

June 8, 2021

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JUN 10 2021

S.C. SUPREME COURT

RE: Ronald Ceo v. state

Appellate Case No. 2021-000456

Dear Mr. Shearouse,

Please find enclosed a true copy of the Explanation pursuant to Rule 243 (c) with an excerpt from the transcript and Sentencing sheet.

Sincerely,

Ronald Ceo

MacDougall Correctional Inst.
Mailroom

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Explanation Rule 243 (c)

The Appellant Ronald Ceo submits this explanation pursuant to Rule 243 (c).

The lower court finding that the Appellant claim that C.S.P. was not part of his sentence was meritless was wrong. There was no evidentiary hearing nor was the record conclusive to refute when the Appellant became aware that he will have C.S.P. at the end of his sentence. The Appellant avers that he became aware of C.S.P. in late 2018 and file his PCR in November 2018 after reviewing the transcript and Sentencing sheet in which the Appellant included for the record which is absent that the Appellant be sentence to C.S.P. The Appellant file his PCR pursuant to the discovery rule § 17-27-45(c). Judge James R. Barber sentence was 35 years the sentencing sheet or transcript does not mention C.S.P. (See enclosed: Documents.) The Appellant became aware of C.S.P. from a prison caseworker through a review that he was sentence to C.S.P. The Appellant contends that to enforce C.S.P. to his Sentence is in violation of the Due Process Clause of the United States Constitution. The Appellant base his Due Process violation on the U.S. Court of Appeals (2nd Cir) decision in Early v. Murray, 462 F.3d 147 (The only sentence known to the law is the sentence or judgment entered upon the records of the Court.) Until corrected in a direct proceeding it says

what it was meant to say, and this by an irrebuttable presumption. Judge Barber's sentence was thirty five years, the Due Process forbids any other practice to add to a Judge's sentence. To say that an unpronounced penalty to a sentence is legal is unconstitutional. The Due Process of the U.S. Constitution forbids such practice. The Appellant is not contesting the legality of C.S.P. the Appellant again avers that he was never sentence to it. The 2nd Cir. Court of Appeals made its decision from the U.S. Supreme Court case Hill v. U.S. exrel. Wampler, 298 U.S. 410 56 S.Ct. 760 (1936). "(The only sentence known to the law is the sentence or judgment entered upon the records of the Court.*)" State law may require the Appellant to be sentence to a C.S.P.. However the Due Process clause of the U.S. Constitution commands that the Judge must pronounce it at sentencing for it to be part of the sentence. There is a genuine issue of fact because the record does not refute when the Appellant became aware when he was informed of C.S.P. Additionally the Discovery Rule doctrine recognized by this Court is that the one year limitation began to run when he discovered basis for claim, see: McCoy v. State, 401 S.C. 363 737 S.E.2d 623. Furthermore the Lower Court reaching the merits of the Appellant claim without a evidentiary hearing is error.

The Appellant should be able to pursue with the merits of claim in Appeal or remand to the PCR Court.

Respectfully Submitted

Transcript & Sentencing sheet enclosed as exhibits.

Ronald Coe

COUNTY OF MARION
 STATE VS.
RONALD CEO
 AKA:
 Race: Black Sex: Male
 DOB: [REDACTED] Age: 22
 SSN: [REDACTED]
 DL#: [REDACTED]
 SID#: 5C01100608

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#:
99-GS-33-9
 A/W#: E106959
 Date of Offense: April 1, 1998
 S.C. Code § : 16-3-35(A)(1)
 CDR Code #: 2131516

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 § 16-3-35(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 CEO 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 _____ year 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 and all conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for 400 days/months jail time. BOOK _____ PAGE _____
 CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
 Total: \$ _____ plus 20% fee \$ _____
 Payment Terms: _____
 set by SCDPPPS _____
 Recipient: _____

PTUP _____ CLERK OF COURT, MARION COUNTY
 _____ 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: _____

*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]

PRESIDING JUDGE [Signature]
 Judge Code: 161 1/1
 Sentence Date: 4/4/98

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 25th day of May, 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.

Ronald Co # 258464
MacDougall Correctional Inst.
1576 Old Gilliard Rd.
Ridgeville, S.C. 29472

CHARLESTON SC 294

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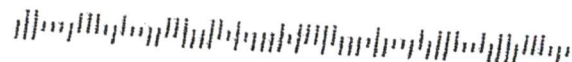
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S.C. SUPREME COURT

Honorable Daniel E. Shearouse
S.C. Supreme Court Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

29211-133030



LEGAL MAIL