

Kitching

(Intend to Appeal)

In the South Carolina Court of Appeals, Columbia, et al.

August B. Kreis, III, 365998 } 9A No:  
 Prose 504/ADA Double Amputee } 9A No. 17-CP-40-1181 + 17-CP-28-131 + Lexington Cty. 9-6-17-  
 -13- } 344-72W-PJ643:11-64643:16-3731-JFA, Forged by  
 Sen & David Johnson, et al. of } Beth Drake U.S. Atty. + 1:17-414 + 4:13 J.E. Peale also;  
 6,011 conspirators & R.M. Audel & } Prose seeks Intent to Appeal Ref. conspirators S.C.  
 W.H. Davidson, et al. } Manning Sham Fraud-Conspiracy self serving (9-2-17)  
 Defendants: } Judgt. sheet orders rec. (9-20-17) \* any final thereafter!

i.) Prose seeks to file his Intent to Appeals & for Court to grant him this rights with-  
 out costs & to waive any fees by Prose's 504/ADA handicapped & indigent & by Refs.  
 illegal criminal conducts & bribes being paid out & Refs judges hearing their own  
 suits & to cover up felony acts he raises - proved. Whom have gotten away with these  
 crimes since 1995, because of forgers & Reps perjuries - frauds, sham, false orders &  
 replies & hearing their own cases

See; Tennessee, 541 U.S. 509 (2004) 504/ADA Prose are to have full access to all Cts. & if  
 indigent no fees can be charged them & to appointed counsel also);  
 See; Myers, 8 F.3d 249, 252 (5th Cir. 1993) Prose has right to file Prose's Motion, Briefs &  
 appeals by 6th Amend. & 1st Amend. rights to access Cts. to stop harms);  
 See; Cuyler, 446 U.S. 335, 350 (1980), also Storie, 22 F.3d 766, 769 (7th Cir. 1994) Conflict  
 of Interest); Lita Ray, 510 U.S. 540 (1994) Mandatory mandated Recusal of Ref. Judge);  
 See; Pilla, 542 F.2d 56, 58 (8th Cir. 1976) N55.(b)(5)(i) Mandatory recusal of judge if  
 def., racist, joined felonies, conspiracy, out for revenge, or bias or bribed);  
 See; Lutz, 880 F.3d 1040, 1047 (7th Cir. 1999) 6th Amend. right to process Prose on appeal);  
 See; Tabbell, 243 F. Supp. 2d 508 (D.S.C. 2001) Conspiracy exist once 2 or more join or  
 agree to harm some one by unlawful acts - means or by lawful act done by wrong-  
 ful act & reaches all state actors & private ones, Hinkle, 81 Fed. #16, 421 (4th Cir. 1996));  
 See; Evans vs Hunter, 366 S.E. 2d 44, 46 (C. App. 1988) All hold fraud which does or attempt  
 to subvert the integrity of the Ct. itself, by an officer of Ct. or judge, so the judicial  
 proceedings can not perform its duty, allows setting aside judgt. to restore it);  
 See; S.C. Code 15-55-10 Felony acts by officials, Judge applies to def. & Manning &  
 2.) Prose seeks an order to be granted 60 days to file his appeals & waiver of fees  
 to def. criminal acts to pay them & Removal of Judges & Impeach them for felony  
 acts & seeks a speedy appeal to stop harms.

RECEIVED

SFP 28 2017

SC Court of Appeals

Respectfully Submitted,  
 August B. Kreis, III, #365998  
 Perry Cor. Unit, All-193A / 430 Oallowan Rd. / Pelzer, South Carolina 29669-9363

"Certificate of Services"

3. ProSe certifies he served Ref. Atty., Refs. W.H. Davidson + Briggs @ P.O. Box 9568  
Cola, S.C., 29201 + by A.M. Wilson, A-Mem @ P.O. Box 11549 Cola, S.C. 29211 whom  
hired Davidson, + R.M. Audek hired him + SCDC - Stirling all hired Davidson  
Form: one copy of Intent to Appeal 27 pgs. with Manning's attached, by Ms. Mer-  
chant-Mail Ser., on (9,27,17) from address above + sworn to under penalty of  
perjury as true by (18 USC-1621-1622-1623-1746),

Dated, Sept. 26, 2017.

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

Dear Clerk Kitchings + W.H. Davidson + R.H. Audek; et al.,  
9A17-CF-40-1181 et al. of 6, on Conspirators mov.,

1.) Please file + acknowledge my Intent to Appeal of 27 pgs + Motion to Set-  
Aside Ref. S.C. Manning's illegal order of 3 pgs + copy of Judicial Complaint of  
2 pgs for total of 27 pgs + place before the Court for ruling to file it, thanks +  
let me know the Court's ruling + if you need me to file something more. +  
Give to judges O.R. Lee, or J. Kinard or C.W. Miller, honest ones; + 2 pgs.  
S.C. Sup. of Mandamus of 27 pgs total...

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



The State of South Carolina Counties of Richland, Kershaw & Lexington Cty.  
Anderson Divisions

August B. Kreis, III, 365998 ) 1/A No. 17-CP-46-1181 & 17-CP-28-131 & Lexington & 3-17-344-744  
ProSe 504/ADA Double Amputee ) F-3, 11-646 & 3-16-3731-JFA, Forged by Reps. Beth Drake U.S. Cty.

- 15 -

Dan & David Johnson, et al of ) A Supplemental Amended to all cases Motion Mandamus  
6,011 Conspirators & R.M. Dudley & ) to set aside Ref. conspirators L.C. Manning's illegal  
W.H. Davidson & L.C. Manning, et al. ) self serving bribed (9-12-17) order, rec. (9-20-17) by Fed  
Defendants: ) Rules 59(E) & 60(B) & S.C. Code 15-57-120 & 57.

(S.C. Code 15-17-130 & 15-13-120 (10))

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SEP 28 2017

SC Court of Appeals

1.) ProSe seeks Suppl. Amends. Motion Mandamus to set aside by conspirators conspiracy L.C. Manning (9-12-17) order by it's void he could not issue one for himself. Reps. to stop his suits & arrests & removal, by Pilla, 542 F.2d 56, 58 (8th Cir. 1976) & 55(b)(5)

(1.) Mandatory recusal of Ref. Judge or bias one;

See; Litzky, 510 U.S. 540 (1994) mandatory-mandated recusal of judge whom is def. or bias);  
See; Evans, vs Hunter, 366 S.E.2d 44, 46 (Ct. App. 1988) fraud or conspiracy, or felony acts by  
Judge allows setting aside judge & restore case to deP.;

See; S.C. Code 15-55-10 Felony acts by officials, & judges applies to Reps.);

See; Quice, 257 F.Supp. 252 (D.S.C. 1966) Declaratory Reliefs granted to stop harms & doesn't  
matter if there are other remedies available. by 15-57-120 & 57);

See; Knox, 530 S.F. 2d 837 (S.C. 2000) if court lack jurisd. judge is void & sub. matter may  
be raised at any time thereafter);

See; Bralau, 235 F.3d 1000 (7th Cir. 2000) Q-t-also, 502 U.S. 9 (1991) Judge liable in suits if they  
act without jurisd. (such as being a def. in case or joined felonies);

See; Titting, 235 F.3d 330 (7th Cir. 2000) file rules 60(b)(4)(5) to set aside void judge when  
Ct. lacks jurisd.);

See; Sarrant, 575 S.E.2d 616 (S.C. 1907) 15-17-130 file motion to set aside & reopen case & show  
prime face case for Ct. to do so (such as judge was bias, racist, def.);

See; Bray, 113 S.Ct. 753 (1993) 1985(3) KKK act codified in it, reaches all persons & Gov.  
officials or judges involved in conspiracy to deprive any one of their Constal. rights, by 13th  
Amend., Guest, 383 U.S. 745 (1966)), (such as when a Black judge as Manning, acts as if he is  
a (Brown Supreme Races) to over throw the judicial system to protect himself & his races  
or coworkers);

2.) ProSe seeks still for Judges A. B. Lee, or J. E. Kinard, or E. W. Miller, to take over cases &  
void illegal Reps. self serving orders (9-12-17) & any Manning issue later!

Dated, Sept 26, 2017,

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

Perry Corr. Inst. AU-193A / 430 Oaklawn Rd. / Palmyra, South Carolina 29669-4363

"Certificate of Services"

3.) ProSe certifies he served Defs. Atty. Defs. W.H. Davidson & Briggs Firm @ P.O. Box 8568  
Cola, S.C. 29301 & 6,011 Conspirator Defs. & J.W. McBride @ P.O. Box 2766 Cola, S.C. 29302, &  
J.A. Kitchings @ P.O. Box 11639, Cola, S.C. 29211 & A.M. Wilson & R.M. Sudek when hired Defs.  
Davidson Firm @ P.O. Box 11549, Cola, S.C. 29211, one copy of motion 15-17-130 to set  
aside Def. Manning's (9-2-17) order in 17-181 & 17-131 suits; of 27 pgs. & Intent to Appeal  
27 pgs. & copy of Judicial Complaint of 27 pgs. on (9-27-17) by Ms. Merchant-H. Riv by U.S.  
mail & Inter-Agency mail from above address & sworn to under penalty of perjury  
as true by (18 USC-1621-1622-1623-1746)

Dated, Sept 26, 2017,

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

Dear Clerk J.W. McBride & W.H. Davidson & A.M. Wilson & Hunter,  
& Briggs & R.M. Sudek & Def. Judges in Recusal of (6-8<sup>th</sup> & 7-24-17)  
of 125 pgs. & 176 pgs.) Clerk's McBride & Hasty already have

9/26/2017

17-CP-40-181 & 17-CP-28-131 & al. 6,011 Defs.

1.) Please file & acknowledge my Motion-Mandamus 15-17-130 & 15-13-320(10) to set  
aside def. conspirator judge J.C. Manning (9-12-17) order rec. on the 20<sup>th</sup> of 27 pgs.  
& copy of intent to Appeal 3 pgs. & Judicial Complaint of 2 pgs., total pages 27; &  
place before judges A.R. Lee, or J.E. Kinard, or E.W. Miller, honest ones, & 2 pgs.  
Mandamus of S.C. Sup. Ct. to void Manning's & McFadden's (6) orders of 27 total pgs.

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

August B Kreis #365998 III

SEP 28 2017 Dan Johnson

PLAINTIFF(S)

David Johnson  
 DEFENDANT(S)

SC Court of Appeals

Submitted by: \_\_\_\_\_

Attorney for:  Plaintiff  Defendant or  Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 43(k), SCRPC (Settled);
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Rule 40(j), SCRPC;
  - Bankruptcy;
  - Other \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

*Denied*

SEARCHED  
 2017 SEP 12 PM 12:00  
 RICHLAND COUNTY

**ORDER INFORMATION**

This order  ends  does not end the case. Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code 2759 Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 12 day of Sept, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

August B Kreis #365998 III

William H. Davidson II

August B Kreis #365998 III

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. McBride

*Exhibits*

*(5-27)*

South Carolina County of Richland, et al

August B. Kreis, III, 365998

Prose 504/ADA, Double Amputee  
- V.S. -

Dan Johnson, et al of S, osv  
Conspirators, et al

**RECEIVED**

SEP 28

SC Court of Appeals

1/4 No 17-CP-40-1181 + 17-CP-28-181 + Lexington + 3:17-344-  
TLW + 3:11-646 + 3:17-JFA, et al. Motion-Mandamus  
A. Suppl-Amended to all cases + to Oral Arguments  
put up in writing w/ (6-8-17 + 7-24-17) hearings before  
depts. Judges Manning + McFadden, for below judges  
to recuse themselves by conflicts-exist, by they  
have covered up Prose's + J. Rocks issues - Felonies for  
Reps, + for R. K. Mc Mahon 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. conspir-  
ator conspiracies + felonies, to cover up Prose's + J. Rocks same issues + facts + could  
not file till now. by I just received J. K. Mc Mahon - Def. Mc Bride's Aug 23, 17  
Notices, + Rejs W. H. Davidson + Briggs Knows Mc Mahon - Def. was to recuse by (7-24-17) 176  
pages Clerk Hasty filed attached, + Mc Mahon gained depts. conspiracies (7-21-08) in  
PCR-07-CP-37-423 Oconee Cty. Ct. + that illegal orders was raised by Def. - W. V. Ganjelsam  
at Nov. 10, 08 York Cty. Ct. to get rid of Mandamus 9A. 08-CP-46-634 by Def. 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 ? Miller, or J. E. Kinard, to  
handle; Def. judges of M. McFadden, + R. H. Dennis, (L.C. Manning) + J. A. Lockmey, + J. H. Toal,  
+ J. R. Barber, + J. H. Bailey, + R. K. Mc Mahon, + R. J. McIntosh, + W. J. Young, + C. J. Maddox,  
+ T. W. Cooper, + Cliff Newton, + J. Johnson, + Alex Macaulay, + James Williams, + Rodney Peoples,  
+ H. D. Hall, + J. C. Nickelson, + J. H. Walker, Jr., + J. C. Moore, + E. C. Burrett, III, + C. H. Phocas, + W. T.  
Lounds, + J. Edwards, + R. L. Lloyd, + L. Ferguson, + Lee S. Alford, + W. P. Kestley, + A. W.

- Prose seeks for these conspirators to recuse forever more off his cases);  
See; Lilla, 542 F.2d 56, 58 (8th Cir. 1976) 455 (b) (i) Mandatory judges recuse if they have  
interests or depts. in case, or they are bear, joined. Reps. in conspiracy to consual raised felony-  
issues or friends or partners with Atty. or Judges);  
See; Litley, 510 U.S. 540 (1994) Mandatory recusal of prosecutive bias Judge or even if it app-  
ears there might be bias or conflict);  
See; In Re: Edsledge, 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  
1-2054 (9-5-17-ATK)

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, 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 judge outside the presence of the parties concerning a pending or impending proceedings, judge shall recuse self, are viol. Rule 7(a)(1) RJDE & 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 Prose's cases of Prose's & J. 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 & J. Rock's cases, (I incorporate my 162 pgs. served Davidson 17-131 into actions)

Respectfully Submitted,

August B. Kreis, III, #365998

Sept 9/5/17,

Perry Corn. Smt. ALU-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 & Atty. W.H. Davidson & Briggs @ Davidson & Lindermann, 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)

Respectfully Submitted,

August B. Kreis, III, #365998

9/5/17

9/5/17

Dear Clerk J.W. McBride,

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 for ever more, & it's suppl. Amended to my 172 pgs. Prose's Oral Arguments put up in writing (6-8-17 & 7-24-17), & I incorporated those in 9-21-17 hearing & cons. to support relief sought.

Respectfully,

August B. Kreis, III, #365998

SEP 28 2017 17-1181 (Recused.)

State of South Carolina County of Kershaw, et al SC Court of Appeals

August B. Krew, III, et al. No. 17-CP-28-131+17-CP-40-1181+Yerington+3:17-344-TLW+3:11-646

Prose 504/40A, Double Amputee, et al. Motion-Mandamus A Suppl-Amended to all Cases to his Oral Arguments put up in writing at (7-24-17) hearing by Unknown judge? for below judges to Recuse themselves by conflict exists, by they have covered up Prose's & g. Rock's issues before.

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) nec (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 judgt. 6 pgs. Prose requested;

2) These judges need to recuse, & pass to Judge A.R. Lee, or J. Miller, or J.E. Kinard; to handle; Ref. Judges S.M. McGladdin, R.M. Dennis, L.C. Manning, J.D. Lockmey, J. H. Tolson, J.R. Barber, J.H. Bakley, R.K. MacMahon, R.L. McIntosh, W.G. Young, C.G. Maddox, J.W. Cooper, Cliff. Newton, J. Johnson, Alex Macaulay, James Williams, Rodney Peoples, A.D. Hall, J.C. Nicholson, J.H. Walker, Jr., J.E. Moore, E.C. Surratt, III, C.H. Phoccones, W.T. Saunders, T. Edwards, R.L. Lloyd, G. Ferguson, Lee S. Olford, W.P. Keeley, D.D. Beatty, D.A. Early, III, Pauli 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(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, Little, 510 U.S. 540 (1994) Mandatory recusal of proxiure bias judge or even if it appears there might be bias or conflict;

See, In re: Earl Hudge, 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 any time show impartiality, 2(B) nor allow family, friends, social, political, or other relationship to influence the judge's judgt., nor convey or present others to convey the impression that they are in a special position to influence the judge, 2(B)(2), & show not be swayed by parties interests, demo- 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 opening or unpending proceedings, judge shall recuse self, are viol. Rule 7(a)(1) RTJE & 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 cause judges Refs. have a conflict of interest & bias & are depts.

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

Respectfully Submitted,

August B. Kreis, III, #365998

Dated: July 24, 2017,

Perry Corr. Inst. AU-1937A / 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. with Davidson + Briggs - Attys. of Refs. SCOC's + A.M. Wilson, one copy of Motion-Mandamus to recuse refs. 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-1621-1622-1623-1746)

Respectfully Submitted,

August B. Kreis, III, #365998

Dated: July 24, 2017,

Dear Clerk J. Hasty,

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

A-4  
JUN

(Exhibits)

(Exhibit)

47-CP25-131)

Excerpt from; Appellate Case No. 2015-00276 August B. Kreis, Prose v. The State, et al.  
Prose's Memorandum Brief Suppl. to his appeals to support reliefs sought-released

Question No. 21, pg. IV; The court erred by not forcing Sol. Hayes, & SLED & Dickerson Advocacy, & Lexington, Richland, & Kershaw Sols, & Governor, & Atty. Gen. to turn over impeachment crimes of judges, SLED agents were lying & falsifying evidence in So. Car. & nationwide courts, & of Tom Clark's Fm break in at SLED, & drug expert SLED agent arrested & allowed to lie in all So. Car. & nationwide courts so Prose could impeach all witnesses & seek dismissal of all charges; (They withheld from Prose & Grand & trial juries) & this is newly discovered evidence; South, 427 S.E. 2d 666 (S.C. 1993) S.C. Code 17-24-45(C) (Supp. 2000)??

\*

Argument # 21, pg. 22; The court committed reversible error not forcing Sol. Hayes & SLED, & Dickerson Advocacy, & Lexington, Richland, & Kershaw Sols, & Governor & judges, & Atty. Gen. & others, to turn over "impeachment crimes" to use, "to impeach State Officials, witnesses, "for lying in all So. Car. & nationwide courts, to frame Prose's, to use to disprove their credibility (or 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 withheld from Prose & Grand & trial juries to [this is a newly discovery evidence (Oct. 27, 16)] by S.C. Code 17-24-45(C) (Supp. 2000) allows it to be raised, (of theirs)?

Hayes & Vouchers "Dirty Little Secrets" History changing when news media knows!  
Prose notes he could have impeached, by his counsel Shealy, (SLED & Hayes & all State with above, by major issues that voids any charges on Prose, by CORRUPT SLED, & EX-SLED agents handling Prose's investigations & his family members-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 SLED Dir. did so admitted at Fargo, N. Dakota, Fed. Ct. he fired Ex. U.S. Marshals female "quit because she wasn't a team player to frame persons & for refusing to lie in Ct. & 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 & testimonies, reason U.S. Atty. R. J. Lloyd, & W. N. Nettles, & E. H. Holder, had it moved to Fargo, so no So. Car. Fm's would see it in newspapers or T.V. news & it's in law books & on internet!

\*

And covered up "Tom Clark" Fm "broke into SLED & "opened all evidence bags & boxes & piled-mixed it all together, & took all monies, & SLED in over 800,000 cases lied to judges, lawyers, Sols, & juries (we don't know how this Deps. evidence got into new bags & boxes & new seals, but that's the evidence for this case), lying! & still to this day! (??)

\*X

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 drugs & then while (flying high) made out false tests at home & lied to all courts, & Sol's, lawyers, & Reps., I had them 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 illegal convictions, & G. H. Toal, & Atty. Gen. & Governor, & Judges, & U.S. Atty. R. L. Lloyd, & W. N. Nettles, with others, ordered above & below covered up.

And that SCDC turned Killeen & Killee 2-Death Row Fm's per month in 2008, 2009, & 2010, because of "Tom Clark" destroyed & contaminated all evidence, & State-SCDC no longer had evidence to put them to death, nor to hold them, & 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, & G. H. Toal said, it was OK; & went nation wide getting Prose's life & other false convictions by use of So. Car. illegal ones, & his perjury which has been concealed from public & Fm's, & Civil Rights lawyers, & Death Row Advocacy groups, citizens against it, & lawyers, & judges, & Sol's; See Tr. Transcript pgs 1-439 where SLED Agent V. Caldwell, & S. Dyer, most certainly told Barbara, Amanda, Abby & Eddie Reis, how to testify & Dickerson Advocacy Ctr. all joined to ensure false convictions with others keep secret & entered into conspiracy.

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

See; Brady, 393 U.S. 83 (1963) Gov. has to turn over impeachment evidence);

See; Bryant, 415 S.E. 2d 806, 808 (S.C. 1998) noting State has to disclose evidence in it's possession or knowledge favorable to Prose, & material to guilt or innocence, or to impeach witnesses under Brady);

176  
176

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4  
4

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 kmcmahonlc@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 8-29-17  
1:PM  
merchert  
Clarby / Sony  
ms Reg for case*

*Exhibit*

*5-18*

*(12-27)*

*12  
27*

State of South Carolina Counties of Richland, & Kershaw, & Lexington  
Oconee & Anderson Divisions

August B. Kreis, III, #365998 ) 9/17-CP-40-1181 & 17-CP-28-131 & 3:17-344-TW-PJE, et al.  
Proc. Plaintiff, Noble Ampster )

-VS- ) Suppl - Amended to all cases facts for Recusal of Ref. conspirators  
Dang Johnson, et al of 6, 011 ) R.K. McMahon - Judge who joined dgs. felonies in PCR-07-CP-37-423  
Conspirators & ) Oconee cases he was def. in of g-Rock's & are in all Prose's by same  
R.K. McMahon - Judge - Ref. et al. ) related facts & acts  
Defendants: )

1. Prose states these facts were committed at Oconee Ct. (July 21, 2008) with Dps. Daniel C. Grigg - Ex Atty - Gen. & Danny F. Day - Atty. & William C. McDev - Atty. Ref. McMahon, said, tell Mr. Julian E. Rochester #171519, PCR-07-423 to shut up when he asked McMahon's name & let Dp Atty. Rosemond, have PCR dismissed & let him run from the courtroom & then allowed Dp. Grigg to stand up & say Mr. Rochester threatened to kill me, & refused to appoint g-Rock new counsel once court removed Rosemond - (Bm) off PCR, but waited for him to agree to dismiss PCR as he was ordered to do by Dps. & took bribes from them & so he could get cases heard in Oconee Court;

2. Dp McMahon - Judge then allowed Dps. conspirators Grigg Ex. A-Hon to make up a Sham False-Perjury Fraud Order for McMahon to sign (9-2-08), that said Court had Rosemond - Dp to stay in the Court Room as standby counsel, know he watched Rosemond & from the court & McMahon refused to tell his name & saw his family members were involved in having Kennedy shot (Nov 21-22, 63) there in PCR-91-CP-37-362 & 93-571 & 96-363 & 02-431 & 07-433 & 10-1446 & 03-390 suits reason he got rid of PCR but not the law suits on Dps. & himself & Palmetto May & Des Simpson, Page, Magu & W.C. McDev & Judge, nor Day, nor Grigg sought to have the order (9-2-08) voided nor corrected & then;

3. Allowed (Atty. Gen. W. V. Hanjehami) to use it to get rid of York Co. 08-CP-46-634 Mandamus, by Ref. conspirators (Lee Alford - Judge) & he lied to SCOC - guards he would let them testify that Dp Rosemond ran from the courtroom (7-21, 08) & the (9-2, 08) McMahon order was false, & Alford got rid of it as ordered by Dps. & g. H. Tool - Ex. Sup. Ct. Judge - Dp. conspirator, to stop here & Dps. & Judges 107 arrests. Dp. Atty. above also fail to seek to void Alford's order, by it was gotten by illegal 07-423-McMahon (9-2-08) order; so there's a conflict-felony acts at fact - existing that all judges have to recuse themselves & transfer to N.C. Fed. Court - judges as raised & proven.

See: Pilla, 542 F.2d 56, 58 (8th Cir. 1996) 453 (b)(5)(i) Mandatory recusal of judge who is Ref. or bias, or joins into a Ref. conspirator felony, & racism & suit for revenge & mandatory transfer;

4. Which Prose seeks for Refs. Judges to Recuse themselves & transfer speedily, already filed twice for this to be done by Recusal facts already filed in Appeals 2015-003046 No # 21

Respectfully Submitted,  
Dated: 9-20-17, x August B. Kreis, III, #365998

Dated 9-20-17, J-Rock -> x Julian E. Rochester, Once, 171519 -  
1-2 (13-27)

"Certificate of Services"

5. Pro Se certifies he served Deps Atty's W.H. Davidson & Briggs & Firm, by hand et. (9-21-17) hearing of those facts again on 6-8-17 on 7-24-17 of 2 pgs. & with 35+18 pgs also for Dy. McHalen Judge & J.C. Manning & ones listed in Recusal already served Mc Bride & Davidson in the above 35+18 pgs.; & sworn to under penalty of perjury all facts are true & happening & Davidson or Briggs are depts. or defaulted; by (162-1622-1623-1746)

Respectfully submitted,

August B. Kren, III, #365998

Jillian E. Rochester, one, 17558-J-Rec

Dated: 9-20-17,

9-20, 2017,

Perry Core. dnt. ALL-193A/430 Collawn Rd. /Palmer, South Carolina 29668-9363

J-Rec → (ALL-195A)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Division of Inmate Services

**RECEIVED**

SEP 28 2017

AGREEMENT TO DEBIT E.H. COOPER ACCOUNT

SC Court of Appeals

Inmate's Name: <b>AUGUST B. KREIS, III</b>	SCDC #: <b>365998</b>	Housing Unit: <b>ALU-193</b>	Date: <b>9-5-17</b>
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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	18 pgs.	J.A. Kitchings-Clerk of Ct. S.C. Ct. of Appeals P.O. Box 11629 Columbia, SC 29211	
Pen		<del>#</del> INTER-AGENCY	Ø
Paper	18 pgs.	Joanette W. McBride Clerk of Ct - Richland Cty. P.O. Box 2766 Columbia, SC 29203-2766	
Postage			1.09
Tape		USPS TRACKING # <b>9114 9014 9645 1083 5900 45</b> & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Box	18 pgs.	W. H. Davidson - Atty. Davidson + Linderman, PC. P.O. Box 8568 Columbia, SC 29201	1.09
Electronic Repair			
Other		USPS TRACKING # <b>9114 9014 9645 1083 5900 38</b> & CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com or call 1-800-222-1811.	
Recusal Motion, pgs. 1-4 McBride Filing Notice by Ref. Motion, pg 5 S.C. Ct. of Appeals, Suppl. Amend. to appeals 2017-CP-28-131, et al pgs. 6-14 E.H. Cooper Debit sc-17 (4) proof served pgs. 15-18 w/ USPS Tracking			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		Tammie M Pope - Ann Westinger Atty. at Law 1320 M. St., 17th Floor Columbia, SC 29201	

\* Was cut off during copying - Original on file. 9114-9014-9645-1083-5900-52 ✓

Original signed by T. Connell

\$ 2.64

Exhibits  
PROOF Served!  
15-27

(Rec. 9-6-17  
Ms. Westinger  
6:15 PM) 15  
27

RECEIVED

The Supreme Court of South Carolina, Columbia, S.C. SEP 28 2017  
Anderson Divisions

SC Court of Appeals

August B. Kren, III, 365998

1/9A No.

Prose, 504/JADA Double Competee

1/9A No: 17-CP-40-1181-McBrides Ct. & 17-CP-28-131-

-VS-

1/Harty's Ct., & 3:17-344-T.L.W.-P.J.G.-Blume Ct., et al

L.C. Manning-Judge-Def. of  
6,011 conspirators-aiders-Kidnappers

1/Prose seeks a Declaratory Remedial Writ of Man-  
damus to remove Def. Judge L.C. Manning ill-  
legal order of (9-2-17) or any other he tried to  
issue in these cases by S.C. Code 15-57-120 & 57.

Defendants:

1.) Prose seeks a Declaratory-Remedial Emergency Mandamus to remove Def. Judge  
L.C. Manning (9-2-17) rec. the 20th, illegal order & any other he may issue & (7-24-17) &  
(8-14, 17) two in 17-131 & 17-1181 cases, he's a Def. conspirator therein, & ones raised  
therein to of J. Rock 171519, -in 14-CP-40-05372 & 03-4328 he was involved in same  
conspiracy acts with Defs. & took bribes;

2.) Prose filed (6-8-17) 125 pgs. with Recusal Motion therein. 17-CP-40-1181 suits, & Def. Judge  
G.M. McFadden got rid of as he was ordered to (6-8-17), & served Briggs of Davidson  
Firm, & (7-24-17) served Davidson & Manning 17-CP-28-131 of 176 pgs. with his Recusal  
therein & Manning refused to recuse self &

3.) then K. McMahon-Def.-conspirator since (7-21-09 & 9-2-08) was ordered to block  
again. 17-CP-40-1181-on Sol. & 6,011 conspirators-aiders Defs. & Prose filed another 18 pgs.  
recusal (9-6, -17) & Def. Manning came right back on (9-12-17) & got rid of it as McFadden  
did (6-8-17) as ordered to protect Defs. & selves from arrest & stop Prose from collecting  
his defaulted suits judge's 575 millions, which Defs. hired Defs. W.H. Davidson & Briggs &  
Firm, & allowed them to file pieces of Motions & Sham-Scared-Perjury-ones to dismiss &  
granted them right off by bribes paid out by them & insurance carriers &

4. Prose now seeks a Remedial Emergency Mandamus from Court, an order to void  
Def. Manning's & McFadden's (6-8-17 & 7-24 & 9-2-17) & any order yet to come from Def. Judges  
listed in Recusal 6 pgs. & order these cases reopened & vacate Sham illegal orders (6),  
& appoint judges A.R. Lee or J.F. Kinard or E.W. Miller to handle these defaulted ca-  
ses & order Impeach-Disbarment proceedings & invests, & for Clerks to notify Sheriff  
Shad McBride of Anderson Cty., to do invests. & to see Prose & J. Rock to go over felony  
acts & crimes being done toward Prose's.

See; Raby, 594 S.F. 2d 478 (S.C. 2004) Courts have inherent power to set aside Judge's.

1-27 (16-27)

(9-26-17-AK)

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gotten by fraud or conspiracy or bribed or def. judge or sham order replies at any time.

See; Evans, 529 S.E.2d 44 (S.C. App 1988) Fraud by officers or judge of Court allows setting aside judgments at any time thereafter to restore integrity of Ct. proceedings);

See; Knox, 530 S.E. 2d 887 (S.C. 2000) if Ct. lack jurisd. judgment is void & sub. matter may be raised at any time to restore integrity of courts);

See; Quick, 257 F. Supp. 252 (D.S.C. 1966) declaratory reliefs granted to stop constal. or illegal acts-harms & doesn't matter if there are other remedies available by 15-57-130 & 57 & Fed. Rule 65);

See; Litzke, 510 U.S. 470 (1994) 455(b)(5)(i) it's mandatory judge who's def., or bias, or prejudice, has interest cases, or join into def. parties felonies to recuse & then transfer to neutral judge & jurisd.);

See; Zabelle, 243 F. Supp. 2d 505 (D.S.C. 2001) A conspiracy exists once 2 or more join or agree with intent to do an unlawful act or do one that's lawful by unlawful means, to injure-harm a person, is proof of civil-criminal conspiracy);

See; Webaley, 609 S.E. 2d 286 (S.C. 2006) transfers of venue must be granted to ensure justice will be served 157-100 & 110 allow it);

### "Conclusion"

5.) Court should grant reliefs & void Mannings's & McFadden's orders & any yet to be done by them & appoint Judges A.R. Lee & J. Kerard & E.W. Miller to handle defaulted suits & order cases reopened & waive any fees & apply them to def. & judges for their misconducts & felonies acts & have Shad McBride-Sheriff of Anderson to see Prose's speedy & process speedy to cure harms, by Prose is indigent & 504/ADA & costs were waived-grant in above cases.

Respectfully Submitted,

Dated, Sept. 26, 2017,

August B. Kreis, III,

#365998

### "Certificate of Services"

6.) Prose certifies he served Defs. & Defs. Davidson & Bruggs, Firm @ P.O. Box 8568 Col., S.C. 29201, where A.M. Wilson, Hunter, R.H. Nudel & SCDC. All Defs. hired on (9-27-17 of 27 pgs) one copy of Mandamus to set-aside Mannings's & McFadden's & others, by Ms. Horchard-H. Dir. by U.S. Mail from below address & sworn to under penalty of perjury as true by (18 USC 1621-1622-1623-1746).

Respectfully Submitted

Dated, Sept. 26, 2017,

August B. Kreis, III,

#365998

Dear Clerk Shearouse & Davidson-Atty., et al,

Please file & place before the Ct. for speedy action my Mandamus of 27 pgs. to get Mannings's & McFadden's (6) orders set-aside, thanks.

Respectfully, August B. Kreis, III, 365998

STATE OF SOUTH CAROLINA )

COUNTY OF KERSHAW )

IN THE COURT OF COMMON PLEAS

17-CP46-181

August B. Kreis, III,

Plaintiff,

**RECEIVED**

SEP 28 2017

Civil Action No. 17-CP-28-131

v.

Dan Johnson, David Ross, David Johnson; et al,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS**

JANET C. HASTY  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

2017 AUG 21 PM 12:40

FILED FOR RECORD

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 11<sup>th</sup> 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.

**ATTEST True, Correct & Certified Copy of Original on File in this Court**

*Janet C. Hasty*  
Clerk of Court Kershaw County

*Exhibits*

1

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(18-27)

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7/11/17  
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

7/21  
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 Dudek<sup>1</sup>.

<sup>1</sup> 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."

3/21/17  
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 County<sup>2</sup>. 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**.

<sup>2</sup> 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).

JED

**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 . . .*

JW  
*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 appeal<sup>3</sup>. 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.

<sup>3</sup> 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.

7/2/18

“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

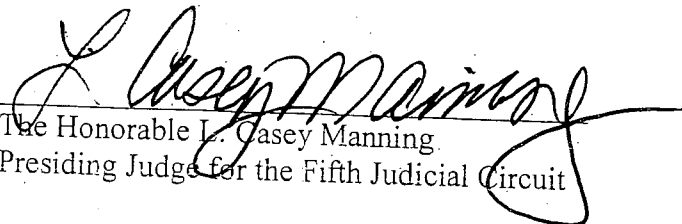
that when a person brings an action against a governmental entity, the person "shall name as a party defendant only the agency . . . for which the employee was acting." S.C. Code Ann. § 15-78-70 (c). "In the event that the employee is individually named, the agency . . . for which the employee was acting 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**

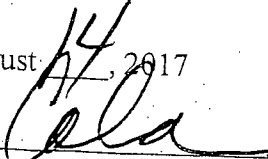
Therefore, for the reasons set forth herein, the Court finds that Plaintiff's action against the Defendants must be, and hereby is, **DISMISSED**.

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

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SEP 28 2017  
SC State of South Carolina Judicial Misconduct over Judges  
Court of Appeals Judicial Ethics Complaints (2705)  
(9-26,17)

To Judicial Conduct over judges - C. Simmon or one there now?

1) Prose August B. Kreis, III, 365998, double amputee, files Judicial Complaints upon J.C. Manning Def. Conspirator Judge for conspiracy-felony-acts on his own law suits & crimes he committed since (7-24-17 + 9-12-17<sup>th</sup> Oct Nov<sup>th</sup> Dec 2003) upon g. Hasty-Clerk 9A17-CP-28-131 & g. W. McBride 9A17-CP-40-1181, & for ethics violations & cover up felonies of Dep. on his to stop arrests & removal, & he did knowingly & willingly enter back into his & dep. conspiracies, to conceal Prose's raised issues on dep. Dan & David Johnson - Sol. of now 6,011 conspirators, which (he was one of these), & refused (7-24-17) to recuse himself once Prose served him 176 pgs (Prose Oral Argument put up in writing) at Kershaw Cty hearing, & Davidson a copy, & he read The Motion to Recuse (7-27-17) still issued illegal orders to protect himself & depts. on (7-24,17, & 8-14 2017) two;

2.) Then Def. judge K. McMahon conspirator, set hearing on 17-1181 cases & Prose served 13 pgs on him & Davidson & McBride, to recuse himself on (9-6-17), & he Manning re-entered that case & dismissed it of himself & Dan & David Johnson & R.M. Sudel & A.H. Wilson, Briggs, Hunter, et al. on (9-12-17) by judge sheet & voided the (9-21-17) & he mdr McMahon allowed judges A.H. Lee, or J.E. Kinard, or E.W. Miller, to handle those related Kershaw & Richland & Lexington suits served in counties where felonies took place as required by law I do all 3-suits were one & the same & 3:17-344-TW-RFB Forged by Beth Drake - U.S. Atty, & 7:17-413 & 414 J.E. Peale Nor. Car. cases to transfer, which depts. W.H. Davidson & A.H. Wilson & R.M. Sudel & judges S.H. McFaddin, & J.A. Teal, & McMahon, got Manning to do these criminal acts again as he did on 03-CP-40-4328 (Nov<sup>th</sup> Dec 2003) for depts. he took bribes & protected his Races main reason in g. Rock's cases.

3.) Manning has violated his oath of office & 455(b)(5)(i) & 15-55-10 & 16-17-100 & 410 & 16-9-340(2)(a) (2003) & 16-3-910 & Dep. therein joined in his & judges & Davidson & Briggs & R.M. Sudel & Wilson & Hunter - A-Hero & Sol. Def. felonies.

See; Hurst, 681 F.2d 246 (4th Cir. 1982) 18-usc-1341 it's a felony to send false orders or documents by mail or by a conspiracy act to harm someone & cover up felonies or deprive someone of their monies;

See; Labelle, 243 F. Supp. 2d 508 (D.S.C. 2001) Conspiracy exists when 2 or more join & agree with intent to do unlawful act or do one that's lawful by unlawful means, to injure a person & no proof of civil or criminal conspiracy.

See; Lickay, 510 U.S. 540 (1994) Mandatory-mandated judge recuse if bias, Dep. Lac-

1-2 0827

(26-27)

(9-26-17-AD)

ists, join into a felony or conspiracy even if it appears there might be bias or a conflict & S.C. Code 144 Rules of Judicial Conduct Appellate Court Rules, Re-vised when prejudice or has interest in case related to parties);

4) ProSe notices L. M. Coggiola - judicial is def, & needs to transfer to neutral judge to handle not involved, would be judges Simmons, & A. R. Lee & G. E. Kinard, & C. W. Miller, that are not involved in Aff. # 107 Judges cover-ups; See felony acts of H. B. Richardson & Coggiola on No # 13-DE-L-1767 hid others in these numbers Coggiola & G. Richardson & 16-DE-J-0252 & 0253 & 17-DE-L-0273 to 0282 (ten) & 17-DE-L-0241 to 0251 (Eleven) got rid of, & G. H. Toal ordered Shearouse to destroy 78 pgs. (8-24-04) off herself & judges & Sol. & magistrates, & Richardson did the same with 72 pgs. copy (11-2-6-04) which Clerk Rictch S.C. Ct. of Appeals had stamped filed, & Toal & Shearouse & Coggiola & his staff destroyed over 200 Complaints, that SLED agent Michael Anderson said (12-9-05) was a felony, but these def. & H. Sanford & H. D. McMaster & others threatened to fire him & have him arrested if he investigated these crimes & ProSe's J-Rock 171519 Kidnap status & ones A. Kreis raises to, in his suit Argument 21 attached to Recusal (6-8-17) of 330 pgs of 125 pgs, & (7-24-17) of 175 pgs of 176 pages in 17-CP-40-1181 & 17-CP-28-131 & 6-17-344 TLW-RJG, cases & 15 now 10 K116F2, pgs Coggiola's 20 to 21 of 24 pgs

5) ProSe seeks Full Impeachment & Investigations & Removal of Defs. & Manning & arrests & for S.C. State Grand jury & Sol. Preece to be notified & Shad McBride Anderson Cty. Sheriff to come see ProSe & J-Rock to go over these felonies & ones we have in above cases & 10-CP-37-1446 & 14-CP-40-05372 & 05322 & 03-4328 that Defs. & Manning are involved in blocking to cover up felonies & these felonies - conspiracy acts are facts are sworn to under penalty of perjury as true & happening daily by (18 USC-1621-1622-1623-1746) on Sept. 27, 2017, & served upon all Defs. to ensure others have knowledge & for warrants & Inds. later, & transfer judges above to do investigations, & order McBride-Sheriff to do it.

Dated: Sept 26, 2017, Respectfully Submitted,  
August B. Kreis, III, #365998

Perry Corr. Inst. AU-193A / 430 Oallava Rd. / Pelyer, South Carolina 29669-9363

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Imj

INTER-AGENCY

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