

The Supreme Court of South Carolina

Kevis Lavor Lee, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000048

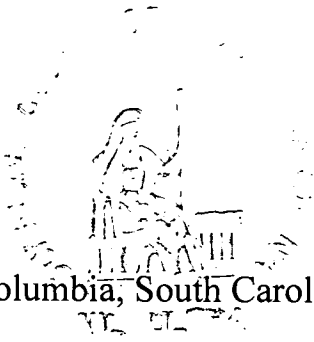
Lower Court Case No. 2011-CP-10-0169

ORDER

By order dated September 24, 2014, the Court granted the petition for a writ of certiorari and further directed Judge Roger Young to order the South Carolina Department of Corrections to deliver petitioner to the custody of the Bureau of Prisons to begin serving his federal sentence.

We hereby vacate that order and deny the petition for a writ of certiorari without prejudice to petitioner's ability to seek *nunc pro tunc* designation of the state prison facility in which petitioner is serving his state sentence as the place for service of his federal sentence through the Federal Bureau of Prisons. *See* 18 U.S.C. § 3621(b); *see also Colon-Morales v. State*, 743 So.2d 101 (Fla. Dist. Ct. App. 1999); *see also Barden v. Keohane*, 921 F.2d 476 (3d Cir. 1990). While the Federal Bureau of Prisons has discretion to grant petitioner's request for *nunc pro tunc* designation, the Court makes clear the state trial court's original intent that petitioner's state sentences were to run concurrent to his federal sentence. *See* 18 U.S.C. § 3621(b)(4); *Barden, supra*.

The Court also notes petitioner may wish to consider soliciting the aid of the federal public defender who represented him in the underlying federal case to help petitioner request the facility designation.



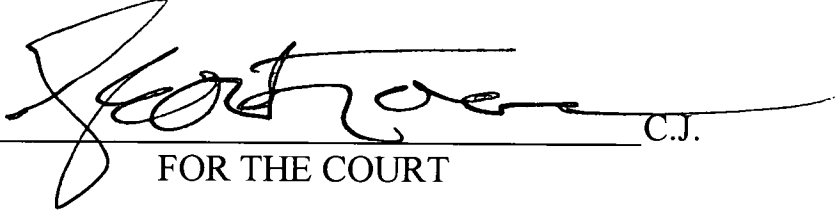
Columbia, South Carolina

October 24, 2014

cc:

Ashleigh Rayanna Wilson, Esquire

Wanda H. Carter, Esquire


C.J.
FOR THE COURT