

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
(Honorable Daniel Coble, Circuit Court Judge SC Court of Appeals

SEP 30 2026

Appellate Case No.: 2026-001718

Stewart R. Buchanan,
Joel Anderson,

v.

Appellant
Respondent.

INITIAL BRIEF OF APPELLANT

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Hamilton v. Board of Trustees of Oconee County School Dist.,
282 S.C. 519, 525, 319 S.E.2d 717, 721 (Ct. App. 1984)
Perry v. Sindeman, 408 U.S. 593, 97 S.Ct. 2194 (1972)
Kersey v. Shipley, 673 F.2d 730 (4th 1982)

OTHER AUTHORITIES

Fourteenth Amendment, United States Constitution

STATEMENT OF ISSUES OF APPEAL

WHETHER AN INDIGENT HAS THE RIGHT OF ACCESS TO THE COURTS WHEN HIS FOURTEENTH AMENDMENT DUE PROCESS CLAUSE CLAIM ARISES OUT OF BOTH STATE LAW AND CONTRACT?

STATEMENT OF THE CASE

APPELLANT IS AN INDIGENT WHO WAS DENIED THE RIGHT OF ACCESS TO THE COURTS TO ADDRESS HIS FOURTEENTH AMENDMENT DUE PROCESS CLAIM WHICH ARISES FROM BOTH STATE LAW AND CONTRACT.

FACTS

On January 25, 2025, Respondent's agent, Steven Pruitt, Esq., offered Appellant a settlement for prison industry wages which excluded wages for two (2) service jobs in which he was employed prior to the 2001 budget proviso excluding service work from the comparable wage statutes. S.C. Code §§24-3-315 and 24-3-430(D). On February 14, 2025, Defendant Evans confirmed Mr. Pruitt's misrepresentation of fact. Based upon the misrepresentation, on February 21, 2025 Appellant waived all rights to claim wages for these two (2) jobs -- waiving property rights to more than \$25,000.00. in 2026 Appellant filed suit in Richland County seeking declaratory judgment of his rights and injunctive relief in the form of two (2) Step Two Grievance answers consistent with the court's opinion. On September 3, 2026, the Honorable Daniel Coble denied Appellant in forma pauperis status and leave to proceed.

ARGUMENT

Appellant is asking this Court to review the action taken by the Honorable Daniel Coble, Circuit Court Judge, denying his request

to proceed without payment of costs pursuant to Ex Parte Martin, supra.

In Martin, the state Supreme Court gave guidance as to when it is appropriate to waive filing fees, "concluding motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions". Emphasis supplied). Further, where certain fundamental rights are involved, the Constitution requires that an indigent be allowed access to the courts". Id., at 535, 135.

In the Complaint before the lower court, Appellant alleged fraud or mutual mistake arising from false representations of fact made by Defendant Evans which induced the Plaintiff/Appellant to waive the right to claim wages from two (2) service work prison industry jobs in which he was employed prior to the 2001 budget proviso which excluded service work for the first time from comparable wages.

Appellant claims a fundamental property interest protectable by the due process clause of the Fourteenth Amendment which is founded in existing state law and in the contract or mutually explicit understanding between the parties at the time the parties agreed to settle the wage dispute and executed the "Stipulation of Dismissal" on February 21, 2025, citing, Hamilton v. Board of Trustees of Oconee County School Dist., 282 S.C. 519, 525, 319 S.E.2d 717, 721 (Ct. App. 1984), citing, Perry v. Sindeman, 408 U.S. 593, 97 S.Ct. 2194 (1972), and Kersey v. Shipley, 673 F.2d 730 (4th 1982).

For reasons stated above, Appellant asserts the lower court erred in denying Appellant in forma pauperis status and leave to proceed without prepayment of costs.

CONCLUSION

WHEREFORE, Appellant prays that this Court grant him leave to proceed in this appeal without prepayment of costs and that this case be remanded to Richland County with instructions that he be granted such leave to proceed with his suit without prepayment of costs. and for any such and further relief as may be deemed appropriate and just.

RESPECTFULLY SUBMITTED

Stewart R. Buchanan

Stewart R. Buchanan, #069848, prose
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Dated: 9/24/26

VERIFICATION

I, Stewart R. Buchanan, hereby verify that I have read and understand the foregoing 4 pages and the contents thereof are true and correct to the best of my knowledge and understanding, excepting as to matters stated upon information and belief, and as to those I believe them to be true also.

Stewart R. Buchanan
Stewart R. Buchanan

CERTIFICATE OF SERVICE

I, Stewart R. Buchanan, certify that I have served the Initial Brief of Appellant and Designation of Matter to be Included in the Appeal by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record General Counsel of SCDC, 4444 Broad River Road, Columbia, SC 29211-1787 on this 24th day of September, 2026.

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Ms. Jasmine D. Smith, Deputy Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29669

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SC Court of Appeals

RE: INITIAL BRIEF OF APPELLANT
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Dear Ms. Smith:

Pursuant to your previous correspondence, included herewith
are the above referenced documents for filing in your office
with Certificate of Service upon Respondent.

With kind regards,

Very truly yours,

Stewart R. Buchanan
Stewart R. Buchanan

Enclosures

Stewart R. Buchanan, #069848
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