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JAN 30 2024

In the Supreme Court of South Carolina
Declaration and Affidavit of Facts for Cause

S.C. SUPREME COURT

I, Ben Robert Stewart III, hereafter, Ben Robert Stewart, hereby declares that I am the Appellant, Petitioner for Appellate Case No: 2023001478 in South Carolina Supreme Court appealing a Post Conviction Relief Application Case No: 2013 CP-46-3731, York County, South Carolina before the Honorable Eugene C. Griffith, Judge on April 17, 2023, pursuant to SCRCP 71.1(g) and I contend that 71.1(d) was violated. Also, Cause and prejudice is shown with the following:

1. I have been denied my sixth Amendment Constitutional right to Assistance of Counsel from trial Attorney, Kenneth D. Snow, and counsel has been cited for professional misconduct, Appeals Attorney, Wanda H. Center who was as ineffective assistance and a Denial of Assistance of Counsel, PCR Attorney, Ola A. Johnson, who was cited for intentional misconduct and a Denial of Assistance of Counsel under the Sixth Amendment, PCR Appeals Attorney, Chief Defender, Robert M. Derdek who was cited for conflict of interest and lack of competence and Attorney, Defender, PCR Appeals Attorney who was cited for a conflict of interest and intentional misconduct, Sixth Amendment deprivation, engaging and knowingly assisting in conduct that is a violation of Rules of Professional Conduct, Attorney Sarah Shipe.

2. All attorneys are obstructing my mandated PCR claims under the Act by violating the clear statutes provided and are complicit in their behavior knowing that causation of

this prejudicial effect is the concealment of Prosecutor misconduct in office within evidence and exhibits the Attorneys, Snow, Carter, Johnson, Dudek and now Shipe are obstructing or otherwise "blocking" my Redress of Grievances.

3. I have attempted to file my 59 Motion two different occasions due to both Attorneys Ola A. Johnson and Robert M. Dudek refusing this simple assistance of counsel and the Clerk office in York County returned my Pleadings unfiled who is also cited for Denial of Access to the Courts, breach of duty and misconduct 8.4(a) knowingly violate the Rules of Professional Conduct and 8.4(e) engaging in conduct prejudicial to the administration of Justice.

4. As a citizen of the United States who is actually and factually innocent and who was unlawfully detained and tried without probable cause; cited against Solicitor for violation of Special Responsibilities of Prosecutor, I am enforcing my initial 1st and 5th Amendment that Attorney Snow defrauded proceedings, which was cited for misconduct also #1. PCR Application at PG 8 (Writ of Habeas Corpus filed 02/06/09 Pretrial) and to deprive these rights would be to deprive the Section 2254 Federal Habeas Corpus review...

date Jan. 21, 2024

I declare under penalty of perjury that the foregoing is true and correct. I am confined at Lee Correctional Institution in Bishopville, South Carolina.

— FINISHED

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