

Ben Robert Stewart, 223006
990 Wisacky Highway
Bishopville S.C. 29010

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S.C. SUPREME COURT

October ^{24th} 2024

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post office Box 11330
Columbia, S.C. 29211

Re: Stewart v. State No: 2023-001478

Dear Clerk, Ms. Howard:

I am the appellant in the above mentioned case before this court. I previously filed two motions, and two petitions regarding representation from the Division of Appellate Defense because of the conflict of interest Robert Dudek letter dated Nov. 30, 2023 (exh c-11) which reflects that a conflict of interest exist elaborating ineffective assistance of counsel claims raised in PCR in the lower court, then improperly shifting the responsibility to retain the States witness on the applicant when in fact her failure to appear is admittance and not the applicant's responsibility.

I was somehow appointed Attorney Sarah E. Shipe without a Court order and I have filed A Petitions to Relieve Ms Shipe and requested pursuant to Article V § 4 a review for disciplinary upon attorneys who practice law and violates the Rules of Professional Conduct, because in receiving representation from attorney Shipe there is a lack of diligence and a violation for failure to report misconduct, there is also apparent intentional misconduct

knowing and engaging in conspiracy to violate the Rules of Professional Conduct, the Rules of Appellate Procedure, (SCACR), and the govern laws applicable to the State and the Federal Courts.

Ms. Shippe's formal letter to me dated January 9, 2024 (exh C-12) is testament that she understands her role advocate stating "The Supreme Court can only consider the information that was before the PCR court", however, she did not take her own advice and presented and submitted evidence and information that was not before the PCR court." I have notified the Court several times filing a Petition for Leave to file a 60(b) Motion dated June 24, 2024 and even after receiving the Courts order dated January 10, 2024 (date of order clerical error on the year) denying counsel other than counsel from the Commission on Indigent Defense (exh C-13) and the Courts order October 3, 2024, denying motion to proceed pro se in this civil action (exh) I was forced to file an Injunction and Temporary Restraining Order because of her intentional misconduct against me and against the public's interest. Also,

2 of 5

I filed A Pleading Special Matter (a), (b), and a Affidavit / Declaration Motion For Seizure of Person and Property dated October 15, 2024 including Summons; (exh), Prior to this, I filed ex's #17, #18, #19 and #20 Request for Fishburn v. State, Standard, for appeal remand, including this Court, York County Clerks office, Honorable Eugene Griffith Judge, Attorney General officer Zachary Jones, Attorney Sarah E. Shipe, Attorney Ola A. Johnson and Disciplinary Counsel, your office has forwarded every document that I filed respectively.

Therefore, the Attorney's in this instant matter is indeed aware and are complicit regardless to not correct misconduct only condones it. Ms Shipe and other attorneys that works at her office are violating 3.3. Candor Toward the Tribunal, (1) making false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer and (3) offer evidence that the lawyer knows to be false. Over the past year every document that was filed

3 of 5


your office forwarded to the State and to Attorney Shipe and there is a clear communication breakdown not only with my self by requesting her to properly Request for a Remand based on the possibility of a void judgment but by her willfulness to disobey the Rule of Court and Rules of Professional Conduct.

The Supreme Court cannot review or correct something that has not been decided or raised below. My appendix before your office contain (1544) pgs and the only thing that can be legally before the Court is only the PCR hearing and note () which was entered into evidence everything else is unlawfully before the Court respectively.

These actions are quoted in United States v. Shaffer Equipment Co, 11 F.3d 450 (4th Cir 1993) and I request that your office pursuant to my previous filings and this formal letter according to Art V, §4, and the Exh P.1, Index to Appendix Appellate case no 2023-001478

Please take judicial notice and thank you for notifying the parties in this matter.

On this 24th of October 2024


Ben Robert Stewart 223006
990 Wisacky Highway
Bishopville, S.C. 29010

PROOF OF SERVICE

I, Ben Robert Stewart, filed a Formal letter that I filed with the Supreme Court of South Carolina Clerk of Court Patricia A. Howard at P.O. Box 11330, Columbia S.C. 29211.

On this 24th of October, 2024,

