

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

INDICTMENT

RECEIVED

JUL 22 2019

SC Court of Appeals


MAR 11 2019

At a Court of General Sessions, convened on \_\_\_\_\_, the Grand  
Jurors of Oconee County present upon their oath:

**DISTRIBUTION OF METHAMPHETAMINE 3RD OR SUB**

The defendant, Kristopher Richard Kirby, did on or about March 9, 2018, in Oconee County, South Carolina, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase Methamphetamine in violation of the provisions of Section 44-53-370. All in violation of 44-53-375(B) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
LINDSEY SATTERFIELD SIMMONS  
DEPUTY SOLICITOR

WITNESSES

Oconee Co Sheriff's Dept.

Matthew D. Saski

*MDS*

ARREST WARRANT NUMBER

2018A3710400930

ACTION OF GRAND JURY

~~TRUE BILL~~

*Randy Hella*

Foreperson of Grand Jury

Date: MAR 11 2019

VERDICT

Foreperson of Grand Jury

Date:

DOCKET NO. 2019-GS-37-00336

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

MAR 11 2019, TERM

THE STATE

VS.

KRISTOPHER RICHARD KIRBY

INDICTMENT FOR

DISTRIBUTION OF METHAMPHETAMINE

3<sup>RD</sup> OR SUB

SC Code: § 44-53-375(B)

CDR Code: 3200

LSS

FILED OCONEE, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT

2019 MAR 11 P 3:43

RECEIVED

JUL 22 2019

SC Court of Appeals

ENTERED  
COMPUTER  
*JB*

COUNTY OF OCONEE

STATE VS.

THOMAS JAMES KIRBY

AKA: \_\_\_\_\_  
Race: White Sex: M Age: 30  
DOB: \_\_\_\_\_ SS#: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

INDICTMENT/CASE#: 2018GS3701292  
AW#: 2018A3710400476  
Date of Offense: 05/21/2018  
S.C. Code §: 56-05-2910  
CDR Code #: 0135

**RECEIVED**

SENTENCE SHEET JUL 22 2019

SC Court of Appeals

\*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: Reckless Homicide

In violation of § 56-05-2910 of the S.C. Code of Laws, bearing CDR Code # 0135

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS (CSC w/minor 1<sup>st</sup> or CSC w/minor 3rd)  §17-25-45

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury, \_\_\_\_\_ (def.'s initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Blair L. Stoudenmire 9868  
Blair L. Stoudenmire, Assistant Solicitor SC Bar # \_\_\_\_\_ Defendant

Stephen M. Potts 103255  
Attorney for Defendant SC Bar # \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 105 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 Service standard conditions of probation, which  
are incorporated by reference. RM 6715 active, remainder under HIP Program

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 SC  
Department of Corrections. (200 days)  
 The Defendant is to be placed on 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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment  
Payment Terms: \_\_\_\_\_ Obtain GED

Set by SCDPPPS \_\_\_\_\_  
Recipient: \_\_\_\_\_

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

*Fine: _____	\$ _____
§14-1-206 (Assessments 107.5%)	\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100 \$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$ _____
§56-5-2995 (DUI Assessment)	\$12 \$ _____
§56-1-286 (DUI Breath Test)	\$25 \$ _____
Proviso (Public Def/Prob)	\$500 \$ _____
§14-1-212 (Law Enforce. Funding)	\$25 \$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150 \$ _____
§50-21-114 (BUI Breath Test Fee)	\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
3% to County (if paid in installments)	\$ _____

Other: Defendant suffers from a Seizure Disorder - Six (6) years active; remainder of sentence under HIP program  
 Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees

TOTAL \$ \_\_\_\_\_

Clerk of Court/Deputy Clerk: Beverly H. Whitfield  
Court Reporter: Diane Chircorgis  
SCCA/217 (04/2018)

Presiding Judge: [Signature]  
Judge Code: 2155  
Sentence Date: 07/15/19

RM Ten (10) days to Appeal  
Do not start shall not receive