

Union County State's Attorney

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Press Release - For Immediate Release

Elk Point, S.D. – State's Attorney Jerry A. Miller said today that Kelly Bivens, a 45 year old man from Sioux City, IA plead guilty on January 23, 2012 to one count of Grand Theft with an enhancement for being a habitual offender, a class 3 felony. Bivens was sentenced on February 27, 2012. Bivens received a five (5) year sentence to the South Dakota State Penitentiary. The Court ordered Bivens to repay the companies their deductible amount if the victim or company had turned in a claim to their insurance company. Bivens was ordered to pay one-thousand five-hundred dollars (\$1500) in restitution. Bivens' received credit for the ninety-three days (93) he spent incarcerated awaiting the final disposition of this case and was sent immediately to the South Dakota State Penitentiary.

This case was investigated by the Union County Sheriff's Office in 2009. Bivens was involved in a high-speed pursuit out of North Sioux City, which ended in Sioux City, IA. Bivens was found to have in his possession a stolen television from his ex-girlfriend residence. Following this incident, the ex-girlfriend turned state's evidence and provided eyewitness testimony and insider information into multiple burglaries both inside Union County and in other jurisdictions. Most of Bivens criminal activity during this period included thefts and burglaries from new construction sites and construction-site equipment trailers. Several thousands of dollars in tools were recovered pursuant to this investigation.

Following Bivens' arrest in Woodbury County, Bivens was sent to the Iowa State penitentiary. Due to a paperwork error at the Iowa state penitentiary, Bivens was release on parole instead of being brought to Union County to stand trial for his offenses. Following Bivens release, he immediately absconded from his parole. Bivens has spent a large portion of his life incarcerated for his actions. Bivens has multiple criminal files in SD, IA and FL. Bivens also has a Yankton County hold on him for unresolved felony drug charges.