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Mar 16 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. 2025-002449

Case No. 2025-CP-40-01961

MARION WADE FRYE,.....Appellant,

v.

UNITED STATES, *ET AL.*, Respondents.

**GOVERNOR MCMASTER'S
MOTION TO DISMISS**

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Counsel for Governor McMaster

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

The Office of the Governor first learned of this case after it moved to dismiss Case No. 2025-002448. The Governor was not served with a summons in this case in circuit court, and no proof of service for a summons appears on the circuit court's docket. *See* Docket, No. 2025-CP-40-03201 (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

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CERTIFICATE OF SERVICE

I certify that this *Motion to Dismiss* was served on Appellant via first-class U.S. Mail on
March 16, 2026:

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s/Wm. Grayson Lambert
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