

RE: CEO v. SCDC (27)
Appellate Case No. 2023-001384

Aug 18, 2025

RECEIVED

Dear Mrs. Kitchings,

AUG 25 2025

SC Court of Appeals

How are you doing ma'am? I am writing you in regard to the above case. I received a copy of the Remittitur on August 15, 2025 and the Remittitur was dated July 25, 2025. However I mail a Petition for Rehearing for filing with your office on July 15, 2025. Please find enclosed a copy of the Petition as well as the Affidavit and Proof of service. I hope that this issue can be resolved.

With kind regards,
Respectfully,
Ranald CEO

P.S. Please note the Respondent was served with the Petition for Rehearing on July 15, 2025.

STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from the Administrative Law **RECEIVED**

Deborah B. Durden, Administrative Law Judge **AUG 25 2025**

SC Court of Appeals

Appellate Case No. 2023-001384

Ronald Ceo, #258464, Appellant,

v.
South Carolina Department of Corrections, Respondent.

MOTION TO PROCEED IN
FORMA PAUPERIS

I Ronald Ceo, hereby apply for leave to proceed in this Petition for rehearing without prepayment of fees or security therefor. In support of my motion I declare under penalty of perjury that the following facts are true:

- 1) I am the Appellant in this action and I believe I am entitled to redress.
- 2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

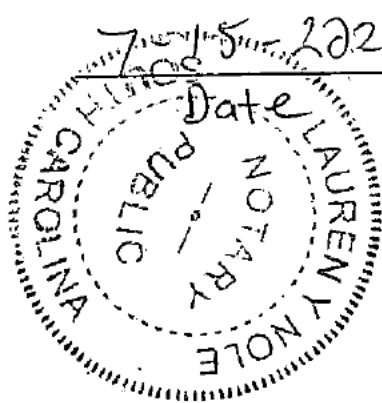
Affiant swears not.

Ronald Ceo
Affiant

State of South Carolina
County of: Berkeley

The foregoing instrument was acknowledged before me 15 day of July, 2025

[Signature]
Your Name Here, Notary Public
My Commission Expires 04-12-2031



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

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. Shakibanasab
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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Addressed to (Inmate Name, SCDC#, and Address):

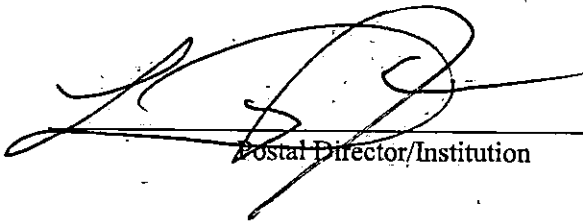
Ronald CEO
1516 Old Hilliard
Ridgeland, SC 29172

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the

MacDougall Correctional Mailroom on (Date) August 8, 2025

On (Date) August 15, 2025, the above referenced correspondence was delivered to
Inmate Ronald CEO, SCDC # 258469, and his signature
was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:



Postal Director/Institution

8-15-2025

Date

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 25 2025

Appeal from the Administrative Law ~~SC Court of Appeals~~

Deborah B. Durden, 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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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.

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:

...

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 Co
Appellant

Ronabl Ceo #2584664

MacDougall Corr. Inst.
1516 Old Gilliard Road
Ridgeville, SC 29472

CHARLESTON SC 294



22 AUG 2025

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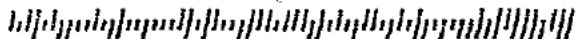
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AUG 25 2025

SC Court of Appeals
Honorable Jenny A. Kitchings
Clerk of the S.C. Court of Appeals
1220 Senate St.
Columbia, S.C. 29201

SCDC
SEP 06 2025
MAILROOM

29201-376999



LEGAL MAIL