

RECEIVED STATE OF SOUTH CAROLINA RECEIVED

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In The Court of Appeals

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SC Court of Appeals

SC Court of Appeals

Appeal from the Administrative Law Court

Deborah B. Durdan, Administrative Law Judge

Appellate Case No. 2023-001384

Ronald Co, #258464;

Appellant,

v.

South Carolina Department of Corrections, Respondent.

PETITION FOR REHEARING

Joseph R. Shakibanabasab
400 Otarre Parkway
Bldg. E
Cayce, S.C. 29033

Attorney for Respondent

Ronald Co, 258464
MacDugall Corr. Inst.
1516 Old Gilliard Rd.
Ridgerville, S.C. 29472

Ronald Co
Appellant Pro Se

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STATEMENT OF THE CASE

The Appellant file a Step 1 Grievance on September 9, 2022. The Grievance was based on the fact that the Respondent was enforcing Community supervision, when the Court or Sentencing transcript did not mention it as being any part of the sentence. The Respondent denied the Step 1 Grievance on Oct. 3, 2022. The Appellant file the Step 2 Grievance on Oct. 4, 2022. The Appellant allege that the Respondent are forbidden to enforce a unpronounced penalty to the sentence. The Step 2 was denied on Nov. 30, 2022. The Appellant filed the Notice of Appeal to the Administrative Law Court on Jan 4, 2023. The ALC Judge Durden issue an order denying the Appeal on Aug 15, 2023. Thereafter the Appellant file a Notice of Appeal to the S.C. Court of Appeals. The Court issue a Opinion Affirming the ALC decision on July 9, 2025. This Petition for rehearing follows:

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Questions Presented

- 1) The Court overlooked the fact that implementing the completion of CSP to Appellant Sentence when it was not included in the Sentence imposed, violated due Process U.S.C.A. Const Amend 14
- 2) The Court overlooked the fact that a Sentence cannot contain elements that were not part of a Judge's pronouncement.
- 3) The Court overlooked the fact that only the judgment of a court, as expressed through the sentence imposed by a judge, has the power to constrain a person's liberty.
- 4) The Court overlooked the fact that the Respondent violated the Appellants due process by improperly imposing CSP. U.S.C.A. Const. Amend 14
- 5) The Court overlook the fact that the operation of state law does not supersede the U.S. Supreme Court precedence establish in Wampler.

ARGUMENT

The Appellant does not contest the validity of CSP. The Appellant contends that for it to be properly applied it must comply with the requirements of the Due Process Clause. The Court duty is to uphold the U.S. Constitution. The Constitution is the law of the land. Judges have the Constitutional duty to impose a sentence. According to the Due Process Clause of the U.S. Constitution if a Judge does not pronounce a penalty at sentencing it is not part of the sentence. Unfortunately CSP was not pronounced by the Honorable James R. Barber. According to U.S. Supreme Court precedence Wampler, the Respondent is forbidden to encroach upon the judiciary. Therefore a sentence cannot contain elements that were not part of a Judge's pronouncement.

CONCLUSION

The Appellant respectfully requests that the Court will grant the Petition for Rehearing for the stated reasons.

Respectfully Submitted,
Ronald Coe
Appellant

STATE OF SOUTH CAROLINA

In The Court of Appeals

Appeal from the Administrative Law Court

Deborah B. Durden, Administrative Law Judge

Appellate Case No. 2023-00384

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SC Court of Appeals

Ronald Ceo, #258464,

Appellant,

South Carolina Department of Corrections,

v.

Respondent.

PROOF OF SERVICE

I Ronald Ceo, #258464, certify that I have served the Petition for Rehearing and Motion to Proceed in Forma Pauperis and Affidavit in Support of on the below address Attorney for the Respondent. service was made by U.S. mail postage prepaid and addressed as followed this 15 day of July 2025.

July 15, 2025

Joseph R. Shakibanabasab
400 Otarre Parkway
Bldg. E
Cayce, S.C. 29033

Ronald Ceo
Ronald Ceo #258464
MacDuffall Corr. Inst.
1516 Old Gilliard Rd.
Ridgeville, S.C. 29472

RE: 2023-001384
Geo v. SCDC

July 15, 2025

Dear Mrs. Kitchings,

Please find enclosed a copy of the Petition for Rehearing and Motion to Proceed in Forma Pauperis. I'm requesting that you will file it at your most earliest convenience.

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SC Court of Appeals

Thanking you in advance.

Sincerely,
Renaud Geo

cc: file copy
Joseph R. Shakibanabasab
Attorney for the Respondent

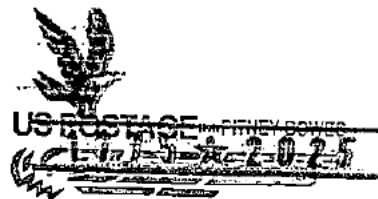
Ronald CEO #258464

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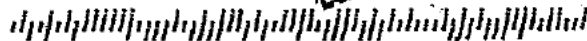
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SC Court of Appeals

S.C. Court of Appeals
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SCDC
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