

United States Supreme Court

Jason A. Krumbach (pro se)
Appellant

v.

Teresa Bittinger et. AL
Appellee

CERTIFICATE OF
MAILING

IT COMES pursuant to Federal Appellant rules of procedure rule 25(d)(2)(B), Appellant Jason A. Krumbach (pro se) respectfully certifies that a true and correct copy of the foregoing action, 'Notice' was sent through the institutional mailing system by 1st class mail with sufficient postage prepared by the institution on my behalf, was sent to the South Dakota Attorney General Office in the care of Matthew Templar (Deputy Attorney General), 1302 East Highway 14 suite #1, Pierre, South Dakota, 57501, on this 9 day of September 2024.

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The above statement is made under the
Penalty of Perjury (see 28 USC section 1746;
18 USC section 1621)

Respectfully Submitted on this 9 day of September

2024.

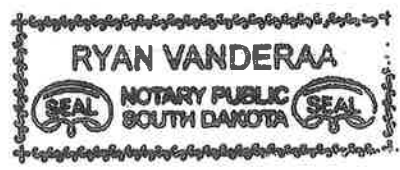


Jason Krombosch
1600 N. Drive
Siouxfalls SD 57117

Subscribed Before me on this
9 day of Sept 2024



NOTARY Public / Clerk of Court
If Notary, my commission expires
May 5, 2028



United States Supreme Court

Jason A. Krumbach
Appellant

v

Teresa Bittinger et. Al
Respondent

CERTIFICATE OF
MAILING

Pursuant to Federal Rules of Appellate Procedure
rule 25(d)(2) Appellant, Jason A. Krumbach (prose), respectfully
certifies that a true and correct copy of the foregoing action
'Notice' was sent through the institutional mailing system
which of 1st class mail with postage prepared by the
institution on my behalf, was sent to the 8th Circuit
Court of appeal clerk of the Court's office at 316 North
Roberts Street, 500 Fed. Bldg, St. Paul, MN 55101, on
this 9 day of September 2024.

(Rest of page left Blank)

The above statement is made under penalty of
perjury (see 28 U.S.C. Section 1746; 18 U.S.C.
Section 1621).

2024.

Respectfully submitted on this 9 day of September

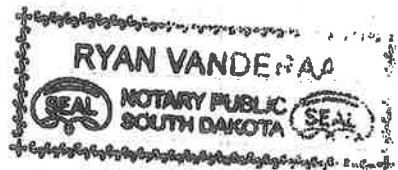


Jason A. Thrumbsck
1600 N. Drive
Sioux Falls SD 57117

Subscribed before me on this
9 day of Sept 2024.



Notary Public / Clerk of Courts
If Notary, my commission expires
May 5, 2028




Certificate of Service

IT COMES NOW; Appellant Jason Krumbach (pro se) hereby certifies that a true and correct copy of the foregoing action 'Certificate of Mailing' was sent by 1st class Mail with sufficient postage provided by the institution mailing process to the below named parties to the below addresses on this 9 day of September 2024.

United States Court of Appeal
8th Circuit Court clerk office
316 N. Roberts ~~St.~~ 55101

South Dakota Attorney General office
c/o Matthew Templar, Dpt Atty.
1302 EAST Highway 14 Ste 1
Pierre SD 57501


Jason Krumbach
1600 N. Drive
Sioux Falls SD 57117

United States Supreme Court

Jason A. Krumbach (prose)
Appellant

Civ NO 24-2254

v.

NOTICE

Teresa Bittinger et AL
Appellee.

You are hereby notified, Mr. Krumbach is expected to file an Emergency injunction motion seeking the immediate rulings on the filed motions: (Expedite Consideration, Motion to Compel Judicial Review, Personal Recognizance Bond) as well as the court order of the Certificate of Appeal is to rule on the subject matters within the seven (7) days (Business) as described with "Emergency fashions."

This sought injunction is in order as the court having the matter since June 12, 2024, since filing has not ruled on any of the above matters while the court rules on matters that have no standing as recited in the above motions. This fashion of procedure presents a miscarriage of Justice example. Mr. Krumbach will address the

fact the Court is failing to ensure justice is served,
and to secure no miscarriage of justice, contrary to
historical Supreme Court rulings.

THEREFORE; You are hereby notified of
the expected Emergency injunction motion, that
will be mailed to the United States Supreme
Court within 14 days from the mailing of this
Notice.

Respectfully Submitted on this 9 day of September
2024.




Jason Krumbach
1600 N. Drive
Sioux Falls SD 57117

Certificate of Service

IT COMES NOW: Appellant Jason A. Krumbach (pro se) hereby certifies that a true and correct copy of the foregoing motion 'Notice' was sent by 1st class Mail with sufficient postage provided by the institution mailing process, to the named party below to the below indicated addresses on this 1 day of September 2024.

United States Court of Appeal
8th Circuit Court of Appeal
316 N. ~~Dave~~ Roberts St
St Paul, MN 55101

South Dakota Attorney General
c/o Matthew Temples, Atty gen DEPT
1302 EAST Highway 14 ste 1
Pierre SD 57501



Jason Krumbach
1600 N Drive
Sioux Falls SD 57117

Certificate of Service

IT COMES NOW: Appellant Jason A. Krumbach (pro se) hereby certifies that a true and correct copy of the foregoing caption 'Notice' was sent by 1st class Mail with sufficient postage provided by the institution mailing process, to the named party below to the below indicated addresses on this 1 day of September 2024.

United States Court of Appeal
8th Circuit Court of Appeal
316 N. ~~Dave~~ Roberts St
St Paul, MN 55101

South Dakota Attorney General
c/o Matthew Temples, Atty gen DPTy
1302 EAST Highway 14 ste 1
Pierre SD 57501


Jason Krumbach
1600 N Drive
Sioux Falls SD 57117

process of appealing before a court about an argument of action so that a decision can be made about a legal action "1"
element of witness tampering
webster's Definition
100% factual of innocence

1 STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
 :SS
2 COUNTY OF MINNEHAHA) SECOND JUDICIAL CIRCUIT
 * * * * *
3 STATE OF SOUTH DAKOTA,
4 PLAINTIFF, CR 21-8125, CR 22-3305
5 vs. CHANGE OF PLEA AND
6 JASON ARTHOUR KRUMBACK, SENTENCING HEARING
7 DEFENDANT.

8 * * * * *

9 BEFORE: THE HONORABLE JENNIFER D. MAMMENG
10 Circuit Court Judge, Sioux Falls,
11 South Dakota.

13 APPEARANCES:
14 Colleen Marie Moran
15 Deputy State's Attorney
16 Minnehaha County State's
 Attorney's Office
 415 North Dakota Avenue
 Sioux Falls, South Dakota 57104
17 for the State;

19 Jonathan Leddige
20 Attorney at Law
21 Minnehaha County Public
 Advocate's Office
 415 North Dakota Avenue
 Sioux Falls, South Dakota 57104
22 for the Defendant.

24 PROCEEDINGS: The above-entitled proceedings commenced at
25 1:30 p.m., on the 4th day of October, 2022, in Courtroom 6B at
 the Minnehaha County Courthouse, Sioux Falls, South Dakota.

1 be convicted just as if we had an evidentiary hearing.
2 There won't be a trial though or an evidentiary hearing of
3 any kind, and you'll then be subject to punishment.

4 If you do plead guilty or you do admit on the motion
5 to revoke, you automatically would waive or give up the
6 rights that we have just discussed; including the right to
7 have a trial or an evidentiary hearing, your right to
8 confront and cross-examine the witnesses against you, your
9 right to subpoena witness on your own behalf, your right to
10 be presumed innocent, and your right to remain silent.

11 Do you understand that by entering an admission or
12 pleading guilty, you would be giving up those rights?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. And do you have a copy of the
15 indictment and the Part II in file 22-3305?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Okay. You have been charged in Count I of the
18 indictment with witness tampering, and the State is
19 alleging that on or about April 8th of 2022, here in
20 Minnehaha County, South Dakota: **acknowledge of conduct*

21 (The Court read the indictment in open court.)- *official proceeding*

22 THE COURT: The State has also filed a Part II habitual
23 offender information against you alleging that you have six
24 prior felony convictions and at least one of those
25 convictions is for a crime of violence. Those prior

1 Detective Ehlers from the Sioux Falls Police
2 Department tracked some of that contact, which included a
3 telephone call that the Defendant made or had with the
4 victim in this case. In that telephone call, he made
5 statements to her and -- such as that he asked her what she
6 had to say. Um, she did indicate to him that she still
7 loved him, she wanted to be married. He said, You lied to
8 me, you know that and I know that. He tells her that she
9 has one last chance, and says, You realize that the
10 no-contact order means one time of getting ahold of her and
11 he would go to prison for 12 years, and that the only way
12 for that not to happen -- and then the detective was unable
13 to hear the rest of that. But the Defendant then did tell
14 the victim to get a letter to the judge asking for a
15 modification; meaning, a modification of the no-contact so
16 that it could be dismissed. He told her that was her
17 chance, he wanted a copy of it, of whatever correspondence,
18 and asked her if she understood that, and she indicated
19 that she did. He indicated that he might be a trusty by
20 April 24th and told her she needed it to be done by then,
21 did she understand that? She said, Yes. He told her he
22 was serious, and then she again said, Yes, she understood.
23 Um, they talked about the underlining charges and what had
24 happened, he did apologize for that. But then, um, he had
25 told her that he needed her to go to South Dakota Legal Aid

fracture / bases

1 to get some help with what he wanted her to accomplish.
2 And then indicated that she needed to promise on their
3 marriage that she was going to mail something to the Court.
4 And he indicated he would e-mail her the judge's name that
5 she needed to contact. And then gave her additional
6 information about how she needed to contact him, she needed
7 to be more careful, she needed to be careful in e-mails and
8 she needed to be careful in telephone calls. He told her
9 to use the name "Stacy." Said that he was not being
10 demanding, I am being strict, um, and how he had been
11 blindsided. And a number of the correspondence that the
12 detective was able to find did indicate the name "Stacy."
13 But that was the Defendant's demands on the victim in this
14 case that she needed to do what he told her to do and she
15 needed to promise on their marriage that she would do that.
16 And this did happen in Minnehaha County.

17 THE COURT: Mr. Krumbach, do you agree with the facts the
18 prosecutor just stated?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: Do you agree that starting on or about April
21 8th of 2022, here in Minnehaha County, South Dakota, that
22 after I sentenced you on an aggravated assault count, and
23 as part of your sentence, instructed you that you were not
24 to have any contact with Charlotte Stands for a period of
25 12 years, that you at that point began contacting her?

Fredrick B...
I

1 calendar, I really can't accommodate someone until the end
2 of November. And so if we can, I would like to move
3 forward with sentencing at this time.

4 MS. MORAN: That is fine.

5 THE COURT: All right. I will hear from you first,
6 Ms. Moran.

7 MS. MORAN: Thank you, Your Honor. The State is asking
8 that you follow the plea agreement and impose the maximum
9 time allowed to it and that you impose the ten years in the
10 South Dakota State Penitentiary, and we have agreed that
11 ten years will be suspended as well. I am asking that the
12 Court -- that any time that the Court imposes be
13 consecutive rather than concurrent.

14 I think it is very egregious in this matter that the
15 Defendant left your courtroom on April 8th of 2022 and very
16 soon thereafter started contacting the victim, asking her
17 to get the no-contact lifted. In the file in which he
18 pled, there were a number of communications that occurred,
19 and many of those occurred on that date, e-mail
20 communication, as well as the phone call. I believe the
21 reports in the file would indicate that from April 8th to
22 April 11th of 2022, the Defendant had made 26 calls, but
23 only one of those were successful to the victim. He has
24 made a number of --

25 THE COURT: What was the date range one more time?

Apply Gen. Response

State v. Krumback, Minnehaha County File 49CRI22-577, Information (filed on January 27, 2022). Krumback eventually pled guilty to two counts in each file and the remaining thirty-six counts were dismissed. *Krumback*, Minnehaha County File 49CRI22-575, Judgment of Conviction (filed on April 19, 2022); *Krumback*, Minnehaha County File 49CRI22-577, Judgment of Conviction (filed on April 19, 2022). For each conviction, the Honorable Andrew Robertson, Minnehaha County Magistrate Judge, sentenced Krumback to 360 days in jail, suspended that term, and ordered him to not violate any protection orders or no contact orders in place. *Krumback*, Minnehaha County File 49CRI22-575, Judgment of Conviction; *Krumback*, Minnehaha County File 49CRI22-577, Judgment of Conviction.

On April 8, 2022, Krumback entered a no contest plea to the aggravated assault charge from November and the ~~simple assault and false imprisonment charges were dismissed~~. *Krumback*, Minnehaha County File 49CRI21-8125, Judgment and Sentence (filed on April 19, 2022). The Honorable Jennifer D. Mammenga, Minnehaha County Circuit Judge ~~sentenced~~ ^{Innocent} Krumback to twelve years in prison. *Id.* Judge Mammenga suspended ~~that sentence~~ on several conditions, including that Krumback serves 180 days in jail, completes six years of probation, and has no contact with C.S. for twelve years. *Id.*

Even though he ~~was ordered~~ ^{Innocent} to not contact C.S., Krumback ~~disregarded the court's order~~ ^{Innocent} ~~right after his sentencing hearing~~. Between April 8 and May 19, 2022, Krumback contacted C.S. over forty times. *Krumback*, Minnehaha County File 49CRI21-8125, Motion to Revoke Suspended Sentence (filed on July 5, 2022). ~~Krumback called CS right after his sentencing hearing, telling her that~~ ^{Innocent}

the no-contact order means one time of getting ahold of her and he would go to

ICC- IC-SAO
ICC-jail
Scan to pen

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

PD 22-0077383

vs.

49CRI22003305

JASON ARTHOUR KRUMBACK,
Defendant.

JUDGMENT & SENTENCE

An Indictment was returned by the Minnehaha County Grand Jury on June 2, 2022, charging the defendant with the crimes of Count 1 Tampering With Witness to Withhold Info/Testimony on or about April 8, 2022; Count 2 Violation of Protection Order or No Contact Order (domestic) on or about April 8, 2022; Count 3 Violation of Protection Order or No Contact Order (domestic) on or about April 9, 2022; Count 4 Violation of Protection Order or No Contact Order (domestic) on or between April 10, 2022 and April 11, 2022; Count 5 Violation of Protection Order or No Contact Order (domestic) on or between April 12, 2022 and April 13, 2022; Count 6 Violation of Protection Order or No Contact Order (domestic) on or between April 14, 2022 and April 15, 2022; Count 7 Violation of Protection Order or No Contact Order (domestic) on or between April 16, 2022 and April 17, 2022; Count 8 Violation of Protection Order or No Contact Order (domestic) on or between April 18, 2022 and April 19, 2022; Count 9 Violation of Protection Order or No Contact Order (domestic) on or between April 20, 2022 and April 21, 2022; Count 10 Violation of Protection Order or No Contact Order (domestic) on or between April 22, 2022 and April 23, 2022; Count 11 Violation of Protection Order or No Contact Order (domestic) on or between April 24, 2022 and April 25, 2022; Count 12 Violation of Protection Order or No Contact Order (domestic) on or between April 26, 2022 and April 29, 2022; Count 13 Violation of Protection Order or No Contact Order (domestic) on or about April 30, 2022; Count 14 Violation of Protection Order or No Contact Order (domestic) on or between May 1, 2022 and May 2, 2022; Count 15 Violation of Protection Order or No Contact Order (domestic) on or between May 3, 2022 and May 4, 2022; Count 16 Violation of Protection Order or No Contact Order (domestic) on or between May 5, 2022 and May 6, 2022; Count 17 Violation of Protection Order or No Contact Order (domestic) on or between May 7, 2022 and May 8, 2022; Count 18 Violation of Protection Order or No Contact Order (domestic) on or between May 9, 2022 and May 10, 2022; Count 19 Violation of Protection Order or No Contact Order (domestic) on or between May 13, 2022 and May 14, 2022; Count 20 Violation of Protection Order or No Contact Order (domestic) on or between May 13, 2022 and May 14, 2022; Count 21 Violation of Protection Order or No Contact Order (domestic) on or between May 15, 2022 and May 16, 2022; Count 22 Violation of Protection Order or No Contact Order (domestic) on or between May 17, 2022 and May 18, 2022; Count 23 Violation of Protection Order or No Contact Order (domestic) on or between May 19, 2022 and May 20, 2022 and Part II Information(s) were file for Habitual Criminal Offender and 4th Violation of Protection Order Offense.

The defendant was arraigned upon the Indictment and Information(s) on June 7, 2022, Erik Van Buren appeared as counsel for Defendant; and, at the arraignment the defendant entered his plea of not guilty of the charges in the Indictment.

exhibit no 2A

Defendant with counsel Jonathan Leddige, returned to Court on October 4, 2022, the State appeared by Colleen Moran, Deputy State's Attorney. The defendant thereafter changed his plea to guilty to Count 1 Tampering With Witness to Withhold Info/Testimony (SDCL 22-11-19(2)) and admitted to the Part II Habitual Criminal Offender Information (SDCL 22-7-8).

Thereupon on October 4, 2022, the defendant was asked by the Court whether he had any legal cause why Judgment should not be pronounced against him. There being no cause, the Court pronounced the following Judgment and

SENTENCE

AS TO COUNT 1 TAMPERING WITH WITNESS TO WITHHOLD INFO/TESTIMONY - HABITUAL OFFENDER : JASON ARTHOUR KRUMBACK shall be imprisoned in the South Dakota State Penitentiary, located in Sioux Falls, County of Minnehaha, State of South Dakota for twenty (20) years with credit for one hundred thirty-four (134) days served and with ten (10) years of the sentence suspended on the conditions that the defendant sign and abide by all terms of Parole Agreement and that he remain in the custody of the Minnehaha County Clerk of Courts, which shall be collected by the Board of Pardons and Parole.

It is ordered that this sentence shall run consecutively with 49CR12-0123.

It is ordered that the defendant shall provide a DNA sample upon intake into the South Dakota State Penitentiary or the Minnehaha County Jail, pursuant to SDCL 23 - 5A - 5, provided the defendant has not previously done so at the time of arrest and booking for this matter.

It is ordered that Counts 2 through 23 charging JASON ARTHOUR KRUMBACK with twenty-two (22) counts of Violation of Protection Order or No Contact Order (domestic) and the Part II Information for 4th Violation of Protection Order be and hereby are dismissed.

The defendant shall be taken into custody of the Minnehaha County Jail following Court on the date hereof; to then be transported to the South Dakota State Penitentiary, there to be kept, fed and clothed according to the rules and discipline governing the Penitentiary.

Dated at Sioux Falls, Minnehaha County, South Dakota, this 12th day of October, 2022.



ATTEST:
ANGELIA M. GRIES, Clerk
By: Angelia M. Gries
Deputy

BY THE COURT:

Jennifer D. Mammenga
JUDGE JENNIFER D. MAMMENGA
Circuit Court Judge

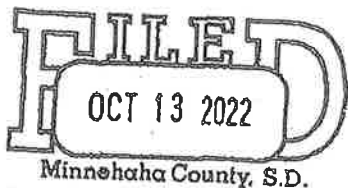


exhibit No 1A

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with that grief as well.

Um, I believe I would note that also on top of, if the Court recalls in the motion to revoke file, the aggravated assault file, we filed a competency motion, because Mr. Krumbach does have significant mental-health history, which include major depressive disorder and other conduct disorders. And he did start taking medications, which did even out a lot of his behaviors and anxiety while in the jail.

Now, I would also note that Jason, when looking at his record, while he does present to the Court with a felony history, he doesn't present to the Court with a violent felony history. In fact, things don't go downhill until 2021, when he was arrested on a simple assault. And that was dismissed against Ms. Stand, and he pled guilty to violations of protection order and then he comes back in November of 2021 on the aggravated-assault file. And so I don't think necessarily his violent tendencies are something that is indicative of his character, but of the stress and mental status in last November. And I think since then, having the dynamic that was in play with his family and the desires, which is very hard for him to get into.

When we get to the sentencing hearing, and having the statement read from Ms. Stands, that she was entitled to do

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-2254

Jason Krumback

Petitioner - Appellant

v.

Teresa L. Bittinger, Warden; Attorney General for the State of South Dakota

Respondents - Appellees

Appeal from U.S. District Court for the District of South Dakota - Southern
(4:23-cv-04155-KES)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. Appellant's pending motions are also denied. The appeal is dismissed.

October 04, 2024

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik