

THE SOUTH CAROLINA COURT OF APPEALS

MARION WADE FRYE [REDACTED] #375354, Appellant,

v.

UNITED STATES ; STATE OF SOUTH CAROLINA ; PRISMA Health midlands HOSPITAL ; PRISMA Health midland HOSPITAL CHIEF EXECUTIVE OFFICER No. ONE ; PRISMA Health CHIEF EXECUTIVE OFFICER No. TWO ; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ; SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE ; SOUTH CAROLINA ATTORNEY GENERAL Alan McCrory Wilson ; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIRECTOR BRYAN STERLING ; PRISMA HEALTH MIDLAND HOSPITAL ALAN HOWARD BRILL, MD ; PRISMA HEALTH MIDLAND HOSPITAL NICHOLAS D. PAPADEA, MD ; GEORGE SHEALY, RN ; COLBY BOUNDS, RN ; GABRIELLE JENKINS, RN ; LINDA HEATWOLE, RN ; VICTORIA, RN ; LARENCE SMITH, RN ; SAMANTHA ROBINSON, RPA ; TRISHA ANN JONES, CRNA ; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ; SOUTH CAROLINA GOVERNOR HENRY McMASTERS ; EMMELINE LAFITTE, NP, DEFENDANTS, OF WHICH GABRIELLE JENKINS, RN ; LINDA HEATWOLE, RN ; VICTORIA, RN ; LARENCE SMITH, RN ; SAMANTHA ROBINSON, RPA ; TRISHA ANN JONES, CRNA ; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIRECTOR BRYAN STERLING ; HENRY McMASTERS ; EMMELINE LAFITTE, NP are the Respondants,

OF Which United States Is the RESPONDANTS.

APPELLATE CASE No. 2025-002448

RECEIVED

MAR 30 2026

SC Court of Appeals

- MOTION - Pursuant to Rule 5(c), (d) and (e), S.C.R.P.

TO REINSTATE APPEAL ; NOTICE ;

Petitioner Pursuant to S.C.A.C.R., Rule 240 (d): In Extraordinary CASES, the Appellant Court may Relieve the Filing Fee, Pursuant to Rule 260: REINSTATEMENT, S.C.A.C.R., Pursuant to Rule 41 S.C.R.C.P. the Court may STAY Proceedings in the Action Until the Plaintiff has Complied with the ORDER Filed MARCH 5, 2026. Petitioner Shows the Following To the Court:

- (1); Petitioner is a PRISONER, Pursuant to S.C. Const. Art. II, § 9: CONTROL OF Convicts and Shall Forever be under the Supervision and Control OF OFFICERS Employed by the State Pursuant to S.C. Const. Art. IV, § 1; CHIEF MAGISTRATE ; The Supreme Executive Authority OF this State Shall Be Vested in a Chief MAGISTRATE Who Shall Be Styled the Governor OF The State OF South Carolina Pursuant to S.C. Code 1976 Ann. § 1-3-440;
- (2); Further Powers of the Governor ; Order Any and all LAW Enforcement OFFICER OF the State or Subdivision to do Whatever may Be Deemed Necessary To MAINTAIN Good ORDER and PEACE, Pursuant to S.C. Const. Art. IV, § 17; DUTY OF STATE OFFICER To GIVE INFORMATION To Governor Pursuant to S.C. Code 1976 Ann. § 1-3-450; Intervention by Governor in Situations by Violence or Disorder ; S.C. Code 1976 Ann.

(1): § 1-3-430: ORDER To Prevent Danger; and S.C. Const. Art. VIII, § 13: Joint administration of Functions and EXERCISE OF POWER; S.C. Code 1976 Ann. § 1-30-10: DEPARTMENTS OF STATE GOVERNMENT; Pursuant To S.C. Code 1976 Ann. § 23-4-110: CREATION OF COMMITTEE; Pursuant To S.C. Code 1976 Ann. § 24-1-220: SUITS TO BE BROUGHT IN NAME OF DIRECTOR; S.C. Code 1976 Ann. § 24-1-110 (A); § 24-1-130: The Directors Shall Be Vested With the management and Control OF CARE, treatment, Feeding, and clothing ...; S.C. Code 1976 Ann. § 24-1-90: The South Carolina Department of Corrections (hereinafter S.C.D.C.) Director has Authority to make and Promulgate Rules and Regulations necessary For the Proper Performance of the Departments Functions; S.C. Code 1976 Ann. § 24-1-40: S.C.D.C. Governed BY Director; S.C. Code 1976 Ann. § 24-1-30: The Functions of S.C.D.C. Shall Be Implemented and carry out the Policy of the State and the Performance of Such Duties and matters as may Be Delegated to It Pursuant to Law; S.C. Code 1976 Ann. § 24-1-20: DECLARATION OF POLICY; HUMANE TREATMENTS; Pursuant to S.C. Code 1976 Ann. § 24-1-210: Department to PROSECUTE ALL VIOLATIONS OF LAWS IN REFERENCE TO TREATMENT OF CONVICTS; Pursuant To S.C. Code 1976 Ann. § 23-23-150: MISCONDUCT and of Repeated use of Excessive Force, Physical and Psychological Abuse, the Willful failure to Intervene and the Willful failure to "PROMPTLY" Report; Pursuant to S.C. Const. Art. XII, § 1: MATTERS OF PUBLIC CONCERNS, GENERAL ASSEMBLY TO PROVIDE APPROPRIATE AGENCIES: The health, Welfare, and Safety of the LIVES and Property of the People of this State are of "Public Concern". THE General Assembly Shall Provide APPROPRIATE Agencies to Function in these Areas of "Public Concern" and "DETERMINE THE ACTIVITIES, POWERS, and DUTIES OF SUCH AGENCIES"; Pursuant to S.C. Const. Art. XII, § 2: Institutions For Confinement of Persons Convicted of CRIMES; The General Assembly Shall Provide for the CERTAIN MAINTENANCE, HEALTH, WELFARE, EDUCATION, and REHABILITATION of the inmate; S.C. Const. Art. III, § 1: LEGISLATIVE POWER VESTED IN SENATE AND HOUSE OF REPRESENTITIVES; S.C. Const. ART. XV, § 1: THE HOUSE OF REPRESENTITIVES "ALONE" Shall have the Power to impeach in cases of Serious CRIMES or SERIOUS MISCONDUCT, Pursuant to S.C. Const. Art. XV, § 2: IMPEACHMENT OF GOVERNOR, regarding Serious CRIMES and Pursuant to Rule 502, S.C.A.C.R., Rule 2 (c)(a); Rule 407, S.C.A.C.R., Rules of Professional Conduct, Rule 8.4: Misconduct;

Appeal Case No. : 2025-002448

(C); and S.C. Code 1976 Ann. § 40-47-20; (30) ~~misconduct~~ (52); Telemedicine, and (54); UNPROFESSIONAL CONDUCT, Pursuant to S.C. Code 1976 Ann. § 40-47-37 (A)(2); Practice of Telemedicine Requirements Generate and maintain medical Records for Such Telemedicine Services in Compliance with State and Federal laws, Rules and Regulations including this Chapter, health insurance Portability and accountability Act, and the Health Information Technology for economic and Clinical Health Act (HITECH), (D); Any Person involved must be trained in the Use of telemedicine Equipment and Competent in this Operation, and (E); The medical Board shall retain all Authority with respect to telemedicine Practice; S.C. Code 1976 Ann. § 40-1-70 (4); The South Carolina Department of Labor, Licensing, and Regulations, State Board of Medical Examiners (hereinafter State medical Board) adopting a Code of Professional Ethics Appropriate to the Profession and Occupation which it License or Regulates Pursuant to "S.C. Code 1976 ANN. § 40-1-80; The State medical Board Director may initiate "investigations" and "The State medical Board may order the Person to Immediately Cease and Desist From Engaging in the Conduct" and "IF the Person is Practicing without Being Licensed under this Article the State medical Board may APPLY to an Administrative Judge for a Temporary Restraining ORDER" Pursuant to "PREVENTING ILLEGAL RADIO ABUSE THROUGH ENFORCEMENT ACT" Pursuant to S.C. Code 1976 Ann. § 40-1-40 (D); and S.C. Code 1976 Ann. § 40-18-30 (A); The Chief of the South Carolina Law Enforcement Division (hereinafter S.L.E.D.) has the Power and Duties to Investigate Violations Pursuant to S.C. Code 1976 Ann. § 540-42-10 Pursuant to S.C. Code 1976 Ann. § 23-3-10, S.C. Code 1976 Ann. § 23-4-110, and S.C. Code 1976 Ann. § 1-30-10 (A) and (C); The Powers to Organize and Reorganize the Department into Divisions lies with the General Assembly in Furtherance with its mandate Pursuant to Article XII of the S.C. Const. 1895 Pursuant to title 42 § 1985 (2); OBSTRUCTION OF Justice, Intimidating Party; CONSPIRACY To Interfere with Civil Rights; title 18 U.S.C.A. § 1518; OBSTRUCTION OF CRIMINAL Investigation of Health CARE OFFENSES; title 18 U.S.C.A. § 2703 (g); Fraudulent medical Study; title 18 U.S.C. § 1030 (e) (8) and (9) Computer Fraud and Abuse Act; PREVENTING ILLEGAL RADIO ABUSE Through Enforcement Act; DISCRIMINATION OF Federal Civil Rights LAWS Based on Petitioner's RACE, Color, Religion, and Petitioner's Exercise of Conscience; violation of Petitioner's Health insurance

APPEAL CASE No. 2025-002448:

(1): Portability and Accountability Act (HIPAA) PRIVACY; ██████████ Security and Breach Notification Rules; Deprivation of Rights under the Color of Law Pursuant to Title 18 U.S.C.A. § 242; Title 18 U.S.C.A. § 249; HATE CRIMES Act; Title 28 U.S.C.A. § 504B; Section To EnFORCE Human Rights LAWS Pursuant to 18 U.S.C.A. § 2340 (1) Torture means an act committed by a Person acting under Color of law SPECIFICALLY intended to inflict Severe "PHYSICAL Pain", or Mental Pain, or Suffering Upon another Person within its Custody, (2)(C): The threat/Threat of imminent Death, and (2)(D): The threat that another Person will imminently be Subject to Death, Severe ████████ Physical Pain, or Suffering Pursuant to Title 18 U.S.C.A. § 241(d)(A); Torture, (d)(B); CRUEL and Inhumane Treatment, and (d)(C); Performing Biological Experiment of the Human Rights Enforcement Act of 2009 OF FACTS in Petitioner's ORIGINAL Complaint ██████████ Filed in the United States District Court of Columbia, civil Action No.: 1:25-cv-02897-CRC, titled: MARION FRYE v. United States et al., Appeal Case No. 25-5479, Transferred to the United States District Court of South Carolina, Civil Action Number: S:26-cv-00132-JD-KOW, titled: MARION WADE FRYE v. United States et al., Pursuant to S.C. Code 1976 Ann. § 23-23-30(A) Pursuant to S.C. Code 1976 Ann. § 23-4-10: Legislative Findings Pursuant to S.C. Const. Art. V, § 20: Such Courts and all other Courts of Record shall have the Same Powers at Chambers to Issue Injunctions as when in Open Court, Pursuant to S.C. Const. Art. I, § 10; The Right of People to be SECURE IN Their Persons; S.C. Const. Art. I, § 2: Access to the Courts and Petitioner's Right to Petition the Government that Petitioner's Life and Safety is in Imminent Danger within S.C.D.C. and Subject to the infliction of Cruel and Unusual Punishment by the Government in violation of S.C. Const. Art. I, § 15; and the U.S. Const. Art. 8 and other Constitutional Rights Secured to Petitioner in Petitioner's Actions in the State of South Carolina that Petitioner has provided the South Carolina Court of Appeals and other Federal Courts "Motions For Emergency Complaints", via, S.C.D.C. institutional MAIL and S.C.D.C. Refuses to provide Petitioner its State-wide Protective Custody Program to ensure Petitioner's Safety and Security Pursuant to Title 28 C.F.R. § 524.72(c); Broad Publicity and Title 28 C.F.R. § 541.27(B): Petitioner's Safety being "threatened" because Petitioner provided and Petitioner perceived

Appellant Case No. 1 2025-002448:

(1); as having Provided Information to Staff or Law ENFORCEMENT AUTHORITIES regarding other inmates in the Community; and (c); Inmates refusal to Enter General Population because of "ALLEGED THREATS" From UNIDENTIFIED INMATES;

PETITIONER SHOWS THE FOLLOWING to the Court:

(2)(A): On MARCH 5, 2026 the S.C. Court of Appeals MAILED the ORDER TO PROVIDE PROOF OF ORDERING Transcript Within (10) ten days of the Date of the ORDER and ON MARCH 6, 2026, Pursuant to S.C. Code 1976 Ann. §1-3-440; Further Powers OF the Governor Pursuant to S.C. Code 1976 Ann. §23-4-10; Legislative Findings, Petitioner was transferred BACK to the Evans C.I. From the Turbeville C.I. on a Friday, that on Monday, MARCH 9, 2026 and locked within a cell and Refused Protective Custody Upon Arrival Petitioner was Violently assaulted OF State Officials instructing the Inmate to take Possession OF Petitioner's Legal mail and MAIL Papers and then instructed the Inmate To Assault me; See S.C.D.C. Grievance No. E.C.I. 0128-26 Pursuant to S.C. Code 1976 Ann. §23-4-10; Legislative Findings, that Petitioner Did Not Receive the Courts ORDER UNTIL MARCH 17, 2026 and S.C.D.C. is still Constantly thwarting Petitioner's Request For Legal Supplies and Access to The Courts, and Right to Petition the Courts Pursuant to S.C. Const. Art. 1, §2; and the U.S. Const. Art. 1, and the U.S. Const. Art. 14;

(2)(B): S.C.D.C. is not enabling S.C.D.C. Sufficient S.C.D.C. Forms to Request Legal Supplies and thwarting Petitioner's Request For Legal Supplies and thwarting Petitioner's Request Endeavoring to DISMISS all Petitioner's Claims in the State and Federal Courts, EXHIBIT Enclosed For Record For Appellant Case No.'s: 2025-002448; 2025-002449, and 2025-002450;

RELIEF:

Petitioner Request the Court to Grant Motion and Pursuant to Rule 41, S.C.R.C.P.; Court may Stay order until Petitioner has Complied WITH ORDER; ORDER an Injunction Pursuant to S.C. Const. Art. V, §20; and Appoint Counsel:

Marion Wade Frye; MARION WADE FRYE #375354
610 Hwy. 9 West; Bennettsville, S.C. 29512

MARCH 24, 2026

PAGE Five (5):

Appeal CASE No.: 2025-002448:

DECLARATION OF INMATE FILING:

DATE MOTION TO REINSTATE Appeal and Notice deposited in
The Institutional mail System: MARCH 24, 2026

I am an Inmate Confined in an institution and Deposited my
Motion To Reinstate Appeal and Notice pursuant to Rule 5(c)(d) and (e),
S.C.R.C.P. in the institutional internal mail system. First class
Postage was Prepaid either by me or by the institution on my
Behalf,

I Declare under the Penalty of Perjury that the Foregoing is
True and Correct.

MARCH 24, 2026

Martin Wade Price:

Life and Safety in Imminent Danger! NOTICE:

EMERGENCY

A/c No's: 2025-002448; 2025-002449; and 2025-002450;
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

NOTICE:

REQUEST TO STAFF MEMBER "EXHIBIT"
LIFE and Safety in Imminent Danger:

TO: STAFF NAME: <u>BHU Warden and mail room</u>		STAFF TITLE:	DATE: <u>03-11-2026</u>
INMATE NAME: <u>MARION WADE FRYE</u>		SCDC #: <u>375354</u>	
INSTITUTION: <u>Evans C.I.</u>	DORM/SIDE/BED: <u>RIAU-A-131</u>	HOUSING TYPE: <input checked="" type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATH ROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input type="checkbox"/> N/A	
REASON FOR PAPER REQUEST: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> DENTAL <input type="checkbox"/> MEDICAL COPAY <input type="checkbox"/> MEDICAL RECORDS <input checked="" type="checkbox"/> KIOSK INACCESSIBLE (EXPLAIN): <u>N/A</u> <u>Not tablet</u>			
YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.			

Requesting 5 Legal pens ; 50 Sheets Legal Paper ;
3 manilla Envelopes ; 30 Regular Legal Envelopes ;
and 3 10-14 s.c.p.c. Agreement # debit Forms
To send First Class mail postage for Legal mail
and mail to children ;
cases are endangered of being Dismissed
Thank you for your assistance in this
matter !

S.C.O.C 10-14 Form For Legal Supplies Also Provided , Dated : 03-13-2026 ;
30 Paper ; 20 Legal Envelopes ; 10 Writing Pens ; 3 manilla Envelopes , Not Yet Received 3-21-2026
this s.c.p.c 19-11 FORM received in Return on MARCH 20, 2026 Marion Frye 375354

DISPOSITION BY STAFF MEMBER: Need to speak w/ your
RHU captain for legal supplies
"Emergency" Life and Safety in imminent Danger ; Marion W. Frye 375354
Second S.C.O.C 19-11 Form RTSM Provided to RHU Capt for : 50 Sheets Paper Legal ; 6 Forms for postage
30 Regular Legal Envelopes ; 3 manilla Legal Envelopes ; 10 Legal Writing Pens "Not the RHU Flex Pens
at more cost and less ink : on 03-21-2026 ; This Form had in my possession ;
administration Neglecting my Request for Form also of asking for these forms everyday and
Not Returning with No Forms of S.C.O.C. Form 19-11 and 10-14 s.c.p.c. Forms and the Staff
stating "They are trying to get him to Commit Suicide because the Doctor put Electrodes in

3-18-2026 K.P. JACKSON His head and it is Not in
DATE: STAFF SIGNATURE: Some Staff stating this is just wrong ;
His medical Records !

MARION WADE FRYE #375354
E.G.I. MAX-RHV-131-A,
610 HWY 9, West,
Bennettsville, South Carolina 29512

COLUMBIA SC 290

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FOREVER / USA

Legal MAIL

South Carolina Court of Appeals
Attn: Chief Justice
Post Office Box 116 Z9
Columbia - South Carolina 29211

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SC Court of Appeals

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