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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marion County

Michael G. Nettles, Circuit Court Judge

Case No: 2018-CP-33-0721

Ronald Coe #258464,

PETITIONER,

v.

State of South Carolina,

RESPONDENT.

MOTION TO PROCEED  
IN FORMA PAUPERIS

The Petitioner respectfully request to proceed in forma pauperis because the below listed reasons.

- 1) Because of my poverty I am unable to give security thereof.
- 2) I am entitled to redress.

4-22-2021

Ronald Coe  
Petitioner

## EXPLANATION

The PCR Courts finding that the Petitioner claim that he discovered the information regarding community supervision within a year of filing this action is without merit is error. The PCR Court ruled on the merits without a evidentiary hearing is error. The Petitioner became aware by a prison caseworker that he will have to participate in C.S.P. after release from prison. The Petitioner was not aware because the sentencing sheet nor the transcript mention C.S.P. The Petitioner immediately filed the PCR under the discovery statute under §17-27-45 (c). The PCR court clearly ignore the discovery rule when he ruled on the merits. The record was not conclusive when the Petitioner became aware that he will have to participate in C.S.P.. This Honorable Court has consistently reverse and remand cases that dismiss cases without a evidentiary hearing when the record is not conclusive. McCoy v. State, 737 S.E.2d 623; Robertson v. State, 795 S.E.2d 29. The Petitioner is entitled to the benefit of the above reference case law, because the record does not refute the Petitioner allegations. The Petitioner was never sentence to C.S.P. he was sentence to 35 years imprisonment (See: enclosed documents). The U.S. Supreme Court held in Hill v. U.S. ex rel. Wampler, 298 U.S. 460 56 S.Ct. 760. ("The only sentence known to the law is the sentence or judgment entered upon the records of the Court."). (To say that an unpronounced penalty to a sentence is legal is unconstitutional.) See: Earley v. Murray, 462 F.3d 147 (2nd Cir 2006). Therefore the Due Process Clause of the United States Constitution forbids the Petitioner to participate in C.S.P. when the Sentencing Judge did not pronounce it at Sentencing. The Petitioner case should be remanded for a evidentiary hearing on the merits.

(Documents  
in Support  
of Explanation)

1 control to parent this child, and you did something  
2 horrible.

3 And putting you in jail for the rest of your life  
4 is not going to bring your son back, so I'm not going to  
5 do that. But what is appropriate, I don't have any  
6 idea. You know, I've had people shoot and kill adults,  
7 acting out of a fit of rage, and gotten forty-three (43)  
8 years, forty-five (45) years. Now, you've taken a child  
9 who's fourteen months old. I assume this child could  
10 walk, but clearly was defenseless, had no ability to  
11 stop you from hurting that child when you did.

12 So it isn't a matter of teaching you a lesson.  
13 It's a matter of you now being punished for what you  
14 did.

15 [Pause.]

16 ~~THE COURT: The sentence of this Court, you be~~  
17 ~~committed to the Department of Corrections for a term of~~  
18 ~~thirty-five (35) years.~~ You will be given credit for  
19 four hundred and twenty (420) days.

20 Good luck to you.

21  
22 [WHEREUPON, at 4:10 p.m.,  
23 this matter was concluded.]  
24

25 \*\*\*\*\*END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*\*\*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

CERTIFICATE

I, the undersigned Patricia A. McDaniel, Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the guilty plea of the captioned case, relative to appeal, in the Criminal Court for Marion County, South Carolina, on the 23rd day of July, 1999.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Patricia A. McDaniel

Court Reporter

Florence, South Carolina  
August 6, 1999.

COUNTY OF MARION  
STATE \_\_\_\_\_ VS. RONALD CEO

(Documents in support of Explanation)

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

99-GS-33-9

A/W#: E106959

Date of Offense: April 1, 1998

S.C. Code § : 16-3-85(A)(1)

CDR Code #: 2131516

AKA: \_\_\_\_\_  
Race: Black Sex: Male  
DOB: \_\_\_\_\_ Age: 22  
SSN: \_\_\_\_\_  
DL#: \_\_\_\_\_  
SID#: SC01100608

SENTENCE

PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO: Homicide by Child Abuse

in violation of § 16-3-85(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2131516

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST:  
Robert N. Wells, Jr. Solicitor Ronald Co Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 35 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services contact conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for 40 days/months jail time.  CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

SPECIAL CONDITIONS:

RESTITUTION  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_

Recipient: \_\_\_\_\_

Fine.....	\$
§ 14-1-206 - Assessments 100%.....	\$
§ 14-1-211 - Surcharge.....	\$
(Exceptions: See § 14-1-211)	
§ 56-5-2995 (DUI).....	\$
County (3%).....	\$
TOTAL.....	\$

Clerk of Court/Deputy Clerk - [Signature]  
Court Reporter: [Signature]

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc Rehab. or Job Corps \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund.  
Other: \_\_\_\_\_

PRESIDING JUDGE [Signature]  
Judge Code: 1101 1/1  
Sentence Date: 4/2/98

White - Clerk Green - Corrections Canary - Probation Pink - Defendant