

The State of South Carolina
Court of Appeals

Ben Robert Stewart, 223006

Case No:

v.

S.C.D.C.

RECEIVED

OCT 02 2025

SC Court of Appeals

Appellant's Designation of
Matter To Be Included In
The Record on Appeal

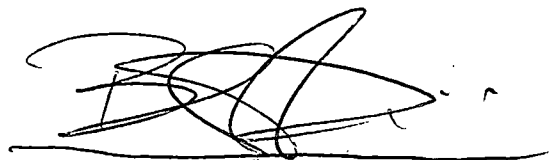
The Appellant, respectfully submits pgs. of
documents (15) fifteen total; Exhibits B-20;
C-18; Step 1 and Step 2 Grievances; Order of

dismissal November 27, 2024))

Following documents will be included in ~~initial~~
reply to respondents initial briefs.

A, (1) Step 1 and Step 2 Grievances, (2) Order of
Dismissal,

On this 26th of Sep. 2025



Ben Robert Stewart 223006

100-200 Prison Rd.

Enoree S.C. 29335

Appellant's Designation of Matter to Be included in Record on Appeal

Index

- pg 1 Exh. B-20. SCDC Form 1911 Request (2-7-2023)
- pg 2 Exh. C-18. General Counsel Request to Staff 1911
(2-19-2024))
- pg 4. Exh 21 Step 2 Grievance (8-26-2024))
- pg 6. Exh 21 Step 1 Grievance (~~4-7-2024~~)
- pg 10. Settlement relief)
- pg 15. Table of Exhibits for Grievance Step 1)))

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM
STEP 2

4

Office Use Only

INMATE NAME: Ben Robert Stewart
SCDC NUMBER: 223006
INSTITUTION: Lee CI
HOUSING UNIT: F-3-B-1228
WORK ASSIGNMENT: N-A

WARDEN
AUG 29 2024
LEE CI

Grievance No. _____
Code: General _____
Policy _____
Disc. Hear. _____
Class _____
PREA _____
Date Received: _____
IGC Initials: _____
Date Received: _____
IGA Initials: _____

INMATE'S REASON FOR APPEAL (state specific dissatisfaction): *I'm unlawfully transported see; O.P. 21-04 Section 28.4.6; O.P. 21-04 Section 28.4.9 (Inmate classification) S.C. Const. Art 1 § 3; 17-11-10 et seq Art. III waiver) Art. VI (b) mentally ill) 18USCA App 2; 2; Art III and VI (b) because of ADA violation I'm a social security disability dependant. U.S. Const 4th Amend U.S. Const 5th Amend U.S. Const 8th Amend U.S. Const 14th Amend. Mann v. Thiboutot, 484 U.S. 1 (1980)*

Grievant Signature

Date 8/26/24

RESPONSIBLE OFFICIAL'S DECISION AND REASON:

Responsible Official Signature _____

Date _____

The decision rendered by the responsible official exhausts the appeal process of the Inmate Grievance Procedure. I hereby acknowledge receipt of the official's response and understand this is the Agency's final response to this matter.

Grievant Signature _____

Date _____

IGC Signature _____

Date _____

(SEE REVERSE SIDE FOR INSTRUCTIONS)

Exh # 21.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM #203

5

STEP 1

LEE CI

INMATE NAME: <u>Ben Robert Stewart</u>	OFFICE USE ONLY
SCDC NUMBER: <u>223006</u>	Grievance No. <u>0539-24</u>
INSTITUTION: <u>Lee Correctional Institution</u>	Code: General <u># 28</u>
HOUSING UNIT: <u>F3-B-1228</u>	Policy _____
WORK ASSIGNMENT: <u>N-A-</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>5.23.24</u>
	IGC Initials <u>RN</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

My transfer from Pennsylvania to South Carolina is unlawful pursuant to Interstate Agreement on Detainers Act 17-11-10 s.c. code ann.; 18 USCA App 2 Art VI (b) and III (a) (b) these violations and deprivations of the Compact Clause Contract Clause, Supremacy Clause, Extradition Clause, 4th Amend, probable Cause invalid direct indictments (9) total Exh (8) no warrant or waiver for direct indictments cause used for IAD proceedings. 5th Amend taking without just compensation rendering a fraudulent title to possession of Good ~~33-271-302~~ s.c. code ann. 8th Amend cruel and unusual punishment and nonapplicability of state and federal statutes (IAD) and ~~8th Amend~~ and A.D.A. state of the Laws in PA. and S.C. states. After being denied requested mental health treatment for years and status of mental illness I was denied S.S.D and A.D.A benefits and a state created liberty interest, my assertion is my transfer is unlawful by both State and Federal statutes and both SCDC policies, OP.21-04 Section 28.46 other claims, because My direct indictments are invalid and Im charged with more charges not upon the detainer, also OP.21-04 Section 28.49 Mental illness, whereas I am mentally ill and do not apply to Art VI (b) (IAD) and my transfer is unlawful and custody should be ruled as a default pursuant to statute, 36 2A 504 (3) (4) s.c. code ann, and these statutes and rule of such possession is fraudulent. see Table of Exhibits B1, B2, B3, B5, B20, C1B, 5-14-2024

[Signature] Date

ACTION REQUESTED: 1) Sue on official Bond and released, 2) Sue on official bond, 3) released, 4) pardon by fraud, 5) \$100,000 6) Declaratory Judgment 7) proposal By Ben Stewart

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance is being processed (Reviewed) and Returned (No Warden's Decision) for, but not limited to, the following reason(s) No ARTSM/RTSM. Unclear statement You have 5 days to refile with corrections. Please include this notice.

RN 5-14-2024
IGC Signature Date

(CONTINUE ON REVERSE SIDE)

#204

STEP 1

INMATE COPY 6

INMATE NAME: <u>Ben Robert Stewart</u>	WARDEN
SCDC NUMBER: <u>223006</u>	
INSTITUTION: <u>Lee Correctional</u>	APR 24 2024
HOUSING UNIT: <u>F-3-B-1228</u>	LEE CI
WORK ASSIGNMENT: <u>N-A</u>	

OFFICE USE ONLY

Grievance No. 0449-24

Code: General JP JS

Policy _____

Disc. Hear. _____

Class _____

PREA _____

Date Received 4/25/24

IGC Initials _____

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.)

I was unlawfully detained pretrial Pell v. Wolfelt, 441 U.S. 520 (1979), IAD violations are federal law and creates a § 1983 claim - see Cyler v. Adams, 449 U.S. 433 (1981), quoting Main v. Thiboutot, 448 U.S. 1 (1980) cause of action in favor of person deprived under color of state law, Social Security). Falsely asserted probable cause by State prosecutor, see Kalina v. Fletcher, 501 US 118 (1997), Affected my ability to defend in trial, and treatment in incarceration, see Kerr v. Finkbeiner, 757 F.2d 604 (4th Cir 1985) quoting Bush v. Muncy, 659 F.2d 402 (4th Cir 1981) clear IAD violation, and fundamental defect miscarriage of Justice). No exclusive PER remedy with procedural violations, see Fahburn v. State, 427 S.C. 505, 932 S.E.2d 584 (2019) quoting 17-27-08 Final Judgment also non applicable to § 2254(b)(c) where Federal Habeas Corpus is unavailable. § 1983 must be see; Spencer v. Kemna, 523 US 1 (1998) also see; Slezak v. Cratt, 21 F.3d 590 (4th Cir 1994) regarding classification, State statute creating and defining powers of SCDC did not create liberty interest in custody or security. Classification protectible under due process clause. Walt v. McDonnell, 418 US 539 (1974) against a demotion, or to receive by a promotion classification. IAD, Art III (b) of 18 USCA App 22, procedures were unlawful, (1) no probable cause for direct indictments (2) charges not upon the defendant, est. 2009 - continuing wronged. Fourth Amend beyond legal process claim unlawful detention see Manuel v. City of Joliet III, 580 U.S. 357 (2017); IAD Art VI (b) of 18 USCA App 22, in part not made available by this agreement shall apply to any person who is adjudged to be mentally ill mental patients voluntary without taking any steps to ascertain whether he was mentally competent. Grievant Signature [Signature] Date 4/25/24 to sign admission forms were sufficient to state claim see Zimmer v. Burch 449 U.S.

ACTION REQUESTED: Sue on Bond, Compensation and Punitive damages for deprivations and injuries, declaratory judgments, release unconditional, see, settlement for relief at pgs 5-8 or proposal by Warden.

ACTION TAKEN BY IGC: PROCESSED UNPROCESSED OTHER

This grievance is being Processed (Reviewed) and Returned (No Warden's Decision) for, but not limited to, the following reason(s)
 No ARTSM/RTSM, unclear statement. You may re-file within 5 days of this notice.

RWM 5/7/24
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

113(1990) so any waiver is non applicable; According to 11-17-10 et seq.
S.C. code am (IAD) under S.C. Const Art 1 § 3; S.C. Const Art 1 § 14;
18USCA App 2,2, and OP. 21-04, Inmate Classification, Section,
 states at 28, 4, 6, Other Claims: "An inmate may be prosecuted in the #
 receiving state only for charges upon which the detainers 205
 is based. Crimes for which no detainers has been lodge
 may not be prosecuted while inmate is in temporary custody"
 also;

Section 28, 4, 9, Mental Illness: "An inmate who is medically determined
 to be mentally ill cannot be transferred under the IAD. The
 inmate's CONVICT screen should be reviewed for Guilty but Mentally
 Ill (GBMI) finding!"

A compare of Exh B3 Direct indictments (9) total, and Exh B5 Extradition forms
sent to S.C. Governor office with detainer for (4) charges reveals I am
 unlawfully tried and convicted of additional charges not upon the detainer,
 further there is no probable cause on the direct indictments nor a waiver of
 consent and the IAD proceedings were/are unlawfully applied.

A compare of Exh B1 and B2 Social Security Disability Determination
Evaluation Exh B1) and Pretrial Emergency Writ of Habeas Corpus reveals
 I, inmate Stewart, Robert Ben (last, Middle, First,) No: SCDC-223006
 commitment date 01-24-2015 is a disability dependant under Social
 Security and was not classified as mental illness purposely and it was
 and is continuing to be concealed by State officials, private persons as
 obstruction to hinder my redress from an ineffective judicial
 Jof8

proceeding see; Ex B-2 Pretrial Habeas Corpus) to penal-⁸
continuing these State, Federal and Prison Policies violations #206
that State officials are aware of and; "inmate face substantial
risk of serious harm and officials disregard that risk by
failing to take reasonable measures to abate it" see Farmer v.
Brennan, 511 U.S. 825 (1994); see Porter v. Clarke, 923 F.3d 348
(4th Cir 2019) conditions of confinement posed a substantial risk of
serious psychological problems and second of Porter v. Clarke,
a duty to officials to provide medical care, quoting Farmer supra,
also see; Estelle v. Gamble, 429 U.S. 97 (1996) Numerous circuits courts
have ruled that Heck does not bar a plaintiff from invoking Section 1983
to assert a damage claim for illegal extradition to another state for
criminal prosecution; see, Weilburg v. Shapiro, 488 F.3d 1202 (8th Cir 2007);
French v. Adams County Detention Center, 379 F.3d 1158, 1160 (10th Cir 2004);
Hurden v. Pafaki, 320 F.3d 1289 (11th Cir 2003); The Fourth Circuit, see;
Yang v. Niz Kols, 413 F.3d 416 (4th Cir 2005) held that district courts order was
final appealable order and prisoners allegations that officers illegally
extradited him were sufficient to state civil rights claim under Section
1983, Reverse and Remanded. Also, "A jury may be permitted to assess
punitive damages in an action under 1983 when the defendant's conduct
shown to be motivated by evil motive or intent, or when it involves
reckless disregards or callous indifference to the federally protected rights
of others" see; Smith v. Wade, 461 U.S. 30 (1983) I am being denied and deprived
under color of State law, Social Security benefits, Thiboutot supra, a duty
3 of 8

to impose officials to provide medical care, (Mental health treatment) quoting; Farmer v. Brennan supra, also these violations, deprivations punishment and discriminations are cause of actions in a pretrial IAD proceeding that continued until present, (Feb. 09, 2009 - Filing date of grievance form Step 1) with such violations of State, Federal and S.C.D.C. Policies, "Liberty interest in the prison context state regulations, see; Ky. Dept of Corrections, 490 U.S. 454 (1989) My Constitution violations such as 4th Amendment, (probable cause) 5th Amend. (due process, taking without just compensation) 6th Amend (notice of charges) 8th Amend (cruel and unusual punishment) 14th Amend. Due process and Equal Protection of the laws of South Carolina and other states; South Carolina Constitutional law. Art. 1 § 3. Equal Protection of the Laws, fair trial, Art. I, § 14 of S.C. Const. And title to possession of goods pursuant to 36-2A-302 ^{s.c code ann} is unlawfully obtained, and an act of Criminally receiving goods and services fraudulently obtained pursuant to 16-14-80 s.c. code ann, appears clear with an ineffective grievance ~~process and~~ or 1911 request to Staff member see; Exh B-20 1911 Form, Request to Staff date Dec, 2023 also Exh C18 1911 Form, Request to Staff date Feb. 19, 2024. Please note: I filed a 1911 Form according to the policy without attachment, however after an delayed and excessive and no response in completed finding I diligently resubmitted and adding Exh B-1; interalia for further attempt to highlight my (mental health treatment) to no avail and adding Exh B-1; interalia for further attempt to highlight my (mental health treatment) to no avail stating that includes (mental health treatment) - (mental health treatment) to no avail ~~to~~ per my request and knowingly ignoring and disregarding and falsely directing or otherwise stating that a meeting for this grievance would occur but in fact did not. Please see; Under the Protection and Advocacy

for Mentally ill Individuals Act (PAMI 11) provides provisions for protection and advocacy of persons with mental illness in mental health facilities, including hospitals nursing homes, community facilities, board and care ~~homes~~ homes, homeless, shelters and jails and prisons, created after congressional findings that individuals in mental health facilities are often severely abused and neglected; see 42 USCA Section 10801 to 10851 (When (If) a person deprives

prisoners of basic ~~and~~ sustenance, including adequate medical care, the Courts have a responsibility to remedy the resulting Eighth Amendment violation see Hutto v. Finney 437 U.S. 658 () I have the right to a

trial see 7th Amendment; exhaustion is required; see; 1983, PLRA; Conspiracy and intentional misconduct in State Court proceedings resulting in default Federal Habeas Corpus see; Taver v. Glover, 467 U.S. 914 (1984) request

assistance from Attorney of Indigent Defense Sarah E. Shipe Esq to assist with these violations according to Policy see GA:01.10 and 17-3-10 et seq, also Exh #14

see Strong v. Univ. S.C. Sch. of Medicine, 316 S.C. 189, 774 S.E. 2d 850 (1994); Bolard v. Consolidated Multiple Listing Ser. Inc, 868 F.Supp2d 506 (U.S. Dist. S.C. March 23, 2011) conspiracy and fraudulent concealment

issues.) Settlement for relief: because Warden is liable in his individual; official and official bond required by law for misconduct and violation 5 of 8

and deprivation herein and have liquidated, and compensation and punitive damages or liquidated and compensation, or compensation and punitive or liquidated and punitive damages; Including unconditional release on each settlement, ~~in the amount of~~ ^{#209.} ~~amount of~~ for injuries of, pretrial-detention; ^{2.} unlawful detention; ^{3.} fraudulent concealment; ^{4.} denial medical assistance-mental health treatment; ^{5.} discrimination of disability for Social Security dependant; ^{6.} denied status, benefits, classification deliberately after repeated requests to officials; ^{7.} Being transported illegally violating (Art VI §(b)) ^{18USCA App 22} and SCDC policies, (OP.21.04). ^{8.} Conviction and sentenced to charges not upon the detainer filed with the Governors office violating (Art III(a)(b)(e)) ^{18USCA App 22} and SCDC policies; ^{9.} Bodily injury as mental disease enhancement, (1) non treated mental illness since date of 11-24-2015(2) added stress, depression, sickness, shock, mental anguish. All as personal injury 1-9. Money relief in the amount of, ^{10.} \$50,000-compensation, \$1,000,000-punitive, ^{2.} 30,000 for each month from January, First to present total 90,000 for compensation, 30,000 for each month from January, First to present total 90,000 for punitive and liquidate official bond; ^{3.} official bond liquidated, \$10,000 compensation, \$5,000 punitive, unconditional ^{6 of 8}

release, 4. official bond liquidated, \$2,000 compensation

\$2,000 punitive, unconditional release, 5. official bond

liquidated, 10,000 unconditional release, 6. official

bond liquidated, unconditional release, 7. Officially

and individual, compensation in \$15,000 and \$15,000

in punitive and unconditional released, 8. \$20,000

Before step 2 grievance, and release, 9. \$10,000, before

step 2 grievance and release unconditionally.

10. Release before step 2 grievance because more injury in the future and \$5,000.

11. Release before step 2 grievance because more injury in the future.

12. \$50,000 before step 2 grievance. All included

1-12 declaratory Judgment for unlawful conviction for Accessory before the fact to Kidnapping, not upon the detainer, violating probable cause, 4th, taking without just compensation 5th, notice of charges 6th, punishment inflicted unlawfully 8th, Due Process and Equal Protection of the laws because this conviction requires person to register as a

sex offender, although not sexual crime, unlawful conviction has prejudicial effect warrant declaratory judgment that conviction and sentence with others crimes all total convictions, and or single crime of Accessory before the fact of Kidnapping, All included time credit from 1-27-07 arresting date Ex B-4; state v. Dozier, 210 S.E.2d 225 (1974) 1-12, status, benefits, classification for mental illness provided for declaratory judgment unless I am unconditionally released before step 2 before future injury, All included in Settlement for relief, Warden, is and will subject to being liable in-on Official Bond, Official capacity, and individual capacity as needed for any and all relief contended herein and future citation argument and relief requested, violations for state 17 s.c code Ann I.A.A. and Compact Clause of the U.S. and A.D. respectively.

I, Ben Robert Stewart, hereby submitting my (SCDC-10-5) Known as Inmate Grievance Form with each Exhibit supporting my redress, to the State officials to stop my injuries in which time-frame I could become incompetent unable to defend myself. My custody is in violation of title to possession of goods, Ben R. Stewart
 I reserve my right to amend, 8/8 date 4-24
 eg POW Attorney

#212

PROOF OF SERVICE

I, Ben Robert Stewart, 223006, hereby submits my grievance in Lee County Corrections in Bishopville, South Carolina. I am asserting my First Amend. right to redress my claims, issues, and deprivations any actions outside of normal process are pursuant to 18 U.S.C.A. section 1512, (a) (B) prevent the production of a record, document or other object in an official proceeding (2) (A) influence, delay, or prevent the testimony of any person in an official proceeding;

This day of April, 2024

ce/

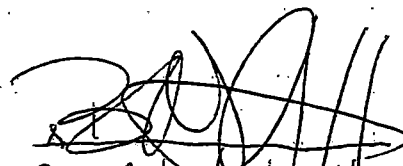

Ben Robert Stewart
223006
990 Wisacky Highway
Bishopville S.C. 29010

Table of Exhibits #213.

- B1. Pennsylvania Bureau of Disability Determination, 01/20/06
- B3. Direct Indictments, 7/19/08
- B5. Extradition Forms Filed with S.C. Governor
office, 3/17/08
- B20. SCDC Form 19-11 Request to Staff, 12/7/23
- C18. General Counsel notice and Request, to Staff
1911 Form IAD. SCDC policy. ADA, 2/19/24
- B.2 Pretrial Emergency Writ of Habeas Corpus, 02/06/09
- B.4 Philadelphia District Attorney letter date 02/ /07
- Exh #14. Inquire of SSD status, Department of Corrections
pursuant to GA-01.10, 17-3-10, IAD appeal claims SCDC
policies, 3/19/24

Grievance.

Exhibit
B-20

File

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

1

TO: STAFF NAME: <u>Warden - A W - Classification, Director, Headquarters</u>		STAFF TITLE:	DATE: <u>December 7, 2023</u>
INMATE NAME: <u>Ben Robert Stewart</u>		SCDC #: <u>223006</u>	
INSTITUTION: <u>Lee Correctional Institution</u>		DORM/SIDE/BED: <u>F-3-B-1228</u>	HOUSING TYPE: <input type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATHROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input type="checkbox"/> N/A
REASON FOR PAPER REQUEST: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> DENTAL <input type="checkbox"/> MEDICAL COPAY <input type="checkbox"/> MEDICAL RECORDS <input type="checkbox"/> KIOSK INACCESSIBLE (EXPLAIN): <u>23-03312811</u>			

YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.

I am bringing your attention that my charges are invalid pursuant to the Interstate Agreement on Detainers Act 17-11-10 s.c. code ann Art 3 and Art 6(b) also SCDC policy OP-21.04 Inmate Classification Section 28.4.6, Other claims where I'm sentenced for charges which was not upon the Detainers in this state from Pennsylvania Also 28.4.9 Mental Illness where I am adjudged mentally ill in Pennsylvania and on Social Security for Mental Illness. I'm requesting to speak with the Warden or proper services because my Extradition forms to the Governor's office was false in violation of the I.A.D 18 USC App 2 Art 6 sec (b) Act and Art 3 and SCDC policy provided. Pursuant to this request I have an Memorandum in Support and upon request seek to have my charges found invalid in this State according to the law of the agreement Act please see Exhibit B-1 - Accordingly, I could not be transferred because I'm Mentally ill By Policy 28.4.9 and on Social Security. I could not be tried with any other charges that was not on the detainer by 28.4.6 please see Exhibit B-5 - Extradition forms detainer to S.C. Governor office.

DISPOSITION BY STAFF MEMBER:

DATE:

STAFF SIGNATURE:

Exh C18

2

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

February 19, 2024

Cheron Hess, Administrative Coordinator
4444 Broad River Road
Columbia, S.C. 29221-1787

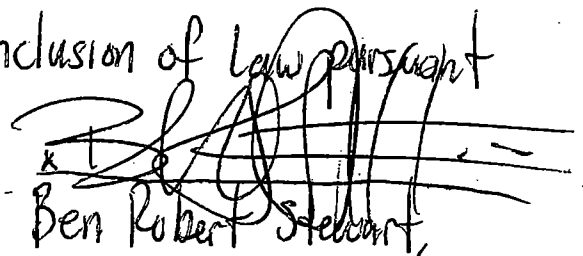
Re: IAD, SCDC Policy, violations, ADA
violation, unlawful transfer.

Dear General Counsel:

I have enclosed, a 1911 Form Request to Staff Member; Exhibits
B-1, Pennsylvania Bureau of Disability Determination; Exhibit B3, Direct
indictments nine total (invalid); Exhibit B5, Extrajurisdiction forms to
S.C. Governor's office detainer four indictments total. Exhibit B20
1911 Form Request to Staff Member Dated December 7, 2023 Kiosk-
No: 23-033, 12811.

Please make an finding of fact and conclusion of law pursuant
to this request.

cc/BLSTKL


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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: STAFF NAME: <u>General Counsel</u>		STAFF TITLE:	DATE: <u>February 19, 2024</u>
INMATE NAME: <u>Ben Robert Stewart</u>		SCDC #: <u>223006</u>	
INSTITUTION: <u>Lee Corrections</u>	DORM/SIDE/BED: <u>F-3-B-1228</u>	HOUSING TYPE: <input type="checkbox"/> RHU <input type="checkbox"/> R&E <input type="checkbox"/> INFIRMARY <input type="checkbox"/> SSR <input type="checkbox"/> DEATH ROW <input type="checkbox"/> ASSISTED LIVING UNIT (ALU) <input checked="" type="checkbox"/> N/A	
REASON FOR PAPER REQUEST: <input type="checkbox"/> PREA <input type="checkbox"/> MEDICAL <input checked="" type="checkbox"/> MENTAL HEALTH <input type="checkbox"/> DENTAL <input type="checkbox"/> MEDICAL COPAY <input type="checkbox"/> MEDICAL RECORDS <input checked="" type="checkbox"/> KIOSK INACCESSIBLE (EXPLAIN):			
YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.			
<p>I am transferred from Pennsylvania to South Carolina under the Interstate Agreement on Detainers and on disability for mental illness. I have been transported with State and Federal Statutes as well as prison policy O.P. 21-04 Section 28.4.9 Mental illness and denied requested mental health treatment for years. I believe that I am illegally transported misclassified, discriminated against because I am a Pennsylvania native and deprived liberty interest protected by due process clause. Also, my charges not upon my detainer should be invalid according to O.P. 21-04 Section 28.4.6 Other Claims. Both policies are incorporated in the IAD 17-11-10 s.c. code ann; 18 USCA App 2, Article III and Article VI.</p> <p>I have verbal and written request for mental health treatment over the years with no response or aid to my needs nor a corrective process to fix my transfer from Pennsylvania. I'm seeking proper remedy for a unlawful transfer that does not apply to me and under State and Federal laws and SCDC policy. This also violate the ADA statute whereas I am a mental disability person and at times become incompetent. My <u>Exh B1</u> is my Pennsylvania Bureau of Disability Determination and <u>Exh B3</u> is invalid direct indictments nine total; <u>Exh B5</u> Extradition Forms to S.C. Governors office whereas a compare to this reveals my detainer has four (4) charges rendering five (5) charges invalid respectively. please make an finding of fact and conclusion of law pursuant to this request.</p>			
DISPOSITION BY STAFF MEMBER:			
DATE:		STAFF SIGNATURE:	

RECEIVED

JUN 09 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Ben Robert Stewart, #223006,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)

Docket No. 24-ALJ-04-0610-IJ

ORDER OF DISMISSAL

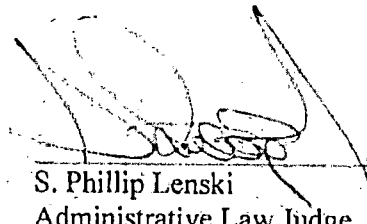
This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on August 27, 2024 by Ben Robert Stewart (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department or Respondent). After the Appellant's Step 1 Grievance was filed, unprocessed, and returned to the Appellant for failing to file a Request to Staff Form and unclear statement, the Appellant filed an appeal with the court. The Appellant states that because his is mentally ill he should not have been transferred from Pennsylvania to South Carolina.

On November 26, 2024, the Department filed a Motion to Dismiss for the Appellant's failure to exhaust his administrative remedies. The Administrative Procedures Act (the Act) confers the jurisdiction of this court upon a party who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case. See S.C. Code Ann. § 1-23-380. Interpreting the language of the Act, the South Carolina Supreme Court has determined that "judicial review is appropriate where there is an appeal from a final agency order . . ." and relief to be generally unavailable "where one has not exhausted administrative remedies." *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995). In this case, the Appellant filed a Notice of Appeal prior to the issuance of a Step 2 Grievance response. In failing to obtain a final decision from the Department, Appellant failed to exhaust his administrative remedies and, as such, has failed to meet the requirements of the Act to confer the jurisdiction of this court. Therefore, based on the foregoing,

The State of South Carolina
FILED
NOV 27 2024
Administrative Law Court

IT IS HEREBY ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

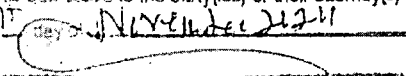


S. Phillip Lenski
Administrative Law Judge

November 27, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has the date served the order in the above entitled action upon all parties to the cause by depositing a copy hereof, in the United States Mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s)

On 27 day of November 2024

Judicial Law Clerk

RECEIVED

JUN 09 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Ben Robert Stewart, #223006,)
)
 Appellant,)
)
 vs.)
)
 South Carolina Department of Corrections,)
)
 Respondent.)
)

Docket No. 24-ALJ-04-0632-AP

ORDER OF DISMISSAL


This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on September 13, 2024 by Ben Robert Stewart (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department or Respondent). After the Appellant's Step 1 Grievance was filed, unprocessed, and returned to the Appellant for failing to file a Request to Staff Form and unclear statement, the Appellant filed an appeal with the court. The Appellant states that according to policy and State and Federal laws, he should not have been transferred from Pennsylvania to South Carolina because he is mentally ill.

On December 2, 2024, the Department filed a Motion to Dismiss for the Appellant's failure to exhaust his administrative remedies. The Administrative Procedures Act (the Act) confers the jurisdiction of this court upon a party who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case. *See* S.C. Code Ann. § 1-23-380. Interpreting the language of the Act, the South Carolina Supreme Court has determined that "judicial review is appropriate where there is an appeal from a final agency order ..." and relief to be generally unavailable "where one has not exhausted administrative remedies." *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995). In this case, the Appellant filed a Notice of Appeal prior to the issuance of a Step 2 Grievance response. In failing to obtain a final decision from the Department, Appellant failed to exhaust his administrative remedies and, as such, has failed to meet the requirements of the Act to confer the jurisdiction of this court. Therefore, based on the foregoing,

The State of South Carolina
Administrative Law Court
DEC 03 2024
FILED

IT IS HEREBY ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

December 3, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE
I, the undersigned, hereby certify that the undersigned has this date served the order in the above entitled action upon all parties to this cause by placing a copy hereof in the United States Mail, postage paid, or in the foregoing manner, addressed to the party(ies) or their attorney(s).

S. Phillip Lenski
Administrative Law Judge

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JAN 13 2025 *Kbe*

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

GENERAL COUNSEL

Ben Robert Stewart, #223006,

Docket No. 24-ALJ-04-0633-AP

Grievance No. LEECI 0712-24

Appellant,

v.

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ORDER OF DISMISSAL

South Carolina Department of Corrections,

JUN 09 2025

Respondent.

SC Court of Appeals

This matter is before the South Carolina Administrative Law Court (ALC or Court) pursuant to a Notice of Appeal filed by Ben Robert Stewart (Appellant), an inmate incarcerated with the South Carolina Department of Corrections (Department or SCDC). In his Notice of Appeal Appellant alleges he is being deprived of light and ventilation. On December 5, 2024, Respondent filed a Motion to Dismiss, stating that Appellant's grievance was unprocessed and returned because he failed to file a Request to Staff Form. Furthermore, Respondent states in its motion that Appellant's Step One grievance is a duplicate to the grievance filed in 24-ALJ-04-0611-IJ, which a Motion to Dismiss was granted in that case. However, this appeal is not eligible for review by this Court because Appellant has failed to demonstrate that he has exhausted his administrative remedies by obtaining a final agency decision.

Rule 59(C), SCALC, requires that the Notice of Appeal must be accompanied by "a copy of the final decision which is the subject of the appeal and the date received[.]" Without a Step 2 Grievance decision from the Department, this Court cannot hear this matter in its appellate capacity. This Court hears inmate decisions under the appellate standard in Section 1-23-380, pursuant to the South Carolina Supreme Court opinion in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). Under this procedure, an inmate may seek review of the Department's *final decision* in a non-collateral or administrative matter. See Al-Shabazz, 338 S.C. at 373, 527 S.E.2d at 752 (citation omitted) (emphasis added).

This requirement that an appellant obtain a final agency decision before judicial review is available is consistent with the doctrine of exhaustion of administrative remedies. "Relief in the courts is generally not available to one who has not exhausted administrative remedies." Bradley v. State Human Affairs Comm'n, 293 S.C. 376, 380, 360 S.E.2d 537, 539 (Ct. App. 1987) (citation

FILED

01/08/2025

SC Admin. Law Court

omitted). Specifically, other remedies are not available to a party who has not pursued an adequate administrative remedy to its conclusion. Id.

Because Appellant has not filed with this Court a final agency decision eligible for judicial review, nor presented any reason why exhaustion is not feasible, it is appropriate to dismiss this matter.

ORDER

THEREFORE, IT IS HEREBY ORDERED that this appeal is **DISMISSED, WITHOUT PREJUDICE.**

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

January 8, 2025
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Ben Robert Stewart, #223006,)
)
Appellant.)
)
vs.)
)
South Carolina Department of Corrections,)
)
Respondent.)
)

Docket No. 24-ALJ-04-0611-IJ

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ORDER OF DISMISSAL

JUN 09 2025

SC Court of Appeals

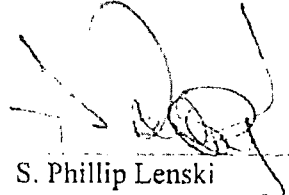
This matter is before the South Carolina Administrative Law Court (ALC or court) pursuant to the Notice of Appeal filed on August 27, 2024 by Ben Robert Stewart (Appellant), an inmate in the custody of the South Carolina Department of Corrections (Department or Respondent). After the Appellant's Step 1 Grievance was filed, unprocessed, and returned to the Appellant for failing to file a Request to Staff Form, the Appellant filed an appeal with the court. The Appellant alleges that he is being deprived of light and ventilation in violation of his rights and is requesting monetary compensation.

On November 26, 2024, the Department filed a Motion to Dismiss for the Appellant's failure to exhaust his administrative remedies. The Administrative Procedures Act (the Act) confers the jurisdiction of this court upon a party who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case. See S.C. Code Ann. § 1-23-380. Interpreting the language of the Act, the South Carolina Supreme Court has determined that "judicial review is appropriate where there is an appeal from a final agency order . . ." and relief to be generally unavailable "where one has not exhausted administrative remedies." *Garris v. Governing Bd. of South Carolina Reinsurance Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995). In this case, the Appellant filed a Notice of Appeal prior to the issuance of a Step 2 Grievance response. In failing to obtain a final decision from the Department, Appellant failed to exhaust his administrative remedies and, as such, has failed to meet the requirements of the Act to confer the jurisdiction of this court. Therefore, based on the foregoing,

The State of South Carolina
FILED
NOV 27 2024
Administrative Law Court

IT IS HEREBY ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.



S. Phillip Lenski
Administrative Law Judge

November 27, 2024
Columbia, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy herof, in the United States Mail, postage paid, or in the interagency Mail Service addressed to the party(ies) or their attorney(s).

Two 27 copies of November 27, 2024

S. Phillip Lenski

In The South Carolina
Court of Appeals

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OCT 02 2025

SC Court of Appeals

Ben Robert Stewart,

Case No.

v.

SCDC.

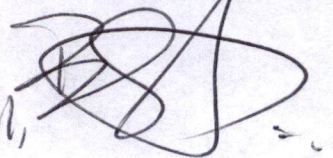
PROOF OF SERVICE

I, Ben Robert Stewart, hereby swear that I am
filing my reply to Respondent's initial brief and
including designation matter on this appeal on Record

on the date of Sep. 26, 2025 to the S.C. Court
of Appeals at

14 of 14 PO Box 11629

Columbia S.C. 29211,



Ben Robert Stewart, 223006

100-200 Prison Rd

Enoree S.C. 29335

South Carolina Court of Appeal

P.O. Box 11629

Columbia, S.C. 29211

Sep. 26, 2025

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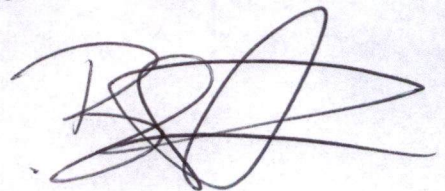
OCT 02 2025

SC Court of Appeals

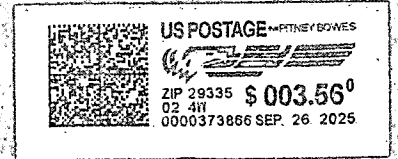
Re: Reply; Designation matters on appeal
attached.

Dear Clerk:

I am the appellant in this case filing a reply to Respondent's initial brief. Due to my disability and handicap I was unable to rewrite my pleading because of a burden such as writing for a long time. Per my Disability Motion could you please forward respondent a copy and myself after filing in your office



Ben Robert Stewart, 223006
100-200-Prison Rd.
Enoree S.C. 29335



S.C. Court of Appeals
P.O. Box 11629
Columbia S.C. 29211

Received
SEP 26 2025
Tiger River Mailroom

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