

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

City of Columbia, Appellant,

v.

Robert S. Bruce, Respondent.

Appellate Case No. 2016-002144

Appeal From Richland County
Clifton Newman, Circuit Court Judge

Unpublished Opinion No. 2018-UP-039
Submitted November 1, 2017 – Filed January 31, 2018

AFFIRMED

Jessica Mangum, of Columbia, for Appellant.

Assistant Public Defender Jessica Erin Sturgill, of
Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 24-13-40 (Supp. 2017) ("In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal

institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense."); *Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10-11 (2000) ("'[T]ime served' in [section] 24-13-40 means the time during which a defendant is in pre-trial confinement *and* charged with the offense for which he is sentenced (so long as he is not serving time for a prior conviction)."); *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) ("Section [24]-13-40 mandates a prisoner be given credit for all time served prior to trial unless one of two exceptions exist: 1) either the prisoner was an escapee or 2) the prisoner was already serving a sentence on one offense.").

AFFIRMED.¹

LOCKEMY, C.J., and HUFF and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.