

The South Carolina Court of Appeals

Marion Wade Frye #375354, Appellant,

v.

United States, Respondent.

Appellate Case No. 2025-002450

ORDER

On December 8, 2025, Appellant filed his notice of appeal. On January 6, 2026, Appellant filed a motion to order the transcript out of time. On January 12, 2026, Appellant moved to amend the notice of appeal. On January 14, 2025, Appellant filed a motion "For Leave of Court to Take Deposition Pending Appeal." On January 21, 2026, the court dismissed the appeal based on Appellant's failure to timely order the transcript; the dismissal order also indicated Appellant had failed to pay the filing fee for the motion to order the transcript out of time. On February 6, 2026, Appellant moved to reinstate the appeal.

After careful consideration, we reinstate the appeal. Further, we grant the motion to order the transcript out of time. Appellant shall provide proof of ordering the transcript within ten days of the date of this order; failure to comply may result in the dismissal of the appeal. *See* Rule 207(a)(1) ("Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. . . . Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter."); Rule 207(a)(2), SCACR ("The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request."); Rule 207(a)(5), SCACR ("If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate

court, and the court reporter in writing."). Additionally, we deny Appellant's motion "For Leave of Court to Take Deposition Pending Appeal." Finally, we grant the motion to amend the notice of appeal to include the circuit court's December 23, 2025 order denying his motion to reconsider the order on appeal.



FOR THE COURT J.

Columbia, South Carolina

cc:
Marion Wade Frye, 375354
David Allen Anderson, Esquire
Cordes Baxter Kennedy, Esquire

FILED
Mar 05 2026