

STATE OF SOUTH CAROLINA  
COURT OF APPEALS  
APPEAL FROM RICHLAND COUNTY  
COURT OF GENERAL SESSIONS

**RECEIVED**  
JUL 13 2018  
SC Court of Appeals

The Honorable DeAndrea Benjamin, Circuit Court Judge  
Indictments Nos. 2015-GS-40-02657 and 2015-GS-40-07099  
Appellate Case No.: 2018-000724

The State of South Carolina ..... Respondent,  
v.  
Kivven Jett Thompson ..... Appellant.

---

**RECORD ON APPEAL**

---

Robert T. Williams, Sr., Bar No. 6149  
Williams, Stitely & Brink, PC  
200 East Main Street  
Post Office Box 2390  
Lexington, South Carolina 29072  
(803) 359-9000  
ATTORNEY FOR APPELLANT

Matthew Buchanan, General Counsel  
SC Probation, Parole & Pardon Services  
2221 Devine Street  
Columbia, South Carolina 29250  
(803) 734-9220

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Kivven Jett Thompson
AKA:
Race: WHITE Sex: M Age: 28
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2015GS4002657
A/W#: 2015A4021600673
Date of Offense: 3/24/2015
S.C. Code § : 44-53-0370(b)(2)
CDR Code #: 0188

RECOMMENDED

NEGOTIATED

\*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / Manuf., poss. of other sub. in Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st

in violation of § 44-53-0370(b)(2) of the S.C. Code of Laws, bearing CDR Code # 0186
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, Negotiated Sentence, Recommendation by the State.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Williams, Justin SC Bar# 80478
Defendant Kivven Jett Thompson
Attorney for Defendant J. Hood SC Bar# 75337

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 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 18

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:
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.
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
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
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:

CERTIFIED TRUE COPY OF ORIGINAL FILED
Jeannette W. M. Bridge
S.C.C.P. & C.S.
RICHLAND COUNTY SOUTH CAROLINA

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge), § 14-1-211(A)(2) (DUI Surcharge), § 56-5-2995 (DUI Assessment), § 56-1-286 (DUI Breath Test), Proviso 47.9 (Public Def/Prob), § 14-1-212 (Law Enforce. Funding), § 14-1-213 (Drug Court Surcharge), § 50-21-114 (BUI Breath Test Fee), § 56-5-2942(J) (Vehicle Assessment), Proviso 90.5 (SCCJA Surcharge), 3% to County (if paid in installments), TOTAL.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Jeannette M. Bridge
Court Reporter: Amber [Signature]

Presiding Judge Re Hood
Judge Code: 2164
Sentence Date: 12/8/15

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE VS.
Kivven Jett Thompson
AKA:
Race: WHITE Sex: M Age: 28
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2015GS4007099
A/W#: 2015A4021602192
Date of Offense: 9/21/2015
S.C. Code § : 44-53-0370(b)(1)
CDR Code #: 0183

RECOMMENDED SENTENCE SHEET NEGOTIATED

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 1st offense

in violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

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: Williams, Justin SC Bar# 80478
Kivven Jett Thompson Defendant
Attorney for Defendant SC Bar# 75339

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 5 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 18

months 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:
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.
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 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees 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(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments), TOTAL

PTUP days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
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:

CERTIFIED TRUE COPY OF ORIGINAL FILED, J. J. W. B. S. RICHLAND COUNTY SOUTH CAROLINA

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jeannette McBride
Court Reporter: Amber...
SCCA/217 (03/2011)

Presiding Judge: R. Hood
Judge Code: 2164
Sentence Date: 12/8/15

ORIGINAL



# PROBATION CITATION

No. C-40-17-0174

<b>SOUTH CAROLINA</b>  <b>V.</b>  <b>KIVVEN JETT THOMPSON</b>	<b>COUNTY: RICHLAND</b>	
	<b>SCDC #</b>	<b>SID #</b>  01664044

TO: KIVVEN JETT THOMPSON

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

<b>Place</b>	<b>Room</b>
	<b>Date to Appear:</b> <b>Time to Appear:</b>

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

**Violations Charged**  
 Kivven Thompson violated conditions 7, 10 and special conditions as ordered in cause number 15-GS-40-07099 by the Richland County General Sessions Court.

JACQUETTE W. McBRIDE  
 C.C.P. & S.  
 2017 JUN - 8 AM 10:15  
 RICHLAND COUNTY  
 SOUTH CAROLINA  
 CERTIFIED TRUE COPY  
 OF ORIGINAL FILED  
 Jacquette W. McBride  
 C.C.P. & S.  
 RICHLAND COUNTY  
 SOUTH CAROLINA


YOU ARE HEREBY NOTIFIED that you have the rights listed below.

**List of Rights:**  
 You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear on your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

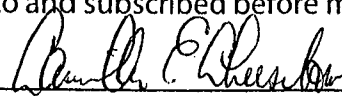
IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

RICHLAND, South Carolina	Probation and Parole Agent - Agent # Nikesha D Jacobs - 0109
Date 05/30/2017	

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

<b>Place</b>  SCDPPPS	<b>Date and Time</b> 5/31/17 @ 9:30am
	<b>Serving Officer's Signature</b> 

Sworn to and subscribed before me this 31 day of May, 2017

  
 Signature of Notary Public

31/2026  
 My Commission Expires

**CANNED**

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of RICHLAND

Personally appeared before me, Nikeshia D Jacobs, who first being duly sworn, deposes and says that KIVVEN JETT THOMPSON did within this county and State on the 30 day of May, 2017, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

Kivven Thompson violated conditions 7, 10 and special conditions as ordered in cause number 15-GS-40-07099 by the Richland County General Sessions Court.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

Mr. Thompson failed to follow the advice and instructions of his Agent in that he: failed to pay supervision fees having a balance of \$200.00 at issuance of process; failed to complete court ordered Substance Abuse Counseling having been referred to the Columbia Center.

Sworn to and subscribed before me this

30 day of May, 2017

Nikeshia Jacobs  
Affiant

[Signature]

Signature of Notary Public

3/1/2020

Commission Expires:





STATE OF SOUTH CAROLINA

County of Richland

STATE Ki'ruen VS. Thompson

AKA: \_\_\_\_\_

Race: W Sex: M

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

SID# 01664044

IN THE COURT OF GENERAL SESSIONS

Indictment Number:

15 -GS- 40 - 02657  
Probation C/W#s: C-40-17-0174

Name of Original Offense: Manufacture, Poss. W.i.t.d.

Original A/W#: 2015A4021600673

Date of Original Offense: 3/24/15

Conviction S.C. Code §: 44-53-0370(B)(2)

Conviction CDR Code #: 0 / 1 / 8 / 6

Original Sentence: 5 yrs SS 18 months Prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12/15/15 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on \_\_\_\_\_, as set forth in the attached warrant(s) or citation(s) dated 5/30/17. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
10 + special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 

<input type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)
- Additional Conditions ordered by the Court: Extend case 1 year, must complete SAC. PTUP upon completion of SAC.

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served \_\_\_\_\_ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 7 day of June, 2017,  
Columbia, SC

[Signature]  
Presiding Judge  
Stn S. McManon  
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature  
Ki'ruen Thompson  
Signed this 31<sup>st</sup> day of May, 2017  
Day Month Year

Witnessed by  
Justin Sellers  
City SC

AMENDED  
 11:55  
 5/30/17  
 SCDC  
 RICHLAND COUNTY  
 SOUTH CAROLINA  
 CERTIFIED TRUE COPY  
 OF ORIGINAL FILED  
 5/30/17

SCANNED

STATE OF SOUTH CAROLINA

County of Richland

STATE Kiuren VS Thompson

AKA: \_\_\_\_\_

Race: W Sex: M

DOB: \_\_\_\_\_

SSN: \_\_\_\_\_

SID# 01664044

IN THE COURT OF GENERAL SESSIONS

Indictment Number: \_\_\_\_\_

15 -GS- 40 - 07099  
Probation C/W#s: C-40-17-0174

Name of Original Offense: MDP, Narcotics Drugs (Cocain

Original A/W#: 2015A4021602192

Date of Original Offense: 9/24/15

Conviction S.C. Code §: 44-53-0320(b)(1)

Conviction CDR Code #: 0 / 1 / 4 / 3

Original Sentence: 5 yrs SS 18 months Prob.

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 12 / 8 / 15 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on \_\_\_\_\_, as set forth in the attached warrant(s) or citation(s) dated 5/30/17. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

10 + special conditions

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first or third degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Financial Obligations: Order satisfies:
 

<input type="checkbox"/> Department fees (arrearage)	Civil judgment:	<input type="checkbox"/> Department fees
<input type="checkbox"/> Fines and other fees (arrearage / balance)		<input type="checkbox"/> Fines and other fees
<input type="checkbox"/> Restitution (and 20%) (arrearage / balance)		<input type="checkbox"/> Restitution (and 20%)
- Additional Conditions ordered by the Court: Extend case 1 year, must complete SAC. PTUP upon completion of SAC.

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant is to be given credit for pretrial detention time served (N/A if defendant has served prior SCDC time).
- The defendant has served \_\_\_\_\_ days/months/years of prior revocations and/or initial SCDC time.
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

**CERTIFIED TRUE COPY OF ORIGINAL FILED,**  
*Justia*  
**C.C.C.F.&G.S.**  
**RICHLAND COUNTY SOUTH CAROLINA**

This 7 day of JUNE, 2017,  
Columbia, SC

[Signature]  
Presiding Judge Stn S. McMahon  
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature  
Kiuren Thompson  
Signed this 31<sup>st</sup> day of May 2017 at \_\_\_\_\_  
Day Month Year

Witnessed by  
[Signature]  
City

Probation

**STATE OF SOUTH CAROLINA**  
COUNTY OF RICHLAND

**ARREST WARRANT**

Indictment Number 15-GS-40-07099, 15-GS-40-02657

Warrant Number W-40-17-0451

State Identification No. (SID) 01664044

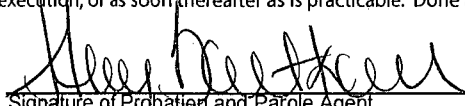
TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF RICHLAND, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that KIVVEN JETT THOMPSON, did on the 25 day of October, 2017 violate the criminal laws of the State of South Carolina as set forth below:

**DESCRIPTION OF OFFENSE:**

Kivven Jett Thompson aka Kevvin Thompson violated conditions 1, 2, 3, 4, 6, 7, 9, 10 as ordered in Cause Numbers 15-GS-40-7099, 2657 by the Richland County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring KIVVEN JETT THOMPSON before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at RICHLAND, S. C. this 25 day of October, 2017.

  
\_\_\_\_\_  
Signature of Probation and Parole Agent (L.S.)

**County of RICHLAND**

**STATE OF SOUTH CAROLINA**

**AFFIDAVIT**

Personally appeared before me, one Stacy C. Bartkovich, who, first being duly sworn, deposes and says that KIVVEN JETT THOMPSON did within this County and State on the 25 day of October, 2017, violate the criminal laws of the State of South Carolina in the following particulars:

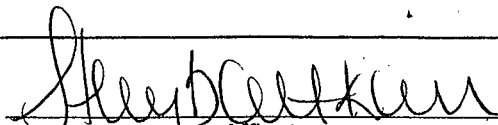
**DESCRIPTION OF OFFENSE:**

Kivven Jett Thompson aka Kevvin Thompson violated conditions 1, 2, 3, 4, 6, 7, 9, 10 as ordered in Cause Numbers 15-GS-40-7099, 2657 by the Richland County Court of General Sessions.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Kivven Thompson willfully failed to follow the advice and instructions of his Agent in that he failed to report on 10/23/17, failed to report upon release from ASGDC on 10/9/17, or anytime thereafter; failed to refrain from the use of illegal substances as evidenced by positive drug tests at the Columbia Center, also thus keeping him from completing required Substance Abuse Counseling; failed to pay supervision fees having balance of \$450.00; failed to refrain from possession of any dangerous weapon as evidenced by warrants and incident reports received from Irmo Police Department, during execution of a lawful search warrant four firearms were located; without conviction there is reason to believe Mr Thompson did commit the crimes of Trafficking Cocaine (2017A3220400278), Trafficking in Meth or Coc Base (2017A3220400279), Manf, Poss.of Sch. of other sub in Sch. I, II, III. 3rd offense. (2017A3220400280), Possession of other controlled substance in Sched. I to V 1st 2 counts (2017A3220400281, 2), Sale or Deliver of Pistol to and Possession by Certain

Sworn to and Subscribed before me  
this 25 day of October, 2017.

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Signature of Notary Public (L.S.)

**Address:** 1221 GREGG STREET  
COLUMBIA, SC 29201

08-01-2024  
\_\_\_\_\_  
My Commission Expires

(803) 734-6320

RETURN

STATE OF SOUTH CAROLINA

COUNTY OF

RICHLAND

THE STATE

against

KIVVEN JETT THOMPSON

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/25/2017

Officer and Agency: SC Department of Probation, Parole and Pardon Services

Stacy C. Bartkovich

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name KIVVEN JETT THOMPSON

Address

Phone

Sex Male Race White Height 511

Weight 150 Birth date

Social Security Number

INFORMATION ON WITNESSES

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

Name

Address

Phone

PRELIMINARY HEARING held by

Magistrate

on

with

Attorney for the Defendant.

Decision

BAIL

Date Set

Magistrate

Amount

Surety

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

K. Thompson

on the 22 day of Jan, 2018.

Constable or Law Enforcement Officer

This Warrant is certified for service in [County of warrant Certification] County. The accused is to be arrested and brought before me to dealt with according to law.

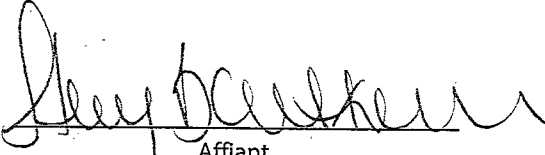
(L.S.)

Signature of Judge

# Addendum

Persons (2017A3220400283), Possession Weapon during Violent Crime (2017A3220400284)- drugs being ecstasy, cocaine, crack cocaine, marijuana, alprazolam pills.; failed to notify his agent of any change in address as evidenced by incident report having location as 124 Milway Road, Irmo, SC

Sworn to and Subscribed before me  
this 25 day of October, 2017.

  
Affiant

  
Signature of Notary Public

08-07-2024  
My Commission Expires

1  
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INDEX OF WITNESSES

(WHEREUPON, no witnesses were called during these proceedings.)

EXHIBITS

(WHEREUPON, no exhibits were introduced during these proceedings.)



1 that -- every office visit that he had. And when I  
2 spoke to him in the office, I explained the same  
3 thing that I saw. So there really is no need to  
4 continue this case for another six to seven months  
5 for him to arrive back in the country.

6 THE COURT: Oh, I'm not continuing it for six  
7 or seven months. I guess we are going to just need  
8 to go ahead and do it.

9 Agent Kelly is not going to be -- is on  
10 military leave, so you will be able to -- y'all can  
11 make the arguments as to what the issues are today.

12 MR. WILLIAMS: Okay.

13 THE PROBATION AGENT: Thank you, Your Honor.

14 May it please the Court, Your Honor? Again,  
15 this is Kivven Thompson. He is on probation for  
16 narcotics. He was sentenced back in December 8 of  
17 2015 by Judge Hood. He had five years suspended to  
18 18 months probation. He had special conditions:  
19 Doing substance abuse counseling and random drug  
20 and alcohol testing, Your Honor.

21 Mr. Thompson had several prior violations for  
22 drug test failures. He failed to attend the  
23 substance abuse counseling, which is basically the  
24 main reason that we are here. When he was under  
25 Agent Kelly's case load, he was supposed to be

1 doing substance abuse counseling. He couldn't pass  
2 the drug test. And that was the final completion  
3 of the substance abuse counseling, he had to pass  
4 the drug test at the end. So they sent him back.  
5 He got extended for a year by Judge -- back in  
6 June, and they PTUP'd him completing substance  
7 abuse counseling. But he was stating -- when he  
8 came in my office after he got of jail, he stated  
9 that, I did complete the substance abuse  
10 counseling.

11 And I was like, Well, there is nothing  
12 documented here from Agent Kelly that you completed  
13 substance abuse counseling.

14 You know, first Agent Kelly was saying because  
15 Columbia Center didn't have any drug tests, that he  
16 could come over here and do the drug test, but the  
17 supervisor put in there that I guess he didn't pass  
18 the drug test at that time in the computer, in the  
19 system, and that he needed to do the substance  
20 abuse counseling. So they sent him for a whole  
21 year.

22 Then he left Kelly and went under Agent  
23 Sellers. And when he got under Agent Sellers, he  
24 didn't complete the substance abuse counseling.  
25 And then he stopped, completely stopped reporting.

1           Because they went out -- he failed to report on  
2           10/23. They told him to come back on 10/23/17.  
3           And then he failed to report when he got out of  
4           jail 10/9/2017. And then he failed -- because  
5           Columbia Center is saying that he didn't pass the  
6           last drug test.. That is how we knew he didn't  
7           complete it. They violated -- we violated for  
8           the -- and we kept sending him to Columbia Center.  
9           He was sent there like four times just to do his  
10          substance abuse counseling because he was PTUP.

11                 And then after that, he moved, he absconded,  
12          he gets arrested with Irmo PD. Apparently he sold  
13          to an undercover cop. And they did a lawful search  
14          warrant at the house. Came in the house, and they  
15          found drugs. He was in possession of drugs and  
16          firearms. And even though, Your Honor -- that is  
17          not even the point right now, because it is still  
18          pending. But he was arrested. He was at the house  
19          at the time. And allegedly he did sell to an  
20          undercover officer. I did speak to an investigator  
21          from Irmo and confirmed that he did sell to their  
22          undercover police officer there.

23                 This all could have been avoided had he just  
24          passed the drug test. So he came into the office  
25          on March 15, and I was like, Hey, Mr. Thompson,

1 look, I am going to drug test you today. Can you  
2 pass a drug test?

3 His exact words: Yes, I could pass a drug  
4 test.

5 We get in there, and he failed the drug test.

6 And he comes back, Well, yeah, I was smoking.  
7 I thought I was off probation.

8 His own attorney said that to me this morning,  
9 Well, he was off probation.

10 I said, Well, it is still illegal to smoke  
11 marijuana.

12 He was like, Well, he just got back from  
13 California.

14 You know, and I'm like, Well, it is illegal  
15 for him to leave the state without agent  
16 permission.

17 It is like -- it is almost like making excuses  
18 for him using marijuana, when the only thing he had  
19 to do was stop using marijuana and his probation  
20 would have been terminated today. It would have  
21 terminated last year -- year before last. 2016 he  
22 would have been done with probation.

23 So, Your Honor, I am asking for a revocation  
24 and just terminate this probation altogether.

25 THE COURT: All right. Yes, sir?

1           MR. WILLIAMS: Your Honor, first off, I would  
2 like to respond to the comment that the agent made  
3 that I said that he just got back from California.  
4 I joked and said, Well, he just got back from  
5 California. It was not a statement in fact. And I  
6 thought she understood it that way, but obviously  
7 she didn't.

8           All of these matters -- and that was my  
9 problem that we had in regards to whether or not we  
10 needed the agent here to testify as to what  
11 actually transpired and what was actually told to  
12 the Defendant, is because I can't cross-examine  
13 pieces of paper, Your Honor, and that is why I  
14 really needed a hearing so I could cross-examine  
15 these individuals in regards to what was actually  
16 said.

17           Having said that, Your Honor, the major issue  
18 is that his probation -- he will tell you that he  
19 was told his probation was over with. And he will  
20 tell you that he was told that twice by Agent Kelly  
21 that his probation was over with.

22           I understand that there is an order which has  
23 been signed by Judge McMahon which extends the  
24 probation for one year. And I informed the  
25 probation officer that he had never received a copy

1 of the order stating that he was --

2 THE PROBATION AGENT: He signed it.

3 MR. WILLIAMS: And I will address that too,  
4 Your Honor. And I would ask the Court to look at  
5 that order, Your Honor, because I just got a copy  
6 of it today.

7 May I approach the bench, Your Honor?

8 THE PROBATION AGENT: I have the originals,  
9 Your Honor.

10 THE COURT: She said she has the originals.

11 MR. WILLIAMS: All right.

12 THE PROBATION AGENT: He has two indictments,  
13 so these are the originals right here. May I  
14 approach, Your Honor?

15 THE COURT: Yes.

16 (Documents handed to Court.)

17 MR. WILLIAMS: And I apologize for this being  
18 late in coming in reference to the order. I had  
19 requested a copy of the file, but I did not receive  
20 this information, which is the orders. But he  
21 tells me he has never received a copy of this order  
22 until this morning when I got a copy of it.

23 THE COURT: Well, he signed it.

24 MR. WILLIAMS: Well, and, Your Honor, if you  
25 look at the order, it states that he signed it on

1 May 31st of 2017, but Judge McMahon never signed  
2 the order until June of 2017.

3 THE PROBATION AGENT: Because it was a  
4 paperwork --

5 THE COURT: That is because they do a  
6 paperwork -- we do this -- I do this all the time.  
7 They do the paperwork review. They get them to  
8 sign it when they do the administrative hearing.  
9 Then they bring a stack to us to the office and  
10 then we sign them and get them back to them. So  
11 that is probably what happened.

12 THE PROBATION AGENT: That is what it was,  
13 Your Honor.

14 MR. WILLIAMS: We are all guessing what it  
15 probably might have been, but he will tell you that  
16 he never appeared at an administrative hearing,  
17 Your Honor, and that obviously he could not have  
18 had legal notice of an order until the order was  
19 signed by a circuit court judge, whether it be the  
20 procedure or not. He never received -- and he will  
21 tell you that at the time that he signed this  
22 document right here, it did not have the  
23 information that said his case was extended for one  
24 year, must complete SAC.

25 Your Honor, I would ask the Court to talk to

1 my client in reference to the scenario of the  
2 events, and he will tell you exactly what happened  
3 in his particular case.

4 Kivven, if you will go ahead and tell her what  
5 happened.

6 THE PROBATION AGENT: Your Honor, if I may? I  
7 have a copy of the waiver he signed agreeing to the  
8 terms of that notice of the admin hearing from that  
9 hearing right here, Your Honor, as well as a copy  
10 of the citation where he signed waiving his rights  
11 to go before the judge. And he was taking the  
12 hearing officer's advice. I have that right here,  
13 Your Honor.

14 MR. WILLIAMS: And, again, Your Honor, I have  
15 not received that information, even though I  
16 requested that from the probation office.

17 THE PROBATION AGENT: That is not what they  
18 requested, Your Honor. We only can give them a  
19 violation report and we always give them the  
20 warrant. And that is our policy and procedure at  
21 probation.

22 MR. WILLIAMS: Well, I did ask for the file,  
23 Your Honor. But, anyway, Your Honor, I would ask  
24 Your Honor to listen to what Mr. Thompson would  
25 tell you about why he thought he was off probation.

1 THE DEFENDANT: All right. So the probation  
2 started in December of 2015, and I was going. I  
3 reported every time on time. Was never behind any  
4 payments or anything all the way to November of  
5 2016. He told me I was off probation, you have no  
6 more report dates for good behavior, because it was  
7 supposed to last all the way til June of 2017, but  
8 told me I was off.

9 So at that time, you know, I had been smoking.  
10 And then he called me back on the phone and like  
11 the end of February, beginning of March, and was  
12 like, I'm going to need you to come in and take a  
13 drug test. He never told me -- I mean, take the  
14 drug classes. He never told me throughout the  
15 whole first -- I never even took a drug test from  
16 December 2015 to November 2016. And he told me,  
17 All right, you are off probation. So I was --  
18 thought I was off for like four months.

19 And then he called me back and was like, You  
20 need to come back in and take these drug tests --  
21 drug classes. And then, you know, that is all you  
22 got left to do.

23 So I go up there. I was taking the drug  
24 classes April and May. And then when I reported  
25 back, when I reported back up there, that is when

1 they put me to Agent Sellers. And Agent Sellers  
2 gave me that paper. And then he was like, you  
3 know, Just complete the drug class.

4 So then when I -- I was going to the drug  
5 class. And at the end when I had to take the test,  
6 Agent Kelly was in there giving the test, so when I  
7 failed I was like, I mean, it just must not be out  
8 of my system yet. I thought I was off probation,  
9 then you called me and told me to come back in  
10 here, you know. I haven't been smoking. It will  
11 be out of my system.

12 So he was like, All right, I will give you  
13 another month to come back.

14 So then in July, he called me and was like,  
15 I'm going out of town, come back in August.

16 So when I report in August, he was like, Are  
17 you going to pass a drug test today?

18 I'm like, Yeah.

19 He is like, That is all you need to do to get  
20 off.

21 And I was like, Okay, yes, I could pass.

22 He was like, The problem is, we don't have any  
23 drug tests in the building. I'll give you -- come  
24 back September 11th.

25 So then September 11th, that was like when the

1 hurricane came, so I didn't go. So I called him  
2 the next day they were open and was like, When do  
3 you want me to come in?

4 He was like, Call me on Friday, see if we got  
5 the drug test. That was September 15th. He said,  
6 We got them, you can come in.

7 So I called him Friday morning. He was like,  
8 We got a drug test, come on in.

9 I go up there, pass the drug test. And he  
10 says, All right, you are off probation.

11 So I clearly asked him, Do I need to go in  
12 here and pay the last \$50 that I owe on  
13 supervision? And so I have no more report dates?

14 He was like, No, you have no more report  
15 dates. You are off probation September 15th.

16 So, I mean, if I knew I had another report  
17 date, I would have definitely reported, even if I  
18 had got arrested, because it is just -- that is  
19 just the pattern of my thoughts. Like, I wasn't  
20 trying to run on anything. I didn't change my  
21 address. When they arrested me, I was at the  
22 address that probation has.

23 And, yeah, Agent Kelly told me I was off  
24 September 15th. So everything -- and I clearly  
25 asked him, Do I need to pay? Do I need to report

1 back?

2 And he said, I'm sending your papers over to  
3 get terminated.

4 And then like two months later, they said they  
5 violated me. And I'm just -- and apparently they  
6 haven't -- I don't know. That is what really  
7 happened.

8 THE COURT: All right. Yes, ma'am?

9 THE PROBATION AGENT: That is not what is  
10 documented, Your Honor. There wasn't a hurricane  
11 in September. The flood was October.

12 When he told -- when Agent Kelly documented  
13 that -- he didn't pass the drug test. So I talked  
14 to Justin Sellers. He was on to Sellers.

15 And I said, Justin?

16 He was like, Kivven never passed the drug  
17 test. That is why he couldn't get off probation.  
18 He just -- you go to the substance abuse counseling  
19 and at the end you are supposed to take a drug  
20 test, which in fact Agent Kelly did tell him that  
21 he was going to get off probation. He did say  
22 that. But you have to pass the drug test to  
23 complete the substance abuse counseling at Columbia  
24 Center. Mr. Kivven -- Mr. Thompson couldn't pass  
25 the drug test. And that is the whole point of us

1 being here right now. He might have -- I'm not  
2 sure if he misunderstood Kelly, but he -- I mean,  
3 it was even ordered, that once he --

4 THE COURT: Well, even after Kelly, didn't he  
5 see Sellers?

6 THE PROBATION AGENT: Yes. He still -- he was  
7 under Sellers, he wasn't under Kelly. He stopped  
8 reporting. He was given another date. He was  
9 given another date to come in October. Supervisor  
10 Stanford put in there that they sent out -- they  
11 tried to call him, they sent out a letter, did a  
12 home visit. He didn't come back to report. So  
13 that is when they did the warrant. And then he  
14 got -- he gets locked up. And so that is when they  
15 were like, Well, he didn't even come after jail,  
16 because they always send this to people who get  
17 locked up in Alvin S. Glenn Detention Center. And  
18 he was arrested and he didn't come back in.

19 And, you know, I'm not sure of the  
20 conversation he had with Agent Kelly, from what he  
21 is saying, but what I saw and how -- I know how  
22 probation says. If it is not documented, it didn't  
23 happen. That is how it is at probation. And when  
24 I see it in a computer, that is not what I saw. I  
25 saw them trying to get him back in the office

1 because he failed a drug test.

2 MR. WILLIAMS: Your Honor, he does tell me --  
3 in reference to Sellers, he probably can tell you  
4 his interaction with Sellers.

5 THE DEFENDANT: Twice. And it was before  
6 Kelly. Like, they gave me to Sellers, and then  
7 when I reported back, they gave me back to Kelly in  
8 July, I mean, August, and he was like, Okay, all  
9 you have got to do is pass this drug test. I'm  
10 trying to help you out. If you just pass this drug  
11 test. I'll even give you a quit date to come back.  
12 And it was September 11. That is when the  
13 hurricane came.

14 THE PROBATION AGENT: He was on a low badge,  
15 Your Honor. That is why he left Agent Sellers. He  
16 was on an OSS badge. Before Sellers became an  
17 agent, he was on OSS. He was an OSS agent. Hence,  
18 the reason he went to Agent Kelly because Sellers  
19 couldn't make him do what he was supposed to do, so  
20 they said they are not going to put him on there,  
21 because he was just a low.

22 Sellers was like, Well, he is not doing the  
23 drug test. So Supervisor Jacobs said, Well, you  
24 know what? You are going to a real agent now. So  
25 that is why he went to Agent Kelly. He wasn't

1           doing what he was supposed to do on a low badge,  
2           because he wasn't even reporting. He's right, he  
3           probably only saw him twice, because lows come  
4           every three months. They don't come as often when  
5           they are low. So when he is not doing what he is  
6           supposed to do, they'll bump him back up to a  
7           probation agent. Hence, the reason he went to  
8           Agent Kelly. And Agent Kelly probably was trying  
9           to help him get off probation. But the fact of the  
10          matter is, he just could not pass the drug test.  
11          He couldn't pass a drug -- he probably couldn't  
12          pass a drug test at this very moment.

13                 MR. WILLIAMS: Your Honor, herein lies the  
14                 problem with handling this particular hearing when  
15                 the agent is relying on the computer screens and  
16                 I'm not allowed to cross-examine these people. She  
17                 is assuming all these facts happened. And there is  
18                 a dispute between the Defendant and what obviously  
19                 she thinks the facts were.

20                 THE PROBATION AGENT: I read it. I'm not  
21                 assuming anything.

22                 THE COURT: All right. I do find that he is  
23                 in violation of his probation.

24                 The Court is going to revoke 18 months,  
25                 terminate the probation, ATU, convert the fees and

1 fines to a civil judgment.

2 THE PROBATION AGENT: Thank you, Your Honor.

3 THE COURT: All right. Thank you.

4 (WHEREUPON, the proceedings were

5 concluded at 10:08 a.m.)

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(END OF TRANSCRIPT)

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APR 20 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
COURT OF APPEALS  
APPEAL FROM RICHLAND COUNTY  
COURT OF GENERAL SESSIONS

The Honorable DeAndrea Benjamin, Circuit Court Judge  
Indictments Nos. 2015-GS-40-02657 and 2015-GS-40-07099

The State of South Carolina ..... Respondent,


v.

Kivven Jett Thompson ..... Appellant.

\_\_\_\_\_  
**NOTICE OF INTENT TO APPEAL**  
\_\_\_\_\_

Kivven Jett Thompson appeals his probation revocation and sentence in this case. The sentence was imposed by the Honorable DeAndrea Benjamin on April 13, 2018.

April 18, 2018

  
\_\_\_\_\_  
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STATE OF SOUTH CAROLINA  
COURT OF APPEALS  
APPEAL FROM RICHLAND COUNTY  
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SC Court of Appeals

The Honorable DeAndrea Benjamin, Circuit Court Judge

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The State of South Carolina ..... Respondent,

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Kivven Jett Thompson ..... Appellant.

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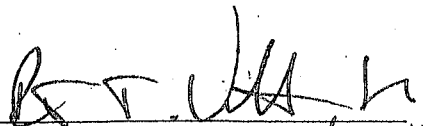
I certify that on April 18, 2018, I have served the within **Notice of Intent to Appeal** upon the individual(s) named below by placing a copy of same in the United States Mail, postage prepaid and return address clearly indicated to the address(es) below:

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Agent Shree Duckett  
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I further certify that all parties required to be served have been served.

Dated: April 18, 2018

  
Robert T. Williams, Sr.  
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CERTIFICATE OF COUNSEL

The undersigned hereby certified that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 12, 2018



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