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THE SOUTH CAROLINA COURT OF APPEALS

MAR 31 2026

MARION WADE FRYE, #375354, Appellant,

v.

SC Court of Appeals

UNITED STATES; STATE OF SOUTH CAROLINA; PRISMA Health midlands Hospital; PRISMA Health midlands Hospital Chief Executive OFFICER No. ONE; PRISMA Health midlands Hospital Chief Executive OFFICER No. TWO; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE; SOUTH CAROLINA ATTORNEY GENERAL AIAN McCROY WILSON; SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIRECTOR BRYAN Sterling; PRISMA Dr. Alan Howard Brill, MD; PRISMA Dr. 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 Governor Henry McMaster; Emmeline LaFitte, NP; DEFENDANTS;

of which the United States; PRISMA Health midlands Hospital; Gabrielle Jenkins, RN; Linda Heatwole, RN; VICTORIA, RN; LARENCE Smith, RN; Samantha Robinson, RPA; Trisha Ann Jones, CRNA; Nicholas D. PAPADEA, MD; South Carolina Department of Corrections, Director Bryan Sterling; Henry McMaster; Emmeline LaFitte, NP are the Respondants.

APPELLATE CASE No. 2025-002450

- MOTION -

TO REINSTATE APPEAL AND NOTICE Pursuant To Rule 5(c),(d)(e) S.C.R.C.P.

Petitioner, Pursuant to S.C.A.C.R., Rule 240(d); Inextra-ordinary Cases, the Appellant Court may Relieve the Filing Fee Pursuant to Rule 260; REINSTATE S.C.A.C.R. Pursuant to Rule 41; The Court may Stay Proceedings in the Action until the Petitioner has Complied with the ORDER Filed MARCH 5, 2026. Pursuant to Rule 5(c),(d), and (e), S.C.R.C.P.;

Petitioner Shows the Following to the Court:

(1): Petitioner is a Prisoner Pursuant to S.C. Const. Art. XII, § 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

PAGE: ONE

Appeal Case No.: 2025-002450:

(1): 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. §1-3-430: ORDER To PREVENT Danger; S.C. Const. Art. VIII, §13: Joint administration of Functions and Exercise of Power; S.C. Code 1976 Ann. §1-30-10: Department of State Government Pursuant 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 the name of Director; S.C. Code 1976 Ann. §24-1-110(A): The Director's Duty to Employ and Discharge Persons Necessary For Effective Conduct of the South Carolina Department of Corrections (hereinafter - S.C.D.C.) SYSTEM; S.C. Code 1976 Ann. §24-1-130: The Director shall be Vested with the management and Control of CARE, Treatment, Feeding, and Clothing ...; S.C. Code 1976 Ann. §24-1-90: S.C.D.C. Director has Authority to make and Promulgate Rules and Regulations Necessary For the Proper Performance of the Department's 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 Treatment 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 of: Repeated 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: The General Assembly To 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:

Appeal Case No.: 2025-002450:

(1); Legislative Powers Vested in Senate and House of Representatives; S.C. Const. Art. XV, § 1: The House of Representatives "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 MISCONDUCT Pursuant to Rule 502, S.C.A.C.R., Rule 2: (aa); Rule 402, S.C.A.C.R., Rules of Professional Conduct, Rule 8.4: MISCONDUCT and S.C. Code 1976 Ann. § 40-47-20: (30): MISCONDUCT; (52): ~~UNPROFESSIONAL CONDUCT~~ Telemedicine and (54): UNPROFESSIONAL CONDUCT Pursuant to S.C. Code 1976 Ann. § 40-47-37 (A)(2): Practice of Telemedicine Service 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; (D): Any Person Involved must be Trained in the Use of Telemedicine Equipment and Competent in this Operation and (E): The State Medical Board shall Retain All Authority with Respect to Telemedicine Practice; S.C. Code 1976 Ann. § 40-1-20(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 or 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 medical Board may ORDER the Person to immediately cease and Desist from Engaging in the Conduct and if the Person is Practicing without a License 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): Chief of the South Carolina Law Enforcement Division (hereinafter S.L.E.D.) has the Powers and Duties to Investigate Violations Pursuant to S.C. Code 1976 Ann. § 540-42-110; 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 of its mandate Pursuant to Article X II 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:

PAGE: Three (3):

APPEAL CASE NO.: 2025-002450:

(1): OBSTRUCTION OF CRIMINAL INVESTIGATION OF HEALTH CARE OFFENSES ; Title 18 U.S.C.A. § 2703 (9); Fraudulent medical Study ; title 18 U.S.C. § 1030 (e)(8) and (9); COMPUTER FRAUD 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 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. § 509 B ; 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 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. § 2441 (d)(A); Torture, (d)(B); CRUEL and Inhumane Treatment, and (d)(c); PreForming 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 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 indictions 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. 1, § 2 ; ACCESS TO the Courts and Petitioner's Right to Petition the Courts and 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

Appellant Case No.: 2025-002490:

(1): 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 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 COURTS:

(2)(A): ON MARCH 5, 2026 the South Carolina 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. § 13-440; 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 Turberville 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 and Government 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 Appeal Case No.:

PAGE Five (5):

Appeal Case No.: 2025-002450

(2)(B): 2025-002448; 2025-002449; and  
2025-002450;

RELIEF:

(3): Petitioner Request the Court to  
Grant Motion and Pursuant to Rule 41, S.C.R.C.P.; Court may  
STAY ORDER UNTIL APPELLANT has Complied with ORDER;  
ORDER AND Indemnity Pursuant to S.C. Const. Art. V, § 20;  
and Appoint Counsel:

MARCH 24, 2026

Marion Wade Frye

MARION WADE FRYE #375354  
610 Hwy, 9 West  
Bennettsville, S.C. 29512

DECLARATION OF INMATE FILING:

DATE MOTION TO REINSTATE Appeal and Notice Pursuant to Rule  
5(c), (d), (e), S.C.R.C.P., deposited in the institutional MAIL  
System: 03-24-2026

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 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

Marion Wade Frye

"  
" Notice: Petitioner's Life and Safety is in imminent danger;

IN THE SOUTH CAROLINA COURT OF APPEALS

MARION WADE FRYE #375354, Appellant,

v.

UNITED STATES et al., Respondants.

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MAR 31 2026

SC Court of Appeals

Appellant Case Nos: 2025-002449  
Appellant Case Nos: 2025-002448  
Appellant Case Nos: 2025-002450

CERTIFICATE OF SERVICE

I, MARION WADE FRYE do hereby Certify that I have this Date served Appellant's Notice of Not receiving the three S.C.C.R Form 500, Transcript Request Form s, nor Response Regarding First letter by Placing a Copy of the Same U.S mail addressed as follows:

(1): United States  
Attn: U.S. Attorney General  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

(2): South Carolina Governor  
~~Appellate General~~ Henry McMaster:  
1100 Gervais Street  
Columbia, S.C. 29210

(3): Robinson Gray, Stepp, and Laffitte L.L.C.  
P.O. Box 11449 Columbia - S.C. 29211

(4): Richardson-Powder, and Robinson P.A.  
P.O. Drawer 7788 Columbia - S.C. 29202

(5): South Carolina Department of Corrections  
Attn: General Counsel  
4444 Broad River Road Columbia, S.C. 29210

(6): United States Health and Human Services  
Attn: Secretary and General Counsel

(7): The South Carolina Labor, Licensing, and Regulations / State Board of  
Medical Examiners:  
Attn: Director and medical Disciplinary Commission  
110 Center View Drive, Site 202  
Columbia, S.C. 29210

(8): South Carolina Inspector General's Office  
Attn: Inspector General  
~~100 Assembly Hall~~ 111 Executive Center Drive, Site 204  
Columbia, South Carolina 29210

(9): Prisma Health Midland Hospital Attn: Chief Executive Officer and Dr.  
Alan Howard Brill, MD  
5 Richland Medical Park Road, Columbia - S.C. 29203

(10): Turner, Padgett, Gramham and Laney P.A.  
1901 Main Street - 9th Floor  
Columbia, S.C. 29201

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(11): South Carolina Court of Appeals  
P.O. Box 11629  
Columbia S.C. 29211

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(12): South Carolina Court Administration  
South Carolina Supreme Court  
Attn: Court Reporter Manager  
1220 Senate Street, Suite  
Columbia, SC 29201

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MARCH 13, 2026

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Attn: Chief Justice  
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Legal MAIL

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