

The South Carolina Court
of Appeals

Ben Robert Stewart, 223006

v.

S.C.D.C.

The Supplemental Record on Appeal

Case No: 2024-002076

RECEIVED

OCT 28 2026

SC Court of Appeals

Appellant,

Ben Robert Stewart

100-200 Prison Road

Enoree S.C. 29335

Index I.

Administrative Law Court Dockets pages 10, 11, 14, 15, pg. 1, .	
Complaint to Release Ben Robert Stewart,	pg. 5, .
Joinder To Person Needed for Just Adjudication,	
SCRCP Rule 19	pg. 9
Respondents Final Brief	pg. 13, .
Appellants Final Brief	pg. 23, .
Appellants Notice of Consent for Proceeding	pg. 39, .
Appellants Notice of False Arrest; Exempt Interception procedure	pg. 46, .
Proof of Service	pg. 49, .

Dear Appellant:

9/12/2024

Page 10

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Unlawful
Transfer*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC 04 IJ	24C0610	8/27/2024	9/12/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0539-24

The State of South Carolina
FILED
SEP 12 2024
Administrative Law Court
(1)

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

9/12/2024

Page 11

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Deprivation
of Light*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC 04 IJ	24C0611	8/27/2024	9/12/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0713-24

The State of South Carolina
FILED
SEP 12 2024
Administrative Law Court
(2)

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

9/25/2024

Page 14

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Unlawful
transfer*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No.
DOC Appeal	24C0632	9/13/2024	9/26/2024	Lenski	Ben Stewart #223006 v. SC DOC	LCI 0449-24

The State of South Carolina
FILED
SEP 26 2024
Administrative Law Court

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You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

Dear Appellant:

9/25/2024

Page 15

Below is information regarding your case which has been filed with the ALC. Please refer to the Rules of Procedure (enclosed) for the time frames on filing briefs and other matters.

*Deprivation
of Light*

Case Type	Case Number	Filing Date	Date Assigned	Judge Last	Case Title (Appellant v. Respondent)	Grievance No
DOC Appeal	24C0633	9/13/2024	9/26/2024	Durden	Ben Stewart #223006 v. SC DOC	LCI 0712-24

The State of South Carolina
FILED
SEP 26 2024
Administrative Law Court

(5)

You must file all original documents and correspondence regarding this case directly with the above-named Judge and serve a copy on the Dept. of General Counsel, S.C. Dept. of Corrections, PO Box 21787, Columbia, SC 29221.

5
Ben Robert Stewart, 223006
100-200 Prison Road
Enoree, S.C, 29335

U.S. Dist. Court
York County Clerk
York Solicitor
Attorney General. S.C.
Senator

5

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APR 21 2026

SC Court of Appeals

April 16, 2026

South Carolina Attorney General's office
Zachary W. Jones AAG,
P.O. Box 11629
Columbia, S.C, 29211

Re: Complaint to Release Me (Ben Robert Stewart v. S.C.,)
due to unreasonable seizure; unlawful consent; due process of laws;
equal protection of the laws; re; 17-30-10 et seq; 18 USC § 2510
et seq; (2025-CP-46-04348) PCR (2013-CP-46-03731) PCR

Dear Attorney Jones;

- 1 I am Ben Robert Stewart, a victim of a false arrest, and under an procedure pursuant to S.C. Code 17-30-10 et seq; and 18 USC 2510 et seq; namely; "oral interception", (including infringing patent)).
- 2 Because I am unlawfully imprisoned, the consent given for said procedure is indeed unlawful also:
- 3 However, because the equipment is able to fact find or see If I'm guilty, and proved that I am indeed innocent e.g.,

(I did not give Dontavious Mack a gun for a robbery that killed the victim Mr. Marshall see;)

(6)

4. Including the fact that I was transferred; booked, tried and convicted without an warrant pursuant to S.C.R. Crim Pro. Rules 1 and Rules 2 and the circuit court did not have jurisdiction for my case or me, I should be released from custody.

5. See Ben Robert Stewart III 223006 v. Special Agent In Charge of South Carolina, Steven J. Gessen, Government Informant James Blakney; 1:25-13126 JFA-SVH) stating that: "18 USC § 2510(5) is being used in S.C., D.C. and Nine victims and witnesses including Stewart is reporting that they are being sexually harassed, spoken to and even paid Money to Kill Stewart and they feel unsafe, under the imminent danger standard under 28 USC § 1915 () without any strikes against me.

⑦

Applicable Legal Standards

b, see; *Hambert v. Mayor and City Council of Baltimore City*, 866 F.3d 546 (4th Cir 2017) ("officers lacked probable cause to make arrest independent of invalid arrest warrant; legal process instituted against arrestee, and his resulting pretrial detention, were unsupported by probable cause"); also see; *Sutton v. Sutton*, (2009 WL 10710728 U.S.D.S.C. Sep. 21, 2009) (defendant asserts that Mr. Words work may assist in exonerating Defendant by proving that the recorded statements were made in Defendant's presence or under circumstances where Plaintiff had no expectation of privacy citing 18 USCA § 2510 et seq; 17-30-10 et seq;)), and Rule 407 SCACR Rule of Prof Conduct Rule 3.8(h) provides: "When a prosecutor knows of clear and convincing evidence or information establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall make reasonable efforts to seek to remedy the conviction"...

3 off 4

Applicable Judicial Proceedings

(8)

1. Ben Robert Stewart, v. State of South Carolina,
2007-GS-46-02526; 2007-GS-46-02528; 2007-GS-46-
02530; 2007-GS-46-02531; 2007-GS-46-02532; 2007-GS-
46-02535; sealed notice Nov. 2025 violation of Rule 407
SCACR Rule of Prof Conduct Rule 3.8.(a)),
2. Ben Robert Stewart v. State of S.C., 2013-CP-46-03731(PCR))
3. Ben Robert Stewart v. State of S.C., 2025-CP-46-04348(PCR))
4. Ben Robert Stewart v. Warden of Tyger River Correctional Inst.
1:25-CV-02909 U.S.D.S.C.) 28. USCA §2254 citing 3.8.(a))
5. Ben Robert Stewart v. State of South Carolina, S.C.D.C,
and Warden of Tyger River Correctional Inst. 1:26-CV-1352
U.S.D.S.C.) 28 USCA §2241; citing Hambert v. Mayor and
city Council of Baltimore City, 866 F.3d 546 (4th Cir 2017) third and
fourth prong;))

Due to a false arrest I should be released.

Sworn before me APR 16

Paul Oliver
Commission expires Nov. 24, 2035 4 of 4

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

State of South Carolina
Court of Appeals

9

Appellate Case No: 2024-002076

Ben Robert Stewart, 223006

v.

S.C.D.C.

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JUN 18 2026

SC Court of Appeals

Joinder To Person Needed for
Just Adjudication (a) (1)
(SCRCP Rule 19)

Notice To: S.C.D.C., that the Attorneys of this matter are
not the actual parties to this civil suit regarding ALC case No(s)

_____ and
_____ the actual parties: Respondents; Defendants are:
① S.C.D.C., Director, Joel Anderson; ② Warden of Lee County, Shane Jackson;

John and Jane Does; The Court docket and pleading should reflect ⁽¹⁰⁾ that citation because the Appellant cannot sue the South Carolina Department of Correction because under § 1983 they are not a person and under state tort S.C.D.C. is not a person.

The Office of General Counsel for S.C.D.C. employees are not defendants but are being cited for SCACR Rule 269, for falsely asserting facts in its Initial brief, that, "appellant submitted a notice of appeal prior to receiving a final agency decision, at 4.

Further the Attorneys for the Defendants violated ALC Rule 59-60 in that proceeding falsely asserting that Appellant did not file proper agency forms and filing its brief or Motion first.

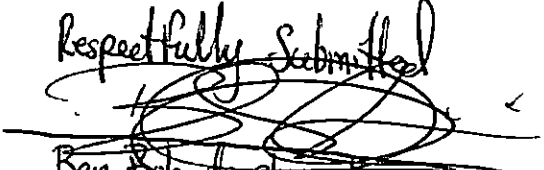
Therefore, to clear this matter, where the attorneys may be disqualified for their improper conduct, the correct defendants are requested

joinder for persons that are needed for adjudication, because the Attorneys may warrant sanctions or removal from this instant suit and case. (11)

WHEREFORE, Appellant prays that the defendants who the actual suit is against be joined for purposes of state tort, and Section 1983.

On this 15th of June 2026.,

Respectfully Submitted


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

3 of 3 & Proof of Service

S.C. Court of Appeals

(12)

Ben Robert Stewart

Case Nos

v,
S.C.D.C.,

2024-002076

PROOF OF SERVICE

I Ben Robert Stewart hereby swear to penalty that I am filing my Joinder Request for actual Respondents and Defendants in all four (4) cases in Appellate Case No; 2024-002076.

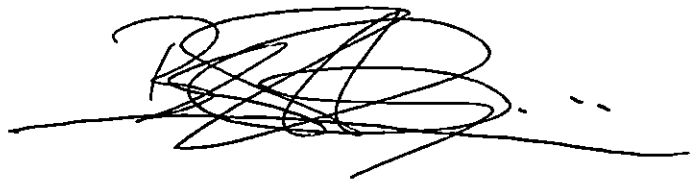
I am filing this to S.C. Court of Appeal P.O. Box 11629, Columbia, SC, 29211; General Counsel: P.O. Box 21787 Columbia SC. 29221

On this 15th of June 2026

RECEIVED

JUN 18 2026

SC Court of Appeals



If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 24-ALJ-04-0610-IJ
Appellate Case No. 2024-002076

BEN ROBERT STEWART, # 223006,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

FINAL BRIEF OF RESPONDENT

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
South Carolina Dept. of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

14

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF THE ISSUE ON APPEAL	1
STATEMENT OF THE CASE	2
STANDARD OF REVIEW	3
ARGUMENT	4
CONCLUSION.....	5

TABLE OF AUTHORITIES

CASES

<u>Al-Shabazz v. State</u> , 338 S.C. 354, 527 S.E.2d 742 (2000)	4
<u>Bradley v. State Human Affairs</u> , 293 S.C. 376, 360 S.E.2d 537 (Ct. App. 1987) ...	4
<u>Garris v. S.C. Reinsurance Facility</u> , 319 S.C. 388, 461 S.E.2d 819 (1995)	4
<u>Hendley v. Budget & Control Bd.</u> , 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996)..	3

STATUTES AND RULES

S.C. Code § 1-23-610.....	3
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16

STATEMENT OF ISSUE ON APPEAL

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL WHERE APPELLANT SUBMITTED A NOTICE OF APPEAL PRIOR TO RECEIVING A FINAL AGENCY DECISION.

17

STATEMENT OF THE CASE

This matter comes before this Court pursuant to the appeal of Ben Robert Stewart, an inmate in the custody of the South Carolina Department of Corrections (SCDC). Appellant submitted a Step 1 grievance on May 2024 claiming that he should not have been transferred from Pennsylvania to South Carolina because he was mentally ill. The Step 1 grievance was returned to Appellant for his failure to first submit a Request to Staff Member Form. Appellant then submitted a Notice of Appeal to the Administrative Law Court on August 27, 2024. On November 27, 2024, Administrative Law Judge S. Phillip Lenski issued an Order of Dismissal. In that Order, Judge Lenski dismissed the appeal because Appellant failed to exhaust his administrative remedies. This appeal follows.

STANDARD OF REVIEW

S.C. Code Ann. § 1-23-610(B) provides the applicable standard of review:

The review of the administrative law judge's order must be confined to the record. The reviewing tribunal may affirm the decision or remand the case for further proceedings; or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (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.

In an appeal of a final decision of an administrative agency, the standard of appellate review is whether the ALC's findings are supported by substantial evidence. S.C. Code Ann. § 1-23-610(B). "Substantial evidence" is evidence which, considering the record as a whole, would allow a reasonable mind to reach the same conclusion that administrative agency reached. Hendley v. S.C. State Budget & Control Bd., 325 S.C. 413, 481 S.E.2d 159 (Ct. App. 1996). A reviewing court shall not substitute its own judgment for that of the ALC as to findings of fact, but it may reverse or modify decisions that are controlled by errors of law or that are clearly erroneous in view of the substantial evidence on the record as a whole. Id.

19

ARGUMENT

THE ADMINISTRATIVE LAW COURT PROPERLY DISMISSED THE APPEAL WHERE APPELLANT SUBMITTED A NOTICE OF APPEAL PRIOR TO RECEIVING A FINAL AGENCY DECISION.

In his Brief, Appellant asserts that he was not afforded the opportunity to participate in his ALC appeal and that he should have been permitted to file a brief within ninety days after the assignment of the case. (See Brief of Appellant, p. 8-9). However, Appellant's appeal was dismissed because he filed an appeal prior to receiving a final agency decision. (See R. p. 26-27). Because there was no final agency decision to appeal, the ALC correctly dismissed the case. See Al-Shabazz v. State, 338 S.C. 354, 373, 527 S.E.2d 742, 752 (2000) (an inmate make seek review of the Department's *final decision* in an administrative matter)(emphasis in original); Bradley v. State Human Affairs Comm'n, 293 S.C. 376, 380, 360 S.E.2d 537, 539 (Ct. App. 1987) (relief in the courts is generally not available if administrative remedies have not been exhausted); Garris v. Governing Bd. of South Carolina Reinsurance Facility, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995) (judicial review is unavailable where one has not exhausted administrative remedies).

20

CONCLUSION

For the foregoing reasons, this Court should affirm the Administrative Law Court's decision below.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY: Christina Catoe Bigelow
CHRISTINA CATOE BIGELOW
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

August 10, 2026

21

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 24-ALJ-04-0610-IJ
Appellate Case No. 2024-002076

BEN ROBERT STEWART, # 223006,

APPELLANT,

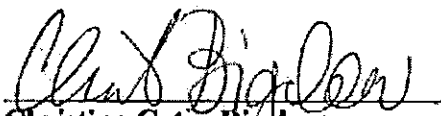
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the **Final Brief of Respondent** complies with Rule 211(b), SCACR, and also complies with the South Carolina Supreme Court's April 15, 2014, order entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

August 10, 2026

22

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 24-ALJ-04-0610-IJ
Appellate Case No. 2024-002076

BEN ROBERT STEWART, # 223006,

APPELLANT,

v.

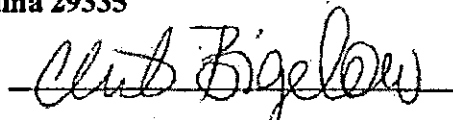
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the
Final Brief of Respondent to Appellant via U.S. Mail addressed as follows:

**Ben Robert Stewart, # 223006
Tyger River Correctional Institution
2A-0209
200 Prison Road
Enoree, South Carolina 29335**


Christina Catoe Bigelow
Deputy General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

August 10, 2026

9

13

The South Carolina Court of Appeals

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SEP 21 2026

Administrative Law Court

S.C. SUPREME COURT

Phillip Lenski, Administrative Law Judge

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

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SEP 22 2026

Ben Robert Stewart, 223006

Appellant

CC Court of Appeals

v.
South Carolina Department of Corrections

Respondent

Final Brief

Case No: 2024-002076

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

APPLICABLE LAW AND
STANDARD OF REVIEW;

24

South Carolina Constitution Art 1 § 22;

South Carolina Constitution Art 1 § 3;

South Carolina Code 1-23-610; 650;

South Carolina Administrative Law Court Rule 60.

United States Constitution 14th Amendment

United States Constitution 1st Amendment

CLAIM PRESENTED

25

Whether the party first noticing the appeal did not file the initial brief, does this violate Rule 60 SCALCR? and due process?

26

STATEMENT OF THE CASE

The Appellant Ben Robert Stewart filed two motions and an Affidavit after the date of assignment and prior to the ninety (90) day dead line for initial brief. The actual motion were a (Motion To Consolidate, Proof of Service date October 3, 2024 and A Affidavit To Motion For Trial And Extension of Time, dated November 27, 2024.

Before the ninety (90) day for the appellant had expired the Respondent filed a proposed order of dismissal without first being briefed and provided the Record on Appeal or exhibits relating to the case for adjudication purposes.

The Respondent incorrectly believes that "the Appellant filed a Notice of Appeal prior to the issuance of a Step 2 Grievance response." see; Order of Dismissal Docket No: 24-AJ-04-0610 ITJ)

The Appellant properly obtained a final decision from the Department when the Warden received the step 1 and step 2 including the 1911 Request to staff member then filing a notice of appeal to the Administrative Law Court within ninety (90) days or the Clerk of Court is required to not assign a case see; Rule 59 SCALCR Notice of Appeal;

" The notice of appeal from the final decision to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within (30) days of receipt of the decision from which the appeal is taken. The notice shall be on a form prescribed by the Court pursuant to Rule 57 and shall contain the following information:

C. a copy of the final decision that is 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." This appeal is proper.

The Respondent has violated the Rules of the ALC and uniform procedures in Rule 60 SCALCR by first filing a brief or ²⁸ argument and falsely stating, "Appellant submitted a notice of Appeal prior to receiving a final agency decision," when in fact those required documents was needed to assign the case to the Appellant in the first instant.

Rule 60 SCALCR was disregarded by the Court and Respondent. The rights to participate and be heard was also disregarded. The Respondent has forfeited the appellate argument and waived its chance to reargue this matter for failure to deny.

The Judgment of the ALC should be reversed and remanded with instructions to vacate order and return Appellant back to Pennsylvania due to S.C.D.C policy, state and federal statutes violations, because Appellant is mentally ill and does not apply to the Interstate Agreement on Detainer Act pursuant ~~to~~ ^{not}

to Article VI(b) of the (IAD) 17-11-10 s.c. code; 18 USC App 29
2:2 Article VI(b) and SCDC Policy O.P. 21-04 Section 28.4.9
Mental Illness see; Order of Dismissal. Docket No: 24-ALJ-04-
0610 IT filed Nov. 27, 2024) further, appellant raised Article
III violation of the (IAD) and SCDC policy O.P. 21-04. 28

The Respondent falsely claimed that Appellant failed to file a
Request to Staff Form and that reason was used to conclude
that Appellant failed to exhaust administrative remedies, and
the Respondent first submitted a brief and violated Rule 60
SCACR. Had Rule 60 of Administrative Law Court Rules been
followed and the Appellant was able to file the initial brief
on appeal and the Record on Appeal the exhaustion argument
by the State / Respondent / the South Carolina Department of Corrections
and Defendants would proved to be baseless and without merit.

The Respondent also violated the ALC Rules in this case and
should be sanctioned see; SCACR Rule 269 Reply Brief, Record on
Appeal at 72-85).

During the course of this instant appeal, the Appellants criminal case indictments or charging documents were placed under seal for being fraudulent in a 30-9-30 s.c. code ann Request for Removal and Professional Conduct violation 3.8(a)

The fact that the actual charging documents in this case are removed by the Clerk of Court proves that those same charging documents were invalid charges in the extradition / transfer proceedings violating Article III of the 18 USCA App 2:2 (IAD) from 2007-Present,.

The fact that this also developed during this appeal warrants a remand because Appellants State and Federal Constitutional Amendments are clearly violated because there is a lack of probable cause in this instant case see: Record on Appeal at 1-162)).

The right to redress of grievances was denied under South Carolina Constitution Article 1 § 22; because the due process and equal protection of the laws are violated under S.C. Const. Art 1 § 3; were the Rules procedures e.g. Rule 60 SCALCR was violated.

The United States Constitution 1st Amendment has been denied and the 14th Amendment has been likewise denied and violated in this case.

This appeal follows...

Argument

(32)

Whether the party first noticing the appeal did not file the initial brief, does this violate Rule 60? and due process?

Provided in Rule 60 SCAEC it states:

" Unless otherwise ordered or stayed by the operation of Rule 59, the party first noticing the appeal shall file an original brief within ninety (90) days after the date of assignment "

In this instant case, the ALC did not order otherwise or stayed the operation of Rule 59, and therefore, the appellant was suppose to file; be able to first file the initial brief or it violates Rule 60 SCAEC.

(33)

The Respondent has made an argument to support its position to be able to violate the Rules of ALC and although that reason is false there can be nothing Respondent can rely on because Rule 60 is procedural as well as substantive.

Regardless of any reasons the Respondent might have the Appellant was denied the chance to file the initial brief. see, Rule 59-60 SCALCR..

Had Appellant been able to file and submit all the relevant documents the issue respondent claims would have been non existing because a Request to Staff Form was filed see, Exhibit B-20 1911 Farm Request to Staff Member dated Dec. 7, 2023 Krosh No: 23-03312811 also Exh C18 1911 Farm Request to Staff Member dated Feb. 19, 2024) Record on Appeal at

Therefore, Respondents assertion that Appellant failed to

exhaust administrative remedies is wrong and misplaced because the appellant indeed received a stamped Warden step 1 and step 2 decision, then appealed to ALC.

The Appellant's right to procedure before administrative agency for judicial review under S.C. Const Art 1 § 22 is denied also.

The due process under S.C. Const Art 1 § 3 is denied and the right to redress the due process and equal protection of the laws are violated. see; 1-23-610(B) (a) (b) (c) (d) (e) and (f)

The United State Constitution 7th and 14th Amendments are ~~denied~~ ^{violated} in this ~~case~~ ^{case} for failure of the courts the opportunity violated for denying opportunity for the appellant to participate in his ALC appeal see; S.C. Const Art 1 § 22; Rule 8, SCALCR; USCA 1st Amend.

Rule 59 SCALCR states: "Any notice of appeal which is incomplete or not in compliance with this Rule or Rule 91 will not be assigned to an administrative law judge until all required information is received and any applicable filing fee is processed," and therefore, if the appellant improperly filed an appeal the Clerk of Court would have rejected the appeal without a copy of the final decision that is subject of the appeal and the date of receipt. see; Rule 59 SCALCR.

The Record on Appeal at 1-14-) reveals that the required forms in the agency; the step 1 and step 2 including 1911 Form was used and filed but the agency failed to answer or deny the appellant.

Pursuant to 1-23-610 (B) s.c. code ann, in part it states:
 "The review of the administrative law Judge's order must be confined to the record, The Court may not substitute its judgment for the judgment of the ALJ as to the weight of the evidence on question of facts..." "The Court of Appeals may affirm

the decision or remand the case for further proceedings, or it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding conclusion, or decision is:

- (a) in violation of constitutional or statutory provisions;
- (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.

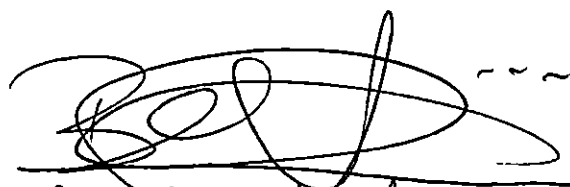
The instant case clearly has been decided and prejudiced the Appellant's ability to participate and be heard in this appeal to the ALC, see; S.C. Const Art 1 § 3; USCA 14th Amend; .

(The Administrative Law Court decision was improper for failing to make a detailed finding of fact) see; Equal Employment Commission v. United Virginia Bank/Seaboard Nat. 555 F.2d. 403 (4th Cir 1977)

(37)

CONCLUSION AND RELIEF

The Appellant respectfully request that this Honorable Court reverse and remand or modify the decision of the Administrative Law Court because the Appellant have been prejudiced with its decision.



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

⑤

158

The South Carolina Court of Appeals

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SC Court of Appeals

Administrative Law Court

Phillip Lenski, Administrative Law Judge

Docket No: 24-ALT-04-0610 IT

S.C. SUPREME COURT

Ben Robert Stewart, 223006

RECEIVED

Appellant

SEP 22 2026

V.

SC Court of Appeals

South Carolina Department of Corrections

Respondent

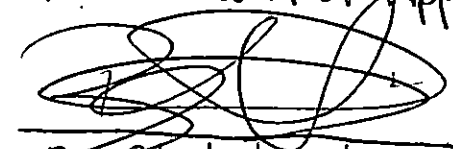
PROOF OF SERVICE

Case No: 2024-002076

I, Ben Robert Stewart, herein swear that I am filing my final brief in the above cited case along with an affidavit because I am submitting my brief after being provided with Legal Material from my prison on Kioch 26-04521224 - from 08/25/2026 until 09/11/2026 and I served Respondent, on September 12, 2026 and filed to the Court of Appeals.

The addresses are: 4444 Broad River Rd
Columbia, S.C. 29221
; 1220 Senate Street
Columbia, S.C. 29201

16.


Ben Robert Stewart 223006
100200 Prison Road
Enclave, S.C., 29335

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

(39)

October ²¹~~20th~~, 2026

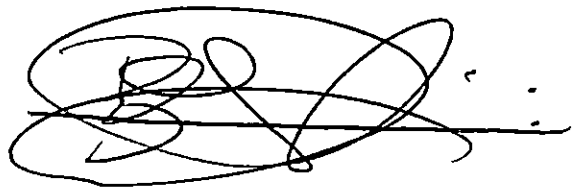
South Carolina Court of Appeals
1220 Senate St.; P.O. Box 11829
Columbia, S.C, 29201; Columbia, S.C, 29211

Re; Case No: 2024-002076 Notice of Consent for Proceeding)

Dear Clerk;

Enclosed please find my Motion; Notice of Consent; where the State is in violation of Rule 407, Rules 3.8 (a) RPC)) the general session case file has been sealed. Please file and clock stamp and return for personal file. Respondent is served as well.

1 of 7

A handwritten signature, possibly reading "B. Stewart", is written in dark ink. The signature is stylized with loops and a horizontal line crossing through it.

South Carolina Court of Appeals

(40)

Ben Robert Stewart, 223006

Case No:

v.

2024-002076

South Carolina Department
of Corrections

I. Motion; Notice of Consent Affidavit

The Appellant, Ben Robert Stewart, herein being under oath and to penalty for perjury says the following in support of this "notice of consent" by the state:

II- Facts

The Appellant appeals a Administrative law Court decision that deals with the Interstate Agreement on Detainers Act violations, 18 USCA App 2; 2 Article III and Article VI(b) violations; The order of the court did not adjudicate these

claims on its merits instead, the order based its decision 41
on an error of law and was in violation of Rule
59 and Rule 60 of South Carolina Administrative Law
Court Rules by not allowing Appellant to first file
the initial brief on appeal. This appeal followed...

III. Notice

In October of 2025 the Appellant filed "Notice To
Request for Removal pursuant to 30-9-30 S.C. Code ann))
violation of Rules of Professional Conduct 3.8. (a))" to
the York County Clerks office and included the state
Solicitor related to the sham or otherwise fraudulent
charging documents in this instant case. see Record on Appeal
at 119.

(42)

Appellant requested that after a careful investigation of the facts and circumstances that [Solizitar, Kevin S. Brackett] notify the Clerk of its falsity and request that the instruments be removed from the Clerks file pursuant to 30-9-30 S.C. code ann)))". see; Record on Appeal at 126.

IV. Consent

In November of 2025 the York County Clerk of Court notified the Attorney Generals Office, "that this case has been sealed so we are unable to provide a copy of the warrant" see; Record on Appeal at 25.

(Where a judgment or order is entered by consent it is binding and conclusive and cannot be attacked by

the parties either by direct appeal or in a collateral proceeding see) Jones & Parker v. Webb, 8 S.C. 202 (1876) a consent order is an agreement of the parties, under the sanction of the Court, and is to be interpreted as an agreement.))

V-Relief

The Appellant respectfully request that because either parties to this instant suit cannot challenge it and it is conclusive by consent, Appellant's prior order should be set aside.. see; Johnson v. Johnson, 310 S.C. 44, 425, S.E. 2d. 46 (1992)

On this ²¹~~20th~~ of October, 2026..

Sworn before me 10-21-26
Paul Dennis Crider
Expire JAN. 24, 2035

5 of 7

Respectfully Submitted,

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

(44)

South Carolina Court of Appeals

Ben Robert Stewart, 223006

Case No:

V.

2024-002076

S.C.D.C.

PROOF OF SERVICE

I, Ben Robert Stewart, 223006 hereby swear that I am filing a Motion/ Notice of Consent to the Respondent and the Court of Appeals to the addresses below on the date included as well: S.C. Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211) General Counsel, P.O. Box 21787, Columbia, S.C. 29221)

On this ²¹~~20th~~ of October - , 2026

6 of 7


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

South Carolina Court of Appeals

45

Ben Robert Stewart, 223016

Case No:

v.

2024-002076

SCDC

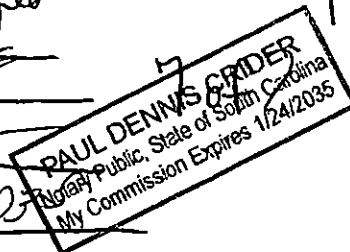
Motion/Affidavit To Proceed
In Forma Pauperis

I, Ben Robert Stewart, herein being sworn to penalty for perjury say:

1. I am the Appellant in this instant appeal and I am indigent and unable to pay the cost for court cost proceedings and my motions filed.

Therefore, it is prayed forma Pauperis is granted

Sworn before me 10-21-24
Paul Dennis Greider
Comm exp Jan. 28, 2035



Ben Robert Stewart 223016
100-200 Prison Road
Enderlee, S.C. 29335

46

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

October 22, 2026

Lieutenant Governor, Kevin Lee Bryant
State House, 1st Floor
East Wing, P.O. Box 142
Columbia, S.C. 29202
(803-734-2080) Tel
(803-734-2082) Fax

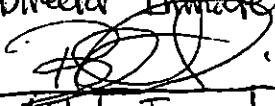
Office of Lieutenant
1301 Gervais St. Suite-
350,
Columbia, S.C. 29201
(803-734-9900) Tel
(803-734-9886) FAX

(SCDC Kiosh Legal 26-04584877/S.Ct App(cano: 2025-002076))
(Re: False arrest/imprisonment; exempt interception procedure)

Dear Sir/Ma'am;

1. I am Ben Stewart, a victim of false arrest unlawfully held
in SCDC during an interception procedure that I am exempt
from due to statute.

2. This is my attempt to contact appropriate officials for intervention
see; attached; South Carolina Department of Correcting Office of
the Director Immediate Correspondence two (2) pgs.

x  Ben Robert Stewart
cc/ State Inspector General
State Attorney General
General Counsel

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

Date

Sworn before me,

10-22-26



Comm exp JAN. 24, 2035

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF THE DIRECTOR
INMATE CORRESPONDENCE

47

INMATE: Ben Stewart, 223006

INSTITUTION: Tyg. Riv 2-209

FROM: Office of the Director

SUBJECT: Request to Staff

DATE: 9-14-26

I am in receipt of your inmate correspondence/Request to Staff Member. Your correspondence is being rejected in accordance with SCDC Policy, GA-06.04, Request to Staff Member and returned to you for the following reasons:

- Inmates must use the correct form (Request to Staff Member SCDC 19-11) and attachments will not be accepted.
- Inmates are only allowed to submit one issue per RTSM, which must be written legibly (to the appropriate area) and must be limited to a single sheet.
- Inmates are prohibited from sending duplicate or similar RTSM to multiple staff members.
- ✗ Your request should be directed through the appropriate institutional/divisional staff. *Central Class*
- The RTSM is intended for use by an individual inmate (An inmate may not send a RTSM form from multiple inmates).
- Your request is not legible and/or contains in appropriate language
- You will have to enter your concerns through the KIOSK Automated Request to Staff System.

S/

Simpson
Office of the Director

RECEIVED

Centi Cass

Received

SEP 09 2026

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

REQUEST TO STAFF MEMBER

SEP 01 2026

DIRECTOR

TO: STAFF NAME: <u>Joel Anderson</u>		STAFF TITLE: <u>SCDC Director</u>	DATE: <u>09/01/2026</u> <u>Tyger River Mailroom</u>
INMATE NAME: <u>Ben Robert Stewart</u>		SCDC #: <u>223006</u>	
INSTITUTION: <u>Tyger River</u>	DORM/SIDE/BED: <u>2-209</u>	HOUSING TYPE: ☐ RHU ☐ R&E ☐ INFIRMARY ☐ SSR ☐ DEATH ROW ☐ ASSISTED LIVING UNIT (ALU) ☐ N/A	
REASON FOR PAPER REQUEST: ☐ PREA ☐ MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICAL COPAY ☐ MEDICAL RECORDS ☐ KIOSK INACCESSIBLE (EXPLAIN) <u>26-04528667</u> <u>Director of SCDC</u>			
YOU MUST USE THE KIOSK IF YOUR PAPER REQUEST DOES NOT MEET ANY OF THE CRITERIA ABOVE.			
<p>I am held in S.C.D.C. without a warrant, I am exempt from §17-30-30; All proceedings evidence intercepted should be suppressed because individuals broke protocol and spoke to inmates and violated PREA Act or intentional infliction under §17-30-110;</p> <p>This procedure should be dismissed or I should be released because I am not given consent to 17-30-10 s.c code ann et seq. 18 USCA §2570 et seq</p> <p>Thank you</p> <p>Please allow intervention from Attorney General office</p>			
DISPOSITION BY STAFF MEMBER:			
DATE:		STAFF SIGNATURE:	