

RECEIVED

Mar 13 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-002448

Case No. 2025-CP-40-01961

MARION WADE FRYE,.....Appellant,

v.

UNITED STATES, *ET AL.*, Respondents.

**GOVERNOR MCMASTER’S
MOTION TO DISMISS**

Wm. Grayson Lambert
Chief Legal Counsel
Erica W. Shedd
Deputy Legal Counsel
Tyra S. McBride
Deputy Legal Counsel
Cameron R. Cox
Deputy Legal Counsel
OFFICE OF THE GOVERNOR
South Carolina State House
1100 Gervais Street
Columbia, South Carolina 29201
(803) 734-2100
glambert@governor.sc.gov
eshedd@governor.sc.gov
tmcbride@governor.sc.gov
ccox@governor.sc.gov

Counsel for Governor McMaster

Under Rule 240(a), SCACR, Governor McMaster moves to be dismissed as a respondent from this appeal.

This Court's March 5, 2026 letter was the first that the Office of the Governor has heard of this case. The Governor was not served with a summons in circuit court, and no proof of service for a summons appears on the circuit court's docket. *See* Docket, No. 2025-CP-40-01961 (S.C. Comm. Pls.).

A summons is how a trial court obtains personal jurisdiction over a defendant, and without that summons, a court cannot issue a valid judgment against a defendant or exercise any other jurisdiction over him. *See Ex parte S.C. Dep't of Revenue*, 350 S.C. 404, 408, 566 S.E.2d 196, 198 (Ct. App. 2002). The Governor has therefore not been properly brought into this proceeding, and he should be immediately dismissed as a respondent in this Court.

Respectfully submitted,

s/Wm. Grayson Lambert

Wm. Grayson Lambert (S.C. Bar No. 101282)

Chief Legal Counsel

Erica W. Shedd (S.C. Bar No. 104287)

Deputy Legal Counsel

Tyra S. McBride (S.C. Bar No. 103750)

Deputy Legal Counsel

Cameron R. Cox (S.C. Bar No. 107824)

Deputy Legal Counsel

OFFICE OF THE GOVERNOR

South Carolina State House

1100 Gervais Street

Columbia, South Carolina 29201

(803) 734-2100

glambert@governor.sc.gov

eshedd@governor.sc.gov

tmcbride@governor.sc.gov

ccox@governor.sc.gov

Counsel for Governor McMaster

RECEIVED

Mar 13 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-002448

Case No. 2025-CP-40-01961

MARION WADE FRYE,.....Appellant,

v.

UNITED STATES, *ET AL.*, Respondents.

CERTIFICATE OF SERVICE

I certify that this *Motion to Dismiss* was served on Appellant via first-class U.S. Mail:

Marion Wade Frye, #375354
1578 Clarence Coker Highway
Turbeville, SC 29162

s/Wm. Grayson Lambert
Wm. Grayson Lambert
Counsel for Respondent