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DEC 14 2023

S.C. SUPREME COURT

Petition to Amend Appointment of Counsel

NOW COMES THE APPELLANT, Ben Robert Stewart, filing prose and against Robert M. Dudek, Chief Appellate Defender, representation at the Division of Appellate Defense. Whereas, the Appellant respectfully request this Honorable Court to Appointment outside counsel and Appellate Defender Dudek, in his formal return obstructs or otherwise blocks this request. Appellant present the additional facts:

1. Appellate Defender Dudek falsely asserted in his November 30, 2023 letter to The Honorable Patricia A. Howard "it does not appear that there is any meaningful legal issue of the office of Appellate Defense having a conflict of interest in this case". This Attorney fails to under the Rules of Professional Conduct or do not know them, respectively. Rule 407 SCACR Rules of Professional Conduct 1.7 Conflict of Interest, concurrent conflict of interest is clearly the facts of this instant case.

2. Appellate Defender Carter filed an Ander's opinion and failed to defend her stewardship at the April 17, 2023, Post Conviction Relief Hearing and that failure to defend or explain alleged misconduct indicates an obvious admission of the factual allegations, see; In re Murph, 350 S.C.1, 564 S.E.2d 673 (2002) held that attorney criminal misconduct failure to respond to formal charges and failure to adequately represent numerous clients warrant disbarment, and therefore the burden of proof under SCRCP. 71.1(e) has been established as well at the April 17, 2023 Post Conviction Relief Hearing.

3. The Appellant has filed a Disciplinary Complaint and has included Appellate Defender Carter in the fifteen (15) instances of misconduct Against PCR Attorney Ola Johnson accordingly at Exhibit

in direct appeal failed to provide Assistance of Counsel under the Sixth Amendment and lacked communication in violation of Rule 1.4 Rules of Professional Conduct because Attorney did not adhere or follow instructions in the #5.10 package sent on July 22, 2010

4. Attorney for PCR, Ola Johnson filed the identical claims under the rubric of ineffective assistance and intentionally defaulted the claim at pg 19 of the Order of Dismissal and withdrew the other claim at pg 4 of the Order of Dismissal and eventually defaulting all Post Conviction Relief Claims because he failed to cite the applicable law and Standard of Review and submit the readily available evidence and exhibits, see Exhibit B-15, Receipt of Applicants Post Conviction Relief Proposal sent via mail on 4-19-23/4-21-23 to Ola Johnson for 4-17-23, Post Conviction Relief hearing Postage #9.80

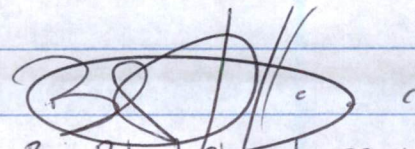
5. Attorney for PCR, Ola Johnson did not file a statutory 59 Motion to preserve any of the claims in this instant case and Denied Assistance of Counsel and appears to be complicit in misconduct with trial Attorney, Appeals Attorney and the State obstructing my mandated claims for review because [Applicant Complainant] or [Plaintiff], is the Master of their complaint and did not cite applicable law for review and slandered or stated false facts or otherwise "inferable" as stated mentioned facts not true in the case at pg. 9 "could have been in the car wearing gloves," see fact 3, Order of Dismissal. As well as "generally" expounding PCR claims ineffective assistance of counsel; when Appellant cites a denial of Sixth Amendment claim see Nance v. Ozment, 367 S.C. 547, 626 S.E.2d 878 (2006) quoting United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039, 80 L.Ed 2d 657 (1984)

6. Appellant Defender Dudek has not filed the forwarded 59 motion and the York County Clerks office has returned the filing two occasions

On October 25, 2023 and On November 17, 2023.

7. In the interest of justice Appellant request the Honorable Court to take judicial notice with the facts herein and Appoint Counsel to represent Appellant outside of the stated concurrent conflict.

WHEREFORE, the Appellant prays this Honorable Court Grant requested Appointment of Counsel.



Ben Robert Stewart, 223006

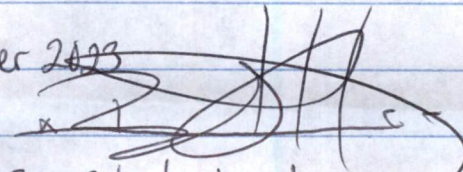
990 Wisacky Highway

Bishopville S.C. 29010

PROOF OF SERVICE

I, Ben Robert Stewart, hereby submit my Amended Appointment of Counsel petition to the Honorable Patricia A. Howard, at, Clerks of South Carolina Supreme Court, Post office Box 11330, Columbia, South Carolina, 29211 on receipt of November 30, 2023 letter from Robert M. Dudek, Chief Appellate Defender, and Exhibit B-15 and Exhibit C7

ON this 7th of December 2023



Ben Robert Stewart 223006

990 Wisacky Highway

Bishopville S.C. 29010

cc/Disciplinary CL/