2013-2014 KCDAA Board

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About the Cover
The contract to build the first Norton County Courthouse in 1888 was awarded to Kuhn and Waller of Norton, Kan., for the sum of $24,872. This courthouse served the county for many years until it was destroyed by fire on the night of December 1, 1926. After the fire, the county commissioners rented the American Legion building on Main Street.

In August 1928, voters approved erecting a new courthouse and a bond issue. The general contractor for the building was Gurtler & Co. of Topeka, Kan. The total cost of the building, jail and furnishings was $208,576. Moving-in day was December 20, 1929. This building still serves the county.

Photo by John D. Morrison, Prairie Vistas Photography

This magazine is dedicated to professional prosecutors across the state of Kansas for public information. The KCDAA and the members of the Editorial Board assume no responsibility for any opinion or statement of fact in the substantive legal articles published in The Kansas Prosecutor. We welcome your comments, suggestions, questions, information, etc. From time to time, The Kansas Prosecutor will publish articles dealing with controversial issues. The views expressed in The Kansas Prosecutor are those of the authors and may not reflect the official policy of the KCDAA. Send correspondence to: The Kansas Prosecutor, editor, 1200 S.W. Tenth Avenue, Topeka, Kansas 66604 or e-mail Mary Napier at mary@napiercommunications.com.

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This past October, I became president of the KCDAA and I am closing in on the halfway point. Just prior to becoming president, I had an opportunity to see prosecutors from another jurisdiction in action. Ellen Mitchell and Christina Trochek successfully tried a Child Abuse/Felony Murder case (Antonio Brown) here in Riley County on a change of venue out of Saline County. Being inquisitive, I wanted to see some of the evidence Ellen and Christina would be presenting. Ellen showed me the pictures of their deceased victim, which among other ghastly injuries, included layers of bruises on the child’s bottom (one inch thick). I have seen my share of autopsy photographs, but these were the worst in my 24 years. I left town before the trial concluded, but found myself as anxious for the outcome or verdict as if the case were a Riley County case. It provided one of those up close reminders, that regardless of where the crime occurs, a victim is victim and we KCDAA members are all in this together.

This has been a busy legislative session, and it appears KCDAA made a wise decision in submitting a limited number of bills so that we could respond to the flurry of bills, some good and some bad, sponsored by others. A two-day shutdown of the legislature in early February caused a board meeting to be cancelled and a hurry up-catch up process as hearings were rescheduled and deadlines approached for the submission of bills.

HB 2555 is a bill that would open up affidavits on both search warrants and arrest warrants. What started out as bill to give home owners, or those whose residence or premises were searched access to the affidavit, then became a bill the media took great interest in seeing opened to the public. The KCDAA opposed this bill for a number of reasons: 1) the bill could put prosecutors in conflict with KRPC rules 3.6 and 3.8, which limits disclosure of facts and evidence; 2) It would release information on victims that they would not necessarily want public; 3) it could interfere with a defendant’s right to a fair trial in the county the crime occurred; 4) prosecutors would have the burden of seeking that information be withheld from the public realm, and we would be responsible for the redacting at our cost, of course. There were additional arguments against disclosure of affidavits, however the bill passed out of the House and headed to the Senate. We anticipate there will be changes to life as we have known it, but the board is committed to, at a minimum, mitigating the damage. The KCDAA will keep our members posted as your responsibilities will be affected if this bill passes.

The legislature has been looking at our homicide penalties in addition to the Hard 50 legislation that Attorney General Derek Schmidt’s office was successful in pushing through last fall. The KCDAA has asked the legislature to look at the penalties on all of the homicide statutes, and we may see an increase in Felony Murder and Premeditated Murder.

Transferring probation to the defendant’s county of residence, penalties on juvenile crimes and raising the age limit for which a juvenile can be prosecuted as an adult have all been topics of bills and are still being monitored. Another attempt was made to make drastic changes to the Competency statutes, however we believe John Settle’s testimony along with the written testimony of others, may have once again thwarted changes that would have brought the criminal justice system to a halt. It would have created very expensive, grinding delays had the bill gotten any traction and passed.

Patrick Vogelsberg, the KCDAA’s point person in the legislature has been very busy trying to keep track of bills that will affect KCDAA members. Patrick monitors the progress of various bills and hearing dates, and gets our written testimony to the chairpersons of the various committees in the legislature. Once again Patrick, thanks for your
efforts in the legislature and your cell phone number. It has been a lifesaver for the KCDAA President.

On the bright side, the Spring KCDAA conference is scheduled for June 12 and 13 in Wichita. We will update everyone on the 2014 legislative session during the conference. See more information on page 23 of this issue for more information about the conference speakers, hotel and other details.

As I finish this article, the current temperature here in Manhattan is 6 degrees. Although I am not a meteorologist, I am most certain the weather on June 12 will be much more pleasant than 6 degrees with minus 15 wind chills. See you there!

Kansas Prosecutors Foundation Award and Golf Outing

Don’t forget: the KPF has established the Prosecutor Community Service Award intended to recognize a Kansas prosecutor who has rendered outstanding service to his or her community in addition to the performance of the duties required by the position of prosecutor. The award will be presented in conjunction with the KPF spring golf tournament, and the presentation of the KPF scholarships for next year’s students.

We encourage everyone who is aware of a prosecutor deserving of this award to download the nomination form at www.kpfonline.org or use the form on the next page. Nominations may be submitted by anyone who wishes to see a prosecutor recognized for efforts in the community independent of the prosecutor’s job duties.

Nominations for the award will be open until May 1, 2014.

2014 Kansas Prosecutors Foundation Golf Tournament

June 11, 2014
Wichita

Save the date and plan to join us to support the Kansas Prosecutors Foundation! Tee times will start at noon. Winners get bragging rights and a GIANT trophy!!
The Kansas Prosecutors Foundation has announced the creation of an annual award intended to recognize a Kansas prosecutor who has rendered outstanding service to his or her community in addition to the performance of the duties required by the position of a prosecutor. Nominations for the award should include a biography of the nominee, as well as a description of the community service for which the prosecutor is being nominated. Final selection for the award will be made by the Board of Directors of the KPF, and the award will be presented at the KCDAA Spring Conference in June 2014.

Name of Nominee:
Title & Place of Employment:
Years of Service:

Biographical Information:

Community Service:

Nominator’s name:
Title & Place of Employment:
Phone: E-mail:

Please return this form with any additional pages by mail, fax or e-mail to:
Kansas Prosecutors Foundation
Attn: Kari Presley  •  1200 S.W. 10th Ave  •  Topeka, Kansas 66604
FAX: (785) 234-2433  •  EMAIL: kpresley@kearneyandassociates.com
ATTENTION: DEADLINE MAY 1, 2014 at 5 P.M.
Dear Kansas Prosecutors,

I was delighted when asked to report to you on developments so far during the 2014 session of the Kansas Legislature in the areas of crimes, punishment, and criminal procedure. As Chair of the House Corrections and Juvenile Justice Committee, it continues to be a distinct privilege and honor for me to work hand in hand with you dedicated county and district attorneys, and with your highly skilled and thoroughly professional KCDAA legislative representatives, Steve Kearney and Patrick Vogelsberg, to fashion, support, and enact legislation that facilitates the effective prosecution and sentencing of criminal offenders, aids the victims of crime, and enhances public safety.

As you’ll recall, this legislative term, which commenced in January 2013, has been a particularly productive and successful one already with regard to strengthening our criminal statutes and providing you with additional tools to aid you in the successful prosecution and conviction of many of our most dangerous offenders. Among the most significant measures enacted into law last year were HB 2252, eliminating the statute of limitations for rape and aggravated criminal sodomy; SB 16, Kansas’ first ever RICO statute addressing often difficult to convict drug dealers, criminal street gang leaders, and human traffickers; SB 61, overhauling and toughening our human trafficking laws, and finally treating minors trafficked in the sex trades, not as criminals themselves, but as the victims of crime they are, with provisions made for their rescue and protection in staff secure facilities; HB 2043, enacting the new crime of aggravated battery DUI with enhanced penalties for those who kill or seriously injure others while driving drunk; and HB 2044, enhancing penalties for distribution of drugs resulting in death or great bodily harm.

Building on last year’s successes, and aided by recommendations, draft legislation and compelling testimony provided by many of you, we have moved forward aggressively this year with new legislative proposals designed to further strengthen your ability to effectively keep in custody, prosecute, convict, and sentence some of the most insidious offenders, including white collar criminals, who heartlessly prey on Kansas citizens. At the suggestion of the Kansas Securities Commissioner, we introduced, worked, and passed an elder securities fraud bill in my committee. This bill, HB 2433, enhances penalties for those who knowingly commit securities fraud against elder victims, often tragically causing them to lose their life savings upon which they rely in retirement. It passed the House and now is under consideration in the Senate.

HB 2442, proposed and supported by a Leavenworth County prosecutor, seeks to enhance penalties for repeat offenders who flee or elude the police. The well-recognized dangers inherent in such reckless conduct were driven home again recently when a woman in Wyandotte County was killed by an offender fleeing apprehension. HB 2442 encountered some early opposition in committee and was tabled for a time because, as originally drafted, it produced a large bed space impact assessment from the Kansas Sentencing Commission. Working with your KCDAA representatives, we successfully reworked the bill to provide that, while penalties for first and second convictions for these offenses would remain as in existing law (ranging from misdemeanors to severity level 9 person felonies), a third or subsequent conviction under this statute would result in presumptive imprisonment under a new special sentencing rule set forth in the bill. With that change in place, the bill was removed from the table, passed out of the Corrections Committee, likewise passed the House, and is also now in the Senate.

In State v. Marks, the Kansas Supreme Court last year dealt a blow both to prosecutorial efficiency and victims’ rights by holding that our criminal discovery...
The Kansas Prosecutor

statute requires prosecutors to produce discoverable materials directly to the defendant himself or herself, rather than to the defendant’s counsel, which is of course longstanding custom and practice. In addition to causing difficulties and delays for prosecutors, this holding, if allowed to stand, could adversely impact crime victims or witnesses by forcing prosecutors to provide personal, identifying information about them directly to the accused. HB 2445, proposed and supported by Johnson County DA Steve Howe, fixes this problem by specifying that discoverable materials in criminal cases are to be provided by prosecutors to defense counsel, rather than directly to the defendant. This bill has also passed the full House and is over in the Senate for review.

Other crime, criminal procedure, sentencing and related bills that have been heard, worked, and passed by the House and are now awaiting Senate action include the following: HB 2463 adds to our criminal terrorism statutes the new crimes of knowingly providing material support or resources to aid in acts of terrorism, to hinder prosecution of such crimes, or to help conceal or escape from such crimes; provides for a civil cause of action, prosecuted on the victims’ behalf by the Attorney General, for persons damaged in person or property as a result of criminal acts of terrorism; and adds the offenses of terrorism and utilization of weapons of mass destruction to the list of offenses giving rise to civil forfeiture proceedings. In response to a 2013 Kansas Court of Appeals case, State v. Coty, which was dismissed for lack of jurisdiction, HB 2478, requested by the Attorney General, establishes venue for cybercrimes, such as identity theft, in the county in which the victim resides, in addition to other statutory venues, such as the county where any requisite act of the crime occurred, which may be far removed from the victim’s residence in such cases. And HB 2501, a trailer bill requested by the Attorney General to clean up provisions in last year’s comprehensive human trafficking legislation, ensures that the mandatory $2,500 fine for first time offenders charged with the crime of buying sexual relations is collected even when the offender enters diversion; these fines are necessary to fund the AG’s Human Trafficking Education fund and the staff secure facilities provided for minor victims of human trafficking crimes.

Works still in progress in the House include: HB 2477, requested by the Attorney General, enhancing penalties for assaults and batteries involving strangulation (this bill was killed in the House on “turn-around” day, but may be resurrected in other legislation) and HB 2479, eliminating the sunset on the ignition interlock requirement for first time DUI offenders (being “blessed” in an exempt committee).

Finally, three very important bills of interest have recently been transmitted to the House by the Senate, and House consideration of these measures is just commencing as of this writing. They are: S Sub HB 2387, following on the work of the Special Session last fall, establishing the Hard 50 as the default sentence in premeditated first degree murder cases, and S Sub HB 2070, establishing time deadlines for issuance of decisions by all courts (both under consideration to either concur/nonconcur and be sent to conference committee, or be declared materially altered and sent to the House Corrections or Judiciary Committee); and S Sub HB 2389, establishing shortened deadlines and other accelerated procedures for briefing, consideration, and decision in death penalty cases (already in conference committee).

I want to close by thanking all of you prosecutors for all your help, support, and wisdom on these and many other legislative measures we have fought for together. Also I thank you most for all of your dedication, professionalism, and hard work in enhancing public safety. I look forward to working with you and your legislative representatives the rest of this session, and into the future, to protect the citizens of Kansas.
Guest Column

by Derek Schmidt, Kansas Attorney General

2014 Public Safety Legislation: Advancing The Ball

The historic Special Session of the Kansas Legislature last fall to repair damage to our “Hard 50” law caused by the U.S. Supreme Court decision U.S. v. Alleyne may have set the stage for progress on other public safety legislation this year.

Having focused intently on public safety matters last fall, many legislators expressed interest in further discussion during this 2014 regular session. Good ideas abounded (and a few bad ones, too). We welcomed the opportunity to support KCDAA’s legislative priorities this year, and we have presented a few of our own. Let me highlight some of our recommendations:

• **Attempted capital murder.** We proposed Senate Bill 255, which would increase the penalty for attempted capital murder to a life sentence without the possibility of parole for 25 years. The fact pattern that brought this to our attention was something like this: Assailant acting intentionally and with premeditation shoots at police officer intending to kill him, but assailant either misses or the bullet inflicts a non-fatal wound. If the officer had died, the assailant would be guilty of capital murder with a penalty of life in prison without the possibility of parole or the death penalty. But because the officer lived, the attempted crime is back on the grid and an assailant with a low criminal history could be released from prison in as little as 12 years. We thought that discrepancy was too much.

• **Expert testimony in mental-status-defense cases.** The State’s experience in Kansas v. Cheever highlighted an important gap in our law: A defendant whose defense is that he lacked the mental state to commit a crime may present an expert witness who has examined the defendant, but unless the particular defense is an assertion of “mental disease or defect” within the appellate court’s interpretation of K.S.A. 21-5209, there is no mechanism in Kansas law by which the State may have its own expert examine the defendant. This asymmetry is fundamentally unfair not only to the State, but also to the truth-finding function of juries, which can be asked to assess a defense expert witness’s testimony without any countervailing testimony against which to test it. This circumstance can arise, as it did in Cheever, if the defendant asserts a defense of voluntary intoxication that negated the necessary mens rea for the crime charged. Our proposal in Senate Bill 270 would enact a rule of parity – when the defense presents evidence from an expert who examined the defendant, the State may obtain similar access to the defendant for its own expert examination.

• **Strangulation.** In cases where strangulation is the method of committing an aggravated battery, proof can be difficult. Because of the nature of strangulation, the physical evidence often is difficult to show even though the strangulation did indeed put the defendant at risk of great bodily harm or death. Our proposal in House Bill 2477 would enact a bright-line test that the act of strangulation itself is sufficient for culpability to attach under the aggravated battery statute.

• **Appeals costs.** At the attorney general’s office, we simply do not have sufficient capacity to handle all of the appeals that county and district attorneys have asked us to handle. The only way to fix that (or at least move in the right direction) is to add more appellate attorneys at our office. That’s a resources issue. Senate Bill 256 is our proposal to accomplish that this year despite
a tight budget environment. Essentially, the bill would authorize the attorney general’s office to be paid by the county when handling an appeal on behalf of a county or district attorney. My intent, if this bill were to become law, is to work cooperatively with local prosecutors who would like us to handle additional appellate work from their jurisdiction in order to obtain the finances to add the capacity to accomplish that goal.

- **Medicaid fraud.** Under Kansas law, our office has unique authority to prosecute fraud and abuse within the state Medicaid program. We’re asking for tougher penalties and some additional authority in Senate Bill 271, and that measure is part of a broader effort this year to strengthen Kansas law that protects against elder abuse. Two other measures, Senate Bill 354 and 355, were proposed by legislators, and we are strongly supporting them. The first would allow prosecutors to apply the mistreatment of a dependent adult statute when similar misconduct is directed at elder persons (even if they are not dependent persons). The second would make it easier to prosecute financial abuse that is accomplished by abusing the fiduciary responsibility of a person who obtains a power of attorney.

By the time this article is published, the legislature should be drawing to a close. We’ll know then how successful we’ve been with the recommendations mentioned!

Send your tax-deductible donation to:
Kansas Prosecutors Foundation
1200 SW 10th Ave.
Topeka, KS 66604
KCDAA Member Highlight: County Attorneys in Two Counties

by Amanda G. Voth, Assistant Attorney General

Larry Markle, Joe Lee, & Brandon Jones

Although most county attorney positions are (sometimes laughably) considered part-time positions, county attorneys who choose to seek the head law enforcement position in more than one county simultaneously are rather rare in this 105-county state. In this issue’s member highlight article, three county attorneys share their experiences and challenges of being an elected official in two counties simultaneously.

Larry Markle was appointed to his first term in Chautauqua County in 2005, and then appointed county attorney in Montgomery County in 2006. Other than about a two-year break in Chautauqua County, he has been county attorney in both counties, and remains county attorney in both counties today. Joe Lee is county attorney in Greenwood and Elk counties. Brandon Jones is now county attorney in Osage County and Anderson County as of a year ago.

Perhaps not surprisingly, Markle, Lee, and Jones all note three essential factors for ensuring the criminal justice system in two counties runs smoothly at the same time: willing judges, great support staff, and technology. Jones notes that before he ran for county attorney in the second county – Anderson County – he talked to all four judges. “They were all willing to work with me,” he notes. “If not, I couldn’t have done it.” Lee and Markle agree cooperation from the judges makes scheduling much easier, although it can at times still be a challenge. Markle notes the first year was a little rough, having jury trials and other court appearances scheduled at the same time. But for the past few years, Markle and the judges have come up with a plan that works. Similarly, for Lee and Jones, after some juggling of calendars and dockets, court appearances are now relatively smooth. In all of their situations, each is county attorney in two counties within the same judicial district.

Prior to Lee deciding to run in two counties, he spoke with veteran two-County Attorney Markle. Markle had told Lee that a key to making the offices run smoothly was having great staff in both offices. Lee has found this to be true. Lee has two administrative personnel in Greenwood County and one in Elk County. Jones has three administrative personnel in Osage County and two in Anderson, while Markle – whose largest county files around 800 cases a year – has two part-time assistant county attorneys in addition to administrative personnel.

All three have grown accustomed to doing much work through the use of electronics. They note that scanning and e-mailing reports, using electronic discovery, cell phones, and e-mail have all made it possible to be the county attorney in two counties. While Jones lives in yet a third county, his location has made his commute to the two counties convenient. Jones is located about 30 minutes from both of the courthouses. Lee also notes that his offices are relatively close, with only about 30 miles separating Eureka and Howard.

While Markle’s offices are about 45 minutes apart, he has very strong ties to both counties. Markle grew up in Cherryvale, and later attended both community colleges in Montgomery County before graduating from nearby Pittsburg State. In high school, he attended a church camp in rural Chautauqua County, where he met his wife, “the prettiest girl at church camp. I got her to marry me,” he notes with a laugh. The two have been married for more than 30 years, and still help with that same church camp in rural Chautauqua County. While Lee is from Greenwood County, he makes
a conscious effort to bring his personal business to both counties in which he prosecutes.

While judges, support staff, and technology help bridge the physical distance, each of the counties in which the three are county attorneys, varies widely. Greenwood County’s population is approximately double that of Elk County in Lee’s situation, as Osage County’s population is about double that of Anderson County in Jones’ situation. However, Montgomery County’s population is 10 times that of Chautauqua County for Markle. With the population differences also come different levels of training and experience among law enforcement officers. “Each county is unique; they have their own qualities, which is refreshing,” notes Lee. Lee enjoys finding the positive qualities of how law enforcement offices are run in the two different counties. Markle has learned to communicate in different manners with law enforcement in the two counties. As a function of the lesser population, law enforcement agencies differ, and one department may like additional instruction and training.

With this difference in population also comes different number of case filings. The number of cases filed in all six of the counties is commensurate with the population – approximately double the number in Osage County than Anderson County, and double in Greenwood County than Elk County, while Markle’s office files approximately 10 times the number of cases in Montgomery County than in Chautauqua County.

Despite any differences, Jones, Lee, and Markle have all made it work smoothly within their judicial districts and offices. All three of them split time between their offices. Also, all note that between the two part-time positions, they end up spending more than 40 hours a week fighting crime. And although they note the traveling and juggling of schedules may not be for everyone, Lee jokes that this is the beginning of his worldwide conquest.

Brandon Jones
KCDAA Milestones

Congratulations

Assistant Butler County Attorney Brett Sweeney is engaged to be married June 14, 2014.

New Faces

The Harvey County Attorney’s office has a new prosecutor. Kaitlin Dixon joined Harvey County and came over from the Sumner County Attorney’s Office. She started on January 21. As part of her duties, she will be handling juvenile cases, traffic cases, and getting involved in the criminal cases.

Brent Jepson was hired by the Wyandotte County District Attorney’s Office. Brent is from Overland Park, Kan., where he attended Olathe East High School. He graduated magna cum laude from the University of Central Missouri with a bachelor’s degree in Criminal Justice and International Studies and received his JD from Washburn University School of Law. While at Washburn, Brent was a member of the Moot Court Council, where he participated in the John J. Gibbons National Moot Court Tournament in 2012 and 2013, and received the Advocacy Certificate with Excellence. In 2013, Brent was inducted into the National Order of Barristers. Brent interned with the Johnson County District Court and the Johnson County District Attorney’s Office. Brent is currently a member of the Earl E. O’Connor American Inn of Court. Brent will be handling general adult offender cases.

Jonathan Noble has joined the Lyon County Attorney’s office as an assistant county attorney. He graduated from Washburn University School of Law in 2010 and previously worked for Kansas Legal Services (Emporia office).

Robert J. Novak joined the Kansas Attorney General’s Office in February. He will be prosecuting crimes in the Consumer Protection Division. Robert came to the AG’s Office from the Lyon County Attorney’s Office, where he was as Assistant County Attorney for five years.

Promotions

Amy Aranda has been with the Lyon County Attorney’s office since 2003. She was recently named First Assistant Lyon County Attorney.

Eve Kemple has been an Assistant District Attorney for 10 years, prosecuting first in Wyandotte County and then moving to Douglas County in 2005. She was promoted to Senior Assistant District Attorney in Douglas County in January.

Retirement

In January 2014, Mike Haas retired from the Sheridan County Attorney’s office after 41 years in that position. According to The Hoxie Sentinel, “He was the longest serving county attorney, continuously elected, in the state of Kansas.” Mike grew up in Russell, Kan. He received his BS in Business from Fort Hays State University and graduated from Washburn University School of Law. After law school, he worked for Kansas Attorney General Kent Frizzell and joined the Kansas Air National Guard. He was then hired to work in a private practice in Hoxie, Kan. He took office for the first time in Sheridan County in January 1973. He was continuously elected every four years since. He continued to have his private practice while being county attorney. In 2014, he retired from the county attorney position to focus more time to his private practice that works with income tax law, probate, family law, real estate, and corporate law.

HAVEN’T RECEIVED YOUR KCDAA YEARS OF SERVICE PIN?

Contact Kari Presley at the KCDAA office (785) 232-5822 or kpresley@kearneyandassociates.com.
The incoming call sounds something like this: “This is Detective/Officer/Deputy John/Jane Doe. We have a situation here at (insert your local hospital) involving the death of a four-month-old infant. The (insert description of caregiver) states that the infant just wasn’t acting right, so he/she shook the infant a little bit to get a response. The (insert description of caregiver) then reported the child became unresponsive, so he/she called the parent(s) of the child and then he/she drove the child to the ER. The ER doctor says there is subdural hematoma, retinal hemorrhage, and cerebral edema present, but no visible sign of external trauma. What do you think we should do?”

Some of the most difficult and emotionally charged cases for prosecutors are ones involving a child alleged to have been killed by violent, non-accidental shaking. The public knows these cases as “shaken baby syndrome” or “shaken impact syndrome” cases, but we refer to them as abusive head trauma (“AHT”) cases. AHT is now the recommended medical diagnosis to describe the constellation of injuries resulting from the intentional infliction of head trauma, which include those found in “shaken baby” cases. As well as containing the turmoil and media attention over the death of a child, these cases are heavily dependent upon complex medical evidence and circumstantial medical data that usually requires the assistance of medical experts and their finding that, in turn, are vulnerable to subjective interpretations by opposing medical experts. As one doctor wrote, “Practitioners [Physicians] often find themselves easily overwhelmed and in a highly-charged atmosphere where emotions and the personal agendas of the purported experts can run roughshod over logic, science, and the law.” The same can be said of prosecutors.

As with other forms of child abuse, typically the male parents or caretakers are more often the perpetrator than are female parents or caregivers. And since the dynamics of a family are generally private, it is not uncommon for there to be no witnesses, other than the accused, to the alleged criminal activity. Absent eyewitnesses or confessions, prosecutors must rely on medical expert assistance and testimony to either prove or disprove AHT. Therefore, prosecutors, out of necessity, must have a basic familiarity of the medical terminology and a basic knowledge of the anatomical functioning of the neck, eyes, brain, and skull.

The purpose of this article is to introduce prosecutors to some of the overall suggestions for the investigation, some of the challenges in prosecution, and an introduction to likely defenses one can expect to encounter when dealing with a case of AHT. This article is not intended as a
Suggestions for Investigation

Right from the start, the prosecutor should be involved with the investigation. From the prosecution perspective, an arrest is not the objective – a conviction is. Encourage investigators to get caregivers/suspects/family to write out a 72-hour timeline of the child’s activities up until the incident. Encourage investigators to ask case specific questions.

- Did the child eat/drink?
- What did the child eat/drink?
- When did the child sleep and for how long?
- Where did the child sleep?
- Was the child verbal?
- Was the child walking?
- Was the child cranky?
- Was the child having normal bowel movements?
- Was the child ill (fever, stomach, etc.)?
- Was the child acting normal, strange, needy, whiny, describe?
- Who was with the child throughout the day?
- Who fed the child?
- Who held the child?
- Was the child ever left alone?
- Were you ever alone with the child? If so, for how long?
- If not, who was with you and did he/she ever leave you alone with the child at anytime?
- Did you ever see child fall, hit head, etc.?
- Do you discipline the child? How?
- When was the last time?

Press upon investigators to take notes and audio record all statements of witnesses – and make sure the recorder is recording! If at all possible, have an investigator take you to the alleged crime scene ASAP. Think of your presentation to a jury and ask for pictures from the scene or where the child was allegedly found or injured. See if the investigator would be willing to have the caregiver/suspect/family do a doll re-enactment if possible and have that video recorded.

Look for the common “suspicious” stories: These are sometimes referred to as “The Dirty Dozen.”

1. Child fell from a low height, such as a couch, bed, chair, or crib
2. Child fell and struck head on floor or furniture or a hard object fell onto the child
3. Child was unexpectedly found dead (age and/or circumstances not appropriate for SIDS)
4. Child choked while eating and was shaken or hit on back
5. Child suddenly turned blue or stopped breathing and was then shaken
6. Sudden seizure activity
7. Aggressive or inexperienced resuscitation efforts on a child who suddenly stopped breathing
8. Alleged traumatic event occurring one day or more before death
9. Caregiver tripped or slipped while carrying the child
10. Injury was allegedly inflicted by a sibling
11. Child left in a dangerous situation “for just a second”
12. Child fell down the stairs

In and of itself, none of these alone are absolute indicators of an AHT event, but in conjunction with the medical findings, the single most important source of information is the explanation of the

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6. For an excellent course in AHT prosecution, please look in to attending the National District Attorney Association’s course “childPROOF – An Advanced Advocacy Course for Child Abuse Prosecutors.” Information on childPROOF can be found at http://www.ndaa.org/upcoming_courses.html. I have attended the course and would strongly recommend it to anyone interested in this area of prosecution.
7. I am not advocating that the prosecutor abandon his/her role and join in the investigation, but that the prosecutor should always be looking for ways to present the case to a jury. The way investigators and prosecutors view the same types of scenes and evidence can be starkly different.
8. Example questions only. This is not intended as an exhaustive list.
9. Taken from an outline prepared by Brian Holmgren entitled “Critical Issues in the Investigation and Prosecution of the Shaken Baby Infant Case.” Mr. Holmgren is an Assistant District Attorney General for the Davidson County District Attorney General’s Office in Nashville, TN.
injury. One study found that 95% of initial caregiver histories, in abuse cases, are false.\textsuperscript{10} Many times the history may be based upon actual events which occurred, but the sequence of those reported events may be reversed or altered to alleviate or shift responsibility for the incident. Often, the failure of the caregiver/perpetrator to provide an accurate or complete history of how the child sustained the injury increases the chance that the child’s injuries will be aggravated due to delayed treatment, increase the risk of misdiagnosis, suggest consciousness of guilt and if coupled with complicity of the non-assaulting caregiver could create accomplice liability.

For further information for both investigators and prosecutors see “Abusive Head Trauma: Investigation and Prosecution Manual” authored by Stacie Schrieffer LeBlanc, JD, Med and Scott A. Benton, MD, FAAP.\textsuperscript{11} Prepared in outline form, this resource is a handy guide for any multidisciplinary team when dealing with a potential AHT event.

**Challenges in Prosecution**

The challenge of who to charge, if anyone, can be the prosecutor’s first hurdle in AHT investigations. Most children are cared for and/or watched by multiple individuals including parents, step-parents, parents’ intimate partners, grandparents, step-grandparents, aunts, uncles, neighbors, siblings, babysitters, and so on. In some cases, it is obvious who the perpetrator is, but all too often, there is a real question. In cases where there is a real question and if advisable and necessary, a prosecutor might consider seeking the impaneling of an investigative grand jury.\textsuperscript{12} However once a prosecutor arrives at the determination of who to charge, the next challenge is what charge(s) to bring.

Factors prosecutors should consider when determining the crime and severity level to charge include:

- the degree of harm/risk of harm
- type of force used
- age of the victim
- relationship of the victim to the perpetrator (legal responsibility, duty of care)
- number of separate and distinct injuries (only one blow may be fatal, but the presence of multiple injuries may demonstrate a higher culpability and/or intent)
- use of a dangerous weapon (furniture, wall, fist, etc.), and
- the time period necessary to produce the child’s condition and the opportunity for intervention (delay in seeking medical attention).\textsuperscript{13}

In Kansas, charges can range from first degree felony murder (abuse of a child as the underlying inherently dangerous felony) to simple child abuse or both under the provisions of K.S.A. 21-5602(c), although arguably, other crimes could be present (the entire constellation of battery crimes for example).\textsuperscript{14} The forgoing factors can be extremely helpful in determining the level of offense.

The theme of a prosecutor’s case, especially an AHT case, must be consistent with the facts and the charges issued. The theme should be apparent throughout all aspects of the case and can be tailored to the perspective of the victim, perspective of the offender, facts of the case, perspective of the jury or the law. Examples of possible themes include:

12. See K.S.A. 22-3001 et seq. K.S.A. 22-3001(b) states: The district or county attorney in such attorney’s county may petition the chief judge or the chief judge’s designee in such district court to order a grand jury to be summoned in the designated county in the district to consider any alleged felony law violation. … The chief judge or the chief judge’s designee in the district court of the county shall then consider the petition and, if it is found that the petition is in proper form, as set forth in this subsection, shall order a grand jury to be summoned within 15 days after receipt of such petition. See also *State v. Snodgrass*, 267 Kan. 185, 979 P.2d 664 (1999). There, the court stated: In Kansas, a grand jury is a creature of statute and not of the constitution. Its function is investigatory and accusatory in contrast to a petit jury, which determines the guilt or innocence of an accused.
14. See K.S.A. 21-5402(a)(2)(c)(G) and 21-5602(a)(1) or (2).
• Unanswered Cries
• It Shouldn’t Hurt to be a Child
• A Father Should Soothe, Not Shake and Slam (perspectives of the child)
• Violation of Trust
• Mom Chose Boyfriend Over Her Child (perspectives of the offender)
• Killer Couch/Sofa/Bed/Crib
• Acts Indicate Intent
• Too Many Injuries, Too Many Stories, Too Much Indifference (facts of the case)
• Good Parents Can Do Bad Things
• No Logical Reasons for Senseless Acts (perspective of the jury); and
• Doubt Cannot Override Certainty (the law).  

The effective use of pre-trial motions can greatly aid the prosecution in AHT cases. When dealing with child witnesses, motions for modifications of courtroom procedures are useful. Motions specifying the length and time of questioning of a child; motions to compel the use of age appropriate language by defense attorneys; motion for presence of support person while child is testifying, etc. are all appropriate. Other useful motions include, motions in limine to exclude defense “experts”; motion for jury to view scene; or motion to make use of demonstrative evidence in opening statement, etc. Pre-trial motions are not just for the defense – they are an effective and vastly underutilized tool for the prosecutor as well.

In preparing for trial on an AHT case, there is no substitute for time. Prosecutors need time to develop demonstrative evidence; time to meet, in person, with the experts to understand issues and time to develop testimony and create exhibits. Time will be needed to research and prepare an effective cross examination of the defense expert. A prosecutor will need time to learn the science of AHT, read the learned treatises, obtain your and opposing expert’s own writings and review with your expert the anticipated defenses and how to deal with them.

For more information on the challenges of prosecuting AHT cases find a copy of Victor Vieth’s “Trial Strategies in Cases of Child Abuse: Pre Trial Motions, Jury Selection, Cross-Examination, Opening Statements and Closing Arguments.”17 Also refer to Brian Holmgren’s “Critical Issues in the Investigation and Prosecution of the Shaken Baby Infant Case” and Stacie Schrieffe LeBlanc and Scott A. Benton’s, “Abusive Head Trauma: Investigation and Prosecution Manual.”

Likely Defenses

“An excuse is worse and more terrible than a lie. For an excuse is a lie, guarded.”

~ Alexander Pope

Often, the defenses thrown at charges of AHT are merely excuses for the presence of injuries to the child. Excuses such as CPR (any resuscitation efforts); seizures; allergies; short distance falls; accidental trauma; acid reflux/vomiting; some type of bleeding disorder/re-bleeds of old conditions; acetaminophene/tylenol poisoning; and a plethora of other excuses which match the flavor of the day. In order for prosecutors to effectively cross examine defendants and defense experts and communicate accurate information to the trier of fact, it is essential for prosecutors to have a basic understanding of the medical, legal, and scientific issues likely to be raised by the defendant. Courses like the NDAA’s “childPROOF – An Advanced Advocacy Course for Child Abuse Prosecutors” are valuable resources for prosecutors and will assist in introducing prosecutors to common defenses and the experts who propound them in courts throughout the country.

16.  NDAA has a clearinghouse of information on defense experts in AHT cases. Prosecutors can request information from other prosecutors about specific defense experts. Materials can include prior testimony, inconsistencies, far-out theories, examples of cross examination questions and such.
17.  Victor Vieth serves as the Executive Director of the National Child Protection Training Center (NCPTC), a state of the art training complex located on the campus of Winona State University (WSU). A copy of his outline can be found at http://courts.delaware.gov/childdeath/docs/Vieth-trialstrategies.pdf.
There are numerous physicians who testify frequently and quite convincingly for the defense in AHT cases, even though many of their opinions are outside the consensus of the medical community.\textsuperscript{18} The problem of biased and scientifically unsound defense witness testimony in the AHT/SBS context has increasingly aroused the attention of various medical associations.\textsuperscript{19} For example, a recent article in the Journal of the American Medical Association described how legal cases involving AHT/SBS have been harmed by “physicians with variable credentials [who] have a willingness to disparage scientifically grounded and accepted testimony, use unique theories of causation, omit pertinent facts or knowledge, use unique or unusual interpretations of medical findings, make false statements, or engage in flagrant misquoting of medical journals.”\textsuperscript{20}

The three main goals of any defense expert in an AHT case is to discredit the medical findings of the treating physicians, confuse the jury, and give an excuse for everything.\textsuperscript{21} Prosecutors should be cautious of irresponsible/unsupported expert testimony. Things to look out for include:

- an expert’s lack of qualifications to support opinions;
- unique theories of how the injury occurred, contrary to vast medical literature and consensus;
- the expert’s unique interpretation of the treating physician’s or forensic examiner’s clinical findings;
- the expert’s misquoting of the literature (or misunderstanding the nature of the science); and
- the expert’s blatantly false statements – either about the science or about their qualifications.\textsuperscript{22}

It is not uncommon for defense experts to work together to promote doubt and uncertainty that

1. AHT/SBS is an anecdotal medical diagnosis without scientific proof;
2. there is no “evidence based” medical research to support the AHT/SBS diagnosis;
3. adults cannot shake infants hard enough to cause injuries ascribed to AHT/SBS based on biomechanical research;
4. violent shaking would break the infant’s neck or result in other thoracic injuries;
5. suspects’ confessions are false, cannot explain the injuries, and result from coercive prosecution-biased interrogation;
6. AHT/SBS is routinely diagnosed solely on triad findings (i.e., retinal hemorrhages, subdural or subarachnoid hemorrhages, and brain encephalopathy);
7. the diagnostic triad is nonspecific;
8. alternative medical conditions and accidental traumas account for injuries misdiagnosed as AHT/SBS; and
9. injuries cannot be timed to identify a perpetrator because children can have “lucid intervals” after severe injuries.\textsuperscript{23}

**Conclusion**

It is critical for a prosecutor dealing with these types of defenses and defense experts to have a thorough understanding of his/her case, the medical terminology involved, and experience in handling medical experts. These cases are some of the most difficult cases to prove and are some of the most emotionally draining cases that prosecutors will encounter. But in the end, when an offender has been brought to account for his/her actions, there is no greater feeling of accomplishment.\textsuperscript{3}

\textsuperscript{18} Dermot Garrett, “Overcoming Defense Expert Testimony in Abusive Head Trauma Cases.” NDAA, National Center for Prosecution of Child Abuse. A copy of this well researched and thorough treatise can be found at http://www.ndaa.org/ncpca_publications.html.


\textsuperscript{20} Id.\textsuperscript{20}

\textsuperscript{21} For an excellent article dissecting and debunking many of the proposed alternative theories see Jaspan, T., (2008), *Current Controversies in the Interpretation of Non-accidental Head Injury*, 38(Suppl 3) Pediatr Radiol S378-S387.


\textsuperscript{23} Moreno and Holmgren, *supra* at 178.
Interstate Compact for Adult Offender Supervision

What a Prosecutor Should Know and Why They Should Care

by Matthew Billinger, Deputy Compact Administrator
Introduction by Steven A. Karrer, Assistant Attorney General

I became a prosecutor in May 2001. Over the years, I heard of the Interstate Compact for Adult Offender Supervision (ICAOS); however, I had no idea its function or my responsibilities as a prosecutor under the compact. After transferring to the Attorney General’s Office, I was asked by the Attorney General to be a member of the Kansas Council for Interstate Adult Offender Supervision. It was at this time I met Matthew Billinger, Deputy Compact Administrator for the State of Kansas. He provided me with the history of the compact, the compact rules, and potential consequences for violating the rules. Of course, as a professional prosecutor, I only paid partial attention to Matthew’s information until he stated there were “consequences” for failure to follow the rules, which included the State of Kansas potentially being fined thousands of dollars. The loss of money always gets my attention. Matthew then proceeded to inform me and the rest of the members of the Council, a violation had occurred and the State of Kansas was being fined $100,000. In an attempt to avoid having the fine levied, the State of Kansas has entered into a corrective action plan, which requires the Council to educate judges, prosecutors, and defense counsel on the interstate compact. It is to this end, I have asked Matthew to provide this basic review of the compact and potential pitfalls to avoid. His information is below.

History

In 1937, the Interstate Compact for the Supervision of Parolees and Probationers was established. It provided the sole statutory authority used to regulate the transfer of adult parole and probation supervision across state boundaries. More recently the National Institute of Corrections, an agency within the U.S. Department of Justice, pursued and achieved a more modern, effective, and involved Interstate Compact. In doing so, it established an administrative structure that allowed for specific rule making and rule changing, modern data collection, and administrative enforcement. In 2000, an agreement reached acceptance that created what is commonly referred to as the new Interstate Compact of Adult Offender Supervision, with its mission being to “…guide the transfer of offenders in a manner that promotes effective supervision strategies consistent with public safety, offender accountability, and victim’s rights.”

The re-engineering of the compact was largely due to the action of Victim Activist Pat Tuthill. The Chief Justice of the Supreme Court of North Dakota calls her “the nation’s voice of the victim.” After her daughter, Peyton Tuthill, 23, was tragically murdered in Denver, Colo. in 1999 by a convicted offender from Maryland, Tuthill became an “outspoken” activist for the supervision of offenders who cross state lines. The now convicted murderer was previously “sentenced to 22 years for violent felonies in Maryland, but was released with a Greyhound bus ticket to Denver after just 22 months.” Though ICAOS was around in some form, the compact agreement was rarely used unless a flagrant violation occurred. In general, when offenders were allowed by courts or appointing authorities to reside outside their state lines, they were not effectively supervised, if even truly supervised at all.

Footnotes

Kansas Law

The state of Kansas entered into the compact on April 4, 2002 by the passing of K.S.A. § 22-4110. This legislation recognizes that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It further acknowledges the Interstate Commission has established “uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.” It then goes on to clarify rules created by this commission “shall have the force and effect of law in the compacting states.” Courts have ruled, once a compact state enters into the compact, the terms of the compact as well as any rules and regulations authorized by the compact supersede substantive state laws, which may be in conflict. Therefore, by Kansas passing the legislation creating itself as a compacting state, we must comply with those rules created by ICAOS. As this is a congressionally approved interstate compact, the provisions of the ICAOS and its duly authorized rules enjoy the status of federal law.

The ICAOS rules came into realization for the state of Kansas in the early months of 2013 when the ICAOS commission informed Kansas a formal complaint had been filed against our state. ICAOS conducted an investigation and eventually substantiated Kansas had violated the rules of the interstate compact. There is reason to believe the events which resulted in this formal violation have occurred many times across our state. However, these violations did not result in formal complaints due to the receiving state’s failure to file.

The offense which led to the formal complaint against Kansas occurred when a person was convicted of a crime in Kansas and then became a resident of another state. While being supervised in the other state for his Kansas sentence, the offender was convicted of a “violent crime,” as defined in the ICAOS rules. When Kansas was made aware of this significant violation, Kansas was required to respond in accordance with ICAOS rules. The appropriate action for this situation is to issue a non-bondable, full extradition warrant, and it be appropriately entered into the National Crime Information Center (NCIC) database. After the apprehension of the offender, the sending state is to transport the offender back to its state to address the violation. Kansas failed to issue a warrant and subsequently transport the offender and therefore was found to be in non-compliance of the compact.

Common Violations

As we continue to strive toward staying in compliance with the compact rules, it is important to note there are two major actions which lead to most violations. The first and foremost, which resulted in the formal complaint, is the failing to appropriately retake an offender when retaking is mandatory. This occurs after a “violent crime” conviction or after the third report of any “significant violation,” as defined in the ICAOS rules. This must be resolved by retaking the offender. When the offender receives a new felony or violent misdemeanor conviction, the state of Kansas must issue a non-bondable warrant with full extradition from all U.S. states, and it must be entered into NCIC. Once the offender is in custody, we must extradite the offender back to Kansas. Discharging the offender or dismissing the case does not resolve the situation. Among all the violations states may commit, this is the most common. Secondly, and equally as important, is allowing offenders to reside in another state without going through the compact. The most common situation is when an offender is denied transfer to another state, but allowed to remain in that state when the offender should otherwise be there only as an approved transfer.

Kansas Compacting Office

The national commission of ICAOS (located in Lexington, KY) is charged with monitoring
compliance with the rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance. The national commission also coordinates training and education regarding regulations of interstate movement of offenders for officials involved in such activity. As indicated above, the national commission fined the state of Kansas $100,000 to be paid by the state of Kansas. While the commission is a body designed to assess fines when necessary, it has given the state of Kansas the opportunity to complete a corrective action plan to gain better compliance in lieu of paying the fine. This responsibility has fallen on the Kansas Department of Corrections Interstate Compact Office.

Every compacting state maintains a compact office, which includes a Commissioner and/or Administrator, and a deputy administrator. Kathleen Graves is the Compact Administrator and Commissioner. I am the Deputy Compact Administrator. The compact office acts on the guidance of a state council. The Kansas Council for Interstate Adult Offender Supervision includes Kansas legislators, legal administrative representatives, and private representatives. The main responsibility of the compact office is to manage the workflow of the Interstate Compact Offender Tracking System (ICOTS), and in doing so monitor the compliance of the users of the database, along with the compliance of all actors in the processing of Kansas offenders in the compact. In addition, the compact office is responsible for training the appropriate entities in the knowledge and rules of ICAOS.

ICAOS rules can be located at www.interstatecompact.org under the “legal” tab. If you have questions regarding these rules or are having difficulty with a transferring state, please feel free to contact me:

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Steve and I understand not all of the rules apply specifically to prosecutors. However, the hope is that by educating each part of the system, i.e. judges, prosecutors, probation/parole officers, etc., about the system as a whole, we can together ensure the state of Kansas receives no further violations. This is important not just because we may receive a fine, but because it provides the highest level of security for transferring offenders. Prosecutors must understand ICAOS and educate others so no one else has to experience the tragedy of Pat Tuthill.

Do you have an article idea you would like to know more about? We can try to find a writer, if you have an idea. Or do you want to submit an article?

Send your idea/submissions to Editor Mary Napier at mary@napiercommunications.com.

Upcoming Deadline:
Summer 2014 - July 9

You can find archives of The Kansas Prosecutor at www.kcdaa.org. Starting with the Summer issue, these are available in a new digital format for easy viewing on tablets and mobile devices.
The Board of Directors of the National District Attorneys Association held its Spring 2014 meeting in Memphis, Tenn. March 13-16, 2014. The highlight of the meeting was the selection of a new executive director. The previous executive director, Scott Burns, submitted his resignation last November at the board meeting in San Antonio, Texas, after serving for four years.

After a nationwide search and numerous applications, the executive committee narrowed the search down to three individuals. All three appeared before the entire board of directors and gave hour-long presentations. The board devoted an entire day to the selection process, which resulted in the hiring of Kay Chopard Cohen as the new executive director. Cohen comes to the NDAA from Identity Ecosystem Steering Group (IESG), a private organization that deals with identity and fraud in cyberspace. IESG is a nonprofit group that deals with government agencies and businesses to ensure the integrity of cyber transactions and a safe ecosystem framework. Cohen has served as its executive director since 2012.

Cohen’s previous work experience included: Deputy Executive Director of the National Criminal Justice Association; Research Associate for the National Center for State Courts; and various positions in the National Highway Traffic Safety Administration. Early in her career, Cohen served as an Assistant County Attorney in the Johnson and Muscatine County Attorney’s Offices. She also served as an Assistant Attorney General in the Iowa Attorney General’s Office. She has experience testifying before Congress and has authored numerous criminal law publications.

Upon being hired to serve as executive director, Cohen remarked that there was a lot of work to do and that she intended to hit the ground running.

The second most important event of the board of directors meeting was an appearance by Sandra Grisham, a retired judge from New Mexico. Her husband, Wayne Jordon was a prosecutor in New Mexico when he died of a heart attack in the courtroom. Jordan had been to the former training center for NDAA, the National Advocacy Center (NAC), and loved and admired its services.

The Grisham family honored Jordan’s memory by donating $1 million to the NDAA to be used for training purposes. The details of that donation are still being worked out. The family was accompanied by Michelle Lujan Grisham, a sitting Congresswoman from New Mexico’s first district. Congresswoman Grisham was a sister-in-law to Jordan.

The board of directors also continued to work on NDAA President Henry Garza’s long-term strategic plan. Five subcommittees have been examining various areas concerning the future of NDAA: organizational governance, finance and accountability, membership development, training/services and advocacy. Kim Parker (Sedgwick Co.), Amy Hanley (AG’s Office), and I all sit on various subcommittees. After the subcommittees report to the board at the summer conference in July, we expect that a final vote on the future course of the NDAA will be taken.

As the spring conference began, the first class of the new National Criminal Justice Academy (NCJA) completed its advocacy training. The NCJA is the replacement for the former NAC. A new alliance with the University of Utah School Of Law is allowing NDAA to offer courtroom like advocacy training to young prosecutors. Thirty young prosecutors from across the country attended the first course. Additional courses are scheduled for May, June, and July 2014. More courses continue to be scheduled.

Another presentation was made by Kristine Hamann, a visiting fellow with the Department of Justice/Bureau of Justice Assistance on best practices in criminal justice for prosecutors and law enforcement. The best practices presentations concentrate on identification procedures, confessions, and ethics. Hamann will be presenting at the KCDAA spring conference in Wichita in June.

Just a concluding word on the spring board meeting in Memphis: Graceland and the Civil Rights Museum (located in the hotel where Dr. Martin Luther King was slain) drew large interest from board members. Also, the American Athletic Conference basketball tournament was taking place.
near our hotel. It featured Memphis, Louisville, SMU, Houston, Cincinnati, USF, UCF, UConn, Rutgers, and Temple. Members of the Cincinnati Bearcats basketball team shared our hotel. Beale Street, with its blues and BBQ, piqued the interest of board members during the evening.

Finally, after much research, and in my humble expert opinion based upon years of research, Memphis BBQ cannot hold a candle to Kansas City BBQ.

The summer board of directors meeting is scheduled in Denver, Colo. July 18-20. The annual summer CLE conference will be held July 20-23 in conjunction with the meeting. We hope you will try to attend the CLE conference if possible. Learn more at www.ndaa.org.

### 2014 KCDAA Spring Conference, June 12-13

**June 12-13, 2014**

**Hyatt Regency Hotel**

**Wichita, KS**

Save the dates and plan to join us!

A golf tournament will be held June 11, to raise money for the Kansas Prosecutors Foundation. So plan to come in a day early and support the KPF! Tee times start at noon.

Keynote Speakers

Our keynote speakers for the KCDAA Spring Conference will be John Bobo, Steve Wilson & Thomas Lockridge.

**John Bobo - The Best Story Wins and Other Legal Advice for New Prosecutors**

A well-known national trainer of prosecutors, John Bobo served as a prosecutor for the State of Tennessee before joining the American Prosecutors Research Institute in Alexandria, VA.

**Judge Steve Wilson and Commonwealth’s Attorney Tom Lockridge - Ethics: The Movie - Part III**

This is the follow-up to previous highly successful ETHICS: THE MOVIE presentations. They will present a whole new movie and crime sequence and build on the issues raised in the first two ethics movies.

Read more information about our speakers at www.kcdaa.org/speakers.

Hotel Reservations

The KCDAA Spring Conference will be held at the Hyatt Regency Hotel in Wichita, Kansas. You can make hotel reservations now. The rate is $114 per night.

Again this year: make, modify, and cancel room reservations online as well as take advantage of room upgrades, amenities, and other services offered by the hotel.

Make reservations and get more information at www.kcdaa.org/hotel.

Registration information and an agenda will be available soon on www.kcdaa.org. Also, watch your e-mail for details.