

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR
FOR THE FIFTEENTH JUDICIAL CIRCUIT,
ON BEHALF OF THE MYRTLE BEACH
POLICE DEPARTMENT,

Plaintiff,

vs.

ELEVEN THOUSAND FIVE HUNDRED
SIXTY-THREE AND NO/100 DOLLARS,
(\$11,563.00), U.S. CURRENCY,

Defendant Property,

KENDRICK W. GREEN,

Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2016-CP-26-

COMPLAINT

FILED
COUNTY
2016 JAN 20 AM 11:14
MELANIE HUGGINS-WARD
CLERK OF COURT

RECEIVED

JAN 23 2017

SC Court of Appeals

Plaintiff would respectfully allege as follows:

1. Plaintiff is the Circuit Solicitor of the Fifteenth Judicial Circuit of the State of South Carolina and brings this action on behalf of the Myrtle Beach Police Department.
2. Plaintiff is authorized by § 44-53-530 of the Code of Laws of South Carolina 1976 as amended to initiate this Complaint for the forfeiture of the Defendant Property.
3. Defendant Property is described as follows:

ELEVEN THOUSAND FIVE HUNDRED SIXTY-THREE AND NO/100 DOLLARS,
(\$11,563.00), U.S. CURRENCY.
4. On August 5th, 2015, Officers of the Myrtle Beach Police Department responded to Jimmagan's Bar located at 6003 North Kings Highway, which is located within the city limits of Myrtle Beach in reference to a shooting incident. Through the investigation it was determined that a physical altercation ensued between two patrons inside of the business. The subjects were identified as being Jamal Burgess and Kendrick Green. After the physical altercation the two

males were separated at which time Burgess fired a gun one time at Green, Green is struck, and falls to the ground. Burgess briefly stands over top of Green and then begins to exit the bar. Several seconds later, Green removes a handgun from his back pocket and fires multiple rounds at Burgess as he is exiting the bar. At the time we were unaware if Burgess was struck or not. A bar patron was nearly struck. Video surveillance inside of the business captures the entire incident and clearly shows each male with a gun and what transpires. Green then exits the bar and then quickly reenters to pick up his money that was lost during the incident. Through the video and interviews it appears that Burgess attempted to take money from Green while inside the bar which led to the initial physical altercation. Both males have a lengthy criminal history and Green is a documented gang member. Both are prohibited from possessing a firearm or ammunition. Both fled the area prior to police arrival. Green was located in the parking lot of a nearby hotel. (La Quinta Inn 4709 North Kings Hwy). Burgess was located several days later when he arrived at a local hospital (Conway Medical Center) for medical attention for a gunshot wound. His injury consisted of a single shot to the hip/buttock area. Green spent several weeks at the hospital, but has since been released. When Green was located at the La Quinta Inn he was in possession of a stolen vehicle and was quickly transported to Grand Strand Regional Medical Center for medical treatment. The stolen vehicle that he possessed was a 2013 Chevy Cruze bearing SC/JGH875, VIN#G1PC5SB0D7299626. A search warrant was obtained for this vehicle and a search of the vehicle did reveal the following items of evidentiary value: One bag of small plastic baggies that is consistent with illegal drug sales and distribution; Three cellular phones that are also consistent with drug sales; 1 unfired cartridge of 7.632 x39 mm ammunition; 1 unfired 9mm cartridge; Four thousand and fifty dollars (\$4050.00) in US Currency. The cash was in multiple, small denominations of \$20's, \$50's and \$100 dollar bills. These items were

photographed and seized by Crime Scene Officer Kelly Matteson. A search of Green's property, which was seized from the hospital revealed the following items of evidentiary value: One hundred dollars (\$100.00) in US Currency that was located in the parking lot of Jimmagan's Bar; Six thousand and Seven Hundred Dollars (\$6,700.00) in US Currency that was located in Green's front pocket; Seven Hundred and Twelve dollars (\$712.00) in US Currency that was located in Green's other pocket; one dollar coin (\$1.00). Total amount seized from this search was \$11,563.00 as described above. These items were also photographed and seized by Crime Scene Officer Kelly Matteson.

On August 8th, 2015 K-9 Officer Michael Householder utilized his K-9 (Kelly) and conducted a vehicle sniff of the vehicle that Green was driving (2013 Chevy Cruze bearing SC/JGH875). The sniff took place in the Crime Scene Bay at the Myrtle Beach Police Department and was done via a legal search warrant for the vehicle. Per K-9 Officer Householder's report "I took K9 Kelly to the driver side taillight of the vehicle and gave her the command to "find it". Kelly started to sniff the vehicle in a counter-clockwise rotation. She worked the rear of the vehicle and then around to the passenger side. As Kelly worked her way up the passenger side of the vehicle her breathing became heavy, which from experience, I have learned is an indicator of narcotic odor. Kelly continued to work around the vehicle to the driver's side. As she came to the seam between the driver front and rear door, Kelly's ears and tail went up. She began to bracket back and forth. Her body then became stiff and she went into her final alert position of sitting. A search of the vehicle did reveal a large amount of marijuana shake, located in the center console of the vehicle. Also located inside of the vehicle were several clear plastic baggies commonly used in the packaging of narcotics. Both defendants were interviewed and post Miranda admitted to the altercation, but both denied having a gun or firing a gun despite the surveillance video

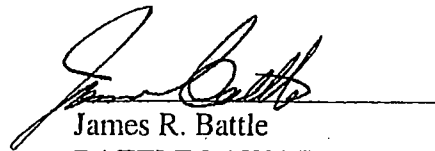
inside the bar which captured the incident. Within his bond paperwork Green indicated that he made \$10.00 an hour and that was employed by James Chestnut of the "Grissitte Tile Company". A copy of this paperwork will be included in the seizure case file. During an interview with Green he indicated that he was employed with Grissett Tile Company, and that he laid ceramic tile. In this interview and post Miranda, Green made reference to wanting to work and help himself out. He made mention that he could get us a lot of drug busts. He further made mention that he "got people that have kilos of cocaine, tar and heroin". During Officer Beam's tenure with the 15th Circuit Drug Enforcement Unit Kendrick Green's name did come up as a known drug dealer during other debriefs of Confidential Informants. Based on the above mentioned facts and the totality of the facts and circumstances Kendrick's Green's US Currency was seized for pending civil forfeiture.

5. The seizure(s) happened in Horry County.
6. The Defendant Property is monies or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or is proceeds traceable to an exchange in violation of Article 3, Chapter 53, Title 44 of the Code of Laws of South Carolina, 1976, as amended.
7. The Defendant Property is money seized in close proximity to forfeitable controlled substances, drug manufacturing, or distributing paraphernalia, or in close proximity to forfeitable records of the importation, manufacturing, or distribution of controlled substances in violation of Article 3, Chapter 53, Title 44 of the Code of Laws of South Carolina, 1976 as amended.
8. The Defendant Property is property which was knowingly used to facilitate production, manufacturing, distribution, sale, importation, exportation or trafficking of various controlled

substances as defined in Article 3, Chapter 53, Title 44 of the Code of Laws of South Carolina, 1976 as amended.

WHEREFORE, the Plaintiff prays that:

- a. The Defendant Property be declared forfeited to the State of South Carolina pursuant to § 44-53-520 of the Code of Laws of South Carolina 1976, as amended;
- b. The Myrtle Beach Police Department be declared the seizing agency;
- c. The Court transfer the Defendant Property to the seizing agency pursuant to §44-53-520 of the Code of Laws of South Carolina 1976, as amended; and
- d. For such other and further relief as the Court deems proper.



James R. Battle
BATTLE LAW FIRM, LLC
Attorney for the Plaintiff
PO Box 530
Conway, South Carolina 29528

Date: 1/29/16



RALPH WILSON LAW PC

Office of Ralph J. Wilson, Jr., Esq.

Attorney & Counselor at Law

January 19, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

JAN 23 2017

SC Court of Appeals

RE: Jimmy A. Richardson, II v. Kendrick W. Green
Appellate Case No. 2017-000018

Dear Ms. Kitchings:

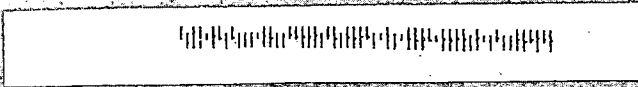
Enclosed please find a copy of the Complaint filed in this action per your request along with the signed, un-clocked Order received in our office by email on Tuesday, January 18, 2016. Upon receipt of a clocked copy the same will be forwarded to you. The Form 4 was received by our office on November 3, 2016.

If you have any questions or concerns, please do not hesitate to call my office.

Sincerely,

Ralph J. Wilson, Jr.
Post Office Box 860
Conway, South Carolina 29528
843-488-1013
Attorney for Appellant

cc: James R. Battle, Esq.
Battle Law Firm, LLC
PO Box 530
Conway, SC 29528
Attorney for Respondent



Ralph Wilson Law PC
Office of Ralph J. Wilson, Jr., Esq.
1300 Second Ave., Ste. 212
P. O. Box 860
Conway, South Carolina 29528

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

JAN 23 2017

SC Court of Appeals