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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE RICHLAND COUNTY COURT OF
COMMON PLEAS

Daniel Coble, 2774, Circuit Court Judge

CASE No. 2025-NI-40-00025

MARION WADE FRYE, Appellant, V. United States; State of South Carolina; South Carolina Department of Corrections (hereinafter S.C.D.C.); PRISMA Health midland Hospital (hereinafter PRISMA); Dr. Alan Howard Brill, MD; Dr. Nicholas D. Papadea, MD; George Shealy RN; PRISMA Victoria RN; Trisha Ann Jones, CRNA; Lawrence Smith, RN; Colby Bounds, RN; Gabrielle Jenkins; Linda Heatwole, RN; Samantha Robinson, RPA; South Carolina Governor Henry McMaster; South Carolina Attorney General Alan Wilson; S.C.D.C. Director Bryan Sterling; S.C.D.C. medical Services Director John Doe; John Doe, MD, S.C.D.C. medical Services Evans Correctional Institution; Bruce Lobitz, MD, S.C.D.C. medical Services; South Carolina Department of Labor, Licensing and Regulations; State Board of Medical Examiners; United States Health and Human Services (hereinafter HHS); Food and Drug Administration; HHS, Office of the Inspector General; HHS, Office for Civil Rights; Jane Doe, MD, S.C.D.C. medical Service Tyger River Correctional Institution; John Doe RN/LPN "JAY"; S.C.D.C. medical Services; Broad River Correctional Institution; South Carolina Office of the Inspector General; South Carolina Attorney General's Office; PRISMA Chief Executive Officer One; PRISMA Chief Executive Officer two; Respondants;

BRIEF OF APPELLANT

MARION WADE FRYE
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1578 Clarence Coker Hwy.
Turbeville, South Carolina 29162

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(XX): STATEMENT OF ISSUES ON APPEAL

(I): IS appellants Constitutional Rights being violated by Governmental entities and Governmental OFFICIALS in the "Obstruction of Process" of appellants endeavors to process Summons, Complaints, Motions, Exhibits, and of appellants endeavors to PAY For the litigation Process Pursuant to the South Carolina Court Rules, by State officials negligence and PURPOSELY hindering Appellant from the S.C.D.C.'s mail room and appellants request to do so?:

(II): IS appellant being denied due Process, and the equal Protection of the laws in violation of appellants Constitutional Right, of Governmental entities refusing to investigate Appellant's allegations Complaints Pursuant to the Code of laws?:

(III): IS appellant required to file an Expert Affidavit in the obviousness of Appellant's Claims when No Special Learning should be required or needed to evaluate the "Conduct" of the defendant's acting with Fraudulent intent to harm Appellant because defendant's SECRETLY installed a wireless Brain-Computer Interface device and after Appellant's attorney's filed claims against defendant's Pursuant to 42 U.S.C.A. § 1983, to decode Appellant's "EPISODIC MEMORIES" before enduring a trial, and without Appellant's Consent to do so, while in the Care, Custody, and Control of the Governmental entity Defendant's?:

(IV): Are the Governmental entities and Corporate entities Vicariously liable, responsible, and accountable for these employees Acts and Omissions Conducted in Bad faith against Appellant?:

(XXX):

STATEMENT OF THE CASE :

Appellant is an Inmate in the Care, Custody, and Control of S.C.D.C. Pursuant to the S.C. Const. Art. XII, Section § 9; Control of Convicts: under the Supervision and Control of OFFICERS employed by the State of South Carolina and under the direction of OFFICERS detailed for these duties by authorities of the Penitentiary. The Supreme executive authority of the State of South Carolina shall be vested in a "Chief Magistrate" who shall be styled the Governor of the State of South Carolina Pursuant to the South Carolina Constitution Art. IV, Section § 1: CHIEF MAGISTRATE; All State OFFICERS, agencies and institutions with the Executive branch shall, when required by the Governor of the State of South Carolina, shall give information in writing upon any subject relating to the Duties and Functions of their respective OFFICES, AGENCIES, and INSTITUTIONS Pursuant to the S.C. Const. Art. IV, Section § 17: DUTY OF STATE OFFICERS to give information to the South Carolina Governor. The South Carolina Governor shall appoint the at-Large members who shall serve at the Governor's Pleasure Pursuant to Code of laws of South Carolina 1976 annotated Section § 23-4-110: CREATION of Committee, Members and OFFICERS. The Governing Authority of a State department is vested with the duty of overseeing, managing and controlling the operation, administration, and organization of the State Department and the governing authority of each department shall be a Director or a Secretary who must be appointed by the

(xxx) :

STATEMENT OF THE CASE :

Governor of the State of South Carolina and with the advice and Consent of the Senate Pursuant to S.C. Code 1976 Ann. Section § 1-30-10: Department of State Government. Appellant had Security Keep aways from an inmate Michael Sullier at the Lexington County Detention Center. After Appellant Plead to an Alford Plea to his Criminal charges he was Sentenced to S.C.D.C. on or about February 8, 2018, upon arrival at the Receiving and evaluation Center at the S.C.D.C. Kirkland Correctional Institution, Appellant verbally expressed his concerns for his safety from this inmate in the general population and to wide spread News media, and Social media attention Pursuant to title 28 C.F.R. Section § 524.72(c): CIM assignment Categories, Witness Security Case, and Programs, Appellant arrived at the S.C.D.C. Broad River Correctional Institution in August of 2019, and the S.C.D.C. Classification Committee housed Appellant in the same Unit and Side of the dorm as this described Organizational inmate, Michael Sullier, and Appellant immediately expressed fear for Appellant's Life and Safety in the general population, but ultimately Correctional Officers at the Broad River Correctional Institution enabled several inmates, including Michael Sullier, access inside Appellant's locked cell, locking these inmates within this locked cell to physically assault Appellant, and the Correctional Officer enabled these inmates Access

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(XXX):

STATEMENT OF THE CASE :

back outside the locked cell while appellant sustained injuries and broken bones. Almost seventy-two (72) hours later appellant was noticed after having to alert family members of appellant's injuries, and appellant was transported to the Richland Memorial Hospital in regards to appellant's sustained injuries. Ultimately appellant filed suit in the State of South Carolina, Richland County Court of Common Pleas; Civil Action Number: [REDACTED] 2021-CP-40-00331; MARION FRYE V. SOUTH CAROLINA Department of Corrections; on or about January 26, 2021, and after appellant filed suit in the United States District Court for the District of South Carolina; Civil Action Number: 4:22-cv-03028-RMG-TER; MARION FRYE V. Zachery Ramp, Individually; John Does 1-5, on or about thirty-five (35) months later, and after appellant's injuries were sustained, S.C.D.C. enabled appellant an open reduction Nasal Fracture Septoplasty Surgical Procedure described "To AEIP Appellant Breath Better", performed on or about October 11, 2022. After the described Surgical Septoplasty Procedure was performed by PRISMA Health Midlands Hospital, Dr. Alan Howard Brill, MD, and PRISMA Health Midlands employees, appellant felt a very painful sensation roll on and too appellant's right side and urinary tract, and appellant immediately requested S.C.D.C. to provide appellant a medical image, and after the medical image was performed by S.C.D.C. State Government officials began to torture and torment appellant, to

(XXX):

STATEMENT OF THE CASE

include S.C.D.C. inmates conspiring with government officials and overtime has revealed a wireless neuromodulation stimulation medical device, an indwelling brain-computer interface device was installed and implanted at the only surgical procedure appellant has ever had performed in appellant's lifetime and confirmed not listed within appellant's medical records from the open reduction nasal fracture surgical procedure, and while in the care custody and control of the United States, State of South Carolina, and S.C.D.C., revealing to appellant the functions of the device and the deep-learning technology assisting the described medical device. NOTE:

"The medical device is NOT controlling appellant's thoughts", but enables evoked potentials throughout the entire spectrum of appellant's neurological system and enables decoding of appellant's "episodic memories", best described by Duke University Law School Professor's book and law article, Nita A. Farahany's book: "Beyond Neural Data: Cognitive Biometric and Mental Privacy", and law article: "64 Stanford law review 351", article: "Incriminating Thoughts", of which is a fictitious snarl made up example story, and to the characters within this article, "To the Truth" of the described wireless neuromodulation stimulation medical device, the indwelling brain-computer interface medical device being abused and misused against appellant from within S.C.D.C., a governmental entity, and appellant started to file multiple civil actions in the courts to prevent the exhaustion of plaintiff's statute of limitations

(xxx):

STATEMENT OF THE CASE

Pursuant to S.C. Code Ann. §15-3-545 (B). Plaintiff is now being thwarted within S.C.D.C. of endeavoring to send appellant's summons and complaints "certified mail restricted delivery to the addressee" pursuant to rule 4(d)(8) S.C.R.C.P., at the appellant's request of endeavoring to serve defendants on multiple occasions, but S.C.D.C. refuses to enable this process and appellant sending these summons and complaints pursuant to S.C. Code Ann. Rule 5 (b): Delivery by mail to the last known address, and appellant has requested the Circuit Court Judge: Daniel Coble, 2774, "To designate a person by the court, due to the "respondents avoidance" of being properly served pursuant to Rule 4(c) S.C.R.C.P. of all actions appellant is endeavoring to serve and now S.C.D.C. is thwarting appellant of paying for the transcript of record in case No. 2025-001869: The Richland County Clerk of Court is refusing to clock, date, stamp, file and return copies of appellant's exhibit letter of "the disclosure of information evidencing wrong doing", with a certificate of service addressed to the United States President: Donald J. Trump; 1100 South Ocean Blvd.; Palm Beach, Florida 33480, a copy provided to the Richland County Court Clerk, via S.C.D.C. mail. Appellant is unsure exactly which case actions in the appellant court this case number is assigned to, and is awaiting the South Carolina's Appellant Courts response to appellant's request letter of this action is referring to?, S.C.D.C. is hindering

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(xxx) : STATEMENT OF THE CASE

Appellant of Filing appellant's Motions to take leave to take depositions in appellant's actions to enable the dismissal of appellant's claims. S.C.D.C. is refusing to accept appellant's legal mail while appellant is constantly being locked down within appellant's cell for days at a time within S.C.D.C. and appellant is still awaiting to forward with payment, appellant's Motions for leave of the Court, to take Depositions pending appeal pursuant to Rule 27 (b) S.C.R.C.P., S.C.D.C. hindered appellant's Motion to Compel Discovery pursuant to Rule 37 (a)(2) and (3).

The Federal and State entities and governing authorities are refusing to investigate appellant's complaints pursuant to 45 C.F.R. § 88.2 (a), S.C. Code Ann. § 40-1-80, S.C. Code Ann. § 40-47-80, and S.C. Code Ann. § 40-47-30 and violates appellant's Constitutional Rights to the equal protection of the laws and Due Process of the laws.

Appellant hired attorney, Law Office of Mo Abusoft, Monier Abusoft bar No. 101654 on or about December of 2023 and Monier Abusoft has exposed himself of being compromised and endeavoring to exhaust appellant's Statute of Limitations, refused to enable appellant the requested proper medical image of a MRI and X-RAY with radio-Plaque, SEE: MicroSpherix L.L.C. v. Merck Sharp and Dohme Corporation, Merck Sharp and Dohme B.V., and Organon U.S.A., Inc., and Organon U.S.A. L.L.C.,

(XXX); - STATEMENT OF THE CASE

and refuses to fulfill appellant's Legal Contract, refusing appellant's Contract, Request to find a Neurologist and Schedule an appointment I paid Monter Abusaft's Law Firm, LAW OFFICE OF MO Abusaft, \$27,500.00 in Full, described before signing this Contract and is refusing appellant's request to fulfill appellant's Contracted request and duty, endeavoring to exhaust appellant's Statute of Limitations and claims in the Courts of appellant's Claims, and civil Actions.

Appellant is constantly being tortured Pursuant to Title 28 U.S.C.A. § 509 B Pursuant to 18 U.S.C.A. § 2340, and Defined Pursuant to 18 U.S.C.A. § 2441 (a), (b), and (c) Pursuant to the Human Rights Enforcement Act of 2009. For Pursuant S.C. Code Ann. § 23-4-10: The General Assembly finds it is necessary for law enforcement, judicial administration, and Corrections to be more coordinated, intensified, and made more effective at all levels of Government, and is to provide appropriate agencies for the health, welfare, and safety of the lives and property of the people of this State Pursuant to S.C. Const. Art. XII, § 1: MATTER OF PUBLIC CONCERNS:

(xxxx) : ARGUMENT : STANDARD OF REVIEW :

(i): Rule 4 of the S.C.R.C.P Serves at least two purposes it Confesses Personal Jurisdiction on the Court and assures the defendant of "reasonable Notice" of the action. Id.

Exactng Compliance With these rules Is not Required to effect Service of Process. Rather Inquiry must be made as to whether the Plaintiff has Sufficiently Complied With the rules Such that the Court has Personal Jurisdiction of the defendant's and IF the defendant's have Notice of the Proceedings, See: Mary Joe Moore and Charlotte Ann Smith, appellants, v. David E Simpson, individually and Kimball Dove and Simpson, a Partnership, including Professional associations, and Bayles B. Mack, individually and Barron Mack, a Partnership, including Professional associations, Respondants.

IF appellant Shows Good Cause for the Failure of the Court must extend the time Frame for Service for an appropriate period; Harrison v. Ellite Quartz Manufacturing, L.L.C.:

A Court Possesses Discretion to grant Appellant an extension of time to Serve a Defendant With the Complaint and Summons even "abstract" a Showing of Cause by the Respondant for Failing to Serve the defendant's during the time Frame provided by the rule, SEE: Glen v. Shuman, 35 F. 4th 212, 220 (4th cir, 2022). Pursuant to the S.C.R.C.P. Rule 4(c): Service by all other means of Process Shall and Can be made by any Person designated by the Court, Where authorities acting under Color of State law deliberately deciding to Punish a Person by restraining that Person and Inflicting

(XXXX): Argument: Standard of Review:

(i): appreciable Physical Pain the Fourteenth Amendment Liberty interest are implicated,

Unsuccessful attempts to Serve Process are Documented in accordance with the Same Guidelines defining diligent efforts from within S.C.D.C. but is within the Governmental entities responsibility of efforts to fulfill appellants endeavors and request Pursuant to Rule 4(d)(8) S.C.R.C.P and to include and not be limited to enabling appellant to send checks to enable payment and filings for motions within the time frame Exhibits and Court recorded transcripts of which Governmental entities and employees must enable their signatures to enable payment to the courts within the time frame.

ARGUMENT: STANDARD OF REVIEW:

(ii): Pursuant to Appellant's Constitutional amendment rights appellants privileges and immunities, and right are being abridge by denying appellant the equal protection of the law Pursuant to the Code of Regulations and S.C. Code Ann. 1976, entitling appellant to a lawful and proper investigation into appellants complaints and allegations and has denied appellant the equal protection of the laws and Due Process of the law that appellants fourteenth Amendment Liberty interest are implicated. The State and Federal Government cannot deprive an individual of the Property or Liberty interest for reason which are irrational or arbitrary
SEE: Martinez v. California, 444 U.S. 277 (1980):

(XXXX): Argument: Standard of Review:

(iii): Medical Malpractice is a Category of negligence, the Distinction of between a medical malpractice claim and a claim is subtle, there is no cause action separating the cause of action, SEE: ESTATE OF French V. Stratford House, 333 S.W. 3d 546, 555 (Tenn 2011).

Rather different between the two types of claims depends heavily on the facts of each individual case, In a medical malpractice action, expert testimony is required to establish both the duty owed to the patient and the breach of the duty unless the subject matter of the claim falls within in a layman's common knowledge or experience; SEE: Dawkins V. Union Hospital District 408 S.C. 171, 758, S.E. 2d 501, 504 (2014), and Kudawski V. Arbor View Health Care Ctr., 139 Wis. 2d 455, 407 N.W. 2d 249, 252 (1987).

ARGUMENT: STANDARD OF REVIEW:

(iiii): Courts usually uniformly hold that not withstanding the general immunity to corporate owners engaging in business through a corporation ~~entity~~ entity, if an owner or an employee of the corporation actually committed the tort for which the liability is imputed to the corporation, the individual is jointly liable and accountable for their wrongdoing, even if the grounds do not exist for piercing the corporate veil, Hoover, Supra. 84F. 3d at 1411, the court specifically noted a corporation official is jointly liable with the corporation when the wrongdoing was attributed to culpable intent or bad faith on the

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(XXXX) = ARGUMENT ; STANDARD OF REVIEW :

(iii): Part of the OFFER, or ... Personal Commitment
of a fraudulent or GROSSLY negligent Act.

(XXXXX): CONCLUSION

Appellant is requesting the order of
the lower court be reversed and for the court
to enable Depositions of Respondents, and Pursuant
to S.C. Code Ann., South Carolina Rules of Evidence
Rule 614 (a) and (b): In extraordinary circumstances
and interest of justice, and to Service and Process by
a Person Designated by the Court Pursuant to Rule 4(c)
of the S.C.R.C.P. and any other Rule or Motions
the Court finds appropriate Pursuant to the
S.C.R.C.P. and S.C.A.C.R. in this/these case(s):

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