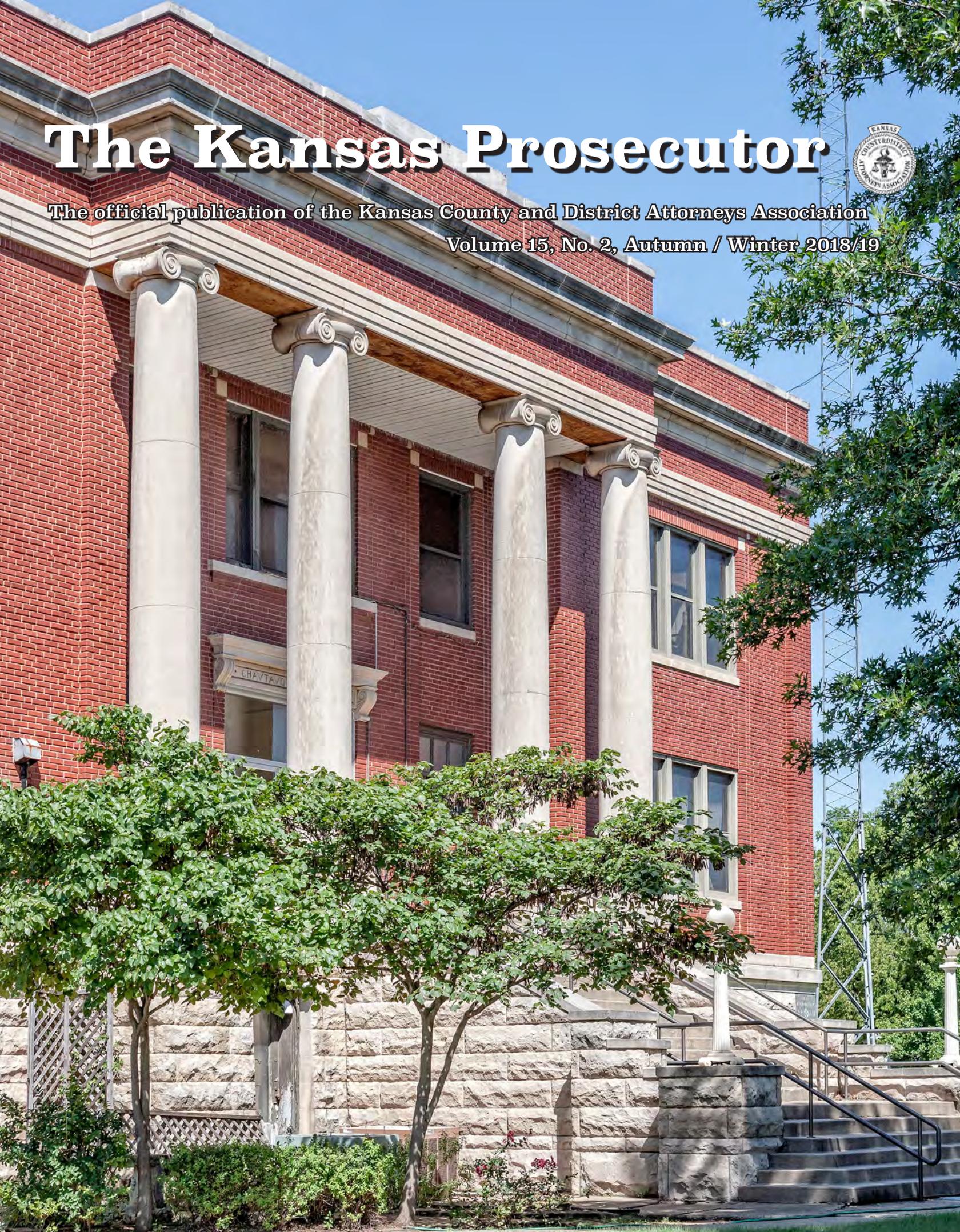


The Kansas Prosecutor



The official publication of the Kansas County and District Attorneys Association

Volume 15, No. 2, Autumn / Winter 2018/19



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 The purpose of the KCDAA is to promote,
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County Courthouse Portraits



About the Cover

Pictured on the cover is the Chautauqua County
 Courthouse. The county was established on March
 25, 1875 and organized on June 1, 1875 and was
 named for Chautauqua County, New York, the
 birthplace of Edward Jaquins. Sedan offered to
 construct a courthouse with private funds if it was
 to be the county seat. By 1877 the building was
 completed and Sedan was the county seat.

The courthouse is located at:
 215 N Chautauqua St.
 Sedan, KS 67361

*Photo by John Morrison, Prairie Vistas
 Gallery.*

President's Column



by Charles Branson, KCDA President, Douglas County District Attorney

2019 Brings An Important Mission for KCDA

As incoming President of the Kansas County and District Attorneys Association, I have been asked to write a brief introduction and to give you some insight into my hopes for 2019. I also want to extend my gratitude to the many friends and colleagues that I have worked with at KCDA over the past 14+ years that I have served as the Douglas County District Attorney.

I did not rise through the ranks of an office as is often the path of a District or County Attorney. I worked as a sole practitioner following law school from 1996 until 2005. I am a graduate of the University Of Kansas School Of Law and I earned my Bachelor of Science in Business Administration at KU. Although I was born and raised in Hutchinson, Lawrence has been my home since college.

I never planned to be a prosecutor, but I learned during those early years of representing people, including defendants, that I have a passion for helping people during hard times. It dawned on me that one of the most noble ways to be of service is to serve the people of my community as a prosecutor. And what an exciting, yet trying, time it is to be one!

Never before has the public eye been focused on our profession as it is now. While we cannot control the current environment, we must choose how we rise to meet the challenge.

I have a quote that I keep near my desk and it reads, "Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress." – Martin Luther King, Jr.

Why do I keep this particular quote near my desk? As prosecutors, we have competing demands of our offices. Over the past several years, it has

felt as if our profession is under attack. Rather than back down and fall away, I know that now is the time to make sure that our communities know about the innovative work being done in our offices.

We must get that information into their hands. We have an opportunity to show Kansans how diligently we are working for them and to acknowledge that we hear their frustrations. That we do not just represent some of our constituents, but that we represent all of them. It is also a time for us to celebrate the good work we have been doing such as the creation of model policies from our best practices committee. We have a moment in time to do amazing work and a chance to carefully guide our profession forward.

I know Todd Thompson – Vice-President, Brandon Jones – Secretary/Treasurer, Darrin Devinney – Director I, Justin Edwards – Director II, Chris McMullin – Director III, Sherri Schuck – Director IV, and Ellen Mitchell – Past President and I are facing a challenging, but immensely rewarding mission in 2019. I am all in. Are you?

District Attorney Charles E. Branson, a lifelong Kansan, was elected as District Attorney of the Seventh Judicial District on November 2, 2004 and took office January 10, 2005. Branson created the first consumer protection program in Douglas County. His work on the behalf of consumers lead the local press to refer to him as a true "consumer advocate." 

What's Your Story?

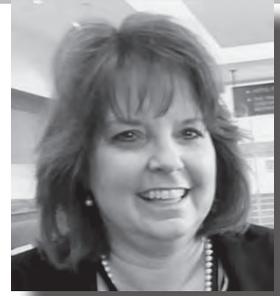
by Kim Parker, KCDAА Prosecutor Coordinator

KCDAA Film Project Launching Soon

Throughout my career as a prosecutor, I realized many people had little understanding of the criminal justice system and the prosecution profession. Most do not understand that prosecutors do not have clients but represent the people, the citizens of our state. Most do not understand that prosecutors have multiple statutory requirements beyond the prosecution of crime. Most, even those in the legal profession, are not aware that prosecutors have a higher ethical responsibility than other attorneys.

In the fall of 2017, the Board of Directors for KCDAА initiated a pilot project to produce a series of videos that answer the complex-yet-simple question of why attorneys chose prosecution as their profession. These short films document interviews with Kansas prosecutors as they reflect on their occupation and experience as prosecutors. We asked prosecutors from small, medium and large offices to participate. We formed a short list of questions to prompt dialogue about their work as a prosecutor and why they chose this career path. We engaged Brian Foster of Sunflower Development Solutions to film and produce the videos. We asked Kansas prosecutors to share their story.

Too often, citizens have incomplete or inaccurate



information about prosecutors and the criminal justice system. This video project is an opportunity for Kansas County and District Attorneys to continue their efforts to educate their communities about the criminal justice system and the function of prosecutors. These videos seek to create a more complete and accurate picture of the Kansas prosecutor and invite members of the public to 'get to know' their local prosecutor and become informed about the criminal justice process in their community.

During this project I had the benefit of watching my colleagues thoughtfully and conscientiously share their stories. It was revealing, enlightening and inspiring!

Now a year after filming with cuts, splices and edits, we have our film productions ready for public release. Look for the release "Coming Soon" to a computer near

you!

Fall Conference Wrap-Up

by Chris McMullin, Chief Deputy District Attorney, Johnson County

The 2018 Fall Conference was held October 8-9 in Manhattan, Kansas. The Little Apple has become a regular host for our event, and will continue to be in the rotation of conference sites. Nearly 150 Kansas prosecutors from offices across the State took in a diverse slate of speakers and topics. The “headliner” was Justice Carol Beier of the Kansas Supreme Court, who spoke about her view from the bench, including a case review and practice pointers.

Attendees heard about Veteran’s Court, KOMA/KORA, diversion, case law update, and prosecutor peer support programs. Kansas corrections officials spoke about sentence computation. “Humorist at Law” Sean Carter presented four hours of ethics with a mixture of comedy and case law. There was also a first-ever “You Asked/Members Answered” roundtable discussion.

Perhaps most importantly, the KCDA conference offered an opportunity for collegial fellowship among like-minded public servants. It is always good to talk to prosecutors from other parts of our great, diverse State.

The Fall Conference also included the annual business meeting and awards ceremony. Congratulations go to:

Lifetime Achievement Award
Tom Weilert, Sedgwick County

Prosecutor of the Year Award
Marc Bennett, Sedgwick County

Public Service Award
Samantha Shannon, Johnson County

Special thanks to Kari Presley, Steve Kearney and the professional staff from Kearney and Associates who provide critical logistical support to our organization.

Thanks also to the members of the CLE Committee for their help in making an on-paper plan a real conference. Without your ideas, there would be no conference. Please keep the speaker ideas coming! See you in Olathe in June 2019. 🍷



From left: Riley County Attorney Barry Wilkerson, Kansas Supreme Court Justice Carol Beier, Johnson County Chief Deputy District Attorney Chris McMullin



Sedgwick County District Attorney Marc Bennett (KCDA Prosecutor of the Year) and family



Johnson County Assistant District Attorney Samantha Shannon (KCDA Public Service Award Recipient) and Reno County Deputy District Attorney Thomas Stanton

A Look at the Awards Recipients...

Each year, nominations are received by KCDAA for various awards given annually by the organization. Following are selections from the nominations for Tom Weilert, recipient of the Lifetime Achievement Award, as well as Marc Bennett, KCDAA's Prosecutor of the Year.

Tom Weilert began his career in 1975 as a municipal court prosecutor for the City of Wichita. After 13 months there, he was hired by then-District Attorney Vern Miller as an assistant, where he served from January 1977 to September 1980, when he left to enter private practice. Having missed prosecution, Tom was called back to work in May 1999 by Nola Foulston, serving as a senior attorney until January 2005. For five years at the National District Attorneys Association, Tom served as a special project coordinator, then as the Assistant Director of the College. Tom used his time to shape the minds of hundreds of young state prosecutors from all across the United States.

Tom's passion has long been shaping young attorneys into exemplary prosecutors. When he returned to Wichita, he created and ran a weeklong Boot Camp for prosecutors. His excitement for training young attorneys continues with the young attorneys he supervises. Tom has been responsible for training and supervising the intern class each summer, including interviewing and recommending the qualified candidates for hire.

Over his career, Tom has handled many high profile cases and developed a passion for the prosecution of DUI and vehicular fatalities. After 43 years in the practice of law, Tom has announced his intention to retire from the Sedgwick County District Attorney's office.

As District Attorney, Marc Bennett has overseen the office through its most significant transition in decades. In late 2017, the Kansas Supreme Court mandated the 18th Judicial District reorganize from a centralized system to the more common single-judge approach. It was a seismic shift for the practitioners in the county. Significantly, Marc became involved with the Court, helping structure the system and acting as a strong voice for the attorneys who would have to practice under the new system. Marc's recommendations and cooperation have helped ease the pain of such a fundamental change in the way business is conducted.



While overseeing 55 attorneys and 80 non-attorney staff, Marc has continued to carry a case load of violent crimes and crimes committed against, and by, law enforcement officers. As a former president of the KCDAA Board of Directors, Marc has been one of the more recognized faces at our conferences for years, but his humble nature and easy laugh have

made him one of the most approachable members as well. There are countless members across the State who have received the benefit of Marc's understanding of the law and human nature. At least weekly, he is contacted by a prosecutor with questions about a case. He has dedicated his time to training newly elected prosecutors.

Through it all, Marc has remained true to himself, his wife Tamara, and their three daughters. Marc has been a member of his church's pastor-parish committee for years, and has continued to play the upright bass with the band his Dad and uncles started over 30 years ago.

Foundation Announces Scholarship Recipients

by Thomas Stanton, President of the KPF Board of Trustees, Deputy Reno County District Attorney

The Kansas Prosecutors Foundation (KPF) was created in August of 2007 to support the profession of criminal prosecution, and to seek to assist in the educational opportunities of those who are, or who seek to be, Kansas Prosecutors. In light of those goals, the KPF has endeavored to provide scholarships for current law school students who specifically seek careers in criminal prosecution in Kansas.

The KPF began awarding scholarships in the spring of 2013. At that time, we were able only to award one \$1,000 scholarship to a student at each of the two Kansas law schools. The KPF was able to award two more scholarships in 2014.

The KPF is a charitable foundation supported by prosecutors and others who believe that supporting present and future prosecutors is a noble goal worthy of financial support. By 2015, the KPF expanded its scholarships to three, \$1,500 awards thanks to the generosity of its supporters. The KPF continued to award three \$1,500 scholarships in 2016 and in 2017.

The financial condition of the KPF in the second quarter of 2018 allowed us for the first time to award more than two scholarships to deserving law students from the law schools of Kansas. Six \$1,500 scholarships were delivered at the Spring KCDA Conference. Those scholarships were awarded to Lindsie Ford, Monica Sosa and Samantha Yianitsis of the University of Kansas School of Law, and Timothy Carney, Ashley McGee and Audrey Koehler of the Washburn University School of Law. Each applicant also received \$100 to cover travel costs to Wichita for the presentation of the scholarships. It was extremely rewarding for the KPF Board of Trustees to be able to support six aspiring Kansas prosecutors. We certainly look forward to continue to award multiple scholarships, and expanding the size of the scholarships in the future.

Lindsie Ford is in her second year at the University of Kansas School of Law and is currently the President of the University of Kansas School of Law Public Interest Law Society. She is interning for the Douglas County Attorney's office working primarily on Child in Need of Care (CINC) cases.

She began her legal career as a paralegal. While receiving her paralegal certificate she volunteered with the Victims' Assistance Unit of the Johnson County, Kansas District Attorney's office.



*Lindsie Ford, Monica Sosa and Samantha Yianitsis
University of Kansas School of Law*



*Timothy Carney, Ashley McGee and Audrey Koehler
Washburn University School of Law*

Monica Sosa is from Wichita and currently attending the University of Kansas School of Law. She holds Bachelors and Masters in Criminal Justice from Wichita State University. Sosa is a fluent Spanish speaker and hopes to use this skill to help victims and prosecute criminals where there is a language barrier. Monica currently works at KU Legal Services for Students as a Legal Intern providing free supervised legal services for KU students.

Samantha Yianitsas is a May 2018 graduate of the University of Kansas School of Law. During law school, Samantha was a student intern at the Paul E. Wilson Project for Innocence and Post Conviction Remedies and Douglas County Legal Aid Society, where she practiced on a 719 supervisory license. Samantha has accepted a position as Assistant County Attorney with the Ford County Attorney's Office.

Timothy Carney graduated with honors from Wichita State with a Bachelor's in Criminal Justice. His first internship during law school was with the



United States Attorney's Office for the District of Kansas. He spent his second summer as an intern with the Sedgwick County DA's Office.

Audrey Koehler is a student at Washburn University School of Law. Koehler attended Wichita State University where she earned a B.A. in Sociology with minors in Psychology and Criminal Justice. At Washburn, Koehler is a member of the Washburn Law Journal, works as a research assistant for a Washburn Law professor, and is a Pro Bono Certificate Candidate. This summer, Koehler will be working at the Sedgwick County District Attorney's Office and hopes to serve as a federal prosecutor in the U.S. Attorney's Office for the District of Kansas.

Ashley McGee is in her last semester at Washburn University School of Law. Her journey into law began with several internship and volunteer opportunities including with CASA working with Child in Need of Care cases. She spent time working with victims of domestic violence victims and assisted batterers in taking accountability for their actions. Last summer Ashley began a year-long internship at the Lyon County Attorney's Office where she plans to stay on as an Assistant County Attorney following graduation.

In addition to charitable gifts from KPF supporters, the KPF raises scholarship funds by promoting an annual golf tournament. This year the tournament was held June 6, 2018, at the Arthur B. Sim Golf Course at 2020 West Murdock Street in Wichita. Donors provided Gold (\$1,000), Silver (\$750) and Bronze (4500) Sponsorships, as well as hole sponsorships at \$100 per hole. The tournament operated at a profit this year, so we are very grateful to those who played in the tournament, and supported the tournament by financial gifts.

The KPF Board of Trustees invites anyone who wishes to support the profession of criminal prosecution, and the law students who seek to make prosecution their career, to do so by providing a tax-deductible gift to the Kansas Prosecutors Foundations, 1200 West 10th Street, Topeka, Kansas 66604. If you are interested in helping with the golf tournament in the future, or in any way supporting the KPF, please contact us at the Foundation page at www.kcdaa.org.

Member Milestones

Phelan to Department of State

Christopher Phelan accepted a position as a Foreign Service Officer with the U.S. Department of State. As a Foreign Service Officer, he joins a corps of 13,000 employees representing America in more than 290 embassies and consulates worldwide. He left his position of Coffey County Attorney at the end of October.

Jones Named Frankling County Attorney

Brandon Jones was appointed as the new Franklin County Attorney in Ottawa, Kansas, in early November. He resigned his position as Osage County Attorney and continues to serve as the Anderson County Attorney.

Lewis Appointed New Judge

Laura Lewis, Meade County Attorney, was recently appointed to fulfill the remainder of Judge Van Z. Hampton's term in the sixteenth judicial district. She will be the first woman to hold that position in that judicial district.

Boehm Appointed New Judge

Courtney Boehm, the Marion County Attorney, was appointed as a district judge in the 8th District.

Kuhns Appointed Interim County Attorney

Clay A. Kuhns has been appointed Meade County Attorney effective January 2, 2019. Clay has been an Assistant County Attorney in Clark and Ford Counties.

Submit your announcements for the Spring edition of The Kansas Prosecutor by March 1st.

We would like to publish baby announcements, new attorneys, anniversaries, retirements, awards, office moves, if you have been published, or anything else you would like to share!

Send your milestones to:
bfoster@sundevsolutions.com

Member Highlight: Mark Dupree, Sr.

by Jeremy Crist, Assistant Riley County Attorney

*“And what does the Lord require of you?
To act justly, and to love mercy, and to walk
humbly with your God.”*

“That’s one of my favorite verses”, said Mark Dupree, Sr., Wyandotte County District Attorney. “I strive to do so in both my work and my home.” To understand why this verse found in Micah 6:8 centers Dupree’s life, one must take a short journey back to where it all began...in Wyandotte County.

Mark was born and raised in Kansas City, Kansas, by parents who were both pastors. He remembers as an eight-year-old riding his bike in the neighborhood and coming upon a dead body. He quickly went home to tell his parents. They called the police and prayed for the person he saw and for the person’s family. On his bike again, four years later, he heard gun shots being exchanged, and later realized he could have been shot and killed. When he told his parents, they again prayed with Mark, a natural response for the family. These experiences were commonplace in the neighborhood, and had a profound effect on him. Little did he know then, that just two years later, his life would be forever changed.

At the age of fourteen, Mark met Judge Cordell Meeks Jr., as part of a high school shadow program. *A judge! And one that looked like him to boot!* This single event, and the friendship that grew from it, changed Mark’s career trajectory. Through that experience, he realized the importance of people trying to make the criminal justice system work for everyone, and that he could be a part of it. With the support of Judge Meeks and his parents, Mark went to law school.

After graduating law school, Mark clerked for the Honorable Gregory Gillis in Jackson County, Missouri. He later served as an Assistant Prosecuting Attorney at the Jackson County

Prosecutor’s Office, and would later work as an Assistant Public Defender at the Johnson County Public Defender’s Office. Following that, he and his wife, also an attorney, opened their own firm, Dupree and Dupree, LLC.

When the Wyandotte County District Attorney position came up for election, Mark consulted his parents who encouraged him to run and told him he could have the chance to make significant change, lock up knuckleheads (criminals), make the entire community safe, and prosecute equitably across the board; hence being able to do more than simply pray. With the support of family and friends, Mark put his hat in the ring. And the rest was, literally, history, as Mark was the first elected African American District Attorney in Kansas. And yes, he has prosecuted equitably across the board, raising the felony trial conviction rate by more than 25% since he’s been in office, and has not been afraid to tackle the hard cases.

Recalling his childhood experiences and the values and lessons imparted to him from his parents, Judge Meeks, and others, Mark has worked to give back to the community, become involved, and implement programs within the District Attorney’s Office to improve community relations.

Because of its impact on him, exposing him to something entirely new, Mark has made sure that the legal shadow experiences continue. He encourages the twenty-seven attorneys in his office to get involved in the community, in schools, in organizations – to give back. Through the **BOLDD** (Brilliant Outstanding Leaders Determined to be the Difference) initiative, Mark and his attorneys work with high schools in Wyandotte County. Students are matched with a prosecutor from the office and various programs are coordinated for the year. They are exposed to the criminal justice system in a variety of ways, one of which is to sit in on court hearings.



Intent on making the community part of the solution and building community trust, Mark created a Community Liaison Board, consisting of thirty-five members drawn from across the county. The Board meets to discuss concerns, brainstorm potential resolutions, and share opinions and ideas, with a primary focus on crime prevention and ways to build up the community's youth.

Mark is also developing a Conviction Integrity Unit (CIU), the first of its kind in the state. This Unit will review post-conviction cases, via Kansas Statute 60-1507, and identify cases that have creditable and verifiable evidence that a wrongful conviction may exist. This is simply another step Mark believes will help bring integrity and transparency into the criminal justice system by conducting independent review of convictions to investigate plausible allegations of actual innocence. It will be staffed by a full time attorney, a part-time investigator, and a part-time assistant.

Mark credits his parents for so much: a secure foundation; shining examples of humility; life of service to God and to the community; and their unfailing love. Mark's mother passed away a month after he won his primary election in 2016, and his father passed away 14 months later. Who would take over the duties as minister at their church? Mark, of course.

Now, along with his schedule as the District Attorney, Mark is also the Senior Pastor at Grace Tabernacle Family Life Outreach Center. Here, he continues his father's and mother's work, serving God and community – a charge Mark seizes with great enthusiasm, reverence, and of course, humility. Mark's story is a reminder that a consequential life means more than just going to work and trying to give a good effort. It involves intentionally questioning our goals, the nature of our work, and the opportunities it can offer to better serve our communities. 🕊

County Courthouse Portraits



Chautauqua County Courthouse

John D Morrison

Prairie Vistas Gallery
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Wichita, KS 67208
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