgs.	INTER-AGENCY	
Paper		Janet C. Nasty - Clerk Kershaw Co. Ct. House P.O. Box 1357 Camden, SC 29021	
Postage			
Tape	29 pgs. #	USPS TRACKING # 9114 9012 3080 3077 3573 29 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Box		W.A. Davidson - Clerk Dorchester - Lenoirhamm P.O. P.O. Box 8568 Colo, SC 29221	
Electronic Repair			
Other	29 pgs. #	USPS TRACKING # 9114 9012 3080 3077 3573 12 & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Sub-Total:			

Pro Se writ of Supervisory Control to force Clerk Nasty to file 2 filings from SC Sup. Ct. 2 pgs. - Motion to set aside Davidson & Briggs 7-24-17 Motion to Dismiss 6 pgs. - Motion-Mand. to get Grand Jury check true bill Jan 1, 15 - Nov. 5, 15, 2 pgs. - Motion-Mand in re: to Appeal; 2 pgs. + Exhibits A & B

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage	2	3.64
Other		
Sub-Total:		

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by
SCDC staff:

Item	Amount	Cost
Photocopies		
		364

TOTAL

August B. Kreis, III
Inmate's Signature

MC [Signature]
Mailroom/Canteen Signature (Request filled by)

8-8-17
Date

17-18

White - Inmate
Canary - Mailroom/Canteen Employee

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Inmate Services

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

Inmate's Name: <i>August B. Kreis, III</i>	SCDC #: <i>365998</i>	Housing Unit: <i>ALU-193</i>	Date: <i>August 18, 2017</i>
---	--------------------------	---------------------------------	---------------------------------

GENERAL MATERIAL

** Inmate must have the funds in his/her account to pay for the materials.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen	<i>39 pages</i>	
Paper		
Postage		
Tape		
Box		
Electronic Repair		
Other		
Sub-Total:		

*Robert M. Ducker, Chief App. Defender
SC Comm. on Indigent Defense
Out. of App. Defense
P.O. Box 11589
Columbia, SC 29211-1589*

INTER-AGENCY

Agency mail

Ø

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

To be completed by
SCDC staff:

Item	Amount	Cost
Envelope		
Pen		
Paper		
Postage		
Other		
Sub-Total:		

PHOTOCOPIES

** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01.03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

To be completed by
SCDC staff:

Item	Amount	Cost
Photocopies		
Sub-Total:		

received with no signature
Inmate's Signature

Conwell
Mailroom/Canteen Signature (Request filled by)

8/16/2017
Date

TOTAL

18-18

White - Inmate
Canary - Mailroom/Canteen Employee

Kitching

To: Clerk Kitchings & Seps. W.H. Davidson, et al. (CA No. 17-CP-28-131, et al.)
& R.H. Sudel, Def. of conspirators now, int. 9-5-17

(A. Kreis vs. Dan Johnson, et al. of 5,000)
(Evil Seps, & now 6,002 Conspirators)

1. Please file this this final Manning conspiracy order, Suppl.-Amended to my Appeals I sent you & Davidson & Clerk J. Party rejected it as you saw by my Appeal pages of 16 pgs. sent (8-4-17) twice, & acknowledge received, thanks, & these 18 pgs.

2. Exhibits filed - served Davidson;
S.C. Ct. of Appeals Suppl.-Amend. of final Manning order (8-14-17) pgs. 1 to 9; ✓
Recusal Motion pgs. 10 to 13, for Richland Hearing (9-21-17); ✓
McBride Hearing Notice by S.J. R. K. Mc Mahon - Judge pg. 14; ✓
E.H. Cooper 10-14. Sebitts (Four-4), proof served pgs. 15 to 18. Trackers USPS #683

3. McBride - Clerk see pgs. 2-18, your letter bottom of page

Sincerely,
August B. Kreis, III, # 365998

Perry Corr. Inst. ALU-193A/450 Dallawn Road / Pelzer, South Carolina 29669-9363

RECEIVED

SEP 13 2017

SC Court of Appeals

Cover Letter - Notices

August B. Kreis, III, 365998
Perry Corr. Inst. ALU-193A
438 Oaklawn Road
Pelzer, South Carolina 29669-9363

RECEIVED

SEP 06 2017

P.C.I. MAILROOM

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

RECEIVED

SEP 13 2017

SC Court of Appeals LEGAL MAIL