

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-001013
Circuit Case No. 2022-CP-40-6230

RECEIVED

JAN 28 2026

SC Court of Appeals

Terrell McCoy 256070 APPELLANT

v.

Samantha Weidauer, Attorney General Rutledge Johnson, Burns Wetmore, Angela
Bunker, Peter McKay, Lovelle Proctor, Rae Wosten, Roger Young, and
Deadra Jefferson Defendants APPELLE

MOTION TO REINSTATE

Terrell McCoy 256070
BRCI WAA 241
4460 Broadriver Rd
Columbia SC 29210

Carly H. Davis
SC Attorney General's office
PO Box 11549
Columbia SC 29211

15/ Terrell McCoy
LEGAL MAIL

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RULES

Rule 203(b), South Carolina Appellate Court Rules
Rule 59(e) South Carolina Rules Civil Procedure
Rule 59(f) South Carolina Rules Civil Procedure
Rule 60(b) South Carolina Rules Civil Procedure

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GROUND'S THEREOF

Pursuant to Rule 260 (a), Appellant Terrell McCoy, hereinafter called McCoy move this Court with a motion to Reinstate Appeal. The motion to reinstate is in accordance with Rule 240 SCACR. For Good Cause shown, McCoy request the appeal is reinstated, and that the May 23, 2025 notice of Appeal and proof of Service were filed timely under Rule 203 (b) South Carolina Appellate Court Rules

PROCEDURAL HISTORY

Mr. McCoy filed a Summons and Complaint on November 29, 2022. Mr. McCoy filed an Amended Complaint on December 22, 2022. The Appellee, former Attorney General Samantha Weidauer filed a motion to Dismiss Plaintiff original Complaint on January 11, 2023. Plaintiff filed a response in opposition to the motion on January 31, 2023. Ms. Weidauer filed a motion to dismiss McCoy's Amended Complaint on February 2, 2023. The Parties filed Supporting Memorandum prior to the hearing. See Amended Complaint, Appendix page 1-6

The motion was heard on December 18, 2024.

On January 7, 2025, Judge Coble granted Ms. Weidauer motion to dismiss, and dismissed the case in full pursuant to SCRPC Rule 5 (d), and ordered the prevailing party to submit a proposed order within 10 days. See Record on Appeal January 8, 2025 order, Appendix page 7-8. The opposing party submitted the Order and on February 20, 2025, Judge Coble signed the Order of dismissal. The order was filed with the Clerk of Court on February 21, 2025. See Record on Appeal, February 21, 2025 order Civil action 2022-CP-40-6230. Appendix page 9-11.

On March 5, 2025, McCoy filed a Rule 59 (e), Rule 12, Rule 52 (b) and Rule 4 (i) South Carolina Rules Civil Proc motion, and Rule 60 (b) (1) (3) motion in the Circuit Court requesting reconsideration. See Rule 59 (e), Rule 60 (b) SCRPC motions, Appendix pg 12-21.

On April 25, 2025 Judge Daniel Coble denied the motions to reconsider, and set aside judgment. See April 25, 2025 order Appendix 22-23

On May 23, 2025, McCoy filed a timely notice of Appeal in the South Carolina Supreme Court with proof of Service that the notice of Appeal was filed in the Circuit Court, and copies mailed to the parties. See Record on Appeal, May 23, 2025 Notice of Appeal, Proof of Service, See Rule 240 (c) (3) McCoy's notice of Appeal & Proof of Service is in the Record on Appeal.

The SC Supreme Court transferred case to the Court of Appeals on May 23, 2025. See Record on Appeal, October 17, 2025 letter by SC Supreme Court Appendix page 24.

On October 1, 2025, and October 15, 2025, the Clerk of Appellate Court issued a deficiency letter requesting McCoy to file a motion to allow late filing of the

notice of Appeal. See Letter by Clerk of Appellate Court in the Record on Appeal.

McCoy timely replied, and sent additional copies of the May 23, 2025 notice of Appeal, proof of service with a letter explaining to the Court that the Circuit Court denied his Rule 59(c) motion on April 25, 2025, and that he filed the notice of Appeal on May 23, 2025 rendering his notice of Appeal timely. See Huston v. Lack

On June 10, 2025, the Clerk acknowledge the notice of Appeal was filed timely. (Appendix page 25-28.)

The Clerk then sent numerous letters requesting McCoy file a motion to allow late filing of the notice of Appeal, and on January 12, 2026, the Clerk for the Court dismissed McCoy's Appeal. (Record on Appeal January 12, 2026 order Appendix page 9.)

Nevertheless, the clerk of Court may not refuse to accept a notice of appeal even if they believe that no appeal is available or that the notice is untimely or otherwise defective.

This clerk has made a mistake regarding the time requirements to file the notice of Appeal under Rule 203(b) SCACA, where the lower court denied McCoy's Rule 59(c) motion 28 days prior to McCoy filing his notice of Appeal, and proof of service.

LAW AND FACTS

"We take this opportunity to remind the Clerk of Courts of their ministerial duty to docket filing irrespective of potential procedural flaws that may exist. Miller v. State S.C. 99, 102 659 S.E.2d 492 (2008) ("It is not within the Clerk of Courts authority to refuse to perform her duty based on her opinion that a filing lacks legal merits or is untimely." This duty is not discretionary. See: 21 CJS Courts § 335 (2021) Barnes v. State 433 S.C. 399 859 S.E.2d 250 (quoting Hobker v. Sivley 187 F.3d 680, 682 (5th Cir. 1999) See also Geord v. Tabachnick 428 Mass 1001, 696 NE 2d 547 548 (1998) ("In the absence of an order from a Judge, Clerks may not refuse to accept a notice of appeal even if they believe that no appeal is available or that the notice is untimely or otherwise defective.") Instead, the Clerk shall accept the filing, thereby permitting the Court to decide any issues the parties may have with it.

The SC Supreme Court Clerk accepted the notice of Appeal, proof of service, and transferred the case to the Court of Appeals. The Clerk of Court of Appeals issued a deficiency letter erroneously.

Rule 203(b), South Carolina Appellate Court Rules

A notice of Appeal shall be served on all respondents within thirty (30) days after receipt of written notice of Entry of the order or Judgment. When a timely motion to alter or amend (Rule 59(c), SCRCP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying

ing such motion.

The Court overlooked the facts that on Feb. 21, 2025, the Circuit Court Clerk filed the Feb. 20, 2025 order. The written notice of entry of the order was mailed to Broadriver Correctional Institution, then delivered to McCoy on February 25, 2025. See Record on Appeal, SCDC form 10-29, APPENDIX page 30.

McCoy submitted a copy of SCDC form 1029 to the clerk of court. On March 5, 2025 McCoy filed a timely Rule 59(e) motion. See Appendix page 12-15.

As shown above, the circuit court denied McCoy's Rule 59(e) motion on April 25, 2025 and on May 23, 2025, McCoy filed a timely notice of appeal with proof of service, and served a copy upon the appellee. The appellee has not objected nor filed a motion to dismiss the appeal. See Houston v. Lack 487 US 206 108 S.Ct. 2379 101 LEd. 2d 24 (Habeas Corpus petitioner filed notice of appeal from denial of motion for habeas corpus within requisite 30-day period when, three days prior to deadline, petitioner delivered notice to prison authorities for forwarding to district court) F.R.A.P Rule 4(a)(1).

See Rule 59(f) SCRPC. (If a timely motion is made pursuant to Rule 59 the time for appeal runs from the receipt of written notice of entry of the order disposing of the motion. See Ottel v. Ottel, 287 S.C. 166, 167, 337 S.E. 2d 207, 208 (1985) (stating that when a party makes a motion for reconsideration, "the time for appeal from the judgment begins to run from the time of the order granting or denying the motion.")

The order denying Rule 59(e) was signed April 25, 2025. McCoy had until May 25, 2025 to file his notice of appeal. The notice of appeal was filed in the SC Supreme Court on May 23, 2025. The time it was handed to prison authorities was not counted by the clerk. Houston v. Lack

McCoy did not file a successive motion to alter or amend. Elam v. SCDOT 361 S.C. 9, 602 S.E. 2d 772 (2004). Curtis v. Blake 381 S.C. 189, 672 S.E. 2d 576 (2008).

Nevertheless, on the same date the Rule 59(e) was filed, McCoy filed a Rule 60(b) (1)(3) motion. The motions were denied the same date April 25, 2025. The motions differ. See Gonzalez v. Crosby 545 U.S. 125 S.Ct. 2641, 162 LEd. 2d 480 "The USSC held that a Rule 60(b) motion counts as a second or successive habeas application if it attacks the federal court's previous resolution of a claim on the merits." *id.*, at 532. 125 S.Ct. 2641, does not alter that conclusion. Rule 60(b) differs from Rule 59(e) in just about every way that matters. Whereas Rule 59(e) derives from a common-law court's plenary power to revise its judgment before anyone could appeal. Rule 60(b) codifies various writs used to collaterally attack a court's already completed judgment. Still more, a Rule 60(b) motion does not affect the original judgment's finality or suspend its operation" and is appealable as a separate final order." Stone v. Ins 514 U.S. 386 401 115 S.Ct. 1537, 131 LEd. 465.

Here, the lower Court did not resolve the Claim on the merits but dismissed case under Rule 5(d) SCRPC. The parties, except for Samantha Weidauer failed to appear. Ms. Weidauer committed fraud by stating her name was misspelled. But See Summons, APPENDIX 31. Nevertheless, McCoy's Rule 59(e) was timely, and stayed the time to file the notice of Appeal until April 25, 2025. The Clerk incorrectly calculated the time to file the notice of Appeal under Rule 203(b)(1) SCRPC, and Rule 59(f).

See Swing v. Swing 445 S.C.340 914 S.E.2d 158 (2024)

On November 04, 2025, the Clerk sent a letter to McCoy and stated it had received the April 25th 2025 Order. (Record on Appeal, November 4, 2025 letter by Clerk, APPENDIX page 32). The April 25, 2025 order is evidence which show McCoy's May 23, 2025 notice of Appeal was timely. Howe v. Allen 287 S.C. 166 167 337 S.E.2d 207, 208 (1985). The Summons is evidence Ms. Weidauer were served. See Proof of Return, Appendix page 33-35

RELIEF

McCoy request that the order dismissing his Appeal is vacated, and Appeal reinstated and for the Court of Appeals to consider the merits of the appeal once the December 18th 2024 transcript is ordered and the parties have submitted brief, responses, and replies.

1-20-26

Louise McCoy 25070
BRCI WAA 291
4460 Broadriver Rd
Columbia SC 29210

1. McCoy has sent numerous request to the Court of Administration, Court reporter Section for Cost to Order the transcript. (Appendix page 32 .. pursuant to Rule 240(c)(3)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel Coble, Circuit Court, Judge

Appellate Case No. 2025-001013
Circuit Case No. 2022-CP-40-6230

Terrell McCoy 256070 Appellant

v.

Samantha Weidauer, Attorney General Rutledge Johnson, Burns Wetmore
Angela Bunker, Peter McCoy, Lorelle Proctor, Rae Wosten, Roger
Young and Deadra Jefferson Appellee

APPENDIX I

Terrell McCoy 256070
BRCI WAA #241
4460 Broadriver Rd
Columbia SC 29210

Carly Davis
SC Attorney General's office
PO Box 11549
Columbia SC 29211

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STATE OF SOUTH CAROLINA

CPA Action No: 2022 CP4006230

In THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

" VERIFIED
COMPLAINT
(AMENDED)

Terrell McCoy, 256070

Plaintiff,

VS.

Alicia Olive
Attorney general Rutledge Johnson,
Samantha Wedemeier, Burns Wetmore,
Angela Bunker, Peter McCoy, Lorelle Proctor,
Rae Wooten, Roger Young, Deadra Jefferson
Megan Jameson

SCRCP Rule 15(a)

Verified Amended
COMPLAINT

RICHLAND COUNTY
FILED
2022 DEC 22 AM 9:30
CLERK OF COURT
HONORABLE
J. G. HARRIS, JR.

Pursuant to SCRCP Rule 15, Plaintiff hereby moves with a Amended Complaint, Defendant's were served with original Complaint on December 9, 2022.

Plaintiff, a black american was convicted by an all white jury in a ~~criminal~~ case where evidence was intentionally suppress by Defendants. Each defendant are officers of the Court.

The PC Judge Deadra Jefferson issued a fraudulent order which does not comply with the law in South Carolina or the United States of America during Plaintiff's Post Conviction Relief hearing. Defendant Rutledge Johnson represents the State "attorney general". This defendant's signed a order which does not comply with the law.

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~~this order holds Plaintiff in custody p~~

Plaintiff timely filed a SCRPC Rule 59(e), February 14, 2017. This grievance were heard by the SC Supreme Court. The SC Supreme Court issued a order on February —, 2019. All five judges signed the order which vacated the PCR judge's order with a mandate for the PCR judge to issue a order which complies with the law under Marlar v. State, a clearly established law in South Carolina.

This constitutes fraud under Rule 9(b) Fraud, mistakes, condition of mind. In all averment of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally.

The defendants are in possession of affidavit by Kriston Neely which declare under penalty of perjury that all tape recording was destroyed in a criminal case. The intent to commit fraud is shown through evidence of Lorelle Proctor timely filed SCRPC Rule 5 and 6 motion dated March 30, 2006 and served upon the Solicitor's office on April 10, 2006.

The evidence was material evidence and could have been used in Plaintiff defense. During trial Defendant Burns wetmore told the trial judge that all evidence in the criminal case had been disclosed to Plaintiff. This perjury prevented Plaintiff from presenting a defense. The Judge believed the Solicitor. See Chewning v. Ford Motor Co, 346 SC 28 550 S.E. 2d 584 Ct. App. 2001.

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Also, the Solicitor explained to the trial judge, he nor his office subpoena the 911 tape from their clients during the trial held on February 2, 2009. The Solicitor was served with the motion to produce in 2006.

The attorney general has filed fraudulent document(s) preventing Plaintiff of life, limb, and property, which constitutes a violation of U.S. Constitution.

Defendants) Rutledge Johnson and Samantha Weidemeir, are the highest attorneys in the state of South Carolina. Their office is located in Columbia South Carolina. The Defendants are not immune from civil action, where general prosecution handles cases that are referred by the local solicitors. General prosecution also handles a broad range of other criminal matters.

Plaintiff has grievance the Court pursuant to the First Amendment, through South Carolina Court of Appeal, and SC Supreme Court from 2009 until 2022 of this date of this pleading.

The SC Supreme Court vacated and remanded the PCR Judge order, ~~that ruling vacated the ruling.~~

The PCR Judge continuously issued a fraudulent order. Plaintiff seeks equitable relief from judgment, as this court has jurisdiction to reopen a judgment. See Chewney v. Ford Motor Co 346, SC 28, 550 S.E. 2d 584 (Ct App. 2001) The attorney general office is located in Columbia South Carolina. Plaintiff has aff. davits he can produce at trial, if this case proceed to trial. Plaintiff also has other evidence which will prove intent to defraud the Court.

The Defendants Burns wetmore allow witness to commit perjury. Perjury is false information given in a court after having taken an oath or affirmation. The state witness Cecelia Snowden committed perjury, ^{Angela Burns} committed perjury.

The 911 tape which was suppressed would have proven that Cerenda Snowden's testimony was false, and that what she said in her first statement to police was truthful, that she was lying in the bed and heard a loud boom, and found the victim deceased in her ~~bedroom~~ ^{living room}.

The jury in the earlier proceeding were not aware that another witness called police and reported the crime happened a different way from what Cerenda Snowden testified to. Due to the defendant(s)'s intent to defraud the court by failing to disclose the identification of the 911 caller. Plaintiff complained during his trial he wanted the 911 tape played because the court refused to allow the dispatcher to testify, and the state destroyed the 911 tape. Plaintiff has a right to a defense under the 5th Amendment, Compulsory process.

The defendant(s) objected to the introduction of any evidence regarding the description of the 911 caller, and the contents of evidence, preventing Plaintiff from presenting a defense.

This constitutes "extrinsic fraud." The defendant(s) Burns Wetmore told the judge that all evidence was disclosed to the defense. This perjured information was believed to be true, during Plaintiff's trial, so the judge allowed the case to proceed over Plaintiff's

objection(s). ~~At this~~ See Chewing v. Ford Motor Co, 346 S.C. 28

550 S.E. 2d 584 (Ct. App. 2001) Plaintiff argues causes of action for fraud upon the court and an independent action in equity for fraud. Defendant(s) Burns Wetmore used Angela Bunker perjured testimony, that DNA could not be collected as a form of police tactics.

deliberate acts of failing to collect DNA evidence found on a raised window identified by Coroner Rae Wooten, which was not collected, or sent to SLED for testing.

"This failure to disclose DNA constitutes fraud upon the Court." The DNA on the raised window could have been used in Plaintiff's defense to establish his innocence. ~~This failure to~~ This prevented Plaintiff from presenting his case, "Extrinsic Fraud" This action constitutes fraud, and therefore can form the basis of Shewing claim for fraud upon the Court. Plaintiff seek equitable relief.

See Evans v. Gunter, 294 S.C. 525, 529, 366 S.C. 2d 44, 46 (Ct App. 1988)..... [F]raud on the Court, whatever else it embodies requires a showing that one has acted with a intent to deceive or defraud the Court.

As stated earlier both defendant(s) Burns wetmore and Peter McCoy told the Judge all the evidence was disclosed to the defense ~~during the~~ ^{during the time} trial commenced. This untruthfulness is sufficient itself as basis of intent. During pre, the defendant Rutledge Johnson were made aware that evidence was suppress by defendant(s) Burns wetmore + Peter McCoy. Rutledge Johnson reviewed the affidavit of Kriston Neely, who is employed with the City of Charleston Mayor Keith Summey, North Charleston Police Department, which clearly state(s) a 911 tape from March 25, 2006 was destroyed on June 25, 2006. The motion to produce the 911 tape was served upon the defendant(s) on April 10, 2006.

Both defendant(s) admitted during Plaintiff trial that they did not subpoena the 911 tape from their clients. This shows intent to defraud. Under Brady v. Maryland, the ~~plaintiff~~ has

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has a duty to turn over all evidence in criminal proceeding(s). It is a due process violation in criminal matters where the state has failed to disclose.

Plaintiff has also timely filed a SCRPC Rule 60(B)(3) for Fraud upon the Court. There is no statute of limitations when this cause of action can be filed. See Bryan v. Bryan, 220 SC 164, 66 S.E.2d 609 (1951) Plaintiff request a trial.

28 U.S.C. 1746

Executed this day of December 10, 2022, at
MCI F4-175, 386 Redemption Way, McCormick SC

29899, I declare under Penalty of perjury
that the foregoing is true and correct.

(s/ Forrell)
MCI F4-175
386 Redemption Way
McCormick SC 29899

(6)

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Terell McCoy #256070

Rutledge Johnson; Samantha Weidauer; Attorney
 General Alan Wilson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: the Court	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

2025 JAN - 8 PM 1:25
 FILED
 RICHLAND COUNTY

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: A Hearing on Defendants' Motions to Dismiss was held on December 18, 2024 via WebEx. Carly Davis argued for the Defendant and Terell McCoy, Plaintiff, was given the opportunity to respond. After arguments from both parties concluded, Judge Coble took this matter under advisement. After careful review of the Motions and, based on the arguments presented, the Motions to Dismiss are GRANTED. Additionally, this case is DISMISSED IN FULL pursuant to SCRPC Rule 5(d). The prevailing party shall submit a proposed order within 10 days.

ORDER INFORMATION


This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

7774
Judge Code

1/7/25
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 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,)
)
)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

ORDER

Civil Action Number:
2022-CP-40-6230

This matter came before the Court on December 18, 2024, upon the Defendant Samantha Weidauer's Motion to Dismiss the Plaintiff's Amended Complaint.¹ 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

¹ 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.² Plaintiff utilized an improper form of service upon former Assistant Attorney General Samantha Weidauer, and Defendant’s Motion to

² 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.

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.

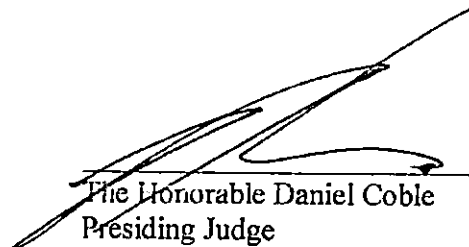
Rule 5(d), SCRCP. Plaintiff failed to properly serve any of the defendants named in this case, and it is therefore dismissed in full pursuant to SCRCP Rule 5(d).

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

STATE OF SOUTH CAROLINA
County of Richland

IN THE COURT OF COMMON PLEAS
C/A : 2012 : CP - 400 - 6230

Terrell McCay, 256090

Plaintiff

Rule 59 (e) SCRPC

Rule 12 SCRPC

Rule 52 (b) SCRPC

Rule (4) i SCRPC

Alter or Amend

Rutledge Johnson ; Samantha Weidauer ;
Attorney general

Defendants

2025 MAR - 5 10:09:21
ENNETTE W. SCHEPPE
Clerk of Court
RICHLAND COUNTY
FILED

Pursuant to Rule 59 (e) SCRPC & Rule (4) i SCRPC
Plaintiff request this court to Amend, and all
amendments under Rule (4)(c) SCRPC, where the
Defendants will not be prejudice.

First, Plaintiff believes process is sufficient where
evidence in the record, shows that the attorney general's
office can accept service of Summons & complaints on
behalf of other attorney general's agent, where the
attorney general office is the agency representing
the attorney general officer sued in a civil suit.

See: SC Code of laws 1976 § 1-7-50

Also under Rule (4) (d) SCRPC, Plaintiff delivered
a copy of the Summon and Complaint to such officer or
agency; The Caption of the Case states attorney
general. See Exhibits 2, 3

and mailed an additional Summons & Complaint to the attorney general's office by using SCRC Form 10-14 through mailroom.

The process was accepted, and Defendant Samantha Weidauer filed a response and a motion to dismiss.

If this Court believes otherwise, Plaintiff request an amendment as provided under Rule 41(i) SCRC, where the parties will not be prejudice whereas in this case, the Defendant Samantha Weidauer has responded to the Summons & Complaint, are fully aware of Plaintiff pleading of Fraud upon the Court; Plaintiff is only seeking equitable relief base on his Constitutional rights being violated based on Fraud upon Court.

Plaintiff have submitted affidavit of Kriston D. NEELY to support his verified Complaint, and additional evidence to support his fraud upon the Court claim.

Plaintiff objects to the circuit Court's January 8, 2025, Order of dismissal for the following reasons)

(1) The circuit Court ordered the Defendant to issue an propose order.

The S.C. Supreme Court has consistently set out the rules for civil actions held by a non-jury, and the Judge shall find the facts specially and state separately its conclusions of law thereon. Rule

52 (a) SCRC. In re Treatment and Care of Lucka baugh 351 S.C. 122, 568 S.E. 2d 338 (2002)

Next, Exhibit 2, is evidence that SCDC mailroom officer charged \$1.99 to mail the registered/certified mail pursuant to the SCDC policy, where the SCDC form 10-14 was submitted to this Court on January 11, 2023. See SCDC policy GA-01.03 16.3

Exhibit 4

For these foregoing reasons Plaintiff request that this Court alter and amend Judgment pursuant to Rule 59 (e) and 52 (b), SCRPC, Rule 4)(d) SCRPC, this rule does not require that a separate Summon be issued for the attorney general, only that he be provided with a copy of the Summon and Complaint, McPadden v. SCDC 2024 WL

3861411, See: Karlsson v. Rabinowitz, 318 F.2d 666, 668-69 (4th Cir. 1963) See also Scott v. Maryland State Dept of Lab., 673 F. App'x 299, 304 (4th Cir. 2016) (noting "the real purpose of service of process is to give notice to the defendant," such that "mere technicalities should not stand in the way of consideration of a case on its merits. Thus - setting aside any apparent technical failure of service of process - Defendants have actual notice of this action and have not been prejudice.

See: Heaton v. Stirling, No. CV 2:19-0540-RMG, 2020 WL 729604, at *3 (D.S.C. Feb. 13, 2020)

See Beckham v. Durant 387 S.E.2d 701 (1989, SC App) (Nowhere does Rule 5 (d) SCRPC provide failure to file proof of service within ten days period nullifies the service or extends the period of time for a defendant to answer. Rule 5 (d) only provides for dismissal of an action for failure to serve the Summon and Complaint. Rule 4 (g) S.C.R. ~~CoP~~ Specifically states, "Failure to make proof of service does not affect the validity of the service.

The defendant Samantha Weidauer; Rutledge Johnson are attorney generals. The defendants Peter McCoy and Burns Welmore are Solicitors. All employed at the state agency. See: Code of laws of

South Carolina 1976 § 1-7-50; State Ex rel McLeod v. Snipes, Id

The Summons and Complaint were delivered to the attorney generals office pursuant to Rule (4) (d) (5). See Exhibit 2 and 3

Defendant Samantha Weidauer answered on behalf of the attorney generals office. Defendants Burns Wetmore and Peter McCay are in default.

Therefore, the Judgment should be set aside pursuant to Rule 60 (B) (1). This motion is timely, Plaintiff's motion for default Judgment should be granted for Peter McCay and Burns Wetmore. Plaintiff's Motion to Compel discovery should be granted.

2-27-25

61 Junell McCay 256020
BRI Wakee B #167
4460 Broadriver Rd
Columbia SC 29210

15

(4)

STATE OF SOUTH Carolina
County of Richland

IN THE COURT OF COMMON PLEAS
C/A : 2022-CP-400-6230

Terrell McCoy, 256070

Plaintiff,

Rule 60 (B) (1) (3)

Set aside Judgment

Rutledge Johnson; Samantha Weidauer; Attorney general

Defendant(s)

FILED
2025 MAR - 5 AM
EVANETTE W. MCGEE
C.P. CLERK
RICHLAND COUNTY

Pursuant to SCRCP Rule 60(B) (1) (3); and Evans v. Gunter, 294 S.C. 525, 366 S.E. 2d 44 (Ct. App. 1988) Arnold v. Arnold, 285 S.C. 296, 328 S.E. 2d 924 (Ct. App. 1985) The Plaintiff move to set aside judgment based on "Mistake." and fraud upon the Court. See Graham Law Firm P.A. v. Makawi, 396 S.C. 290, 294-95, (2012)

In this case, on January 8, 2025 the Clerk of Court stamp-filed a copy of the ~~order~~ of dismissal pursuant to SCRCP Rule 5(d). The order states the prevailing party shall submit a proposed order within 10 days.

The January 8, 2025 Order of dismissal was received at Broad river Correctional Institution on February 20, 2025, and received by Plaintiff on February 25, 2025. Exhibit 1

As of February 25, 2025, Plaintiff has not received the prevailing party's proposed order.

Facts of Case:

On December 18, 2024, an dismissal hearing was held with Judge Coble. The defendants argued defense of insufficiency of service of process under Rule 12 (b)(5) SCRCP.

During the hearing, the Defendant did not rebut an inference that Service was effected "that the return receipt was signed by an unauthorized person." Rule 4(d)(8), SCRPC

The trial court abused its discretion regarding validity of service of process. Clark v. Key, 304 S.C. 497, 500, 405 S.E.2d 599, 601 (1991)

Therefore this is an error of law defined under Rule 60 (B)(1). See Langley V. Graham 322 S.C. 428, 472 S.E.2d 259 (1996)

The January 8, 2025 Order clearly states this case is Dismissed IN full pursuant to SCRPC Rule 5(d). Plaintiff did not receive receipt of this Order until February 25, 2025, (5) days after the institution received the order.

SCRPC Rule 5 provides: "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 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. Upon failure of a party to file other pleadings, motions, or papers, the court may permit filing or proceed as though the same had not been served."

See Exhibit 1, on January 2, 2023 Plaintiff mailed two copies of Summons & Complaints as provided by SCDC 10-14 form.

See: "Black's Law Dictionary" Registered Mail. (1921) Mail that the U.S. Postal Service records at the time of mailing and at each point on its route so as to guarantee safe delivery.

See § Rule (4)(a)(5) SCRPC provides:

upon an officer or agency of the State by delivering a copy of the Summons and Complaint to such officer or agency;

The record shows that Plaintiff delivered a copy of the Summons and Complaints to all defendant's named. The attorney general is the defendant in this case.

and by sending a copy of the Summons and Complaint by registered or certified mail to the Attorney General at Columbia.

The SCDC form 10-14, dated January 2, 2023, and signed by Mailroom employee "constitutes" registered mail.

The defendants accepted process of service. The mail was not returned to Sender, and the defendant's filed a response.

Proof of Return was mailed to the Clerk of Court on January 11, 2023. See Exhibit 3.

Here, the defendant had not shown that unauthorized person signed receipt of suit papers served registered mail, or that service by mail was defective;

The delivery was restricted to "addressee" only.

Here, Plaintiff established that the Court has personal jurisdiction over the defendant. Jensen v. Doe, 292 S.C. 592, 358 S.C.2d 148 (Ct. App. 1987). The plaintiff need only show compliance with the rules, Roche v. Young Bros., Inc., of Florence, 318 S.C. 207, 456 S.E. 2d 897 (1995)

See Code of laws of South Carolina 1976 § 1-7-50

In the event that any officer or employee of the State, or of any political subdivision thereof, be prosecuted in any action, civil or criminal, or special proceeding in the Court of this State..

• • • See State ex rel. McLeod v. Snipes (S.C. 1976) 266 S.C. 415, 223 S.E. 2d 853.

See: Graham Lawfirm, P.A. v. Makawi 396 S.C. 290, 721 S.E. 2d. 430 2012

The Supreme Court of South Carolina held "As we have noted, "[w]hen the civil rules on service are followed, there is a presumption of proper service." Roche v Young Brothers, Inc, Id. "Once the plaintiff have demonstrated compliance with the rules, the defendant can rebut an inference that service was effected only by showing "that the return receipt was signed by an unauthorized person." Rule 4(d)(5), SCRPC

The class of person authorized to sign on behalf of the defendant is narrow: Service on an employee is effective when the employee has apparent authority to receive it on behalf of the employer. See: Richardson v. P.V., Inc., 383 S.C. 610, 692 S.E. 2d 263 (2009) Burris Chemical, Inc. v. Daniel Construction Co., 251 S.C. 483, 163 S.E. 2d 619 (1968) (finding that an acting general superintendent in charge of fifteen men was an agent upon whom service could be made).

Here, the Defendant has not met their burden of demonstrating that the return receipts were signed by unauthorized persons and thus no effective service was made.

This is not a case where the Defendants are in default; The Defendant Samantha Weidauer has appeared and filed a response to the Summons and Complaint on behalf of the attorney general's office.

Proof of service was established by Plaintiff through SCDC Form 10-14 on January 11, 2023, which were all filed in this Court. See Exhibits **2 & 3**

As stated above, the attorney general are the defendants in this case, and Plaintiff met the requirements under Rule 4(d)(5), SCRPC, by delivering a copy of the Summons and Complaint to such officer or agency. The second requirement was met as well.

by sending a copy of Summons and Complaint by "registered" or certified mail to the attorney general at Columbia.

See Exhibit 2. The evidence shows that (2) postage were documented by SCDC employees to show it was mailed to the attorney general, by registered/certified. Where as on the SCDC Form 10-14, Plaintiff certified that the amended pleading were mailed to the attorney general; and this certification were witness and signed by SCDC mailroom employee, authorized by SCDC to receive prisoner's legal mail. See Rule 4 (d)(5) SCRPC.

Base on the following error of law under Rule 60 (b)(1) SCRPC "mistake". Plaintiff request this Court to set aside Judgment, and Plaintiff allow to seek discovery.

Rule 4 (d)(5) SCRPC, this rule does not require that a separate Summons be issued for the attorney general, only that he be provided with a copy of the Summons and Complaint.

McFadden v. SCDC, 2024 WL 3861411

see: Karlsson v. Rabinowitz, 318 F.2d 666, 668-69 (4th Cir. 1963) See also Scott v. Maryland State Dept of Lab., 473 F. App'x 299, 304 (4th Cir. 2016) (noting "the real purpose of service of process is to give notice to the defendant," such that "mere technicalities should not stand in the way of consideration of a case on its merits")

Thus - setting aside any apparent technical failure of service of process - Defendants have actual notice of this action and have not been prejudice.

See: Heaton v. Stirling, No. Cv. 2:19-0540 - RMG, 2020 WL 728604, at *3 (D.S.C. Feb. 13, 2020)

See: Beckham v. Durant 387 S.E.2d 701 (1989, S.C App) (Nowhere does Rule 5 (d) SCRPC provide failure to file proof of service within the ten day period nullifies the service or extends the period of time for a defendant to answer. Rule 5 (d) only provides for dismissal of an action for failure to serve the

Summon and Complaint, Rule 4 (g) S.C.R.C.P. specifically states,
"Failure to make proof of Service does not affect the validity of the
Service,

The defendant Samantha Weidauer; Rutledge Johnson are ~~attorney~~ attorneys general,
The defendant Peter McCay and Burns Wetmore are solicitors. All employed
at the state agency. See Code of laws of South Carolina 1976 § 1-7-50;
State ex rel McLeod v Snipes, Id

The Summon and Complaints were delivered to the attorney general's
office pursuant to Rule (4) (d) (5), SCRCP. See Exhibit 2 and 3
defendant Samantha Weidauer answered on behalf of the attorney
general's office. Defendants Burns Wetmore and Peter McCay are in default.

Therefore, the Judgment should be set aside pursuant to Rule
60(B)(1). This motion is timely. Plaintiff's motion for Default
Judgment should be granted for Peter McCay and Burns Wetmore. Pl-
aintiff's motion to Compel discovery should be granted.

2-27-25

13/ Lenell McCay 256070
BRCI Wakree B 167
4460 Broadriver Rd
Columbia SC 29210

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP4006230

null
PLAINTIFF(S)

Rutledge Johnson et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Motions to Reconsider and Set Aside Judgment are DENIED.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/24/2025 .

Roger Young
Rae Wooten
Lorelle Proctor
Peter Mccoy
Angela Bunker
Terrell Mccoy, #256070

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



Richland Common Pleas

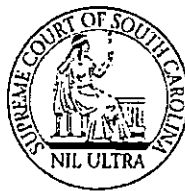
Case Caption: Terell Mccoy, #256070 vs Rutledge Johnson , defendant, et al
Case Number: 2022CP4006230
Type: Order/Electronic Form 4

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2025-04-24 14:40:17 page 3 of 3

Exhibit 1



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 17, 2025

Terrell McCoy #256070
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Re: McCoy v. Attorney General Rutledge Johnson
2025-001013

Dear Mr. McCoy:

This will acknowledge your letter received in this office today. Your notice of appeal in the above case was received in this office on May 23, 2025, and transferred to the court of appeals that same date. Since your case is pending at the court of appeals, we are forwarding a copy of your letter to that court. Any further questions concerning the above case should be directed to the court of appeals.

Sincerely,

Patricia A. Howard

CLERK

cc: Leon David Leggett, III (with copy of correspondence)



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 10, 2025

Terrell McCoy, #256070
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Terrell McCoy v. Attorney General Rutledge Johnson
Appellate Case No. 2025-001013

Dear Mr. McCoy:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review

25

filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Terrell McCoy, Appellant,

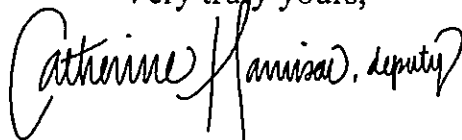
v.

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

of whom Attorney General Rutledge Johnson and Samantha Weidauer are the Respondents.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Hamrick, Deputy". The signature is written in black ink and is positioned above the printed title "CLERK".

CLERK

cc: Leon David Leggett, III, Esquire
Carly H Davis, Esquire
Harley Littleton Kirkland, Esquire

28



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 10, 2025

Terrell McCoy, #256070
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Terrell McCoy v. Attorney General Rutledge Johnson
Appellate Case No. 2025-001013

Dear Mr. McCoy:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. Specifically, you must provide proof of service stating that a copy of your notice of appeal has been served on the respondents.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- You must provide proof of filing a copy of your notice of appeal with the clerk of the lower court.

25 27

Very truly yours,

Catherine Hannibal, deputy

CLERK

cc: Leon David Leggett, III, Esquire
Carly H Davis, Esquire
Harley Littleton Kirkland, Esquire

The South Carolina Court of Appeals

Terrell McCoy, Appellant,

v.

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

of whom Attorney General Rutledge Johnson and Samantha Weidauer are the Respondents.

Appellate Case No. 2025-001013

The Honorable Daniel Coble
Richland County
Trial Court Case No. 2022CP4006230

ORDER

Appellant has failed to timely file the notice of appeal, as required by Rule 203 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. We decline to act on the appellant's motion to allow late filing of the notice of appeal due to his failure to correct the deficiencies outlined in this Court's letters dated October 1, 2025, and October 15, 2025. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY Jasmine D. Smith, Deputy
CLERK

Columbia, South Carolina

cc:

Terrell McCoy, #256070
Leon David Leggett, III, Esquire
Carly H Davis, Esquire
Harley Littleton Kirkland, Esquire

FILED
Jan 12 2026

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

Jeanette W. McBride
Clerk of Court P. O. Box 2766
Columbia SC 29202

Addressed to (Inmate Name, SCDC#, and Address):

Terrell McCoy 256070
4460 Broad River Rd.
Columbia SC 29210

was received and logged in on SCDC Form 10-12, "Legal Privileged Certified Mail Delivery Log," at the
Broad River Correctional Mailroom on (Date) 2/20/2025

On (Date) 2/25/25, the above referenced correspondence was delivered to
Inmate 2/25/25 Terrell McCoy SCDC # 256070 and his signature
was obtained on SCDC Form 10-12, "Legal/Privileged Certified Mail Delivery Log".

Additional Notes:

J. E. Ruffey BRCI
Postal Director/Institution

4/28/25
Date

STATE OF SOUTH CAROLINA,

COUNTY OF

Terrell McCoy

Plaintiff,

vs.

Samantha Weidauer

Defendant,

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

2022CP400 W230

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

Terrell McCoy

Plaintiff/Attorney for Plaintiff

Dated:

11-7-22

Address: MCI F4175
386 Redemption Way
McCormick SC 29899

2022 NOV 29 AM 11:45
FILED
CLERK OF COURT
COMMON PLEAS
SOUTH CAROLINA



Exhibit 2

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 04, 2025

Terrell McCoy, #256070
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

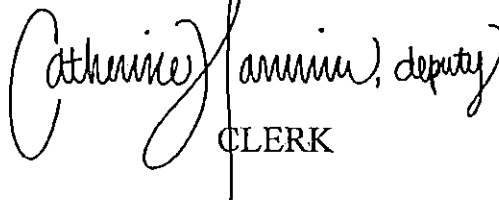
Re: Terrell McCoy v. Attorney General Rutledge Johnson
Appellate Case No. 2025-001013

Dear Mr. McCoy:

We are in receipt of your correspondence dated October 8, 2025 and October 10, 2025. The case has been transferred to the South Carolina Court of Appeals for disposition. We received a copy of the order dated April 25, 2025. While we cannot provide legal advice, we refer you to Rule 203(b)(1) of the South Carolina Appellate Court Rules for timelines for service of the notice of appeal.

At this time, our records reflect you must provide proof of service that a copy of the motion to file the notice of appeal out of time was served on counsel for the respondent within ten (10) days of the date of this letter to prevent dismissal of this appeal.

Very truly yours,


CLERK

cc: Leon David Leggett, III, Esquire
Carly H Davis, Esquire
Harley Littleton Kirkland, Esquire

32

RICHLAND COUNTY
FILED

2025 MAR -5 AM 9:21

JEANETTE W. MCBRIDE
Clerk of Court

Jeanette W. McBride
CLERK OF COURT
RICHLAND COUNTY
P.O. Box 2766
Columbia, SC 29202-2766

RECEIVED

FEB 20 2025

BRCI
MAILROOM

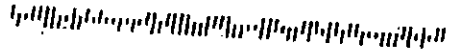
Postnet
First Class Mail
Certified Mail



US POSTAGE
ZIP 29204 \$ 000.62²
314P
0000100000 FEB 13 2025

WA - 167 AB

035 ATEKAMB 29210



MAR 16 2025

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	

Item	Amount
Envelope	
Pen	
Paper	
Postage	
Tape	
Box	
Electronic Repair	
Other	
Sub-Total:	

Exhibit
2

LEGAL MATERIAL

** Inmate is not required to have the funds in his/her account to pay for the materials; however, his/her account must be debited for all materials s/he elects to receive.

Item	Amount
Envelope	1
Pen	
Paper	
Postage	2
Other	9412 1

Att. General
Richmond Court

To be completed by
SCDC staff:

Cost	
.10	
1.00 1.69	
.20	
Sub-Total:	

PHOTOCOPIES


** Inmate may be required to have funds in his/her account. See SCDC Procedure GA-01:03(OP), "Inmate Access to the Courts," to determine if inmate may receive copies with/without funds.

Item	Amount
Photocopies	

To be completed by
SCDC staff:

Cost
1.99
TOTAL

X 
Inmate's Signature


Mailroom/Canteen Signature (Request filled by)

1/17/23
Date

White - Inmate
Canary - Mailroom/Canteen Employee

I Terrell McCay, has placed a copy of Amended Pleading Inside prepaid stamp envelope to be mailed to the attorney general's office

Terrell McCay 256070
MCI F4-175
386 Redemption Way
McCormick SC 29899

Exhibit 3

January 4, 2023

Jeanette W. McBride
Clerk of Court
Richland County
P.O. Box 2766
Columbia SC 29202

2023 JAN 11 AM 10:17
FILED
RICHLAND COUNTY
COURT CLERK
C.C.R. G.S. & F.C.

RE: Terrell McCay v. Rutledge Johnson
C/A 2022 CP 400-6230

Enclosed please find ~~the~~ Plaintiff's
Proof of Return that was served upon
the defendants in this above case.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-001013
Circuit Case No. 2022-CP-40-6230

RECEIVED

JAN 28 2026

SC Court of Appeals

Terrell McCoy 256070

Appellant

v.

Samantha Weidauer, Attorney General Rutledge Johnson, Burns Wetmore
Angela Bunker, Peter McCoy, Lorelle Proctor, Rae Weston, Roger Young
and Deadra Jefferson, Defendants.

Appellee

CERTIFICATE OF COUNSEL

I Terrell McCoy hereby declare that on January 20, 2026, I Terrell McCoy served a copy of the motion to reinstate to the attorney general's office at PO Box 11549, Columbia, SC 29211

The original copy were mailed to the South Carolina Court of Appeals at Postoffice Box 11629 Columbia South Carolina 29211

ii

/s/ Terrell McCoy

LEGAL MAIL

Terrell McCoy 256090
BRCI WAA# 241
4460 Broadriver Rd
Columbia SC 29210

RECEIVED

JAN 28 2026

SC Court of Appeals

January 20, 2026

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

RE : Terrell McCoy v. Samantha Weidauer, Attorney General
Rutledge Johnson, Burns Wetmore, Angela Bunker, Peter McCoy,
Lorette Proctor, Rae Wooten, Roger Young, and Deadra Jefferson
Appellate Case # 2025-001013

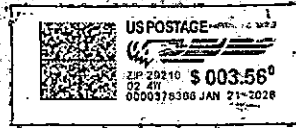
Dear Clerk, Enclose please find Mr. McCoy's motion to reinstate
the Appeal, and Appendix to support the motion. I have also
enclosed Certificate ~~of~~ of Counsel verifying that a copy
of the motion to reinstate was served upon the Appellee.
A separate letter will be sent which will contain the
\$50.00 filing fee for the motion to Reinstate.

1-20-26

1/ Terrell McCoy
BRCI WAA #241
4460 Broadriver Rd
Columbia SC 29210

LEGAL MAIL

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