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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS SC Court of Appeals

Appeal From the Richland County Court of Common Pleas

Daniel Coble, 2774, Circuit Court Judge

Appellant Case No. 2025-002450

MARION WADE FRYE #375354 v. United States et al.

MARION WADE FRYE (Appellant), v. United States; State of South Carolina; South Carolina Department of Corrections (hereinafter S.C.D.C.); PRISMA health midlands Hospital (hereinafter PRISMA); Dr. Alan Howard Brill, MD; Dr. Nicholas DiPaoladea, MD; George Shealy; Colby Bounds; Gabrielle Jenkins; PRISMA-VICTORIA, RN; Trisha Ann Jones, CRNA; Larence Smith; Samantha Robinson, RPA; South Carolina Governor Henry McMaster; South Carolina Attorney General Alan Wilson; S.C.D.C. Director Bryan Sterling; John Doe S.C.D.C. medical Services Director; John Doe, MD, S.C.D.C. medical Services Evans Correctional Institution; Dr. Bruce Lobitz, MD, S.C.D.C. medical Services Broad River Correctional Institution; 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 Services Tyger River Correctional Institution; John Doe, JAY, RN/LPN S.C.D.C. Broad River Correctional Institution; South Carolina Office of the Inspector General; South Carolina Attorney General's Office; Prisma Chief Executive Officer one; and PRISMA Chief Executive Officer Two; Respondants;

- MOTION -

FOR LEAVE OF COURT TO TAKE DEPOSITION PENDING APPEAL:

The Petitioner, Marion Wade Frye, pursuant to Rule 27(a)(1) of the South Carolina Rules of Civil Procedure (hereinafter - S.C.R.C.P.) petitions the Court to enter an order granting the Petitioner leave to take the oral deposition of witnesses:

PAGE ONE (1):

(A): Sholanda Jackson, S.C.D.C. behavioral health Services, Broad River Correctional Institution, 4444 Broad River Road, Columbia, South Carolina 29210

(B): Amy Pulliam, S.C.D.C. Grievance Coordinator of the Turbeville Correctional Institution, 4444 Broad River Road, Columbia, South Carolina 29210

(C): LAW OFFICE OF MO'ABUSAFT, Monitor Abuse Ft., 133 E. ~~133~~ Fredrick Street, CaFFney, South Carolina 29340

(D): PRISMA - Dr. Alan Howard Brill, MD, 5 Richland medical Park Road, Columbia, South Carolina 29203

(E): Bruce Lobitz, MD, S.C.D.C. medical Services, Broad River Correctional Institution, 4444 Broad River Road, Columbia, South Carolina 29210

For the Purposes of Perpetuating Testimony in Support of the Petition, the Petitioner Shows the Following to the Court:

(1): The Petitioner expects to be a Party to an action Cognizable in the Courts of this State but is Presently unable to bring it because of the Following reasons:

(i): The State of South Carolina, S.C.D.C. and S.C.D.C. Postal employees are Deliberately refusing to send Petitioner's Summons, Complaints, "certified mail Restricted Delivery To the ADDRESSEE" to defendants, Pursuant to Rule 4(d)(8) S.C.R.C.P. and the defendants are refusing to accept Service of the Summons and Complaint in multiple Actions Pending within this Court, and S.C.D.C. is Purposely Sending MY Legal MAIL "ONLY" CERTIFIED MAIL, to avoid acceptance of Service. BY appellant scrutinizing the Return Receipts Requested and the PRICES, the S.C.D.C. mail room is not charging Plaintiff sufficient amounts for the requested and Selected Service on the Postal/United States Postal Service PS 3811 hard Copy Form Receipts?

PAGE TWO(2)!

(1)(ii): The South Carolina Department of Labor, Licensing, and Regulation's State Board of Medical Examiners refuses to investigate Petitioner's Complaints and the truth of FACTS revealed to Appellant and pursuant to Code of Laws of South Carolina 1976, Annotated § 40-47-37: "PRACTICE OF Telemedicine: REQUIREMENTS; the medical Board shall retain all "Authority" with respect to Telemedicine Practice. Pursuant to Code of Laws of South Carolina 1976 annotated § 40-47-10: STATE BOARD OF MEDICAL EXAMINERS: Appointment; Terms and VACANCIES; Powers and Duties: for the medical Device of the Described "BRAIN-Computer Interface Device and SYSTEM" IS NOT CONTROLLING APPELLANT'S THOUGHTS, MEMORIES, and/or MOTOR FUNCTIONS, but rather the medical Device enables the Sharing of Appellant's DECODED NEURAL DATA of which is Deep Learning, SEE: 2022 WL 475538 (Patent Tr. and App. Bd.) EX PARTE HA TRAN; from a mobile Evaluation Station; See: 2014 WL 5313861 IN RE BODY SCIENCE L.L.C.; Patent Litigation, and are able to send EVOKED POTENTIALS, and also Stimulate Distinctive described areas within Plaintiff's entire Spectrum of Plaintiff's Neurological System, being described beforehand by these State Officials within S.C.O.C. See: 2022 WL 17261661 (Patent and Tr. Bd.) EX PARTE PHILIP A. STAR; Nichole Swann; Coralie De Hamptonine; and Jim Ostream; See also: WEST'S Colorado administrative Code; title 110: DEPARTMENT OF LABOR and Employment; 1101: DIVISION OF WORKERS COMPENSATION; 1101-3:17 Exhibit 2; mild and moderate / Severe Traumatic brain Injury medical treatment Guidelines; and 1101-3:17, Exhibit 2B: moderate / severe traumatic Brain injury medical treatment guidelines; E. 2. a. 4: Evoked Potentials Responses (EPs); all of which violates Appellant's United States Constitutional Right of the Fourteenth (14) amendment, and the South Carolina Constitution Article 1, § 3: PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION OF LAWS.

(1)(iii): Petitioner is an Inmate Pursuant to the South Carolina Constitution Article XII, § 9: Control of Convicts; Petitioner is an Inmate 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. All State Officers, agencies, and institutions within the Executive Branch shall when required by the Governor, shall give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions pursuant to the South Carolina Constitution Article IV, § 17: Duty of State Officers to give information to the Governor, and pursuant to the Code of laws of South Carolina 1976 Annotated § 1-3-440: Further Powers of the Governor; (2): Order any and all Law enforcement Officers of the State or any of its subdivisions to do what ever may be deemed necessary to maintain Peace and Good Order and; (3): Order the discontinuance of any Transportation or other Public Facilities, or in the alternative, direct such Facilities be operated by a State agencies. For Pursuant to the Code of laws of South Carolina 1976 Annotated § 15-36-100; § 15-79-110; and § 15-79-125: Medical malpractice is a category of Negligence, the distinction between medical malpractice and a Negligence claim is subtle, Expert Testimony is Required to establish both the duty owed to the Patient and the Breach of that Duty, unless the Subject matter of the claim falls within a layman's common knowledge or Experience, See: *Lino v. Yampolsky*, 376 S.C. 182, 187, 656 S.E. 2d 355, 358 (2008) (citing):

PAGE FOUR (4):

(1)(iii): David v. McLeod Reg'l med. ctr. 367 S.C. 242, 248, 626 S.E. 2d 1, 4 (2006); Bona Parte v. Floyd, 291 S.C. 427, 434, 354 S.E. 2d 40, 45 (Ct. App. 1987), because medical knowledge is generally outside of a juror's common knowledge, the requisite expert testimony assist the jury in making a more accurate determination of fault regarding whether a physician's negligence in rendering medical care proximately caused the patient's injury. See: Dawkins v. Union Hospital District 408 S.C. 171, 758 S.E. 2d 501, 504 (2014), In a medical malpractice action, expert testimony is required to establish both the duty owed to the patient and the breach of that duty, "unless" the subject matter of the claims fall within a layman's common knowledge or experience rather differentiating between the two types of claims depends heavily on the facts of each individual case. See: ESTATE OF French v. Stafford House, 333 S.W. 3d 546, 555 (Tenn. 2011); Ku Jawski v. Arbor View Health Care Ctr., 139 W.S. 2d 455, 407 N.W. 2d 249, 252 (1987). Petitioner is being denied the proper medical image petitioner is requesting from S.C.D.C. of a MRI and a X-RAY WITH Radio Probe For the Foreign Object lodged on Plaintiff's right side and urinary tract. See: 2018 WL 3571364 (Patent trial and App. Bd.) Merk Sharp and Dohme Corp., Merk Sharp and Dohme B.V., Organon U.S.A. Inc., and Organon U.S.A. L.L.C. v. Microspherix L.L.C., Patent owner, Plaintiff is awaiting the proper described medical imaging to enable Plaintiff the Expert Affidavit Pursuant to Code of Laws of S.C. 1976 Ann. § 15-79-125, and request the Court Grant Petitioner's MOTION(s).

(1)(iii): Due to defendant's S.C.D.C., S.C.D.C. State officials, and S.C.D.C. convicted State prisoners indirectly exposing to petitioner, and over time revealing the truth of
PAGE FIVE(5):

(1) (iiii): the installation and implantation of the described wireless telemetry neurological device and system from torturing appellant and sharing appellant's personal and medical neurological data abroad. Petitioner has filed the current and multiple civil actions pursuant to Code of Laws of South Carolina 1976 Annotated § 15-3-545; Action for medical malpractice: When the action for damages arising out of the placement and inadvertent, accidental, or unintentional leaving of a foreign object in the body or person by any ~~any~~ appliance or apparatus in or upon any such person by any licensed health care provider acting within the scope of his professional by reason of any medical, surgical, or dental treatment or operation, the action must be commenced within (2) two years from the date of discovery or when it reasonably ought to have been discovered:

Plaintiff request the following petition and motion be granted:

(2): The Petitioner's expected action will be for damages sustained to the Petitioner in incidents, to include and not be limited to, the installation and implantation of a wireless telemetry neurological stimulation and wireless Brain-Computer interface device and system, which occurred on or about October 11, 2022, approximately caused by PRISMA, PRISMA employees, Dr. Alan Howard Brill MD, S.C.D.C., and the United States the expected adverse parties, to include and not be limited to: the known to defendants but unknown to Petitioner, PRISMA's medical device manufacturer Corporation.

(3): The Petitioner Proposes to establish the Specific Facts of the Installation and implantation of the Wireless Neurological Stimulation and dwelling brain-Computer interface device and System, the misuse and abuse of the System, the Breach of the Contract, and Petitioner enduring Torture from State Officials Controlling and manipulating Petitioner's entire Spectrum of Petitioner's nervous System, and the Sharing of Petitioner's Personal and medical DECODED NEURAL DATA abroad Within S.C.D.C. which was personally Witnessed by S.C.D.C. defendants, S.C.D.C. inmates, and PALMA employees Whoms testimony should now be Perpetuated for use in the event of further Proceedings in the Court; to prevent the manifestation of Injustice and to avoid a Failure or delay in Justice Pursuant to Rule 27 S.C.R.C.P.:

(4): The Persons Proposed to be ~~██████████~~ Examined on Deposition by the Petitioner are Provided in Section One (1) of this motion whose Testimony is expected to include the Following:

(a): Was the Persons Proposed to be examined, and Within S.C.D.C., advised to wear Wireless Ear hearing Devices, that broadcasted Plaintiff's Evoked Potentials and Decoded Neurological Data, via a mobile evaluation Station, and Best Described by a Duke University Law School Professor's Book and Law Article, by: Nita A. Farahany; Book: Beyond Neural Data; Cognitive Biometric and mental Privacy, and Law Article: "64 Stanford Law Review 351", article: "Incriminating Thoughts", See: (1); The Spectrum from Neuroscience, (c); MEMORIALIZED, (2); EPISODIC MEMORIES, (d); UTTERANCES, (1); Voluntary

(4)(a): Utterances and (d)(2): Evoked Utterances :

Evoked Utterances differ from Voluntary ones by the manner in which they are obtained, Evoked Utterances, like Voluntary ones, include audible and inaudible answers, spoken words, written answers, and visual depictions, Even when "No Audible Communication" is made, these responses create distinctive "Physiological Changes" in the Brain, that can be "DECODED" into "Contemplated Words", "Thoughts", "Recalled Memories", and "Visual Imagery"; See: (11): The Spectrum From Neuroscience, (D): Utterances, (2): Evoked Utterances, (a): Active Memory Recall, (b): Binary Responses, and (c): Complex Words and Thoughts :

Reading the Visual Cortex to recreate what a person is seeing or "reading the Motor Cortex to interpret motor based intentions" are just the first amazing steps towards a future of more expansive mind reading, "Our ability to already read these areas of the Brain" through "Coupling Brain Activity with Pattern recognition algorithms as Decoders" suggest that mind reading is more than just a remote possibility.

(4)(b): Are the persons proposed to be examined on Notice, Informed and aware that a wireless telemetry neurological device an indwelling Brain Computer Interface Device and System is being misused and abused, and is broadcasting petitioners Personal and Medical Neurological Data, via, State Officials, within S.C.D.C. ?

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(4)(C): Are the Persons Proposed to be examined on NOTICE, Informed and AWARE that State OFFICIALS are PHYSICALLY hurting and assaulting Petitioner, via instructed medical Commands of Sending Evoked Potentials throughout the Entire Spectrum of Plaintiff's Neurological System, and within S.C.O.C. ?

(4)(D): Are the Persons Proposed to be examined on NOTICE, Informed, and aware that the Described Wireless telemetry Neurological Device, an Indwelling Brain-Computer Interface Device and System is Not listed within MARION FRYE'S medical Records from the Open Reduction Nasal Fracture Septoplasty Surgical Procedure Performed by PRISMA; PRISMA Employees; Dr. Alan Howard Brill, MD, and While in the Care, Custody, and Control of S.C.O.C. ?;

(4)(E): Are the Persons Proposed to be Examined on Notice, Informed, and aware S.C.O.C has Notice, is Informed, and is aware that a Foreign Object, in Connection to the Septoplasty Surgical Procedure is lodged on Plaintiff's Right Side and Urinary Tract ?

Wherefore the Petitioner respectfully request the Court to enter an order authorizing the Petitioner to take Depositions of these Described Witnesses for the Purpose of Perpetuating their testimony and for such other and further relief in Favor of the Petitioner as the Court deems just and proper.

January 3, 2025
Turberville, S.C.

Marion Wade Frye
MARION WADE FRYE #375354
1578 Clarence Coker Blvd,
Turberville, S.C. 29162

VERIFICATION

I, MARION WADE FRYE, verify, state, certify, and Declare under the Penalty of Perjury the Following to be True,

(1): I, MARION WADE FRYE have been Duly Sworn, appeared before the undersigned, and Deposed before this Action as follows:

(2): I, in the Petitioner for leave to take Depositions before this Action is commenced.

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(3): I, MARION WADE FRYE have read the foregoing Petition and verify that the Factual Statements contained therein are true, except any stated on information and belief and of the latter, I believe them to be true.

January 3, 2025

Marion Wade Frye
MARION WADE FRYE #375354

CERTIFICATE OF SERVICE

I, MARION FRYE certify that I did on this date serve Appellant's Motion's To take Depositions Pending Appeal, by placing a copy of the same addressed as follows:

(1): United States
Attn: U.S. Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

(2): South Carolina Governor
Attn: Henry McMaster
1100 Bervais Street
Columbia, S.C. 29210

(3): PRISMA; Dr. Alan Howard Brill, MD; Dr. Nicholas D. Paladea, MD; George Shealy; PRISMA-Victoria, RN; Trisha Ann Jones, CRNA; Larence Smith; Colby Bounds; Coabrehe Jenkins; Linda Heatwole; Samantha Robinson, RPA; PRISMA Chief Executive Officer One; and PRISMA Chief Executive Officer Two; Attn: PRISMA CHIEF Executive Officer and Dr. Alan H. Brill, MD; S Richland medical Park Road; Columbia, South Carolina 29203

(4): John Doe, MD, S.C.D.C. medical Services Evans Corr. Inst.; Dr. Bruce Lobitz, MD, S.C.D.C. medical Services BRCI; Jane Doe, MD, S.C.D.C. medical Services Tyger River Corri Inst.; John Doe, JAY, RN/LPN, S.C.D.C. medical Services BRCI; S.C.D.C. Attn: General Counsel 4444 Broad River Road; Columbia, South Carolina 29210

(5): South Carolina Department of Labor, Licensing, and Regulations, State Board of Medical Examiners; Attn: Director 110 Center View Drive, Suite 202; Columbia, S.C. 29210

(6): STATE OF South Carolina; S.C.D.C.; South Carolina Attorney General Alan Wilson; BRYAN Sterling; S.C.D.C. medical Services Director; South Carolina Attorney General's Office; Attn: Richardson, Plowden, and Robinson P.A. P.O. Drawer 7788; Columbia, South Carolina 29202

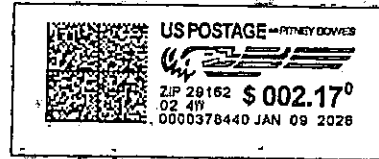
(7): United States Health and Human Services (hereinafter HHS); Food and Drug Administration; HHS, Office of the Inspector General; HHS, Office for Civil Rights; Attn: SECRETARY 200 Independence Avenue, S.W.; Washington, D.C. 20251

(8): South Carolina Office of the Inspector General Attn: Inspector General 111 Executive Center Drive, Suite 204 Columbia, South Carolina 29210

January 9, 2025

Marion Wade Frye; MARION WADE FRYE #375354 1578 Clarence Coker Hwy.; Turbeville, S.C. 29162

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