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Our mission:
The purpose of the KCDAA is to promote, improve and facilitate the administration of justice in the State of Kansas.

For questions or comments about this publication, please contact the editor:
Mary Napier
mary@napiercommunications.com
(785) 783-5494

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The Kansas Prosecutor
The official publication of the Kansas County and District Attorneys Association
Published by the Kansas County and District Attorneys Association, 1200 S.W. Tenth Avenue, Topeka, Kansas 66604.
Phone: (785) 232-5822 Fax: (785) 234-2433

Volume 10, No. 2, Summer 2013

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About the Cover
Erected in 1898, the Miami County Courthouse, made of pressed brick, a foundation of Carthage Limestone, oak interior, and a slate roof with a tower extending to a height of 115 feet, is home to the 6th Judicial District Court and the County Attorney’s Office. In the early 1970’s the Courthouse underwent a major remodeling to modernize its interior while preserving its integrity and landmark stature.

To meet the rapid growth of Miami County a new Administration Building was built directly across the street (east) from the Courthouse.

Photo by John D. Morrison, Prairie Vistas Photography
President’s Column
by Mark Frame, KCDAA President
Edwards County Attorney

Topics of Interest

“Do not look where you fell, but where you slipped.”
--Author unknown

The KCDAA spring conference concluded on June 21. Many thanks go out to all who put a great deal of effort into making it a successful conference.

What makes a successful conference? I was thinking about that on the way home. Like many of you I have been coming to legal conferences for many years and some are good and some are really, really bad. When I was solely in private practice, my ratio for a successful CLE outing was that if the CLE was at least 20% worthwhile, I accepted that as an average CLE. Now as a prosecutor for 18 years, I set my expectations much higher and those expectations have been consistently met.

War Story time. I went to an eight hour CLE back in 1992 and figured out within a half hour that I was in for eight hours of some guy trying to sell me trust software. Long day. So my conclusion from that experience was that I want to know what I’m getting when I go to a conference. I don’t want any silly surprises. Also, I want the conference to be run on time. There is nothing worse than having a presenter go over because they didn’t organize their time correctly.

What did we get at the Spring Conference? First, I got educated at the charity golf tourney. My education consisted of learning that my “power fade” is actually a really bad slice. I also learned that prosecutors cheat just like everyone else.

Second, I learned that jury selection is something we as prosecutors can always keep learning about. Christina Habas, the keynote speaker at the conference, was fantastic in relating the correct atmosphere that prosecutors should construct for jury selection.

Next, I learned that, in my opinion, more time needs to be allotted to legislative updates.

Finally, I was humbled by the knowledge and dedication of prosecutors around the state.

The CLE committee received some great suggestions for future conferences. These are always welcomed by the committee.

On to another topic, the KCDAA held a board meeting on June 19. Now like most of you, I knew we had a board before I was on it, but really had neither an idea nor any inclination to know what was happening. As with all boards, there are the standard officer’s reports and approval of minutes and paying the bills, but it’s also a time for the board to discuss old or new issues arising for prosecutors around the state. I was told more than once that this is like herding cats.

If you look at our board construction, you will see that there is a concerted effort to have diverse and statewide representation. As I look toward the end of my year as President, I see that there really isn’t another prosecutor on the board who is running a county attorney’s office like mine. This means a single county attorney with county counselor duties and a private practice as well. I don’t believe that it’s mandatory that this be a position on the board, but I also know that there are a lot of county attorneys out there in similar positions. I urge you to step up and get involved any way you can. Let the board know that you are interested in serving.

Finally, I have two daughters, Scout, who is 14, and Josena, who is 12. I have been trying for months to help them do a back handspring out in our lawn. You are correct in assuming that I have no idea how to do it. So I took my own advice, and I got educated (googled it). That didn’t help, so I got help (found a camp) and then I got out. Yes, after one day of camp, they came home and could do a back handspring. Stupid camp.

“If you are filled with pride then you will have no room for wisdom.”
--Author unknown
Projects under development by the KPF, include:
• KCDAA Law School Scholarships
• KCDAA Undergraduate Honors Stipends
• KPT&AI National Speaker Bureau for Prosecutor Continuing Legal Education
• KCDAA Law Day Activities in Kansas High Schools
• ‘Finding Words’ – helping child victims speak
• Grant for a Statewide Victim/Witness Notification System
• Sponsor KVAA
• And so much more...
Learn more at www.kpfonline.org

The Kansas Prosecutor 5

The KCDAA Board of Directors established the Kansas Prosecutors Foundation to further the administration of justice in the best interests of the public. Several key points gave rise to the KPF formation:
• The continuing struggle to attract, train and keep quality, career-minded prosecutors.
• Criminal prosecution law has become an area of expertise involving complex issues that demands specialized continuing legal education.
• An obligation to promote the highest of professional training opportunities for the criminal justice system, particularly as it pertains to prosecution.
• The continuing lack of adequate victim/witness assistance and notification.
• Philanthropy is an essential component of a statewide bar association.

The KPF is organized as a Kansas, not-for-profit corporation, with Internal Revenue Service status under §501(c)(3) of the IRS Code.

2013 KPF KANSAS LAW SCHOOL SCHOLARSHIP WINNERS

Justin Daake
Justin Daake grew up in Elm Creek, Neb. He received an undergraduate degree from the University of Nebraska at Omaha and currently attends law school at Washburn University. The summer after his first year, he worked at the US Attorney’s Office in Topeka. During that time, he primarily performed pretrial criminal motions practice. During his second year, he was involved in the Washburn Law Clinic. During that time, he collaborated with the Appellate Defender’s office writing criminal appellate briefs. Currently, he is employed as an intern at the Shawnee County District Attorney’s office. In this position, he manages his own misdemeanor case load, handling all aspects of the prosecution after the crime has been charged.

Justin currently lives in Topeka with his girlfriend Jaclyn, who is also a law student. He has two dogs, Annie and Owen. In his free time, he enjoys watching sports and being outside.

William “Nick” Jenkins
William “Nick” Jenkins is a resident of Edwardsville, Kan. and recently completed his 2L year at the University of Kansas School of Law. Nick grew up in Indiana, Ohio, and Missouri, graduating from Blue Springs South High School in 2000. Nick joined the Army National Guard as an enlisted Infantry Soldier at the age of 17. He received a Bachelor of Science in Criminal Justice in 2004 from Central Missouri State University. Nick deployed to Baghdad, Iraq with his Kansas Army National Guard Infantry Battalion in 2005. Upon returning home, Nick became a Kansas State Trooper assigned to Wyandotte and Johnson counties (Troop A) in 2007. After four years with the Kansas Highway Patrol (two of those years with the SWAT Team), Nick decided it was time to continue his legal education by attending law school. Upon acceptance to the University of Kansas School of Law, Nick resigned from the KHP and began his legal studies in August 2011.

Last summer, Nick completed a judicial clerkship with Judge Rogers, Federal District Court Senior Judge in Topeka, Kan. Nick has accepted a summer internship position with the United States Attorney’s Office for the Western District of Missouri for this summer. After graduating from law school, Nick intends to pursue a career in criminal prosecution.
Please take time to nominate a member of the KCDAA whom you believe to be deserving of an award. This is the opportunity to recognize the accomplishments of the hard-working prosecutors who make up the membership of the KCDAA and a policymaker who has helped with interests of the KCDAA.

FOUR categories of awards will be presented at the 2013 Fall Conference: The Prosecutor of the Year, the Lifetime Achievement Award, Associate Member Prosecutor of the Year, and Policymaker of the Year. The award winners are chosen by the KCDAA Board of Directors.

Award Qualifications:
The Prosecutor of the Year Award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year. Nominations may be made by either the prosecutor himself/herself or by a colleague. The nominee must be a regular member of KCDAA.

The Lifetime Achievement Award is presented to a regular KCDAA member for his/her longevity as a prosecutor. The nominee must have served no less than 25 years in a prosecutor position, and not previously received this award. Nominations may be made by either the prosecutor himself/herself or by a colleague.

The Associate Member Prosecutor of the Year Award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year from an office other than a County or District Attorney’s office. Nominations may be made by either the prosecutor himself/herself or by a colleague. The nominee must be an associate member of KCDAA.

The Policymaker of the Year Award is presented to an individual who is determined to have made the most significant impact on policy related to county and district attorneys either during the past year or over an extended career of public service. One award is presented each year. The award is open to individuals having public policy making authority as evidenced by legislative support of the KCDAA.

The awards will be presented during the Fall Conference taking place October 14-15, 2013 in Overland Park, Kansas.

To nominate yourself or one of your colleagues, please use the nomination form on page 7. You may send your nominations to:

KCDAA
Attn: Kari Presley
1200 SW Tenth Avenue
Topeka, Kansas 66604
Fax: (785) 234-2433
E-mail: kpresley@kearneyandassociates.com

All nominations MUST BE received by 5 p.m. on Friday, August 30, 2013.
For questions, please contact Kari Presley at (785) 232-5822 or via e-mail to kpresley@kearneyandassociates.com.

Mail it, fax it, or e-mail it by August 30!
Name of Nominee: ____________________________________________
Place of Employment: _________________________________________
Title: _______________________________________________________

Award being nominated for (please check one):

☒ Prosecutor of the Year
☒ Associate Member Prosecutor of the Year
☒ Lifetime Achievement Award
☒ Policymaker of the Year

Nominee’s number of years as a prosecutor (if applicable): _______________
Length of time in current position: ________________________________
Community involvement: _________________________________________

KCDAA involvement: __________________________________________

Please provide examples of nominee’s excellence in prosecution or as a policymaker (may use additional paper as necessary):

________________________________________________________________________________
________________________________________________________________________________
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________________________________________________________________________________
________________________________________________________________________________

Nominator’s name: _____________________________________________
County: ______________________________ Title: _______________________
Phone: ______________________________ E-mail: ______________________

Please return this form with any additional pages to:
Kansas County and District Attorneys Association
Attn: Kari Presley • 1200 S.W. 10th Ave • Topeka, Kansas 66604
FAX: (785) 234-2433 • EMAIL: kpresley@kearneyandassociates.com
ATTENTION: DEADLINE AUGUST 30, 2013 at 5 P.M.
Successful KCDAA Initiatives

The largely ceremonial end to the 2013 legislative session officially ended on Sine Die, which was June 20, 2013. However, in all practicality, the session ended 20 days prior on June 1. Every session has unique attributes. The attributes of this session that stood out were the large numbers of brand new legislators and that conservative Republicans had taken control of leadership in both the House and Senate. While many major pieces of legislation found it difficult to navigate through the legislative process this year, the KCDAA experienced good results with its legislative agenda.

However, no piece of legislation sails through. Even noncontroversial matters require diligence to ensure that they do not get derailed. Much like in any sport – in order to be successful during the season, much work in the offseason is required. For the KCDAA, this work starts with individual members submitting legislative proposals. The legislative committee then slowly works through each proposal before giving their recommendations to the board. Further vetting is done by the board before they announce the KCDAA legislative agenda at the fall conference in October. Once the session starts in January, the KCDAA hits the ground running - getting hearings on bills, drafting and presenting testimony on those bills, and meeting with legislators. Each bill requires a large amount of effort on the part of members making their way to Topeka. Further, many members assist from their offices by reaching out to their own legislators and providing assistance.

To all members who assisted in this successful year – Thank You!

By now, members should have received a comprehensive report on all legislative matters that will likely affect their offices. The same report is available online at www.kcdaa.org in the members only section. Just login and view it on the Legislative News page. The following are the three KCDAA legislative initiatives that were successful in the 2013 session.

Driving Under the Influence – Aggravated Battery DUI; HB 2218

HB 2218 ended up combining three DUI-related bills, one of which included the top legislative priority for the KCDAA – creating the crime of aggravated battery DUI. Originally, this legislative proposal was in HB 2043, but as is common in the legislative process, its contents were transferred to HB 2218. Specifically, aggravated battery was expanded to include when great bodily harm to another person or disfigurement of another person results from a DUI; and when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement, or death can result from a DUI. The prior is a severity level 5, person felony; and the later is a severity level 8, person felony.

Special thanks goes out to Aaron Breitenbach, Tom Weilert, Charles Branson, and Chris Mann for testifying in support of this legislation.

Methamphetamine Manufacturing—Special Sentencing Rule; SB 58

SB 58 restructures: (a) the penalties for unlawful manufacturing of a controlled substance, under KSA 2012 Supp. 21-5703, and (b) a special sentencing rule for a second or subsequent conviction of the same crime, under KSA 2012 Supp. 21-6805(e), to clarify the application of the penalties and the rule depending on whether methamphetamine was the controlled substance at issue in the current conviction, the prior conviction, both, or neither.

If both the current and prior convictions do not involve methamphetamine, the crime is a drug severity level 1 felony and the special sentencing rule does not apply. If the prior conviction involved methamphetamine but the current conviction does not, the crime is a drug severity level 2 felony and the special sentencing rule applies, imposing a sentence of double the maximum duration of the presumptive term of imprisonment. If the prior conviction did not involve methamphetamine but the
current conviction does, the crime is a drug severity level 1 felony and the special sentencing rule does not apply. If both the current and prior convictions involve methamphetamine, the crime is a drug severity level 1 felony and the special sentencing rule applies, imposing a sentence of double the maximum duration of the presumptive term of imprisonment.

Special thanks goes out to Tom Stanton for testifying in support of this legislation.

DNA Testing; HB 2093

HB 2093 amends the law concerning crimes and criminal procedure, on topics including DNA testing, felony murder, computer crimes, and identity theft and identity fraud. The DNA testing portion of HB 2093 was a KCDAA legislative proposal and formally was SB 40. The bill amends the statute allowing a person convicted of first-degree murder or rape to petition the court for forensic DNA testing of certain biological material. Specifically, in the provision addressing the duties of the court when the results of such testing “are favorable to the petitioner,” the bill adds that the results “are of such materiality that a reasonable probability exists the new evidence would result in a different outcome at trial or sentencing.” Though the language is different from what was originally introduced, the final version is a codification of the State v. Haddock holding.

Special thanks goes to Steve Obermeier for testifying in support of this legislation.

Of course, offense is only part of the game. Defending against questionable policies that would harm the safety of Kansas or the efficient administration of justice are a large part of any session for the KCDAA. That is where the individual prosecutor comes in by being a knowledgeable and trustworthy resource for their legislators. We called upon members several times this year to act in that capacity and will most certainly do so in the future. If you were one that contacted your legislator to discuss an important legislative matter – thank you! If not, please consider starting a relationship with your legislators. Simply call them up and introduce yourself and let them know that you are available if they have any questions. Invite them to your office for coffee and a tour. The best lobbying this association can do is that of members having a personal relationship with their own legislators.

Again, thank you to all members who helped make 2013 a successful year for the KCDAA.

Looking ahead to 2014, the process has already begun! Legislative RFP forms were due Aug. 5. Once the legislative committee has reviewed them, recommended items will be taken to the Board.

Do you have an article idea for The Kansas Prosecutor? Do you want to submit an article?

If so, send an e-mail to Mary Napier, editor, at mary@napiercommunications.com.

Upcoming Deadline: Fall 2013 - October 25

You can find archives of The Kansas Prosecutor at www.kcdaa.org. Starting with the Summer issue, these will be available in a new digital format for easy viewing on tablets and mobile devices. Watch for more information by e-mail.
The Criminal Justice System is aptly named. It does provide justice for criminals. As an example, look at the sixth amendment of the U.S. Constitution. It is eighty-two words in length and contains ten rights for the accused. That’s just one amendment. The fourth, fifth, and eighth amendments provide at least another ten rights; all for the accused. All of these rights also exist in the Kansas Constitution. These rights exist because of grievous usurpations by the government that existed prior to the establishment of the United States. In other words, there is precedent for these rights to exist because government has demonstrated it will trample on rights unless checked.

Now, how many rights exist for the victim of a crime in the U.S. Constitution? There are none. It may be the founders and ratifiers of the Constitution didn’t think it would be needed. Even a casual study of the intent of the people at the time of the constitutional convention and the subsequent state ratification conventions through diaries, letters, newspapers, and notes indicate that the all-powerful national government that we have today is not what was intended. What we accept today as the norm for government at all levels, including the courts, is not what they envisioned they were putting in place. When it comes to the issue of crime, it is clear the states were intended to be the leading entity in that regard. States do make some provision for victim’s rights. Thirty-one states have a crime victim’s bill of rights. Kansas is one of those states.

Even with those rights, the criminal justice system provides little justice for the victims or the victims’ families. As a police officer, I came to realize that the criminal justice system worked, but it is not fair. Justice and fairness are not synonymous. The system does usually bring an end to the story. It provides closure for those who make the criminal justice system work, and it is much better than vigilante justice. As a police officer, it had been enough to know that I arrested the “bad guy,” he was going to trial, and, most likely, he would be punished. That was closure for me. However, as the father of a daughter who was murdered, I found myself at odds with the very system that I believed in. There is no closure for the victim of a violent crime. The ordeal is over but in the case of a homicide, the family members are secondary victims. Family members are “homicide survivors.” Not in the sense that they survived a physical attack but in the sense that each day they are assaulted by the hole in their lives that can only be filled by their loved one. A guilty verdict does not bring back the deceased or eradicate a victim’s memory of a sexual assault.

Violent crime victims and their families speak often of the “other assaults” the criminal justice system metes out on them. It is hard to understand how the rights of a person who murdered a loved one seem to supersede the rights of the victim. The perpetrator did not take into account the rights of the person they raped or murdered. There was no consideration for cruel or unusual punishment. The victim wasn’t “Mirandized” prior to being assaulted. Victims view the criminal justice system as slanted to favor the person who committed the crime. Television court dramas reinforce the perception, often with incorrect depictions of how the system works.

Senate Bill 66, requiring the collection and publication of district attorney criminal and juvenile caseload data is an attempt to help crime victims and the public at large understand the system and how it works. I’ve worked on this bill for two years.
It started when I was in the Kansas House, and I continued to work on it in the Senate. Let me start by explaining what Senate Bill 66 is not. It is not an attempt to chastise county attorneys or prosecutors. Nor is it an attempt to second guess prosecutorial discretion. Those are the most common objections to the legislation from those who prosecute crime in our state.

**So what is SB 66?**

It is an attempt to provide transparency. This is something that crime victims and their families desperately want. County and District Attorneys are elected officials. As such they should be willing to put their record on display, just as my voting record is public record. SB 66 asks for an accounting of cases brought to the prosecutor’s office by the police and/or filed by the prosecutor. It then simply asks for a disposition of that case. The options include: not filed, dismissed, pled out, guilty plea/conviction, or acquittal. It is a fair accounting of how the system works. A conviction record of a prosecutor’s office is a slanted view of the system as it is based not on the total number of cases presented to the office but the number of cases that went to trial or were worked in the system.

SB 66 had a hearing this year in the Senate Judiciary Committee and KCDAA presented neutral testimony. I appreciate that more than I can say. The bill was sent to the Judicial Council for further study, and I am optimistic that we can find a workable compromise for the crime victims of Kansas as well as the prosecutor offices.

As a legislator I focus on crime, crime victim rights, and the criminal justice system. My life experiences as a police officer, a “homicide survivor,” and an advocate for crime victims’ rights provide me with a unique perspective. These perspectives have led me to either sponsor or champion several criminal justice causes since I was first elected to the Kansas House in 2010. I am an unabashed advocate of law enforcement, prosecutors, corrections, and crime victims. I would no more introduce or support legislation that would harm any of those groups than I would harm a member of my family.

I understand the thankless and difficult job you have. At one point in my career I worked in a state where the law enforcement officer was responsible for trying misdemeanor cases. I have prosecuted cases ranging from disorderly conduct to domestic battery. It gave me a unique insight into what you do.

In closing, I would like to thank each and every one of you, as well as all the people who work in your offices, for the awesome job you do extracting justice from an unjust society. I can never repay the debt I have to prosecutors. When I was a police officer, they presented the evidence in a convincing manner that put bad people where they belong. I am especially mindful of the debt I have to those in the Johnson County District Attorney’s Office from 2007 to 2010, who made sure that my daughter’s killer will never see the light of day outside of a prison. All of us want to help people. We wouldn’t be doing what we do if we didn’t.

Please contact me with your ideas for what needs to be done to make your job more effective. You have my undivided attention and gratitude.

Correspondence can be sent to:

Greg Smith  
P.O. Box 4157  
Overland Park, KS 66204

Email: greg4ks@gmail.com  
Phone Number: 913.302.9983

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HAVEN’T RECEIVED YOUR KCDAA YEARS OF SERVICE PIN?

Contact Kari Presley at the KCDAA office  
(785) 232-5822 or kpresley@kearneyandassociates.com.
I once heard it said that if the railroads had understood that they were in the transportation business, and not the railroad business, then we would be flying Union Pacific or Santa Fe Airlines today. Similarly, it is essential that the Kansas Bureau of Investigation provide Kansas prosecutors with the services they need today and provide them in a timely manner, not necessarily provide all the services that we have in the past. The KBI was created by the Kansas Legislature in 1939 at the request of the Kansas Bankers and the Kansas Livestock Associations to deal with bank robbers and cattle rustlers using cars and trucks to rapidly cross county lines and avoid pursuit. While bank robbery and cattle rustling are still crimes, they no longer make up a significant portion of our caseload. We have had to adapt to better meet the current and future challenges facing the criminal justice system. Sometimes it is a struggle to recognize those new challenges (remember when meth labs first cropped up?) and yet another struggle to find and fund solutions. My job, as the director of the KBI, is to make sure we are doing our very best to meet the current and future needs of the public safety community in Kansas.

I am extremely proud of the extraordinary, dedicated, and talented people at the KBI and the work they do under challenging conditions. However, we simply do not have the resources to address all the needs of our law enforcement and prosecutorial partners. We determined which needs of the Kansas law enforcement community would be our focus: violent crimes, drug trafficking organizations, crimes against children, and public corruption/integrity. And while we cannot work all cases requested, I have strived to make sure the cases we do work are done right.

Progress has been made, even in these very challenging economic times. Last year, we doubled our capacity to work computer crimes by partnering with the FBI, Shawnee County Sheriff’s Office, and Topeka Police Department to open a new Regional Computer Forensic Laboratory at KBI headquarters. The demand for digital forensics keeps growing, and it is clearly a major element in almost every criminal activity.

With the help of Attorney General Derek Schmidt and the support of Governor Brownback, the legislature approved funding for 10 new positions at the KBI over the last two years to create our first Child Victims Unit (CVU) – a cadre of specially trained agents and support staff, including digital forensics examiners, stationed across the state to focus on the most difficult crimes with the most vulnerable victims. The CVU, in turn, should free up other agents’ time to facilitate other investigations.

But the biggest problem and, thankfully, the biggest news, deals with the demand for forensic laboratory exams. In a survey we conducted of Kansas prosecutors and law enforcement in April 2012, one answer still haunts my conscience: 41% of reported cases had been dismissed or plead to reduced charges because of the lack of timely forensic analysis. When I became director in September 2011, like all of you, I was aware of our difficulty in responding to the growing demand for forensic services. I made filling our empty laboratory positions an agency priority, but even with every position now filled, we simply do not have the room in the basement of our 1920s converted school building to meet the demand. The lack of forensic capacity has been a chronic problem for decades.

Over the last 18 months, we have been working with Attorney General Schmidt and the Brownback administration to address this lapse in providing the core function that government provides to its citizens: public safety. The Governor and the
The legislature agreed on both the need and the solution to our lack of forensic capacity: **we are going to build a new forensic crime lab.**

This long needed solution has been made possible by a mutually beneficial partnership with Washburn University of Topeka. Extensive discussions between President Jerry Farley, AG Schmidt, Legislators and the Governor’s administration resulted in a plan that will address the forensic needs of Kansas for decades to come.

In short, Washburn, in collaboration with the KBI, will actually bond and build a 100,000 square foot state of the art forensic laboratory on the Washburn campus. About 12,000 square feet will be joint use areas for a training auditorium, classrooms, and training facilities. The state of Kansas will enter into a long-term lease with Washburn to place the KBI forensic laboratory in the facility. The lease payments, at Washburn’s cost, will service the bonds. Once the bonds are paid off, the KBI will be allowed to purchase the building for the bargain price of one dollar.

Washburn students will have work study and intern opportunities in the growing field of forensic science, and KBI scientists will be able to be adjunct professors and utilize Washburn students and staff for validation and joint research projects. The KBI will be able to identify and hire scientists of known quality and ability. This is truly the definition of a win/win situation. The total cost of the building project is estimated at $55 million dollars and is projected to meet the forensic needs of Kansas public safety for the next 20 years. You are cordially, if tentatively, invited to the open house after scheduled completion in August 2015.

Of course, even after the laboratory is completed, there will still be some challenges. We have to increase salaries to solve our scientist retention issue, and there will be funds needed to equip the new facility and to increase forensic staff once there is space available. (So please remember to assess and collect those forensic lab fees!) But there is a very bright light at the end of this long, dark tunnel.

I want to personally thank the Kansas prosecutors who spoke with their legislators about the need for greater forensic capacity and the KCDAA for their support of this project. Together we are truly making Kansas a safer and better place to live.

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**When Planning Your Estate -- designate to KPF --**

Projects under Development by the Kansas Prosecutors Foundation, include:

- KCDAA Law School Scholarships
- KCDAA Undergraduate Honors Stipends
- KPT&AI National Speaker Bureau for Prosecutor Continuing Legal Education
- KCDAA Law Day Activities in Kansas High Schools
- ‘Finding Words’ – helping child victims speak
- Grant for a Statewide Victim/Witness Notification System
- Sponsor KVAA
- And so much more…

Learn more at [www.kpfonline.org](http://www.kpfonline.org)

Don’t Forget: A **tax deductible** contribution can be made out to KPF and sent directly to:

Kansas Prosecutors Foundation, 1200 SW 10th Ave., Topeka, KS 66604
Prosecutors Around the State

This page contains a list of county and district attorneys elected or re-elected in the state of Kansas in the 2012 elections. *Indicates a newly elected county or district attorney

<table>
<thead>
<tr>
<th>County</th>
<th>Prosecutor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen</td>
<td>Wade Bowie II</td>
</tr>
<tr>
<td>Anderson</td>
<td>Brandon L. Jones*</td>
</tr>
<tr>
<td>Atchison</td>
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14 The Kansas Prosecutor
Prosecutor Highlight: Newly Elected County/District AAttorneys

Several newly elected county attorneys and one new district attorney took office in 2013. Some of these prosecutors have little or no prosecutorial experience, while some have been an assistant in a prosecutor’s office for several years. Some even had to run against their boss for the position. Even though all of these prosecutors have now been in their positions for several months, we wanted to help you get to know them and their history, so you can reach out to them for help or to offer assistance. So, enjoying learning about them and what they have learned since taking office.

Karan M. Thadani
Cheyenne County Attorney

Karan received his undergraduate degree from the University of Texas at Austin, and attended law school at Washburn University School of Law from 2003-2006. After graduation he, along with his wife and father-in-law, opened a private practice in Lawrence, Kan. In Lawrence, his primary area of practice was criminal defense work. After working in Lawrence for several years, and after much thought, he and his wife decided to move to a small town in western Kansas to raise a family.

They found jobs in St. Francis with James M. Milliken Chartered. Upon joining the firm, he was appointed as Assistant Cheyenne County Attorney. He enjoyed the work so much that during the following election, he ran and was elected, as Cheyenne County Attorney. Although he prosecutes in Cheyenne County, he continues to do criminal defense work in the surrounding counties.

Karan is a member of the Kansas Bar Association, Northwest Kansas Bar Association, and is also on the Board of Directors for Northwest Kansas Juvenile Services. In his free time, he enjoys staying active, spending time with his twin baby daughters, Miley and Maizey, serving on the board for the local golf club, and participating in various activities around the community.

Susan H. Richmeier
Finney County Attorney

Susan, and her husband Mike, have three children: Laura, 16; Lindsey, 13; and Reid, 10. They are life-long residents of Finney County and her husband is a third generation farmer in Finney County.

After graduating from Garden City High School, Susan obtained a B.A. in Elementary and Special Education from Oklahoma State University, a J.D. from the University of Oklahoma College of Law, and an M.S. in Education Administration from Fort Hays State University. She was employed by USD 457 for six years as a special education teacher teaching special needs and gifted students as well as coaching a national qualifying dance team for GCHS.

She has spent the last 10 years in private practice on her own specializing in family law, juvenile law, and as a member of the defense bar. Susan has been an active member of the community as a YMCA Board Member, a member of her church’s education council, and as an active parent in all of her children’s activities including swim team, club volleyball, and club baseball.

As a newly elected county attorney, she thinks it has been interesting to learn the inner-workings behind the investigation and prosecution of a case. She believes there is also a tremendous amount of support from the Attorney General’s office in answering questions and the availability of research to the local county/district attorney’s offices. “So far, this has been a fun and rewarding challenge,” said Susan.

Natalie K. Randall
Ford County Attorney

Natalie is a native of southwest Kansas. After traveling the world for several years as a military spouse, she eventually landed back in the heartland of America at Offutt Air Force Base, Nebraska. There, she applied and was accepted to the University of Nebraska College of Law. During her
law school career, Natalie earned a course emphasis in Criminal Litigation with an eye toward prosecution.

Following law school, Natalie returned to southwest Kansas as an Assistant Ford County Attorney. After serving as an assistant to two different county attorneys, Natalie accepted a position with Attorney General Derek Schmidt as an Assistant AG assigned to the Kansas Bureau of Investigation’s Southwest Kansas Drug Enforcement Taskforce.

Natalie was already contemplating a challenge to her former boss in the next election, so keeping her roots in southwest Kansas was important. Natalie then petitioned her way on to the ballot in May 2012.

“The election was an experience I will never forget,” said Natalie. “I had a good working relationship with my opponent, which made the election especially challenging for me on a personal level.”

The experience resulted in a win, and Natalie took office in January 2013.

“Being back in the Ford County Attorney’s Office as the top prosecutor is an honor, and I hope the staff and attorneys are as happy to have me back as I am to be here,” said Natalie.

Jessica Akers
Grant County Attorney

Jessica grew up and worked on a farm about 30 miles from where she now practices law. She received her undergraduate degree from the University of Kansas prior to attending law school at Florida Coastal School of Law in Jacksonville, Fla. In February 2010, Jessica began practicing law in Ulysses and by April, she was the Assistant Grant County Attorney. Therefore, her experience as an attorney has primarily been as a prosecutor. This past November, she ran unopposed for the position of county attorney.

“Working as a county attorney has taught me that each day as a prosecutor is different from the last. While some aspects of the job are consistent, coming to work every day, where something new could have happened, is one of the best parts about being a prosecutor,” said Jessica.

Being involved in the community is important to Jessica, so she is active in Rotary, Communities in Schools, and Junior Leadership. She enjoys living in Ulysses and hopes to continue to practice law as the Grant County Attorney for many years to come.

Janis I. Knox
Harper County Attorney

Prior to being elected Harper County Attorney in a race against incumbent, Laurel McClellan, Janis had served approximately 2 ½ years as Harper County Counsel. Prior to that she worked for the Reno County Public Defender’s Office for 2 ½ years. Prior to that did, she general practice at Gordon Stull’s Office in Pratt.

Before moving to Kansas in 2004 with her husband, she practiced Business and Civil Litigation, along with Probate, Estate Planning, and Trust Administration in and around the Sacramento, Calif. for approximately 20 years.

Her alma mater is McGeorge School of Law, University of the Pacific in Sacramento where she graduated and passed the bar in 1983. Janis has an undergraduate degree from CSU Sacramento in Spanish, minor in Russian with a Masters in Spanish.

“Since becoming a prosecutor, I have learned that a prosecutor is an attorney in the middle. Doing justice requires listening to and understanding the positions of two sides, law enforcement and defense, all the time keeping within a budget that the County Commissioners can live with,” said Janis. “Most importantly, I really enjoy doing it!”
J. Scott James
Kiowa County Attorney

Scott graduated from the Kansas University School of Law in 2004. After graduating, he began his legal career at the offices of Riling, Burkhead & Nitcher in Lawrence, Kan. For reasons unknown, he took up the great voyage westward and signed up with the Ford County Attorney’s Office in Dodge City, Kan. His initial duties were traffic and criminal, but eventually he became one of the first prosecutors west of Wichita to specialize in gang prosecution. Scott was a proud part of the massive 2012 RICO indictment in Federal Court of the Norteno Street Gang in Dodge City, which took more than 25 gang members off of the streets.

Scott will continue those duties, as he remains an assistant in Ford County under newly elected County Attorney Natalie Randall, but he also looks forward to the new challenges in Kiowa County. His election was contested, and he learned a great deal traveling the county roads.

“I believe what I have learned as a prosecutor is that lawyers do not gain any special powers or abilities when the Clerk of the Supreme Court inks the last letter on their licenses. If you treat people, including clerks, law enforcement, victims, witnesses, and (yes, even) defense attorneys the way you would like to be treated, it will go a long way toward making you successful in what you are trying to accomplish,” said Scott. “We would not have been able to put together the very successful gang prosecutions we did in Dodge without having built great relationships with the US Attorney’s Office, our victims, witnesses, and without the dedicated work of law enforcement and office staff. Make sure you value those people who are doing the hard work in your jurisdiction.”

Elizabeth Sweeney-Reeder
Miami County Attorney

Elizabeth Sweeney-Reeder is the County Attorney in Miami County. Elizabeth has a Bachelor’s of Science in Sociology and a Master’s of Science in Social Sciences from Pittsburg State University. While at Pittsburg State, she was a member of Sigma Sigma Sigma sorority, Student Government, and the newspaper staff. She also worked on the local domestic violence staff. She is a graduate of Washburn Law School, where she was a member of Moot Court and an elected representative in the Student Bar Association.

Elizabeth first became interested in prosecution when, during law school, she interned at the Shawnee County District Attorney’s Office prosecuting misdemeanor domestic violence offenses. After law school, she worked for SRS in Child Support Enforcement, before becoming an Assistant County Attorney in Miami County in January 2006. Since that time, she has prosecuted child in need of care, juvenile offenders, domestic violence, child abuse, and sex offenses.

She and her husband have been married for almost 13 years and have two children. Elizabeth is past-president of the Miami County Bar Association, and the Kansas Women Attorneys Association. She is a leader with her son’s Cub Scout pack and is active in her church.

“Since January, I have learned there are a great amount of administrative responsibilities that are not related to the law and/or prosecution that the elected official is responsible for, and there is always something that needs to be done,” said Elizabeth.

Melissa Schoen
Phillips County Attorney

Melissa Schoen grew up in Norton, Kan. and returned home to practice law. During her first summer of law school, Melissa worked for a local attorney and saw firsthand the workings of a small town general practice firm. Following her second year of law school and during her third of law school, she interned at the Shawnee County District Attorney’s office working on domestic violence and asset forfeiture cases.

Following graduation Melissa returned home to
Norton, Kan. and opened her law practice sharing office space with Charles Worden. In private practice, Melissa has a varied case load of domestic cases, and court appointments in juvenile, child in need of care, and criminal cases.

Last summer, she decided to throw her hat in the ring and run for Phillips County Attorney. Her opponent had held the job for the previous eight years. Phillips County is different than most western Kansas communities having a separate county counselor; however the prosecutor’s office handles the CINC and juvenile cases by agreement.

Since taking office, Melissa has found out “the phone rings constantly at the county attorney’s office, no different than most county attorney’s offices. However, in smaller communities and counties, the public thinks she should have the answer to every question. These questions have ranged from Kansas fencing laws, to abandoned property, and to the ability to put a lien on a registered puppy dog.”

Melissa is a board member for CASA of the 17th Judicial District and an active Big Brothers Big Sisters volunteer.

**Rebecca Faurot**
Scott County Attorney

After earning a Bachelor of Science in Elementary Education with an area of emphasis in mathematics in 1996 from Kansas State University, Rebecca continued her education at the University of Kansas School of Law. She obtained her Juris Doctor in 1999. After graduation, she practiced as a general practice attorney in both Garden City, Kan. and Kingman, Kan.; taking a few years off in between to raise her family.

Rebecca and her family moved back to her hometown of Scott City in June 2011. When she learned that the previous County Attorney was not running for re-election, and no other local attorneys were running, she decided to put her name in the race. Despite having two worthy advisories in the election, she was pleased to have the opportunity to serve Scott County as their county attorney.

Since taking office as county attorney and county counselor, there are many challenges that she never imagined. However, she is definitely more at peace prosecuting than she was doing the defense work of a general practice attorney.

“I have learned that every decision a prosecutor makes has ramifications on the lives of the victims, criminals, and the community, and balancing all of those interests can be difficult,” Rebecca said. “I have also learned that paperwork sucks, and I need a refresher on my criminal procedure.”

**Tabitha Owen**
Smith County Attorney

Tabitha grew up in Smith Center, Kan. She went to Washburn University and received a bachelor’s degree in legal and corporate communications with a political science minor in May 2007. She then went to Washburn Law and graduated with her JD in May 2010. While in law school, she worked as a legal intern at the KASB, Kansas Attorney General’s office, and the Washburn University Law Clinic, and was a research assistant for Professor and Clinician Aliza Organick.

She married her husband Michael in the summer of 2010 and took the Kansas Bar in February 2011. Tabitha passed and was sworn into the bar in April 2011. She was hired as an associate at Scott, Quinlan, Willard, Barnes & Keeshan LLC that spring and worked there until November 1, 2012 when she moved back to Smith Center. She assisted the outgoing county attorney with some cases and legal research until she was sworn in as CA in January 2013.

“So far, the job has kept me extremely busy! I had no prior prosecution experience, and I’m the only attorney in my office, so my learning curve has been incredible,” said Tabitha. “But, I’ve been lucky to have many prosecutors with experience reach out to offer advice and assistance. Every day is something new, but I enjoy that aspect of the job.”
Kerwin Spencer
Sumner County Attorney

Kerwin Spencer served as the Sumner County Attorney from 1987 to 1997. He graduated from Washburn Law School in 1981 and was the Assistant Sumner County Attorney from 1981 to 1987. Since 1999, he has been the Wellington Municipal Prosecutor. At the request of several friends in law enforcement, Kerwin filed for the Sumner County Attorney job again and defeated Evan Watson in the Republican primary by a margin of 75% to 25%. Kerwin has also served as the City Attorney for Oxford and South Haven and has been the school attorney for the Wellington School Board.

His wife Shelley recently retired from being a middle school English teacher and administrator. Kerwin has been a high school football and basketball official for 35 years and is a Deputy State Commissioner with Kansas Babe Ruth Baseball. Since returning to office, Kerwin has already sent some of the same people back to prison that he remembers dealing with 20 years ago. He said one of the things he has learned since returning to office is that having a new casino significantly increases the need for activity in the county attorney’s office.

Editor’s Note: Some of the newly elected county attorneys chose not to be featured in this article or did not submit information by the required deadline. County Attorney Nathan Coleman and District Attorney Marc Bennett were featured in the Spring 2013 Kansas Prosecutor magazine, thus were not featured again in this issue. Brandon Jones was newly elected in Anderson County, but is also not featured since he is Osage County Attorney as well. He has been in that position since 2007.

KCDAA Milestones

Awards

Nola Tedesco Foulston received a 2013 Lifetime Achievement Award from the Washburn University School of Law. The Lifetime Achievement Award is bestowed on graduates whose careers have been highly distinguished, and whose achievements and contributions are widely recognized as significant and outstanding in their field of endeavor, whether it be in the practice of law, the judiciary, business, public service, education or otherwise. While all graduates of the law school will be eligible for consideration, in general those nominated should be persons whose professional careers have been substantially completed, and who clearly will represent the very best and most accomplished of the law school’s many outstanding graduates.

Babies

Christopher B. Phelan, Assistant Allen County Attorney, and his wife, had a baby boy on May 29, 2013 at the Allen County Hospital. Dominic Fenton Phelan, weighed 6 lbs., 11oz. and joined his two older siblings, Lily and Christopher.

Congratulations

Barry Wilkerson and his dad went walleye fishing on Lake Oahe in South Dakota June 7-9, 2013. On June 7, after a short time on the lake, his father caught a 28-inch trophy Walleye in the Spring Creek area of the lake.

We want to share your news!

We’d like to publish baby announcements, new attorneys, anniversaries, retirements, awards won, office moves, if you’ve been published or anything else worth sharing with the KCDAA!

Information submitted is subject to space availability and the editorial board reserves the right to edit material. Send your information and digital photos to:
Editor Mary Napier
mary@napiercommunications.com

Next Deadline: Fall 2013: October 25

We're committed to sharing your news and accomplishments with our members!
Jury selection, according to Christina Habas, the keynote speaker for the 2013 KCDAA Spring Conference, is about eliminating the “squirrels” and criminals” on our jury panels. The process for the squirrel hunting exercise was the subject of four of the hours of CLE offered at the spring conference.

As all trial lawyers know, jury selection is more a matter of “de-selection” and sometimes fighting the instinct to believe that the lawyer’s skill is the deciding factor in the victor at trial. The goal of questioning jurors is to identify and de-select those jurors whose “life experience is inconsistent with the prosecution’s theory of the case.”

Habas described four “tools” to be successful in jury selection: be professional, be polite, be credible, and be knowledgeable. These tools help to create a comfortable environment for jurors to ultimately feel safe to admit that they might not be fair.

Professionalism shows power. Habas asked her audience to think of the behavior of an alpha lion. When a cub climbs on the alpha male, it doesn’t bother the powerful lion at all; only another alpha lion causes the beast to erupt. When jurors look at the prosecutor, the jurors should see the prosecutor react to the defense attorney as a pesky cub, not as a threatening lion.

Politeness goes hand-in-hand with professionalism. Jurors are acutely aware of everything happening in the courtroom and those things that happen before court even starts. Habas described her own experience of unfortunate conflict with a parking meter in front of the courthouse. She didn’t realize that there was a potential juror watching when she physically and verbally confronted the parking meter about its dysfunction. When she looked at the jury panel she saw one of the people who had witnessed her confrontation with the parking meter. Though the juror in her case was sympathetic about the parking meter, Habas reminded lawyers that the lawyers are being watched even when they don’t realize it. The prosecutor must be polite to court staff, witnesses, and opposing counsel, this also extends to being mindful of the jurors’ time. No one likes to have time wasted, least of all the jury panel.

Credibility is like a savings account from which only deductions are made, Habas explained. When one of the lawyers is rude, or behaves like a stereotypical “lawyer,” that person loses credibility with the group. Habas encouraged the prosecutors to use the “Rule of the First Date,” with the jurors talking at least two times as much as the attorney. This also builds credibility when the prosecutor says “we want to hear from you.”

Knowledge in the context of jury selection is broad, as Habas explained. Knowledge of procedures, the facts and the law are all critical to demonstrating confidence and control in the courtroom.

Knowing the local rules of the court, including the special rules of a particular courtroom, will prevent potentially embarrassing or credibility-bursting exchanges with a judge. Generally jurors love the judge, and any time the judge has to “correct” the attorneys, credibility can be negatively impacted.

Knowing the facts of the prosecutor’s own case helps to determine the issues to address in jury selection. Equally important is knowledge of the defense case. Habas suggested asking the question, “How could I lose this case?” Whether the issues include ownership of handguns, when self-defense may be justified, or when drug use may negate intent, preparation of questions for jurors can help...
to identify those jurors who cannot or will not be receptive to the prosecutor’s theory of the case.

Habas warned against following some common instincts in questioning jurors. Some lawyers want to hear only good things from jurors, and will ignore obvious signs that a juror does not share the lawyer’s vision of the case. Another instinct is to lecture the jurors when they disagree with the lawyer’s interpretation of the facts. This is not effective nor the proper forum for such an activity.

Approaching disparate opinions by being reflective and non-judgmental will help to answer the most important question about the jurors’ beliefs: How did the belief develop? If the juror describes a belief based on what they read in the newspaper or saw on television, this is a very different belief than one developed from personal experience. Thus, Habas said, it is crucial to ask open-ended questions that address the “why” of the belief. For example, a person who holds the opinion that guns should be tightly regulated because a friend was killed with an unregulated firearm is likely to cling much more tightly to that belief than one who believes in gun control because of the position taken by a celebrity.

Finding and “channeling your ‘Inner Oprah’” is Habas’ suggested key to creating the expectation of fairness and honesty. The lawyer must reward candor and encourage dialogue to see how the jurors will interact with one another as members of the jury. “Tell us about a time when….” is a question that may spur jurors to share and then discuss their opinions and beliefs.

These opinions and beliefs are much more important than the conventional wisdom for selecting a jury. Conventional wisdom can frequently be a veiled stereotype or prejudice in itself. In confronting bias, seeking discussion can be helpful. One question Habas suggested is, “what would you say to someone who thought…,” and give the jurors the chance to discuss the presence of bias and how it might impact their ability to be fair.

Other suggestions Habas made to create conversation included the use of word association, asking: “What is the first thing that you think of when you hear _______?” She also suggested eliciting a promise from jurors: “If I meet the burden of proving this case to you beyond a reasonable doubt, will you find this defendant guilty?” Any reluctance can be useful, Habas explained, in finding a juror who would hold the state to a higher, or even impossible, burden.

Squirrels don’t always make their presence known, and aren’t always willing to talk right away. Habas warned against just allowing silent jurors to be on the jury – the prosecutor must talk to everyone on the panel, even if just for a minute. Not only can this be a way to detect a squirrel, it can help the lawyer have information to help tailor the presentation of evidence. Using open-ended questions phrased in “plain English” and not showing fancy law professor words will help to develop the jurors trust so they will reveal personal information. Asking jurors to tell a story about real life examples can help to ferret out a squirrel: use the story to track the jurors’ thought processes and see whether that person would be a good juror for the case at hand.

When the lawyer encounters the juror that the opposing counsel is sure to strike, Habas suggested using that juror to educate the remainder of the panel. If the lawyer is presenting a case of battery with no immediate evidence of bruising, the doctor on the panel may be able to explain some reasons why there would be no immediate signs of injury. It is also important to then see how the other jurors interact with that juror, and whether the other jurors’ deference to the person with the higher degree would result in a “jury of one.”

For one hour of the conference, using mock jurors culled from the ranks of the conference, both support staff and attorneys, Habas discussed and demonstrated her method of questioning of potential jurors. She encouraged participants to use a simple formula of “plus” or “minus” when the juror answered a question that appeared either positive or negative for the lawyer’s theory of the case. More detailed notes, she explained, quickly become illegible and not useful for making a decision.
TO ERR IS HUMAN
By Shawn Minihan, Assistant District Attorney, Johnson County

A new outlook on “prosecutorial misconduct”

Introduction
The Honorable Justice Alexander George Sutherland described a prosecutor as a “representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all.” Berger v. United States, 295 U.S. 78, 88, 55 S.Ct. 629, 79 L.Ed. 13314 (1935).

To govern impartially does not, however, require that a prosecutor check his or her zealously at the door. “He may prosecute with earnestness and vigor—indeed, he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones.” Berger, 295 U.S. at 88.

A prosecutor’s role is fraught with unexpected difficulties. A prosecutor must make countless legally and factually complex decisions in determining how: to make the opening statement, to question witnesses, to conduct closing arguments. The fact that a prosecutor errs in making a decision, however, should not warrant the moniker of “misconduct.” There must then be a distinction between “prosecutorial error” and “prosecutorial misconduct.”

Appellate courts in Kansas have generally not delineated between “prosecutorial error” and “prosecutorial misconduct.” Based upon the definitions of “misconduct” and “error” found in caselaw in other states and in recent Kansas caselaw, there is a distinction to be made between the two types of conduct.

“Misconduct” versus “error”
Although, in the criminal context, the Kansas Legislature has not defined the term “misconduct,” it has used the term in other legal contexts. For example, the term “misconduct” is used in determining eligibility for unemployment benefits.¹ The Kansas Supreme Court, in State v. Pouncil, ruled that dishonesty is a basis for finding misconduct.² In making its ruling, the Court found that misconduct should not, however, be gleaned “from an employee’s inadvertence or a good faith misunderstanding in filling out employment forms.”³

In Jones v. Kansas State University, the Kansas Supreme Court was asked to consider whether Kansas State University erred in terminating the employment of a campus police officer.⁴ The Court recognized the definition of misconduct “as [a] transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior.”⁵

Rule 8.4 of the Kansas Rules of Professional Conduct defines professional misconduct as to “engage in conduct that is prejudicial to the administration of justice.”⁶ KRPC 8.4(g) states that it is professional misconduct to “engage in any other conduct that adversely reflects on the lawyer’s fitness to practice law.”⁷

Black’s Law Dictionary defines “misconduct” as “[a] dereliction of duty; unlawful or improper behavior,” or “[a]n attorney’s dishonesty or attempt to persuade a court or jury by using deceptive or reprehensible methods.”⁸

“Willful” versus “error”
There are a number of examples of willful acts of misconduct in criminal law. For example, where, even after the court ordered him to stop, the prosecutor repeatedly called the defendant a liar;⁹ where the prosecutor, at closing, questioned why a defendant would want a jury trial when he had

Footnotes
5. Jones, 279 Kan. at 150.
7. Small, 294 P.3d at 1180.
already confessed; where the prosecutor urged the jury to think about Mother’s Day and how the victim would never be a mother; where the prosecutor badgered the defendant during cross-examination; or where the prosecutor withheld evidence from the defendant.

The term “error” is more appropriate in situations where the prosecutor has simply made a mistake. Black’s Law Dictionary defines “error” as “[a]n assertion or belief that does not conform to objective reality; a belief that what is false is true or that what is true is false; mistake.” A second definition defines “error” in the context of a judge’s decision as “[a] mistake of law or of fact in a tribunal’s judgment, opinion, or order.”

There are number of examples where the prosecutor has committed an error but, from the appellate decision, the error does not appear to be willful. For example, where the prosecutor erred in following the proper procedure for impeaching a witness; misstated the evidence; misstated the law; or argued facts not in evidence.

Kansas Appellate Courts: “misconduct” versus “error”

In recent decisions, the Kansas Supreme Court has implied that there is a distinction to be made between “prosecutorial misconduct” and “prosecutorial error.” In State v. Richmond, the Court ruled that “prosecutorial error, however, does not necessarily amount to reversible error for prosecutorial misconduct.” In State v. Miller, the Court cited its own ruling (addressing whether prosecutorial misconduct warranted a mistrial and preclusion of retrial), in rejecting a “claim that alleged prosecutorial errors for which defense motions for mistrial were denied barred retrial because review of record did not indicate the errors were motivated by design to provoke defendant into moving for mistrial.”

In Chanthaseng, the defendant was charged with aggravated indecent liberties with a child. It appeared that the victim’s memory of the crime improved as the case proceeded. The prosecutor tried to address this problem by suggesting that the disclosure pattern was typical of child sexual abuse victims. In addressing the first prong (whether prosecutor did something wrong) of prosecutorial misconduct, the Court found that “[t]here was error.”

Other states have recognized the term “prosecutorial error.” For example, in People v. Jasso, the California Court of Appeals found that “the concept of ‘prosecutorial misconduct’ is somewhat of a misnomer to the extent that it suggests a prosecutor must act with a culpable state of mind. A more apt description of the transgression is prosecutorial error.”

In State v. Leutschaft, the Minnesota Court of Appeals addressed this issue. In Leutschaft, the State took issue with the term prosecutorial misconduct, arguing that the term misconduct “implies ethical violations” and suggested that the court view the issue as “prosecutorial error.” The court agreed, ruling that:

there is an important distinction to be made between prosecutorial misconduct and prosecutorial error. The former implies a

22. See also State v. White, 279 Kan. 326, 342-43, 109 P.3d 1199 (2005) (holding misstatements of law during closing argument was prosecutorial error.)
27. Jasso, 150 Cal.Rptr.3d at 472.
deliberate violation of a rule or practice, or perhaps a grossly negligent transgression. The latter, on the other hand, suggests merely a mistake of some sort, a misstep of a type all trial lawyers make from time to time.39

The term “impropriety” as an option

Some courts have also used the term “impropriety” to describe prosecutorial mistakes. The root of the word “impropriety” is improper, which is defined as “[i]ncorrect; unsuitable; irregular.”30

The Kansas Supreme Court, in State v. Breedlove, referred to the prosecutor vouching for a witness as an “impropriety.”31 “This trial began with an erroneous ruling on a witness sequestration motion and concluded with a number of improprieties in the prosecutor’s closing argument.”32

The Connecticut Supreme Court also used the term “impropriety.”33 In ruling, the court noted that “[p]rosecutors make countless discretionary decisions under the stress and pressure of trial. A judgment call that we later determine on appeal to have been made improperly should not be called ‘misconduct’ simply because it was made by a prosecutor.”34 The court continued: “To label what is merely improper as misconduct is a harsh result that brands a prosecutor with a mark of malfeasance when his or her actions may be a harmless and honest mistake.”35

The court found that “[t]hough our analysis does not change, this new terminology better reflects the actions of a prosecutor...”36 The Faucı court included a string cite of other states that use the term “prosecutorial impropriety.”37

It should be noted that the term “improper” is also defined as “[f]raudulent or otherwise wrongful.”38 Improper, not unlike the term “misconduct,” can imply a willful, not simply an erroneous, act. Although “impropriety” more accurately describes the first prong of the prosecutorial misconduct test (as compared to “misconduct”), “impropriety” is less accurate than “error” which is required to be proven in order to establish the first prong of the prosecutorial misconduct issue.

Gross and flagrant and ill will

It should be noted that, although a majority of the “prosecutorial misconduct” cases are, in actuality, prosecutorial error, prosecutorial misconduct is still alive and well. The term “misconduct” expresses a willful act; it involves dishonesty, a forbidden act, a dereliction of duty, and/or an act that is prejudicial to the administration of justice. If the court finds that the prosecutor’s acts were willful; that they were gross and flagrant or showed ill will, a prosecutor should be deemed to have committed misconduct.

Conclusion

Simply put, prosecutors are not immune from mistakes. A mistake by a prosecutor, however, does not warrant the moniker of “misconduct.” When a prosecutor commits an error, it should be deemed as such: a “prosecutorial error.”

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29. Leutschaft, 759 N.W.2d at 418.
32. Breedlove, 288 Kan. at 50.
34. Fauci, 917 A.2d at FN 2.
35. Fauci, 917 A.2d at FN 2.
36. Fauci, 917 A.2d at FN 2.
37. Fauci, 917 A.2d at FN 2.
BUI or Boating Under the Influence is a crime in Kansas.\(^1\) Since 1987, the BUI law has only been changed twice.\(^2\) In comparison, the DUI law governing vehicles has changed 16 times since 1991.\(^3\) BUI will change January 1, 2014. These new changes are to bring BUI more in line with the current laws of the state dealing with DUI. Significant changes include three-hour per se limit, defining “under the influence,” and allowing for the use of partial breath samples, i.e. deficient samples and samples outside the three-hour limit. These changes are significant considering BUI convictions now count as a prior conviction when dealing with charging a person for DUI.\(^4\)

On January 1, 2014 BUI will be defined as:\(^5\)

No person shall operate or attempt to operate any vessel within the state while:

1. The alcohol concentration in the person’s blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (b) of K.S.A. 32-1130, and amendments thereto, is 0.08 or more;

2. the alcohol concentration in the person’s blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel, is 0.02 or more and the person is less than 21 years of age;\(^7\)

3. the alcohol concentration in the person’s blood or breath, at the time or within three hours after the person operated or attempted to operate the vessel, is 0.08 or more;

4. under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel;

5. under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or\(^8\)

6. under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.

A vessel is defined in the law as any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water.\(^9\) This would include a motorboat.\(^10\)

Strangely, the punishment has not changed.

Footnotes

1. It is also illegal to manipulate any water skis, surfboard or similar device while under the influence of alcohol or drugs, or both. K.S.A. 31-1125(b).
2. 1993 Kansas Laws Ch. 259 (H.B. 2355)-changing 0.10 BAC to 0.08; 1999 Kansas Laws Ch. 113 (H.B. 2105) - making accommodation for persons under 21 years old.
4. Any BUI conviction occurring in a person’s lifetime shall be taken into account for the purpose of determining whether a DUI conviction is a first, second, third, fourth or subsequent offense. K.S.A. 8-1567(i)(2)(C).
5. 2013 Kansas Laws HB 2218, Sec. 11 signed by Governor Brownback on May 22, 2013 effective January 1, 2014.
6. The phrase “within the state” is similar to DUI law in that it includes private waters not just waters in which the Kansas Wildlife and Parks has jurisdiction. See State v. Budden, 226 Kan. 150 (1979) and Duft v. KDOR, 275 P.3d 931, 2012 WL 1649884 (2012).
7. If the person produces a test result of an alcohol concentration of 0.02 or greater but less than 0.08, the person’s boating privileges upon the first occurrence shall be suspended for 30 days and upon a second or subsequent occurrence shall be suspended for 90 days.
8. A prescription for the drug, which is the cause of the impairment, is not a defense. K.S.A. 32-1131(b).
10. “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion. K.S.A. 32-1102(b).
A first or second offense is considered a misdemeanor. On a first or second conviction, a fine of not less than $100 and no more than $500 is required. For a first offense, there is no minimum mandatory sentence, however, incarceration can be up to one year in jail. For a second offense, there is a 90-day minimum mandatory sentence, and up to one year in jail. No matter if a first or second offense, any person convicted shall be required to satisfactorily complete a boater safety education course of instruction.

There is no crime of refusing to take a BUI breath test as in DUI law, however if a person refuses a test when requested in a BUI, they shall not operate any vessel within 3 months after the date of refusal.

**SFSTs Changes**

The law of BUI is not the only thing changing in Boating Law.

Nationwide, the Coast Guard estimates alcohol is involved in 40-50% of all boating crashes. One of the most difficult challenges a boating safety officer faces is detecting the impaired operator in the marine environment.

The responsibility of detecting BUI falls on water patrol officers. Their job, however, is fraught with difficulties. First, on some waterways, it is not illegal to drink while boating. An open container, therefore, is not probable cause for a stop. Second, on some waterways, there are no speed limits, making excessive speed not necessarily a clue of impairment. Third, environmental conditions (wind, water choppiness, and glare) can make it difficult to determine boaters’ impairment.

Many boating safety enforcement agencies rely on a land-based standardized field sobriety test battery (finger to nose, one-leg stand, and walk and turn), despite significant vestibular issues with “sea legs” motion or vibration that gives rise to defense challenges. Moreover, testing surfaces, slopes and footwear usually become defense issues too. Seldom do boating officers have flat, paved surfaces near lakes and rivers.

Despite the lack of validation, many marine enforcement agencies routinely teach their officers to use the Standardized Field Sobriety Tests (SFSTs) used for the highway. Unfortunately, the primary battery of SFSTs approved by the National Highway Traffic Safety Administration (NHTSA) for use in highway traffic enforcement is based on the assessment of human motor skills linked to one’s sense of balance. The use of a preliminary breath test device (PBT) is allowed to establish probable cause for boating purposes.

Even with these difficulties, BUI is being enforced in Kansas, as demonstrated on this chart:

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11. K.S.A. 32-1131(d).
14. K.S.A. 32-1132 is the implied consent for boating. Refusal to take the test or provide an adequate breath sample or samples as directed is a refusal. A person’s refusal shall be admissible in a charge of BUI.
15. Validation of Standardized Field Sobriety Tests For Use in Marine Environment: US Coast Guard Non-Profit Grant Proposal From the national Association of State Boating Law Administrators, pg. 5 of 12.
16. It is not illegal to have an open container on a boat in Kansas.
18. Id at page 5 of 12
19. Id at page 2 or 12.
The SFSTs designed for highway DUlS are not suitable for use on water. Marine officers who use these tests must bring the suspected impaired boater to shore and wait a pre-established period of time for the suspect to adapt to being on land (usually 15 minutes). This can be inconvenient for both officers and boaters. Tests that can be administered without bringing the suspect ashore will save time. The tests designed should allow for the suspect to remain seated during the testing, for their safety.\textsuperscript{22}

The National Association of State Boating Law Administrators (NASBLA) is a national nonprofit organization that works to develop public policy for recreational boating safety. NASBLA represents the recreational boating authorities of all 50 states and the U.S. territories. \textbf{NASBLA's mission} is to strengthen the ability of the state and territorial boating authorities to reduce death, injury and property damage associated with recreational boating and ensure a safe, secure and enjoyable boating environment.\textsuperscript{23}

NASBLA requested a study be done to determine field sobriety tests that could be standardized for the boating environment. After a review of six seated tests, which were evaluated in the laboratory, a combination of four tests – horizontal gaze nystagmus (HGN), finger to nose (FTN), palm pat (PP), and hand coordination (HC) – correctly classified 82\% of the BACS of greater than 0.08, and 67\% of the BACs less than 0.08, for an overall percent correct of 72\%.\textsuperscript{24} With this testing, a field study was conducted on the Lake of the Ozarks in central Missouri.\textsuperscript{25}

HGN and FTN are familiar to most officers since they are used in DUI investigations. The PP and HC are less familiar.

\textbf{PALM PAT}

The PP requires a person to place one hand extended, palm up, out in front on them. The other hand is placed on top of the first with the palm facing down. The top hand rotates 180 degrees and pats the bottom hand, alternating between the back of the hand and the palm of the hand. The bottom hand remains stationary. The subjects count out loud in relation with each pat. ONE-TWO, ONE-TWO, etc. The process then repeats. The subjects should start at a slow speed, then gradually increase the speed until a relatively rapid pace is reached. The subject should perform this test for a minimum of 10 seconds but not more than 15 seconds. Two or more clues suggest the individual is impaired with BAC greater than 0.08.\textsuperscript{26}

Clues are as follows for the PP:
1. Starting position
   a. Inability to follow instructions
   b. Started at wrong time
2. Palm Pats
   a. Did not count as instructed
   b. Did not pat as instructed
      i. Rolled hands
      ii. Double pat
      iii. Karate chopped
      iv. Other (document)
   c. Did not increase speed
   d. Stopped before being told

\begin{flushleft}
11. K.S.A. 32-1131(d).
14. K.S.A. 32-1132 is the implied consent for boating. Refusal to take the test or provide an adequate breath sample or samples as directed is a refusal. A person’s refusal shall be admissible in a charge of BUI.
15. Validation of Standardized Field Sobriety Tests For Use in Marine Environment: US Coast Guard Non-Profit Grant Proposal From the national Association of State Boating Law Administrators, pg. 5 of 12.
16. It is not illegal to have an open container on a boat in Kansas.
18. Id at page 5 of 12
19. Id at page 2 or 12.
22. Fiorentino-Section 1-introduction.
26. Fiorentino, Jimenez, and Dietel Appendix A-pg. 42.
\end{flushleft}
**HAND COORDINATION**

The HC test requires the subject to make fists with both hands and place the left fist thumb against the sternum and the thumb side of the right fist against the fleshy side of the left fist. The subject should stay in that position. The officer will tell them when to begin. They must perform four tasks. The first is to count aloud from one to four, placing one fist in front of the other, in step-like fashion, making sure the thumb side of one fist is touching the fleshy side of the other fist at each step. The second task is to memorize the position of the fists after having counted to four, clap the hands three times (no counting is required during clapping) and return the fists in the memorized position. The third task is to move the fists in step-like fashion in reverse order counting aloud five to eight. Once this is performed the subject is to return his or her hands opened and palms down to their laps. Each step is demonstrated by the officer. Three or more clues suggest the subject being tested is impaired with a BAC of 0.08 or greater.

The usefulness of these tests used in combination can help identify impaired boaters while ensuring the safety of boaters and officers alike.

As noted above, there were 57 arrests for BUI in all of 2012 in Kansas. So far this year, there have been 31 arrests. Major Dan Hesket, boating law administrator for Kansas Wildlife and Parks, indicates the use of the new SFSTs for marine use should be credited for more BUI arrests. “Officers are more comfortable doing them,” he reports.

**OPERATION DRY WATER (ODW)**

Operation Dry Water is an annual campaign focused on the detection and enforcement of BUI. A secondary objective is to raise awareness among all boaters that it is unsafe as well as illegal to operate a boat under the influence of drugs and/or alcohol. ODW was June 28-30, 2013.

Since the start of ODW in 2009, the percentage of boating fatalities with alcohol named as a contributing factor has decreased from 19% to 17% in the United States.

In 2012, 51 states and U.S. territories participated in ODW. Over that three-day weekend, law enforcement officers contacted 49,209 vessels and 113,116 boaters, made 337 BUI arrests, and issued 4,819 citations and 9,695 warnings for safety violations. All reported numbers were higher than those reported the previous year.

Marine law enforcement officers from local, state, and federal boating agencies — including the Kansas Department of Wildlife and Parks (KDWP) — were out in force June 28-30 during this national campaign.

Prosecutors with state waters in your county should be aware of this enforcement. Understand the use of the new SFSTs as they relate to the marine environment. If you should have questions or require further information related to BUI investigation and prosecution you should contact Dan Hesket, Law Enforcement KDWPT Pratt Operations Office, 512 SE 25th Ave., Pratt, KS 67124; Phone: (620) 672-5911.

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27. Fiorentino, Jimenez, and Dietel appendix A-pg. 44.
As I became better acquainted with county attorneys across the state and more aware of the special challenges they sometimes face, I made it a point to talk with President Mark Frame and Executive Director Steve Kearney. Then I asked if I could write this article to reach out to your special group. Many of you may already know about the Kansas Lawyers Assistance program, or also read the columns I write for the Kansas Bar Association. But if not, I hope you’ll read further.

The Kansas Lawyers Assistance Program (KALAP) came into being in 2001 through revised Rule 206 from the Kansas Supreme Court. ([http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Re laten+to+Discipline+of+Attorneys&r2=278](http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=278))

There were 3 purposes: 1. To protect the public; 2. To assist lawyers; 3. To educate the bench and bar about impairments. Sec. (g) assures that all transactions and participation in the program are completely confidential. Initially the focus was on lawyers with substance abuse problems, and that is still an important part of what we do. But later years have seen the program broaden considerably. Depression and aging are two major areas but actually, any lawyer suffering from personal or professional problems is eligible for services.

And Rule 206 goes on to list several services, but first and foremost is: “(1) offer immediate and continuing assistance at no cost to lawyers.” We help lawyers identify solutions to problems they may be having and KALAP staff and volunteers walk with them and work with them until things get better, whatever that looks like.

As I’ve traveled around the state meeting Kansas lawyers (a fabulous group whom I love to work for and with), I’ve come to recognize that county and district attorneys face some challenges specific to their situation. In addition to secondary trauma, which I talk about in more detail below, they also have to deal with running for election and all the pluses and minuses of being in the public spotlight and being a public official with a department to run and a budget to formulate (and often, to fight for). All of these things can generate a lot of stress at various times. And while a little stress can be good, a lot of stress is not, and can have serious effects on our physical and psychological health.

Knowledge is power and prevention is usually easier and cheaper than cure, so here are some thoughts about the stress of secondary trauma that I hope will help.

As a non-clinical person, I’m using a definition found at [http://secondarytrauma.org/](http://secondarytrauma.org/):

Secondary trauma is commonly referred to as “the stress resulting from helping or wanting to help a traumatized or suffering person.” Vicarious trauma is the term used to describe the “cumulative transformative effect of working with survivors of traumatic life events.”

Justice Sonja Sotomayor was a prosecutor in New York for several years. She found she was affected by her work, as she wrote in her book, *My Beloved World*, and she eventually moved on to a private law firm.

There are those in law enforcement who manage to remain unaltered by the work in their private selves, but they stand out with the rarity of saints. All around me, I saw personalities darkened by cynicism and despair. Trained in suspicion, skilled at cross-examining, you will look for the worst in people and you will find it….

There are currently several studies, some involving lawyers, that indicate that seeing gruesome photographs or hearing about awful crimes and depraved behavior does affect us. When our mind is racing all the time, or our emotions are at a fever pitch, our body also reacts by manufacturing stress chemicals which, over the long haul, can be harmful to our organs. And we can’t always get those images and feelings out of our head – the photos of the abused child, the dead body on the ground.

This is not to say that all prosecutors are doomed to despair and cynicism. But if we know that we can succumb to secondary trauma due to our work, we can take steps to deal with it effectively. And the first step is always simple awareness – that yes, it can happen to us. As lawyers we like to think we are the solvers of other people’s problems and we expect that we can also solve our own. When we sometimes can’t, we think there must be something wrong with us and if we just work harder, try harder,
This is my first article as the Kansas representative to the National District Attorneys Association (NDAA) Board of Directors. In March 2013, the Board of Directors of the KCDAA appointed me to the vacancy left on the NDAA. I am thankful to the KCDAA Board and President Mark Frame for their confidence in appointing me. I am appreciative for the opportunity to represent Kansas prosecutors on issues of concern for all prosecutors across the nation and pledge to do my best in representing your interests.

For those who do not know, each state is entitled to one seat on the board of directors. The NDAA board meets three times each year. The summer meeting was held in San Diego, California July 10-12, 2013.

Nola Foulston, the recently retired Sedgwick County District Attorney, served many years as the Kansas representative. It was quickly obvious at the board meetings that Nola is well respected nationally. I became known as “Nola’s replacement.”

Several other Kansas prosecutors are active in NDAA, including: Amy Hanley, Assistant Attorney General; Kim Parker, Chief Deputy Sedgwick County District Attorney; and Chadwick Taylor, Shawnee County District Attorney. Both Kim and Amy coached me on board duties and protocols prior to leaving for San Diego. In San Diego, Kim seemed to know and introduce me to everyone, (I remember them best by state and not by name). I am appreciative for the traditional formal introduction that Kim gave of me at the formal board meeting.

Many of those in attendance at the board meeting were prosecutors of national prominence, such as Ray “the DA” Larson from Lexington, Kentucky (see www.lexingtonprosecutor.com); Rick Wintory, Chief Deputy Pinal County, Arizona District Attorney; and Jerry Blair, retired State’s Attorney for the Third Circuit, Florida and prosecutor of serial killer Ted Bundy. At an informal gathering the first night of the conference, I was quick to learn that prosecutors everywhere like to discuss strategies and tell war stories over a cold one. It was obvious, though, that all in attendance were serious about prosecution and what this country means to them. The annual board meeting began with the pledge of allegiance and the singing of God Bless America.

Several important issues came out of the board meeting, probably the most important being the health of the NDAA. After several years of financial concern, the NDAA is now strong and growing. The NDAA employees will be getting raises for the first time in several years, and they will also be looking to expand the office space in Alexandria, Virginia.

The NDAA has become more aggressive in its
participation of appellate advocacy. The association is now submitting amicus briefs to the United States Supreme Court on a regular basis in order to support the member states. In the recent matter of Maryland v. King, 133 S. Ct. 1958, decided June 3, 2013, Justice Anthony Kennedy cites the NDAA. It was the only amicus brief cited.

The most exciting news on the agenda was that the federal government released $1.175 million in grant money. This money is dedicated to training classes. Since the National Advocacy Center (NAC) in Charlotte, South Carolina closed, the search has been on to find a replacement. Several years ago, the NDAA announced an agreement with the University of Utah in Salt Lake City to provide classroom and courtroom space for advocacy classes in its new law building. The University of Utah finally broke ground on this project. As soon as the building is completed, the newly named National Criminal Justice Center (NCJC) will have a home. More importantly, the grant money will be used to hold nine advocacy classes in fiscal year 2013-2014, each class accommodating 38 students. These classes will parallel the trial advocacy classes held at the NAC. The NCJC will pay for air fare, tuition, lodging, and a per diem. The classes will start in September 2013, even though the new law school and the NCJC will not be completed. It is anticipated that there will be many applications for this training. Watch for more information soon.

Of equal importance to our younger prosecutors is that the John R. Justice grant will be funded this year for $4 million. The Justice grant, named after former NDAA president John Justice, allows for the repayment of a portion of school loans for prosecutors. While we had hoped for more grant dollars this year, it is the same amount allotted last year. Watch for more details.

Other issues discussed include: a constitutional amendment for a victim’s rights; a science committee to establish national standards for forensics; attacks against the juvenile justice system by groups like the Annie Casey Foundation and the JDAI on juvenile detention; immigration reform; an electronic communications privacy act; and law enforcements access to e-mails to ensure public safety.

While three days of nonstop meetings was hectic, the beauty of San Diego was not forgotten. With a couple extra days vacation, my wife and I were able to take in Coronado Island, a Padres-Giants baseball game (the night before Tim Lincecum threw a no hitter), the aircraft carrier Midway, and SeaWorld. After a week’s worth of meetings and sightseeing, I could no longer stand waking up to 62 degree weather and seeing daily highs of 72 degrees. The locals complained of the hot weather and as one waiter said, “Hey Toto, you’re not in Kansas anymore.” I had to return home to lows of 82 degrees and midday temperatures in the 90s. Let’s not forget the high humidity.

I left San Diego with a good feeling about what we are doing in Kansas. Keep up the good work and remember why we do this: it’s all for the victims. Thank you again for appointing me to this position. I look forward to representing each of you in the NDAA. If you have any issues to be brought to the NDAA, do not hesitate in contacting me at jgorman@sycokck.org.

Next NDAA Board of Directors meeting
November 7-9, 2013
San Antonio, TX
St. Anthony’s Hotel Riverwalk

Spring Board & Committees Meeting
March 12-15, 2014
Memphis, TN
Doubletree by Hilton Downtown

Summer Board & Committees Meeting
July 18-20, 2014
Denver, CO Crowne Plaza Denver

NDAA 2014 Summer Conference
July 20-23, 2014
Denver, CO Crowne Plaza Denver

Check www.ndaa.org for details.
2013 KCDAA Spring Conference, June 20-21 - Photos

by Angela Wilson, Senior Assistant District Attorney, 18th Judicial District of Kansas

Golf Tournament, June 19
2013 KCDAA Spring Conference, June 20-21 - Photos

Keynote Speaker: Christina Habas
Denver, CO

Learning Best Practices and Ethics

CLE Hours

Breaks with Colleagues
Networking

Legislative Reception

Discussing Relevant Issues

Comparing “war” stories
Mark your calendars and watch kcdaa.org for more details!

2013 KCDAA FALL CONFERENCE

October 14-15, 2013
OVERLAND PARK, KS

Watch www.kcdaa.org for more details