

# Designation of Matter on Appeal cover

1. (Exhibit B-20) 1911 Form Request To Staff Member dated December 7, 2023. (one) page Kish no: 23-03312811
2. (Exhibit C-18) Letter and 1911 Form Request To Staff Member dated February 19, 2024. (two) pages.
3. (Exhibit 21) Step 1 grievance dated May 7, 2024 and Step 2 grievance dated August 29, 2024 (eleven) pages.

Index

Exh B-20  
Exh C-18  
Exh 21  
Exh 21A

**RECEIVED**

JAN 12 2026

SC Court of Appeals

p 1.  
p 2-3.  
p 4-13.  
p 14.

Exhibit  
B-20

File

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

1

TO: STAFF NAME: <u>Warden - AW 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"/> DEATH ROW <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

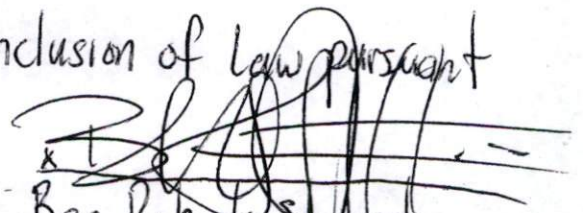
Re: IAD, SCDC Policy, violations, ADA  
violation, unlawful transfer.

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, Extradition 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/BLSTFL.

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

③

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 <del>INACCESSIBLE (EXPLAIN):</del> _____			
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. 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 Exh. B1 is my Pennsylvania Bureau of Disability Determination and Exh B3 is invalid direct indictment's nine total; Exh B5 Extradition Forms to S.C. Governor's 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:	

Exhibit # 204

STEP 1

INMATE COPY 4

INMATE NAME: Ben Robert Stewart

SCDC NUMBER: 223006 **WARDEN**

INSTITUTION: Lee Correctional APR 24 2024

HOUSING UNIT: F-3-B-1228 LEE CI

WORK ASSIGNMENT: N-A

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. Bell v. Wolfish, 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 Minn 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 1983) quoting Bush v. Muncy, 659 F.2d 402 (4th Cir 1981) clear IAD violation, and fundamental defect miscarriage of Justice). No exclusive PCR remedy with procedural violations, see Fishburn 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. Eratt, 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 Act 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 Act VI (b) of 18 USCA App 22, in part paragraph made available by this agreement shall apply to any person who is adjudged to be mentally incompetent patients voluntary without taking any steps to ascertain whether he was mentally competent. Grievant Signature [Signature] Date 5/6/24 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-ly, 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.

[Signature] 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 detainer is based. Crimes for which no detainer 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 or 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 (B2) reveals I, inmate Stewart, Robert Ben (Last, Middle, First,) No: SCDC-223006 commitment date 11-24-2015 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

proceeding see; Exh B-2 Pretrial Habeas Corpus) to penal 6  
continuing these State, Federal and Prison Policies <sup>#206</sup> violations  
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. Pataki, 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  
2 of 8

to impose officials to provide medical care, (Mental health treatment) 17  
quoting; Farmer v. Brennan supra, also these violations, deprivations #207  
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 4<sup>th</sup> Amendment, (probable cause) 5<sup>th</sup> Amend. (due process, taking without  
just compensation) 6<sup>th</sup> Amend (notice of charges) 8<sup>th</sup> Amend (cruel and unusual  
punishment) 14<sup>th</sup> 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 <sup>S.C. code ann</sup> 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~~ or 1911 request to Staff member see; Exh B-20  
19-11 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  
status) that includes (mental treatment) - (mental health treatment) to no avail  
\* 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  
4 of 8

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. Glaver, 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 Ex #14

Furthermore, fraudulent concealment see Strang 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 <sup>9</sup>  
and punitive damages or liquidated and compensation, or compensation <sup>#209</sup>  
and punitive or liquidated and punitive damages; Including  
unconditional release on each settlement, ~~in the amount of~~  
~~examples of~~ for <sup>1</sup>injuries of, <sup>2</sup>pretrial-detention; <sup>3</sup>unlawful  
detention; <sup>3</sup>Fraudulent concealment; <sup>4</sup>denial medical assistance-  
mental health treatment; <sup>5</sup>discrimination of disability for  
Social Security dependant; <sup>6</sup>denied status, benefits, classification  
diligently after repeated requests to officials; <sup>7</sup>Being  
transported illegally violating (Art VII §(b)) <sup>18USCA App 22</sup> and SCDC policies.  
(OP. 21, 04). <sup>8</sup>Conviction and sentenced to charges not  
upon the detainer filed with the Governors office violating  
(Art III(a)(b)(e)) <sup>18USCA App 22</sup> and SCDC policies; <sup>9</sup> 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, <sup>10</sup>\$50,000-compensation, <sup>11</sup>\$1,000,000-punitive, <sup>12</sup>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; <sup>13</sup>official bond  
liquidated, <sup>14</sup>\$10,000 compensation, <sup>15</sup>\$5,000 punitive, unconditional  
b of 8

release, 4. official bond liquidated, \$12,000 compensation <sup>#210.</sup> (10)

\$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 release, 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. Doizer, 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 complicity, and individual complicity 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.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 of 8 date 4-24-15  
 ec POW Attorney

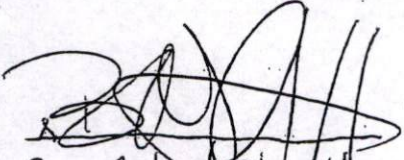
#212 (12)

## 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

cc/

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

(13)

# 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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM  
STEP 2

14

Exhibit 21A

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): *Im 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 Im a social security disability dependant. U.S. Cong 4<sup>th</sup> Amend U.S. Const 5<sup>th</sup> Amend U.S. Const 8<sup>th</sup> Amend U.S. Cong 14<sup>th</sup> Amend. Mann v. Thiboutot, 484 U.S. 1 (1980)*

Grievant Signature [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)