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S.C. Supreme Court

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

Stephanie P. McDonald, Circuit Court Judge

KEVIS LAVOR LEE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2013-000048

SUPPLEMENTAL APPENDIX

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ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i
PETITIONER’S EXHIBIT #1 (SENTENCING SHEET) 1
PETITIONER’S EXHIBIT #2 (AMENDED JUDGMENT DATED DECEMBER 23, 2010)..... 2

STATE OF SOUTH CAROLINA

IN THE COURT (GENERAL SESSIONS)

COUNTY OF Charleston

STATE VS. KEVIS LAVOR LEE

AKA:

Race: B Sex: M Age: 24

DOB: SS#:

Address:

City, State, zip:

DL#: SID#: SC01565381

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: ABWIK/Assault and Battery with Intent to Kill 0-30 years (85% on parole)

in violation of § 16-03-0620 of the S.C. Code of Laws, bearing CDR Code # 0014

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury (defendant's initials)

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

ATTEST: Young, Adam D. SC Bar# 77452 Defendant Ps. Lee Attorney for Defendant Andrew Brunier 87413 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 70 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 standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: Federal Sentence 2:10-12-00032-5B The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 376 Days The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP days/hours Public Service Employment

Total: \$ plus 20% fee: \$ Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing

Recipient: *Fine:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(I) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, § 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Clerk of Court/ Deputy Clerk Court Reporter: SC/CA/217 (06/2010)

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund. Other:

Condition Discharge, § 44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition. Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Judge Code: 2139 Sentence Date: 12/14/10



2:10-cr-00032-SB Date Filed 12/23/10 Entry Number 47 Page 1 of 5

AO 245C (SCDC Rev. 06/05) Sheet 1 - Amended Judgment in a Criminal Case

United States District Court District of South Carolina

UNITED STATES OF AMERICA vs.

AMENDED JUDGMENT IN A CRIMINAL CASE

KEVIS LEE

Case Number: 2:10-CR-00032-SB-1 USM Number: 20149-171

Date of Original Judgment: 7/6/10 (or Date of Last Amended Judgment)

JOHN ROBERT HALEY, AFPD Defendant's Attorney

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
Reduction of Sentence for Changed Circumstances (Fed.R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed.R.Crim.P.35(a))
Correction of Sentence for Clerical Mistake (Fed.R.Crim.P.36)
Modification of Supervision Conditions (18 U.S.C. §3563(c) or 3583(e))
Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §3582(c)(1))
Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. §3582(e)(2))
Direct Motion to District Court Pursuant to 28 U.S.C. §2255 or 18 U.S.C. §3559(e)(7)
Modification of Restitution Order (18 U.S.C. §3664)

THE DEFENDANT:

- pleaded guilty to Count(s) 1 on 3/15/10.
pleaded nolo contendere to Count(s) on which was accepted by the court.
was found guilty on Count(s) on after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 18 USC 922(g)(1) and 924(a)(2), Please see indictment, 12/3/09, 1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s).
Count(s) is/are dismissed on the motion of the United States.
Forfeiture provision is hereby dismissed on motion of the United States Attorney.

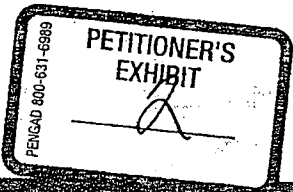
It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

6/22/10 Date of Imposition of Judgment

Signature of Judge (Handwritten signature)

SOL BLATT, JR., US DISTRICT JUDGE Name and Title of Judge

12/23/10 Date



2:10-cr-00032-SB Date Filed 12/23/10 Entry Number 47 Page 2 of 5

AO 248B (300C Rev. 05/05) Amended Judgment in a Criminal Case
Sheet 2 - Imprisonment

Page 2

DEFENDANT: KEVIS LEE
CASE NUMBER: 2:10-CR-00032-SB-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of SEVENTY (70) MONTHS TO RUN CONCURRENTLY WITH THE SEVENTY (70) MONTH SENTENCE IMPOSED BY THE HONORABLE ROGER YOUNG ON DECEMBER 14, 2010 IN THE CASE OF STATE OF SOUTH CAROLINA VS. KEVIS LEE, WARRANT NUMBER 1103745, ALL OTHER CONDITIONS TO REMAIN THE SAME.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

AO 245B (SCDC Rev. 09/08) Judgment in a Criminal Case
Sheet 3 - Supervised Release

DEFENDANT: KEVIS LEE

Page 3

CASE NUMBER: 2:10-CR-00032-1-SB

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS. While on supervised release, the defendant shall comply with the mandatory and standard conditions of supervision as well as the following special conditions: 1. He shall participate in a program of testing and treatment for substance abuse as approved by the US Probation Officer until such time as he is released from the program by the probation officer. 2. He shall participate in a program of mental health counselling as approved by the U S Probation Officer until such time as he is released from the program by the probation officer. 3. The defendant shall participate in a life skills program, including but not limited to Workforce Development, as deemed necessary by the U.S. Probation Officer, until such time as the defendant's release from the program is approved by the U.S. Probation Officer.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the Probation Office. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.