

Terrell McCuy 256070  
BRCI Waterree A side #241  
4460 Broad River Rd  
Columbia SC 29210  
August 31, 2025

**RECEIVED**

SEP 04 2025

SC Court of Appeals

The South Carolina Court of Appeals  
Post office Box 11629  
Columbia SC 29211

RE: Terrell McCuy v. Attorney General Rutledge Johnson  
Appellate Case No. 2025-001013

Dear clerk, this is a reply to the August 25, 2025 letter sent to me by this court

- I have mailed a \$250.00 filing fee (money order) to this court. Base upon the Rule 203 (d)(3)(ii) (a filing fee is not required for Criminal appeals. This Appeal is an Independent Cause of action for fraud upon the Court which occurred during my criminal trial, against the solicitor's and attorney generals who perpetrated the Fraud under Rule 60 (b) SCRPC.
- I timely ~~filed~~<sup>T.M</sup> mailed the notice of appeal on 5-20-2025 with proof of service to the South Carolina Supreme Court. The SC Supreme Court transferred the appeal to this Court under Rule 204 (a) SCACP. See Exhibit 1 SCDmail delivery
- The lower Court signed the order of dismissal on Feb. 21, 2025. I timely filed a Rule 59 (e) motion which stayed the time limit to file notice of appeal pursuant to rule 203(b)
- (1) See Exhibit 2 and Exhibit 3.
- The lower Court denied the Rule 59 (e) on 4-25-25. See Exhibit 3. These documents were provided to this Court.

See Houston v. Lack 487 U.S. 266 108 S.Ct 237 101 L.Ed.

2d. 245 (Prose petitioner's notice of appeal is filed at moment of delivery to prison authorities for forwarding to district court.)

- I sent the original copy of the Rule 59 (e) denial order to this Court, and have recently requested a additional copy from Richland County Clerk of Court.
- The opposing party are aware that the Judge denied the Rule 59 (e) on 4-25-25
- The petition for writ of Certiorari will be filed once i receive the transcript from the Court Reporter. On August 19, 2025 the South Carolina Court of Administration provided me with the Transcript Request form SCCA 800 (03.2023) Exhibit 4

August 31, 2025

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4460 Broad River Rd  
Columbia SC 29210



Exhibit 2

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Terrell McCoy, )

Plaintiff, )

v. )

Attorney General Rutledge Johnson, )  
Samantha Weidemeir, Burns Wetmore, )  
Angela Bunker, Peter McCoy, Lorelle )  
Proctor, Rae Wooten, Roger Young, )  
Deadra Jefferson, )

Defendants, )

**ORDER**

Civil Action Number:  
2022-CP-40-6230

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SC Court of Appeals

This matter came before the Court on December 18, 2024, upon the Defendant Samantha Weidauer's Motion to Dismiss the Plaintiff's Amended Complaint.<sup>1</sup> The hearing took place virtually via Webex with The Honorable Daniel Coble presiding. Plaintiff appeared *pro se* and was present at the hearing via Webex. Assistant Attorney General Carly H. Davis appeared on behalf of the Defendant, former Assistant Attorney General Samantha Weidauer.

**PROCEDURAL HISTORY**

Mr. McCoy filed a Summons and Complaint on November 29, 2022. Mr. McCoy filed an Amended Complaint on December 22, 2022. The Defendant, former Assistant Attorney General Samantha Weidauer filed a Motion to Dismiss Plaintiff's original Complaint on January 11, 2023. Plaintiff filed a response in opposition to the motion on January 31, 2023. Defendant, former Assistant Attorney General Samantha Weidauer filed a Motion to Dismiss Plaintiff's Amended

<sup>1</sup> Samantha Weidauer's name is incorrectly spelled in the caption. The proper spelling is reflected in this Order.

Complaint on February 2, 2023. The parties filed supporting memorandum prior to the hearing. The motion was heard on December 18, 2024.

**STANDARD OF REVIEW**

Pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a defendant may move to dismiss a complaint when the defendant demonstrates that the plaintiff has failed to allege facts sufficient to establish a cause of action. Rule 12(b)(6), SCRPC. *See Williams v. Condon*, 347 S.C. 227, 233, 553 S.E.2d 496, 500 (Ct.App.2001). A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true. *Gressette v. S.C. Elec. & Gas Co.*, 370 S.C. 377, 378– 79, 635 S.E.2d 538, 538 (2006); *Disabato v. S.C. Ass'n of Sch. Adm'rs*, 404 S.C. 433, 441, 746 S.E.2d 329, 333 (2013).

**ANALYSIS**

Specifically, as to Defendant Weidauer, Rule 4(d)(5) of the South Carolina Rules of Civil Procedure provides in pertinent part that a plaintiff seeking to commence an action against a state officer effects service “by delivering a copy of the summons and complaint to such officer or agency and by sending a copy of the summons and complaint by registered or certified mail to the Attorney General at Columbia” Rule 4(d)(5), SCRPC.

In the present case, the plaintiff attempted to initiate his action against former Assistant Attorney General Samantha Weidauer by sending a copy of his Summons and Complaint and subsequent Amended Complaint via First Class mail.<sup>2</sup> Plaintiff utilized an improper form of service upon former Assistant Attorney General Samantha Weidauer, and Defendant’s Motion to

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<sup>2</sup> In 2018, former Assistant Attorney General Rutledge Johnson passed away. Plaintiff attempted to serve Mr. Johnson via mail to the Office of the Attorney General; however, service was improper and not effected.

2 of 3

Dismiss is granted for insufficiency of service of process pursuant to Rule 12(b)(5) of the South Carolina Rules of Civil Procedure.

Furthermore, pursuant to Rule 5(d) of the South Carolina Rules of Civil Procedure:

All papers required to be served upon a party except as provided in Rule 26(g)(1), shall be filed with the court within five (5) days after service thereof. The summons and complaint shall be filed before service. Proof of service shall be filed within ten (10) days after service of the summons and complaint. Upon failure to serve the summons and complaint, the action may be dismissed by the court on the court's own initiative or upon application of any party.

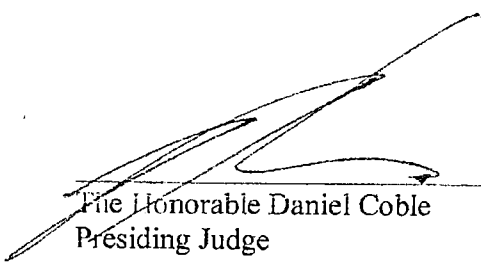
Rule 5(d), SCRPC. Plaintiff failed to properly serve any of the defendants named in this case, and it is therefore dismissed in full pursuant to SCRPC Rule 5(d).

**CONCLUSION**

For the reasons set forth above and based on the record, arguments presented, and the applicable law, Defendant Weidauer's Motion to Dismiss is hereby GRANTED and this case is DISMISSED in its entirety.

**IT IS SO ORDERED.**

2/20/25  
Date

  
The Honorable Daniel Coble  
Presiding Judge

Richland, South Carolina

Exh. b. 3  
denial Rule 59(e)



Richland Common Pleas

**Case Caption:** Terell Mccoy, #256070 vs Rutledge Johnson , defendant, et al  
**Case Number:** 2022CP4006230  
**Type:** Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

LoF 3



Exhibit 4

**South Carolina Court Administration**  
South Carolina Supreme Court  
Columbia, South Carolina

1220 SENATE STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201

August 19, 2025

Terrell McCoy #256070  
BRCI WA #167 241  
4460 Broad River Road  
Columbia, S.C. 29210

Dear Mr. McCoy,

This letter is in response to your letter dated July 25, 2025.

If you are in need of a copy of the transcript of the hearing, the form has been enclosed for your convenience.

Sincerely,  
Court Services Section

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SEP 04 2025

SC Court of Appeals

Terrell McCay 256078  
BRCI Waterre A 241  
4466 Broad River Rd  
Columbia SC 29210

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