

NOTICE

THE STATE OF South Carolina IN THE Court of Appeals

APPEAL FROM RICHLAND COUNTY Court of Common Pleas
Honorable Daniel Cable, Circuit Court Judge

Appellant CASE No. 2025-002449
CASE No. 2025-CP-40-~~1111~~

RECEIVED

MARION WADE FRYE, Appellant,
V.

APR 21 2026

UNITED STATES, et al., Respondants.

SC Court of Appeals

OBJECTION MOTION TO GOVERNOR McMASTER'S Motion To Dismiss

(1); Petitioner moves the Court Pursuant to Rule 240(d): In extraordinary cases the Appellant Court may Relieve the Filing Fee, S.G.A.C.P. Rule 5-(c): Numerous Defendants; Upon Motion, ORDER the Service of Pleadings of the Defendants and Replies need not to be made as between the Defendants and any cross claim, Counter Claim, or "matter Constituting AVOIDANCE" (d): Filing; The Court may Permitt Filing and Proceed as though "the Same had Not Been Served" (e): Judge, to Permitt the Papers to be Filed with them, S.G.R.C.P. Rule 4 (c): PROCESS; Service by all other Process shall be made by any Person Designated by the Court, S.G.R.C.P. and Rule 41; Court may Stay Proceedings in the Action until the Plaintiff has Complied with the order, ^{SCRCF} to order the Transcript Pursuant to S.C. Code 1976 Ann. § 23-4-10; Legislative Findings, S.C. Code 1976 Ann. § 1-30-10; Departments of State Government, S.C. Code 1976 Ann. § 23-4-110; CREATION OF Committee, members and OFFICERS, and Rule 12 (b) (5) insufficiency of Service of Process, regarding obstruction of Process, S.G.R.C.P. Pursuant to S.C. Const. Art. XII, § 1; MATTERS of Public Concern; General Assembly to Provide Appropriate Agencies; the health, Welfare, and Safety of the Lives and Property of the State are matters 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, S.C. Const. Art. XII, § 2; INSTITUTIONS FOR CONFINEMENT OF Persons Convicted of CRIMES; The General Assembly shall establish institutions for the Confinement of All Persons Convicted of All CRIMES as may be designated by law, and shall Provide for the Certain, Maintenance, Health, Welfare, Education, and Rehabilitation of the Inmate, S.C. Const. Art. XII, § 9; The Penitentiary and the Convicts there to Sentenced shall Forever be Under the Supervision and Control of the OFFICERS employed by the State, S.C. Const. Art. IV, § 1; Chief Magistrate;

Appellate Case No. 2025-002449: Objection Motion To Governor:

(1): The Supreme Executive Authority of this State shall be vested in a Chief Magistrate, whom shall be styled The Governor of the State of South Carolina Pursuant to S.C. Const. Art. IV, §17: DUTY OF State OFFICERS to give information to Governor, S.C. Const. Art. V, III, §13: Joint administration of Functions and Exercise of Powers; (A): Any County, incorporated Municipalities, or other Political Subdivision may Agree with the State or with any other Political Subdivision for the Joint administration of any Function and Exercise of Powers, and the Sharing of Cost thereof, and (B): Nothing in this Constitution may be construed to "PROHIBIT" the State or other Political Subdivision from agreeing to share "Responsibility" Administration of Functions with any one or more Governments whether within or without this State, and Cost, S.C. Code 1976 Ann. §1-3-430: ORDERS TO PREVENT DANGER, S.C. Code 1976 Ann. §1-3-450: INTERVENTION BY GOVERNOR IN SITUATIONS BY VIOLENCE or PUBLIC Disorder, and S.C. Code 1976 Ann. §1-3-440: FURTHER POWERS OF GOVERNOR Pursuant to S.C. Code 1976 Ann. §24-1-20: DECLARATION OF POLICY; HUMANITARIAN TREATMENT, S.C. Code 1976 Ann. §24-1-30: The Functions of the South Carolina Department of Corrections (hereinafter 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. §24-1-40: S.C.D.C. Governed BY Director, S.C. Code 1976 Ann. §24-1-90: The Director has Authority to make and Promulgate Rules and Regulations Necessary for the "PROPER PERFORMANCE OF S.C.D.C.'S PERFORMANCE OF FUNCTIONS", S.C. Code 1976 Ann. §24-1-110 (A): The Director's Duty to Employ and Discharge Persons Necessary for effective Conduct of the S.C.D.C. System, and S.C. Code 1976 Ann. §24-1-30: Director shall be vested with the Management and Control of Care, treatment, Feeding, Clothing, Etc., Pursuant to the Violation of Petitioners Rights, S.C. Const. Art. I, §2: ACCESS TO The Courts and Right to Petition the Government and Courts, S.C. Const. Art. I, §3: PRIVILEGES and IMMUNITIES OF CITIZENS OF THIS STATE and OF THE United States Under this Constitution shall Not be abridged, Nor shall any Person be deprived of LIFE, LIBERTY, or PROPERTY Without Due Process of LAW, Nor shall Any Person be Denied to Equal Protection of the LAWS, S.C. Const. Art. I, §10: The Right of Petitioner to be Secure in his Persons, and S.C. Const. Art. I, §15: The infliction of Cruel and Unusual Punishment Upon Petitioner, For

(1): 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 Inductions as when in Open Court, Petitioner request the Court Intervene and Issue an Induction that Petitioner's Life and Safety, health and WellBeing is in imminent Danger Pursuant to Title 28 U.S.C.A. § 509 B: SECTION TO ENFORCE HUMAN RIGHTS LAWS Pursuant to Title 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 His Custody; (2) (c): "The threat of imminent death" and (2) (d): "The threat of 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): Performing Biological Experiment Pursuant to the Human Rights Enforcement Act of 2009; Title 42 U.S.C.A. § 1985: Conspiracy to interfere with Civil Rights (2): OBSTRUCTION OF JUSTICE; Intimidating Party; Title 18 U.S.C.A. § 241: Conspiracy Against Rights; Title 42 U.S.C.A. § 1981: EQUAL RIGHTS Under the LAW; Title 18 U.S.C.A. § 1346: MAIL Fraud; For the Purpose of this Chapter the Term Scheme or artifice to Defraud includes a Scheme or artifice to Deprive another of the Tangible Right to Honest Service; Title 18 § 242: DEPRIVATION OF RIGHTS Under the Color of Law; and Violations of Petitioner's Health Insurance Portability and Accountability Act (HIPAA) PRIVACY; Security Breach Notification Rules and Discrimination of Federal Civil Rights Laws Based on Petitioner's RACE, Color Religion and Petitioner's Exercise of Conscience also Pursuant to S.C. Code 1976 Ann. § 23-23-150 (A) (3) (e): Repeated Use of Excessive Force (A) (3) (e): The Physical and Psychological Abuse of PRISONERS; (A) (3) (F): The willful Failure to Intervene ...; and (A) (3) (G): The willful failure to promptly Report another Officer, While in the Performance of their Official Duties Abusing A Person; and Pursuant to Title S.C.F.R. § 1001.102 in this Action; Pursuant to S.C. Code 1976 Ann. § 40-47-20: (30) MISCONDUCT; (52) Telemedicine; and (54): UNPROFESSIONAL CONDUCT; S.C. Code 1976 Ann. § 40-47-37 (A) (2); (D); and (E); S.C. Code 1976 Ann. § 40-1-70 (4) Pursuant to S.C. Code 1976 Ann. § 40-1-80; Pursuant to S.C. Code 1976 Ann. § 40-1-40 (D)

(1); and S.C. Code 1976 Ann. § 40-18-30(A), Petitioner Shows the Following to the Court; and Pursuant to title 42 U.S.G.A. § 2000 cc-2:

(A): Petitioner is Being denied and Refused by S.C.D.C. "State-Wide Protective Custody Program Pursuant to title 28 C.F.R. § 524.72(c), Broad Publicity of Petitioner's Criminal Activity on the News media, Social media, and the Broadcasting of Petitioner's Personal and medical Neural Decoded Data within S.C.D.C. by State Officials, to ensure Petitioner's Safety and Security in a Non-Punitive Status; and Pursuant to title 28 C.F.R. § 541.27 (B) and (C):

(B): ON MARCH 6, 2026 Petitioner Was transferred back to the Evans C.I. from the Turbeville C.I. and Upon Arrival Petitioner immediately Expressed Petitioner's Fears and Concerns in the S.C.D.C. General Population, but Petitioner was Denied "After Notice" Protection, and Denied to Provide S.C.D.C. a Voluntary Statement that on March 9, 2026, Being Forced within S.C.D.C.'s General Population and locked within a cell, behind a Secured Door and Denied Protective Custody of Petitioner's Request, was violently Assaulted of State Officials instructing the inmate in the cell to "take possession of Petitioner's Legal mail and Legal Papers and to try to get Petitioner to engage in Combat and IF Petitioner hits You stab him and we will run your charges You are Sentenced to Now Concurrent" is what the State Official stated; See Grievance No.: E.C.I. 0128-26 Pursuant to S.C. Code of Laws 1976 Ann. § 23-4-10; Legislative Findings;

(C): Petitioner's family of Children being threatened as Kidnapped and Daughter Shot in the Head;

(D): Petitioner's Father, in February of 2023 being Described as Kidnapped on the job site and put into the trunk of his "NEW MUSTANG" and "Burned Alive" like the inmate "Michael Solier" did his Victim the inmate whom caused Petitioner's first civil suit and injuries regarding the Open Reduction Nasal Fracture Surgical Procedure, and Petitioner had a Keep Away order from In Lexington County Detention Center; See:

IN THE STATE OF South Carolina, Richland County Court of Common Pleas, civil Action Number: 2021-CP-40-00331, civil Action titled: MARION WADE FRYE V. South Carolina Department of Corrections, and, IN THE UNITED STATES DISTRICT COURT of South Carolina, civil Action No.: 4:22-cv-03028-RMG-TER, civil Action titled: MARION FRYE V. Zachery Ramp, individually, John Does 1-5, Petitioner arrived Back at the Broad

(D): River Correctional Institution in August of 2023, and Nine (9) days later inmate Michael Sulter committed suicide due to being psychologically abused by state officials and S.C.D.C. regarding having caused this lawsuit pursuant to SC Code 1976 Ann. § 23-23-150 (A)(3)(c) in the Murray Unit in retaliation and confirmed by inmates conversing on the described misconduct:

(E): S.C.D.C. State Officials stating they are endeavoring to get petitioner to commit suicide to keep petitioner from suing anybody, regarding this action and in the United States District Court of South Carolina, civil action No. S:26-cv-00132-JD-KDW, titled: MARION WADE FRYE #376354 v. United States et al.

(F): S.C.D.C. Refusing petitioner's request of legal envelopes, legal pens, and legal paper, to pay for in sufficient amounts to suffice to all petitioner's multiple civil actions:

(G): S.C.D.C. Sending petitioner's checks for motions to wrong court regarding discovery in these actions and the courts dismissing petitioner's actions; S.C.D.C. neglecting petitioner law library:

(H): S.C.D.C. Postal Employees committing MAIL fraud of refusing to send petitioner's mail certified mail restricted delivery pursuant to Rule 4(d)(8), only sending summons and complaints "certified mail", costing petitioner thousands of dollars in these actions and defendants returning mail back to sender avoiding these actions:

(I): S.C.D.C. enabling petitioner's property and canteen to be stolen numerous occasions at multiple institutions:

(J): S.C.D.C. Refusing petitioner first class mail postage and only enabling petitioner package postage at a higher cost rate pursuant to title 18 U.S.C.A. § 1346: MAIL fraud:

(K): All courts refusing petitioner to take oral depositions of witnesses and defendants in all actions petitioner has filed:

RELIEF

(2): In the interest of justice pursuant to SC Const. Art. V, § 20, court to issue an injunction, petitioner request state-wide protective custody, to stop sending evoked potentials of pain sensations throughout the entire spectrum of petitioner's neurological

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OBJECTION Motion To Governor:

(2): SYSTEM of instructed medical Commands, the Sharing of Pettlener's medical and Personal Decoded Neural Data, Sending Pains when Pettlener is endeavoring to write and litigate his Actions, and Sleep and what the Court Finds Just and Proper.

Pettlener Received the Governor's Motions Dismiss on April 2, 2026 and Provided this Court Change of Address when first enabled by S.C.D.C. on March 13, 2026:

Pettlener's Life and Safety is in imminent danger:

APRIL 2nd, 2026

Marion Wade Frye

Marion Wade Frye

MARION WADE FRYE #376354

610 Hwy, 9 West

Bennettsville, S.C. 29512

DECLARATION OF INMATE

I am an inmate confined in an institution and deposited this Motion, Objection Motion to Governor's Motion to Dismiss in the Institutional internal MAIL SYSTEM, First Class Postage Paid by me or by the institution on my behalf:

DATE Deposited in MAIL: APRIL 4, 2026

Marion Frye #376354

DATE: APRIL 4, 2026

I declare under the Penalty of Perjury the following is true:

To include and Not Be limited to No, Over head Light in this cell to write: cell 239-MAX-A:

CERTIFICATE OF SERVICE

I, [redacted] certify that I have this date served this objection Motion To Governor McMaster's Motion to Dismiss and Notice, was served addressed as follows via First class Postage Dis. mail on APRIL 4, 2026, as Below:

Office of the Governor
South Carolina State House
Attn: Henry McMaster
1100 Bervais Street
Columbia, S.C. 29201

cc: Power of Attorney
Attn: Burrell B Kelly
160 Deer Moss trail
Lexington, S.C. 29073

Marion Wade Frye

MARION WADE FRYE #376354

610 Hwy, 9 West

Bennettsville, S.C. 29512

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SC Court of Appeals

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Attn: Chief Justice
P.O. Box 11629
Columbia, S.C. 29211

LEGAL MAIL