

The South Carolina Court
of Appeals

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SC Court of Appeals

Ben Robert Stewart, 223006

v.

S.C.D.C.,

Final Brief of Appellant

Case No: 2024-002076

Appellant, ..

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

1 of 6, (i),

Issue Raised.

" The Appellan request a jury trial because there are issues of fact in this action for the recovery of money only or specific real or personal property must be tried by a jury "

Argument . pg 2,,

Conclusion and Relief pg. 5,,

Proof of Service pg 6,,

Appellants request for a Jury Trial pursuant to Rule 38. SCRPC,

1. The Appellant in this case, Ben Robert Stewart, demanded a trial on his step 1 Grievance.
2. The Appellant filed a 1911 Request to Staff Member to the defendant, the Warden of Lee County Correctional Inst.
3. The Appellant filed a Step 1 and Step 2 Grievance and the Defendant did not respond to the allegations raised in the Grievances ready for trial.
4. The Respondent representing the Defendant in ALC, violated the Rules and Procedure and the Court abused its discretion in allowing Respondent to first file an argument, (that was untrue; violating candor toward tribunal) and ALCR Rule 59-60.
5. Had the Rules been followed, Appellant would have been allowed to submit the documents in the Record on Appeal

and Respondent's argument would have no effect. see; Celotex Corp v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed 2d 265 (1996).

6. The Appellant has filed an Notice to Default.

7. The Appellant has filed an Default Against the State.

8. The Respondent did not respond to the allegations.

9. The Appellant has filed an Rule 2 Reply Brief and Respondent did not respond.

10. "Issues of fact in an action for the recovery of money only or specific real or personal property must be tried by a jury, unless a jury trial be waived" see; SCRCP Rule 38, Jury Trial of Right)).

11. The Respondent's argument before this Court is that Appellant did not receive an final decision from the agency, whereas in the ALC, Respondent mixed the argument with Appellant not

properly submitting a 1911 form request to Staff Member,))

12. In both instances Appellant indeed received a final decision from the agency:

Note; "a copy of the final decision that is the subject of the appeal and the date of receipt."

"Any notice of appeal which is incomplete or not in compliance with this Rule or Rule 71 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed." (see; Rule 59 SCALCR)).

13, The Appellant also filed an Request to Staff Member, 1911 form, to General Counsel office and to the staff members at Lee Correctional Inst. via Kiosh no 23-03312811 —.

14. And in the submitted Record on Appeal at 1-3 and 4-14 there is both the 1911 forms and Step 1 and Step 2 Grievances.

15. The Appellant is illegally confined in S.C.D.C. not only by the Interstate Agreement on Detainers 17-11-10 s.c. code Art VI(b) provision see; 18 USCA App 22, Art VI(b), but the S.C.D.C. policy O.P. 21-04 § 28.4.9.XX, (see; Policy. O.P. 21-04)). Record on Appeal at _____.

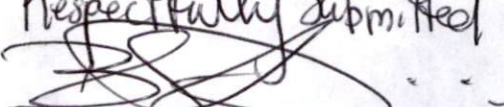
16. The Appellant is also a victim of false imprisonment being detained under the (IAD); convicted and sentenced without an arrest-warrant; see; Record on Appeal at 25. and 119:150.

17. The Defendant and Respondents are deliberately ignoring these intentional inflictions, .

18. Therefore Appellants request for a Jury Trial pursuant to Rule 38 SCRPC, S.C. Const Art. 1st 3; 1st Amend USCA; 7th Amend and 14th Amendment USCA see; FRCP Rule 38)))
Conclusion and Relief

Dated, March 13, 2026.

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Respectfully Submitted

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