

granted, he will be unable to comply with the Court's Order compelling him to file a Supplemental Appendix unless his previous request for an appeal bond is also granted.

Specifically, Stewart does not have physical copies of all the 2021 filings and exhibits, as he was represented by counsel in this proceeding. The only available copies of the requested records are electronic and can only be accessed through the Public Access to Court Electronic Records ("PACER") system. The PACER system is currently inaccessible to Stewart because SCDC restricts prison inmates from having internet access. However, if Stewart is granted an appeal bond, he will be able to access the PACER system to promptly prepare and file the requested Supplemental Appendix.

Stewart, a pro se petitioner, made a good faith effort to include the entire lower court record in the filed Appendix. At his request, a third party assisted him with formatting and redacting the electronic documents for the Appendix.¹ Stewart instructed that the federal habeas joint appendix and the PCR record were to be included in the appendix. He was under the impression that these documents contained the entire lower court record. It was an oversight that the 2021 federal habeas filings and exhibits were not included in the federal habeas joint appendix. Respondent's request that Stewart prepare and file a Supplemental Appendix including these records necessitates that he be granted an appeal bond so that he will be able to comply with this request.

Stewart's initial request for an appeal bond was made for the specific purpose of avoiding these types of issues. Respondent successfully opposed this request, and Stewart did not appeal the Court's denial of the same. However, Respondent has opened the door for the Court to revisit the matter of an appeal bond by requesting that the Court compel Stewart to

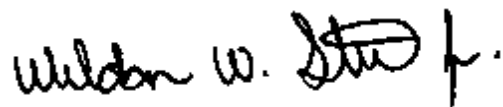
¹ This party recently suffered a severe hand injury which required stitches and will therefore be unable to assist Stewart with the requested Supplemental Appendix.

perform tasks he has demonstrated he cannot reasonably accomplish while he is incarcerated. Based on these unique circumstances, the Court granting Respondent's motion without granting Stewart an appeal bond would violate due process, as such a ruling would result in this proceeding being indefinitely held in abeyance due to requirements placed on Stewart which he cannot possibly meet without being granted said bond.

Stewart declines to question Respondent's motives for insisting that documents be included in a Supplemental Appendix which are of questionable relevance to the issues currently before the Court—whether the orders prepared by Respondent for the lower court sufficiently addressed the facts and issues presented by Stewart in his PCR action, and whether the lower court erred in denying discovery and an evidentiary hearing. Stewart states, without arguing the relevance of the federal habeas records to these limited issues, that it is not apparent to him how said records are "necessary" for Respondent to answer these claims. Regardless, the delay in this proceeding posed by Respondent's motion presents further due process grounds for Stewart to be granted an appeal bond.

In conclusion, Stewart does not oppose Respondent's motion. However, he respectfully requests that if the Court grants Respondent's motion, that the Court also grant Stewart's previous request for an appeal bond so that he will be able to comply with the Court's Order.

Respectfully submitted,



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