

Dear Clerks Shearouse, & Kitchings, & Repts.

Feb. 7, 2018

A.H. Wilson, R.M. Sudek, V.H. Hunter, W. Davidson,

CA 2015-007340-Kitchings,

1. Please file & acknowledge these 10 pages for Suppl. Amends. Motion-Mandamus to set-aside (Jan. 31, 18) Order & the intent to appeal it also, or for indigent counsel to be given by Shearouse Court, & the Certificate of Services Affid., thanks & reserve everyone whom needs one & Davidson Atty., because both Drake, U.S. Atty., & Marshals & Postal Secs., stop all ProSe's mails sent by U.S. mails by U.S.P.S. tractors & certified illegally & forgers any Fed. orders & letters. Thanks so very much

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

Perry Corr. Inst. ALU-193A/430 Oaklawn Rd. / Polyer, So. Cor. 29669-9363

P.S. I also served Lisa M. Comer-Clerk, Lexington for D.A. Early, III - Judge
& S.R. Hubbard, III, Sol.

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FEB 09 2018

SC Court of Appeals

The Supreme Court of South Carolina - Columbia
 In the South Carolina Court of Appeals - Columbia

August B. Kreis, III, Vet. 504/ADA
 ProSe Petitioner

) 9A No. 2015-002340 - (Kitchings)
) a Suppl. - Amended to Appeals
) Certificate of Services Affidavit to ver-
) ify Motion-Mandamus to set-aside (Jan 31,
) 2018) orders & reopen were served upon def.
) the Supreme Court intent to appeal it also
) for indigent court conflict free..

-VS-

The State - A.M. Wilson - A. Gen.
 R.M. Sudek, V.H. Hunter, of
 6, 040 Conspirators - Aiders, et al.
 Respondants

1. ProSe A.B. Kreis, III, filed his Suppl. Amend. Certificate of Services Affidavit proof he served the Motion-Mand. to set-aside & reopen the conspiracy (Jan. 31, 18) orders that unsigned & not done by full court as required by 7 seven judges whom are not Def. judges; of 10 pgs. & his ProSe Intent to Appeal to S.C. Supreme Court also is attached & served A.C. Shearouse - Clerk to process & to appoint ProSe a street lawyer to do the Appeal by ProSe's Memorandum Brief 32 pgs. filed (Nov. 19, 16) def. Sudek refused to retype & argue to conceal his felony acts back to 1991. & sworn to under penalty of perjury as true by (18 USC - 1621 - 1622-1623-1746) & served on def. hired counsel W.H. Davidson @ P.O. Box 8568 Cola., S.C. 29201, & A.M. Wilson, A-Gen. & V.H. Hunter, A-Gen. @ P.O. Box 11549 Cola, S.C. 29211, & R.M. Sudek - Atty. @ P.O. Box 11539 Cola., S.C. 29211, & Clerk Kitchings @ P.O. Box 11629 Cola, S.C. 29211 & Shearouse - Clerk @ P.O. Box 11330 Cola, S.C. 29211, One copy of both 10 pgs. total, from below address by M.A. Merchant - mail Dir. or M.A.T. Conwell - 90, on below date of (Feb. 5, 18) by U.S. Mail & Inter-Agency mail bag. See; *Heinger*, 276 F.3d 1220 (4th Cir. 2001) (Mail Box Rule Applies) See; S.C. Code 15-13-40 (2) & (4) ProSe can always verify his pleadings) See; *Jones*, 93 S.E. 2d 539 (S.C. 1957) 15-9-980 Serve Defs. Atty, not Defs); See; *Lock*, 487 U.S. 266 (1988) Pleading is served in mail box, Rm, or 90's hands).. P.S. Also served Lisa M. Corner Lex. Cty. Judicial Ctr. 205 E. Main St. Lex. SC 29072

Sworn & Subscribed to me -
 this 5th day of February 2018)
 X Tamara Conwell)
 Notary Public for South Carolina)
 X)

Respectfully Submitted,
 ProSe 504/ADA
 X August B. Kreis, III #365998

My Commission Expires
 My Commission Expires
 September 25, 2023

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Berry (not Ind.) ALU-193A / 430 Ouelawa Rd. / Polyan, S.C.
 29669-9363

FEB 05 2018 - BETH FILING

On the South Carolina Court of Appeals - Columbia

August B. Knowlton, II, 365798
 Prose Politician

-15-

The State, O.H. Wilburn,
 R.M. Audek,
 W.H. Kluntz, et al
 6,040

Complainant - Audek, et al
 Defendants:

-) A Supplemental Amended to Appellate by a Motion -
-) Handlmanus to set aside illegal felony conspiracy
-) Unassigned (Jan. 31, 18) order until by no return
-) Judge assigned if not are they over named by Clerk
-) Audek-def. whom made if up illegally to conceal

1. Prose A.B. Knowlton III, Audek by Supplemental Amended, a Motion - Handlmanus to set aside "illegal" felony conspiracy unassigned (Jan. 31, 18) order by it's until by me 7 seven judges assigned

It not are they over named, mer did the 3 three when names are shown, Wilburn, Thomas + Mc Donald - by. signed date it, + Prose mer for judge Wilburns may be

James Wilburna judge def., ? involved in Audek + A. Wilburns + Kluntz + Sales

In Lexington, A. Keshaw + Richard Lewellen + Judge J. H. Tol, D.C. Harrington,

M. M. Mc Gadden, W.H. Davidson + B. H. Briggs, + D. W. Reilly, are also in 6,040 conspiracy

ated, therefore Prose's Memorandum Brief filed (Nov. 19, 16) of 39 pgs. Argument 21;

See, So. Car. Sup. Court No. 2017-002587 - Why this conspiracy order was issued at the end

Handlmanus Audek Kiteburg + Shearman on (Jan. 9, 18) to name Ray R.M. Audek on

Appoint Audek lawyer + to void Roberts (2005) + Wilson (2010), unconstitutional. Prose

orders that are used by Supreme Court. Knut, supra.

See, Myers, 8 F. 3d 249, 252 (5th Cir. 1995) State chm. Prose has right to present Prose's

motions + briefs in Appeals. At. Daniels, 422 U.S. 806 (1975). Same by 6th Command, once

An attorney requires to do his appeal correctly, + final (final, verdicts);

See, Johnson, 943 F. 2d 370, 375-79 (4th Cir. 1991) Conflict of interest by city, tainted;

See, Taylor, 416 U.S. 335, 350 (1974) Prose Audek cannot work actively representing conflict

-ing interests, counsel must be removed + appointed another mandatorily;

See, G.A. Kiteburg, 74 2017-1934-Kiteburg + 2017-CF-40-1131 Audek Audek + A. Wilburn

they hired W. H. Davidson - Audek, who a def. also, must conflict + conspiracy -

felony acts by Audek + Judge were + are being committed;

See, Gabelle, 243 F. Supp. 2d 528 (4th Cir. 2001) when two or more join to harm someone, then

a civil or criminal conspiracy exist, or to kidnap and in concealing these acts); of

2. Prose seeks to reopen + set aside trial, illegal (Jan. 31, 18) rec. (2-2-18) by Rules 59(b) +

60(b) + 16-17-100 + 410 + 9-16-9-340 (2)(a) (2003) by filing acts committed.

See, Barton, 169 S.E. 2d 319 (S.C. 1969) Handlmanus Audek to stop or undo Handlmanus;

See, Pechelder, 169 S.E. 2d 537 (S.C. 1969) Kelly, from judgment when malconducts are felony

(15-23 # to set aside & reopen)

acts committed.

See: *Fulton*, 169 S.E.2d 313 (S.C. 1969) Handdown available to stop or undo hearing.

See: *Redden*, 169 S.E.2d 387 (S.C. 1969) Trial from judge when misconduct or felony conspiracy.

See: *Kemp*, 507 U.S. 973 (1993) the Supreme Court over rules State law & void it.

See: *Quirk*, 257 F. Supp. 552 (U.S. 1966) Recalcitrant witness granted by S.C. Code 15-53-1304

57-F.R.C.P. 26(d) matter if there are other remedies available.

See: *Eliam*, 368 S.E.2d 44, 46 (S.C. App. 1983) Court of Appeals notes, grand which does or attempt

to prevent the integrity of the Ct. itself, by an officer of the Ct. as the judicial mark

-many cannot prevent it a duty, advisors setting aside judge, error hearing is mand-

atory);

See: S.C. Code 15-55-10 illegal acts by judges & public officials.

See: *Government*, 57 S.E.2d 616 (S.C. 1963) 15-13-130 file motion to set aside & reopen case & there

prime fact case for Ct. to do so, to advise justice & promote it); &

3. Those states since "No, Duke" filed his conspiracy track brief to protect himself &

days & court required to remove him & his office & appoint other lawyer for those "State

local judge to waive any order on by Duke's lawyer, because he could not file

if mandatory, he receive by conflict.

See: *Eliam*, 460 S.E.2d 578 (S.C. 1995) Court have subject matter & it can't be waived & any

judgment rendered was void & can be raised at any time thereafter; And the (Jan. 31, 19)

Order in a Motion by Court & *Ollman* & *Vard*;

See: *Hare*, 88 S.E.2d 748 (S.C. 1955) 15-13-440 (c) (2) sham order by the Court has to be

set aside & *American* from the record & new orders issued;

See: *Schmitt*, 319 F.3d 349 (4th Cir. 2000) Court can correct error that a plan that caused

mismanagement of justice if not done; (Ct. *Johnson*, 520 U.S. 411 (1997))

"Conclusions"

4. Court should grant Motion-Mandamus to restore appeal & reopen it, & remove R.H.

Judge-day, & appoint *Prose* an independent trial lawyer as mentioned 4. four times, to

prevent justice as *Prose* a Mandamus being issued will be argued by Atty. that

will automatically release *Prose* from illegal detention

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

Tracy Court Bldg, 411-193A/430 Oaklawn Rd./Fayette, South Carolina 29669-9363

See Certificate of Service hereto attached 1-pg & intent to Appeal 5-pgs. to
S.C. Sup. Ct. Trial of 10 pg with cover letter.

In the South Carolina Court of Appeals - Columbia

August B. Kreis, III, 365998,) 9A No: (Shearouse)

Prose Petitioner 504/ADA-Vet,) 9A No: 2015-002340 - (Kitchings)

-VS-

The State - A.M. Wilson,

R.M. Nudick, V. H. Hunter, of

6,040 Conspirators - Aiders, et al.

Defendants:

) A Suppl. Amends to Appeals for Prose's to file his
) Intent to Appeal his appeal to S.C. Sup. Ct. for
) ruling on (Jan. 31, 18) Lower Ct. 3 judges, un-
) signed void, sham order & for appointed Indi-
) gent lawyer to handle it.

1. Prose A.B. Kreis, III, files his Suppl. Amends to Appeals for a "Intent to Appeal the (Jan. 31, 18) 3 judge unsigned void, sham order & seek by right for an indigent street, conflict free lawyer to be appointed him; so that Counsel can argue (Prose's Memorandum Brief filed (Nov. 19, 16) of 32 pgs), plus all the Amends thereafter, proof - Lexington County (Nov. 2-5, 15) trial was done by illegal conspiracy fraud acts to frame Prose, by Kershaw & Richland County were one & the same used as two or more charges, which could not exist & do not & have been moell processed by suits 17-CP-40-1181 & 17-CP-28-131 & 3:17-344-TW-PTC filed, which is 2017-001984-Kitchings that Defs above are therein & also Prose's appeal also Argument 31 of 32 pgs. &

2. Prose is indigent & owes SCOC State over \$600.00 & he's 504/ADA double amputee & does not get any FM pay, nor monies from anyone & entitles Prose to appointed Counsel & appeal at no charge by it is Criminal;

See; Bailey, 434 S.E.2d 503 (S.C. 1992) Mandatory appointment of conflict free counsel for indigent Prose on criminal Appeals by 6th & 11th Amends.);

See; Tennessee, 541 U.S. 509 (2004) 504/ADA & indigent Prose are to have access to all atts. & free counsel whom are in this status & no fees can be charged them);

See; Cuyler, 446 U.S. 335, 350 (1990) Prose should counsel was actively representing conflicting interests, counsel must be removed & appoint another mandatory if Atty. of Atty. is in Defs. case);

3. Prose incorporates his Prose's Memorandum Brief 32 pgs & all Suppl. Amends. thereafter into this Intent to Appeal to support his reliefs sought therein them for a automatic release & dismiss all charges with prejudice & void the illegal convictions & & jeopardy bars any retrials forever more; &

"Conclusion"

4. Court should grant this Intent to Appeal & give counsel & hear the Motion to reopen & set aside (Jan. 31, 18) 3-judge unsigned orders, by Ref. Nudick could not file any Brief for Prose & had to recuse himself - mandatory, & Prose prays Court does so, &

and hear this in a speedy manner, because law & court has dragged his appeal & mishandled it by allowing Ref. Nuder & Atty. Gen. office to also handle their own appeal, was wrong also, they had to remove themselves or Court was to do so mandatory, conflict exists, even Ct. of Appeals had a conflict & Ref. Beatty - Chief judge does to; which required transfer to more def. Judges to handle Appeals as Prose raised but wasn't honored, because of Argument 21 Prose brief issues & his suits above listed, (Shearouse Ga 2017-002589, to remove R.M. Nuder), which Prose sent 16 pgs & 3 pgs. to Clerk's - Proof of Services (Jan. 31, 17) & sworn to under penalty of perjury as true by (18 USC. 1621-1622-1623-1746) on date below:

Respectfully Submitted,

Dated: Feb. 2, 2018

August B. Kreis, III, 365998

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

See Certificate of Services hereto attached 1-1 pgs & Motion - Mandamus to Set-Aside (Jan 31, 18) of 2-2 pgs. total 19 pgs. with cover letter.



got 2-2-18
12: pm
merchant/c
Ray /c

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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January 31, 2018

Mr. Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Mr. Vann Henry Gunter, Jr., Esquire
PO Box 11549
Columbia SC 29211

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

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: August Byron Kreis, III, 00365998
Alan McCrory Wilson, Esquire
Samuel R. Hubbard, III, Esquire
The Honorable Doyet A. Early, III

*Exhibits
3-5*

*order is forged
by clerk V.C. Allen
& not signed &
is void*

(conspiracy to cover by Felonys)

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

*Set 2-2-18
12: PM
meschert &
Roy / 05*

The State, Respondent,

v.

August Byron Kreis, III, Appellant.

Appellate Case No. 2015-002340

Appeal From Lexington County
Doyet A. Early, III, Circuit Court Judge

(cover up)

Unpublished Opinion No. 2018-UP-052
Submitted November 1, 2017 – Filed January 31, 2018

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Vann Henry Gunter, Jr., both of
Columbia; and Solicitor Samuel R. Hubbard, III, of
Lexington, all for Respondent.

PER CURIAM: August Kreis, III, appeals his convictions of second-degree
criminal sexual conduct with a minor and lewd act on a minor, arguing the trial
court erred by (1) instructing the jury that the victims' testimony need not be

*Exhibits
4-6*

corroborated and (2) admitting evidence of a prior bad act. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

As to Issue 1: *State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010) ("An appellate court will not reverse the trial [court's] decision regarding a jury charge absent an abuse of discretion."); *State v. Hawes*, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." (quoting *State v. Black*, 400 S.C. 10, 16, 732 S.E.2d 880, 884 (2012))); *State v. Stukes*, 416 S.C. 493, 496, 498, 787 S.E.2d 480, 481, 482 (2016) (holding the trial court erred in charging the jury that the victim's testimony need not be corroborated by additional evidence because it was "an impermissible charge on the facts and therefore unconstitutional"); *State v. Belcher*, 385 S.C. 597, 611, 685 S.E.2d 802, 809 (2009) ("[E]rroneous jury instructions[] are subject to harmless error analysis."); *State v. Middleton*, 407 S.C. 312, 317, 755 S.E.2d 432, 435 (2014) ("When considering whether an error with respect to a jury instruction was harmless, [this court] must 'determine beyond a reasonable doubt that the error complained of did not contribute to the verdict.'" (quoting *State v. Kerr*, 330 S.C. 132, 144-45, 498 S.E.2d 212, 218 (Ct. App. 1998))).

As to Issue 2: *State v. Gaster*, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002) ("The admission of evidence is within the discretion of the trial court and will not be reversed [on appeal] absent an abuse of discretion."); *Hawes*, 411 S.C. at 191, 767 S.E.2d at 708 ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." (quoting *Black*, 400 S.C. at 16, 732 S.E.2d at 884)); *State v. Martucci*, 380 S.C. 232, 252, 669 S.E.2d 598, 609 (Ct. App. 2008) ("If there is any evidence to support the admission of bad act evidence, the trial [court]'s ruling cannot be disturbed on appeal."); *State v. Wallace*, 384 S.C. 428, 433, 683 S.E.2d 275, 277-78 (2009) ("When determining whether evidence is admissible as common scheme or plan, the trial court must analyze the similarities and dissimilarities between the crime charged and the bad act evidence to determine whether there is a close degree of similarity."); *id.* at 433-34, 683 S.E.2d at 278 ("[T]he trial court should consider the following factors when determining whether there is a close degree of similarity between the bad act and the crime charged: (1) the age of the victims when the abuse occurred; (2) the relationship between the victims and the perpetrator; (3) the location where the abuse occurred; (4) the use of coercion or

threats; and (5) the manner of the occurrence, for example, the type of sexual battery.").

AFFIRMED.¹

WILLIAMS, THOMAS, and MCDONALD, JJ., concur.

(Order not signed
& is void & lacks
4 Judges signatures)

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

Exhibits
6-6

August B. Kreis, III, 365998
Perry Corr. Inst. ALU-193A
430 Oaklawn Road
Pelzer, S.C. 29669-9363

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SC Court of Appeals

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FEB 07 2018

PCI Mailroom

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

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS
NOT BEEN ADVISED OR INSURED THIS
THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS CONTENTS.
PERRY CORRECTIONAL INSTITUTION
STATE DEPARTMENT OF CORRECTIONS