

The South Carolina Court of Appeals

Appellate Case No: 2024-002076.

ALC No: 24ALJ04610.

RECEIVED

APR 13 2026

SC Court of Appeals

Ben Robert Stewart, #223006

v.

S.C.D.C.,

Motion To Remand SCACR Rule 240 (a);
(c)(3); Affidavit To Support

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

Motion To Remand

The Appellant, Ben Robert Stewart, respectfully seeks the Honorable Court of Appeals pursuant to 1-23-610 (B) S.C. Code Ann where this court may remand the case for further proceedings because the substantive rights of the (petitioner) have been prejudiced because the finding, conclusion or decision is:

- (a) in violation of ^{constitutional} ~~court~~ or statutory provision;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion;

The SCA CR Rule 240 motion to remand is allowed.

and because this case has not developed the record in the Administrative Law Court pursuant to the Appellate Court Rule the Appellant includes an Affidavit to support the motion to Remand this matter because Appellant is indeed prejudiced in the ALC finding, conclusion or decision is: (a), (b), (c), (d), (e) and (f) violations, e.g., Respondent violated the ALC Rule 59-60, by first filing a brief or pleading, and falsely implying that Appellant did not file an I-911 form or Request to Staff member to exhaust administrative remedies, and therefore ALC lack jurisdiction to hear Appellants appeal, which was (a), (b), (c), (d), (e) and (f); because the Judge dismissed the case.

This unduly prejudiced Appellant's ability to properly appeal the case because Appellant never had the chance to make or file the record on appeal to disprove Respondent's assertions.

3 of 11

Furthermore, this prejudiced appellant because the ALC decision was procedural and not according to any actual fact finding, in fact, Respondent's position that a Request to Staff Member allegation is meritless and appears to be malicious and aim to delay the proceedings.

This case should be remanded to the ALC, because the Appellant cannot present evidence to this court that refutes Respondent's position. "The review of the ALC order must be confined to the record" see; § 1-23-610 (B) s.c. code ann, and it falsely appears that a Request to Staff Member was not filed in SCDC.

SCACR Rule 210, (h) Provides: the appellate court will not consider any fact which does not appear in the Record on Appeal...

For Respondent to be allowed to do this violates and deprives the right to Petition the Government; Courts, see; S.C. Const Art 1 § 2; Equal Protection of the laws and rights Art 1 § 3;

4 of 11

and denied procedures before the administrative agency
judicial review Art 1 § 22; South Carolina Constitution,
also, the First and Fourteenth Amendment of the United
States Constitution.

Also, this violates the Right to Appeal see; SCACR
Rule 201.

The Federal Courts allow the remand as well see; 28
USCA § 2106)).

The Appellant cannot provide evidence that was not
part of the lower Court record and the ALC Rules
was violated and had they not been violated the
Appellant would have had a chance to develop a record
in the ALC but the Respondent and the ALC Judge
committed errors and it prejudice appellants case herein
in the Court of Appeals.

Pursuant to SCACR Rule 240 Appellant provides an
affidavit for the Court to review in support of remand.

This request for remand is against March 12, 2026 and March 30, 2026 deficiency orders by this Court because the Appellant previously requested appointment of counsel in two different instances and can not properly litigate this appeal while in prison and the burdens of S.C.D.C. policy GA.01.03 Section 12.2 which provides:

(INMATE ACCESS TO THE COURTS), Materials and documents that will NOT be copied include:

“Documents that have been solely originated, generated, written, typed, or created by an inmate (however, the inmate may copy this information by hand)”...

This S.C.D.C. policy creates a burden to an Petitioner who already is seeking to be relieved of a burden, and indeed obstructs the Petition Clause under the S.C. Const Art 1 § 2; 3; and the USCA, First Amendment and Fourteenth Amendment.

In this case, the injury is at the outset.

6/6/11

The Appellant requested an remand in the initial brief and ask this court to cancel all previous motions except 1. the Reply Brief Pursuant to Rule 269 SCACR; 2 the - Default Motion; and 3. this Motion To Remand; all other motions before this Court is respectfully requested to be canceled.

Due to this Court not considering "any fact which does not appear in the Record on Appeal" Rule 210 SCACR §(b)), it is no need to seek any other form of adjudication because this Court will only review the ALC order pursuant to the record, s.c. code § 1-23-610 (B).

The Appellant was not afforded the chance for a review of the administrative agency, whereas Respondent violated the ALC Rule 59-60 in filing a brief or pleading first and was untrue in there opposition that gained an improper order, before appllant was able to refute the untrue allegations,

The Record on Appeal was supplied to the Court containing One hundred-
Sixty two (162) pages it demonstrated the need for a remand to the
ALC because these documents were not allowed to be admitted, it
is requested that the Honorable Court of Appeals Clock stamp and
Return these documents because the Appellant needs the ALC to review
these documents and make the Record on Appeal, for an Order,

Relief Requested

The Appellant respectfully request for a remand because the order
from ALC was clearly erroneous, it violated constitutional and Rules of ALC,
and was based on procedural matters rather than fact finding which was
untrue allegations raised by Respondent.

Respectfully Submitted



Ben Robert Stewart 223006

100-200 Prison Rd

Enoree, S.C. 29335

8 of 11

South Carolina Court of Appeals

Affidavit To Support

I, Ben Robert Stewart, hereby swear and affirm that the following is true to penalty for perjury:

1. The Respondent, Christina Catoe Bigelow for S.C.D.C. the Defendant (Warden, the actual defendant of Lee County Correctional Institution) is in fact in default for receiving my 1911 Request to Staff Member; Step 1; and Step 2 Grievance and reviewing these documents and stamping the Grievances with Warden Stamp; and not providing an adequate remedy for my Kiosh request to Staff Member () ;

2. For Respondent to state I did not exhaust my administrative remedies and not allow me to first file my initial Brief In ALC and Record on Appeal it appears to be malicious and aim to deprive me of the

9/8/11

ability to seek an remedy from the Courts, when I personally wrote General Counsel office and likewise seeked assistane from that office regarding the identical claims filed in my grievances.

3. In November of 2025, the Clerk office sealed my case and direct indictments for violation of Professional Conduct Rule 3.8 (a) and including my IAD violations injuries and damages I am a victim of a false arrest and imprisonment.

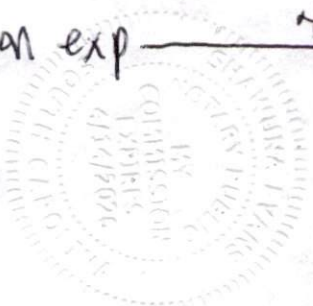
4. I notified Respondent of my false imprisonment by letter affidavit _____,

5. Everything stated is true and can be testified to.

Sworn before me [Signature] 4/3/24

[Signature]

Commission exp _____ 4/14/24



10 of 11

In the South Carolina
Court of Appeals

Ben Robert Stewart .

Case No.

v.

RECEIVED

2024-002076

APR 13 2026

AIC No: 24ALJ04610

S.C.D.C

SC Court of Appeals

I, Ben Robert Stewart, hereby swear that I
am filing my Motion To Remand To S.C Court of
Appeals at: P.O. Box 11629, Columbia SC 29211

And Respondent at: P.O. Box 21787, Columbia S.C. 29221

April 3, 2026



Ben Robert Stewart

100-200 Prison Rd

Enoree SC 29335

11 of 11

RECEIVED

APR 13 2026

SC Court of Appeals

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

April 3, 2026

S.C. Court of Appeals
P.O. Box 11629,
Columbia, S.C. 29221

Re; 2024-002076 Motion To Remand; Cancel
other Motions except -^①Default Motion, ^②Reply
Brief Pursuant to Rule 269 SCACR.

Dear Clerk:

In respond to this Courts Orders on March 12, 2026
and March 30, 2026. This Motion To Remand
is respectfully requested to take the place of the
other motions filed in this office except the Default
Judgment Motion and Reply Brief.

Please Clock Stamp and Return for Resend only



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



S. C. Court of Appeals
P. O. Box 11629
Columbia, S C, 29221

RECEIVED
APR 05 2026
TYGER RIVER MAILROOM

RECEIVED
APR 13 2026
SC Court of Appeals

