

The Kansas Prosecutor



The official publication of the Kansas County and District Attorneys Association

Volume 16, No. 2, December 2019



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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



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

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About the Cover

The Franklin County Courthouse, located in
 Courthouse Square on Main Street in Ottawa,
 Kansas. The courthouse was built in 1892.
 Architect George P. Washburn designed the
 courthouse in the Romanesque Revival style;
 the red brick courthouse is considered one of
 Washburn’s “most outstanding works”. The
 design features four square corner towers, a typical
 feature of Washburn’s designs; two cupolas on the
 roof include a bell tower and a clock tower. The
 intricate roof design includes a main hipped roof
 with gable ends on each side and steep hipped
 roofs atop the towers. The east and west entrances
 to the courthouse are through large porches and
 topped with balconies. The second-story windows
 are arched and connected by a band of stone.

President's Column



by Todd Thompson, KCDA President, Leavenworth County Attorney

New Year Brings a Look Back, Fresh Start for KCDA!

“Out with the old and in with the new” is a common expression we use to tell us to move forward. It’s the thought we have as we begin a new year. When we start a new year, we think of those resolutions we make to better ourselves. We think of new slate of elected officials that take over and how they are going to perform, our new budget cycle, and the new legislative session and what issues will come of it. At least that’s what I think about. Recently, I have been focusing more on the traditional song that’s sung to ring in the New Year, “Auld Lang Syne.”

Yes, the song with the odd phrase that literally translates from Gaelic to mean “old long since.” The song with lyrics so confusing that Billy Crystal says in “*When Harry Met Sally*,” “My whole life, I don’t know what this song means. I mean does that mean that we should forget old acquaintances, or does it mean if we happened to forget them, we should remember them, which is not possible because we already forgot?” If you really listen, the song is reminding us to reflect and appreciate things of the past. That is something we should do in the new year.

Too often we are trying to be done with the old, I think we are too hasty on this. When I look back, I remember a time when we could compromise and not be so divisive on every matter. A time when people would respect others enough to listen, instead of just trying to get their own point across. A time where we trusted our prosecutors, our law enforcement, and our judges, instead of immediately thinking they are being nefarious.

We now live in a time where people are too quick to act. The public can make a determination on a case before



Zarina Belle Thompson was born April 1, 2019 to Rabiya and Todd Thompson.

the court ever hears it. By the time the case does make it to court, no one cares. News is shared so quickly that sometimes they are missing all the facts. Legislation can be passed before it’s even properly evaluated, take for instance the 2016 Juvenile Justice bill. That piece of legislation passed without thorough vetting and now we receive constant complaints from judges, prosecutors, schools. Two recent news articles have come out discussing the harm. Committees and commissions have been created to review Juvenile Justice Reform to fix the problems. KCDA is actively participating in these groups and helping to propose the appropriate “fixes”. While we can’t go back in time, nobody can, we look forward to future legislative sessions where all involved can actively participate in the through vetting.

In “*When Harry Met Sally*,” Meg Ryan’s responded to Billy Crystal’s question by saying, “Well, maybe it just means that we should remember that we forgot them or something. Anyway, it’s about old friends.” Beyond my hope for civility and patience, I also plan to reach out to old friends. I plan to talk to our membership and make sure their needs are being met, and meet with non-members to see what we can do to encourage them to join. I look forward to connecting with our legislators to explain our association’s thoughts and concerns. Lastly, I hope to help prosecutors to reach out to the public to explain what we do, why we do it, and that our interest is always the best interest of the public. Then next year when I sing, “Auld Lang Syne,” I can look back at all those I connected with and reflect how we all worked to make our community safer.

Legislative Report

by Kim Parker, KCDAAs Prosecutor Coordinator

Looking Forward in the Hindsight Year



The year 2020 offers us the opportunity to review in hindsight our best and worst moments. We can take what we have learned and continue to make our Kansas communities safe and secure. Prosecutors see firsthand ‘man’s inhumanity to man’ and every day they step into situations of tragedy and hardship. The work is not easy, yet prosecutors persist in the pursuit of justice and the betterment of their communities. Our association is full of individuals who have dedicated their legal careers and talents to honor justice. I am proud to represent the Kansas County and District Attorney’s Association 2020 at the Kansas Statehouse. I intend to share with Kansas legislators the dedication and leadership of Kansas prosecutors in protecting our communities, the challenges faced by prosecutors and our suggestions for the improvement of the criminal justice in our state.

The 2020 Legislative Session is set to kickoff January 13th and there has been significant work over the last several months preparing for the 2020 session. The KCDAAs legislative committee led by our new president Todd Thompson, Leavenworth County Attorney, gathered legislative proposals from the members of the association and met with the KCDAAs Board of Directors to prepare this year’s legislative package. The package prioritizes five legislative initiatives.

The top priority is Juvenile Justice and Child Protection. In June of 2019, Representative Fred Patton asked the Judicial Council to study the impact of Senate Bill 367 on crossover youth and recommend modifications to relevant provisions of law in order to ensure the goals of S.B.367 are met for crossover youth. The study was carried out by the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee. Three members of our association participated, Don Hymer, Johnson County, Kristi Allen, Sedgwick County and Charlene Brubaker, Ellis County. We will use the recommendations of their study to inform our legislative requests.

Other legislative requests include 2019 HB2394 changes to the Abuse of A Child statute, 2019 HB 2049 changing

felony loss thresholds to be consistent throughout the statutes. A bill to change the definition of possession as proposed in 2018 and a proposal to do away with the archaic ‘Gregg’ evaluations.

Throughout the session, I have the opportunity to work closely with the KCDAAs Board of Directors, to receive input and advice as bills progress through the legislative process.

On a different note, I hope you had a chance to attend our most recent conference in Wichita. The CLE program was awesome, and we had the opportunity to honor some of our finest during our annual awards luncheon. This year was very special as outgoing President Charles Branson Douglas County District Attorney awarded the first ever Presidential Award to our very own Kari Presley. Congratulations Kari!

This year I will be sending out *Kim’s Comments*, a short summary of my legislative involvement on behalf of KCDAAs, to help our members keep pace with the weekly action at the Kansas Statehouse. As always if you have an interest in a bill please contact me for assistance. I look forward to the 2020 session and my work with the best of the best.

Kim T. Parker
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NEVER STOP SEEKING JUSTICE 

Past President's Column

by Charles Branson, KCDAA Past President, Douglas County District Attorney

Looking Back at 2019 with a Sense of Accomplishment...



It's been a year already? Chances are many current and past members of the KCDAA Board and staff have been too busy to notice time flying by. As I reflect on my past year as President, I am struck by how much work KCDAA has done on behalf of prosecutors around the state. I am also reminded just how valuable our organization is to not only our members but the courts we practice in and our local legislators. Here are a few examples of the work we've been involved in:

In November of 2018, the Kansas Supreme Court formed the Ad Hoc Pretrial Justice Task Force to examine issues in pretrial detention. This task force, comprised of criminal justice stakeholders from around State, will study these issues for 18 months before reporting its findings and recommendations back the Supreme Court in May 2020. I had the fortune of being selected as part of the task force along with current President Todd Thompson from Leavenworth County and Past-President Tom Drees from Ellis County. The Task Force has been studying topics ranging from pretrial release and bail reform to cite-and-release policies and appointment of counsel at first appearances. Reports from the task force can be found here: http://www.kscourts.org/Court-Administration/Pretrial_Justice_Task_Force/index.html



In May 2019, the Kansas Legislature passed House Bill 2290, which established the Kansas Criminal Justice Reform Commission. The Commission is chaired by KCDAA Past-President Marc Bennett from Sedgwick County. KCDAA Board Member Tabitha Owens from Smith County is also on the Commission. The Commission has been charged with reviewing existing statutes and making recommendations on a myriad of issues, including: review of the sentencing guidelines

grid, examining sentence proportionality, analyzing diversion policies and specialty courts, and evaluating existing information and data management systems. The preliminary report from the Commission can be found here: http://www.kslegislature.org/li/b2019_20/committees/cte_ot_criminal_justice_reform_1/

This year, the KCDAA Board also announced the formation of a new Diversity Committee. This committee will explore ways to recognize and promote diversity in the prosecution bar by exploring ways to encourage a diverse range of law-school students to explore careers in prosecution. The committee will also

make recommendations to the Board and CLE Committee for programs that focus on and educate about diversity. Board Member Sherri Schuck from Pottawatomie County and L.T. Obozele from Douglas County are the co-chairs.

Finally, our year of work has resulted in some much-deserved recognition. One of the highlights of my year and the fall CLE was the presentation of the first-ever President's

Award. The Board unanimously approved the creation of this new award with the goal of bestowing it on an outstanding contributor to the KCDAA. The selection of the first recipient, our very own Kari Presley, was an easy one. Kari has been the glue that holds all the pieces together for the Board for many years. Without her, we could not have accomplished the things we have this year or prior years. Congratulations, Kari!

As we usher in the New Year, your KCDAA remains hard at work for you and your organization. It has been my privilege and honor to represent our organization, and I look forward to our continued accomplishments. 🍀

CLE Chairman's Column

by Chris McMullin, KCDA A CLE Chairman, Johnson County Chief Deputy District Attorney

Building 2020 on the Successes of 2019 Conferences and Events



Greetings from the KCDA A CLE Committee! The committee tries to plan our programs a year in advance. For a while now, "2020" has been an abstraction, some distant date (Like *2001: A Space Odyssey* or *Back to the Future*). Well, it is here!! Let's look at where we have been and where we are headed, CLE- wise.

The Fall 2019 Conference felt like old home week: *Back to the Hyatt*. The 200 or so attendees were treated to *Ethics the Movie IV*, a continuation of the creative delivery of serious content by our friends from Kentucky.

The Attorney General's Office gave us a briefing on their busy fall with three cases argued at the United States Supreme Court in Washington, D.C.

Judge Karen Arnold-Burger of the Kansas Court of Appeals updated the membership on the ongoing concerns regarding pretrial detention (an issue that I am certain we will hear a lot more about.)

Tuesday also brought presentations on officers as victims and officer-involved shootings. Also appellate, drug elected, juvenile, and probation violation presentations, and an entire support staff conference!! It was a busy two days!! (13 CLE



Thomas Lockridge, Chris McMullin, Steve Wilson



Support Staff Conference



Darrin Devinney

hours including 3 ethics hours.)

The CLE Committee is looking forward to Manhattan in June, and Wichita in October 2020. We are challenged to find dates for the conference that allow the most members to attend.

Some of the topics we are working on:

- A long-overdue comprehensive jury selection presentation;
- Ethics 101;
- CINC update (large and small jurisdiction);
- Best Practices;
- Legislative update.

As always, you are encouraged to contact the committee with the names of any outstanding national speakers that you see. Personal referrals result in our very best national speaker presentations at KCDA A.

I am writing this the Friday before Christmas. I am thankful that I work in a profession that is populated by so many outstanding men and women, who are so dedicated to keeping their communities safe. Blessings to all of you. 🙏

Kansas Prosecutors Foundation

by David R. Huckabee, Assistant Franklin County Attorney

Foundation Makes Plans for 2020...

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, and 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. In 2018, the KPF was able to expand the number of scholarships to six \$1,500 scholarships. Not only were scholarships provided, but also \$100 was provided for travel expenses.

Continuing in 2019, the KPF was able to award four \$1,500 scholarships. These four recipients received their scholarships at the Spring KCDAA Conference. The scholarships were awarded to Sophia Brunetti, Carissa Leffler, and Lauren Young of Washburn University School of Law, and Bailey Hockett of the University of Kansas School of Law. It was extremely rewarding for the KPF Board of Trustees to be able to support four aspiring Kansas prosecutors. We certainly look forward to continue to award multiple scholarships, and expanding the size of the scholarships in the future.

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 5, 2019, at the Prairie Highlands Golf Club 14695 S Inverness St in Olathe. Donors provided Gold (\$1,000), Silver (\$750) and Bronze (\$500) 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 is pleased to announce that this year's tournament will be held on June 10, 2020, at Colbert Hills Golf Course 5200 Colbert Hills Drive in Manhattan. The cost of to play will be \$60. Included in the \$60 is: golf, golf cart, driving range access, a meal before, and two drink tickets. The same levels of sponsorship will be available. We are very excited for a great turn out this year.

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. This year, the KPF has also made it possible to register online at <http://kcdaa.org/event-3601866>. 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 kcdaa.org.

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



Kansas Prosecutors Foundation Golf Tournament June 10, 2020

We invite you to register for our golf tournament on Wednesday, June 10, 2020!

11:00 a.m. Lunch and Check-In (please check-in by 11:30 a.m.)

12:00 p.m. Shotgun Start

Come out and support a great cause!

Location:

Colbert Hills Golf Course

5200 Colbert Hills Drive, Manhattan, Kansas 66503

Cost:

\$100.00 per player/\$400.00 per team*

includes 18 holes, cart, range balls, box lunch, and 2 drink tickets

*The value of golf is \$60 per person or \$240 per team



Learn more at
www.kcdaa.org

Register a whole team or register as an individual, and we'll put you on a team! Payments can be made online, mailed or brought to the tournament. Payments are due the day of the tournament and should be made out to the Kansas Prosecutor Foundation (KPF) and mailed to 1200 SW 10th Ave., Topeka, KS 66604.

SPONSORSHIPS ARE ALSO AVAILABLE!

Gold: \$1,000.00 – hole sign, half page ad in conference program, full page ad in Kansas Prosecutor magazine, and a 4-person team

Silver: \$750.00 – hole sign, quarter page ad in our conference program, half page ad in Kansas Prosecutor magazine, and a 4-person team

Bronze: \$500.00 – hole sign, quarter page ad in our conference program, quarter page ad in Kansas Prosecutor magazine, and two golf registrations

Hole Sponsorship: \$100.00 – hole sign and recognition at event

*Proceeds from the tournament will go to the Kansas Prosecutors Foundation.
Join us for a great afternoon of fun, networking, and supporting a good cause.*

Register online at www.kcdaa.org/golf. Registration deadline is May 22, 2020.

Questions? Contact KPF/KCDA A at 785-232-5822 or kari@kearneyandassociates.com

Send payments to: KPF, 1200 SW 10th Ave., Topeka, KS 66604

Member Milestones

Kelly Appoints Simpson

On July 19, 2019, Governor Laura Kelly appointed former Douglas County Senior Assistant District Attorney Mark A. Simpson to fill the judicial vacancy created when the Honorable Paula B. Martin recently retired from the Seventh Judicial District. He was also instrumental in the January 2017 successful launch and implementation of District Attorney Charles Branson's Behavioral Health Court (BHC). It was a bittersweet farewell for both DA Branson and his staff to their highly respected colleague and friend, but they know the citizens of Douglas County gained an invaluable addition to the bench.

Campbell Welcomes First Child

Wyandotte County Assistant District Attorney Nic Campbell and his wife Colleen welcomed their first child, Cooper Barrett Campbell, on July 24, 2019. Congratulations to the happy parents!



Cunningham Joins Ellis County Team

Aaron Cunningham, a 2019 Washburn Law School graduate, joined the Ellis County Attorney's Office as an Assistant County Attorney on August 12, 2019. Aaron replaced David Aschwege, who accepted a prosecutor position in the Sedgwick County District Attorney's Office.

Drees Celebrates 30 Years

Thomas J. Drees, Ellis County Attorney, celebrated this 30th anniversary as a prosecuting attorney in Ellis County on August 26, 2019. Tom started as an Assistant Ellis County Attorney on August 26, 1989. Tom has served as the Ellis County Attorney since 1997. Tom also served as Trego County Attorney from 1997 - 2000. Tom is a past president of the KCDAA (2005).

Weilert, Lessor Retire

Two longtime attorneys in the 18th Judicial District

(Sedgwick County) retired from the office this year, Tom Weilert and Sandy Lessor. Weilert graduated law school in 1975 and twice served in the Sedgwick County office. He was named a KCDAA Lifetime Achievement Award recipient recently. Lessor has spent her 21+ year career speaking on behalf of abused and neglected children in CINC (Child In Need of Care) cases.



Greenwald Welcomes Twins

Johnson County Assistant District Attorney David Greenwald and his wife welcomed twin boys on June 16, 2019. Jonathan "Jack" and Theodore "Teddy" Greenwald are doing well. Congratulations to the happy parents!



Stewart Joins Miami County Team

Sarah Stewart became Deputy County Attorney in Miami County in May 2019. Sarah previously prosecuted in Johnson County and was in private practice before joining the team.

Hurst Welcomes Child

Johnson County Assistant District Attorney Will Hurst and his wife Tracie welcomed Haddie Elizabeth Hurst on March 13, 2019. Congratulations to the Happy Parents!



Leavenworth's Expungement Day

by **Todd Thompson, Leavenworth County Attorney**

More than fifty people applied for expungements during Leavenworth's expungement day. One of those people was Johnny. Johnny, an 81-year-old felon stood in the same office that convicted him of aggravated assault over thirty-five years ago. He stood in front of the Leavenworth County Attorney's receptionist hunched over from age, nervous, and carrying a secret he had kept for years.

"Can you help me?" Johnny quietly whispered, "My church told me about your office holding an expungement day."

In January, the Leavenworth County Attorney's Office organized a program to give persons eligible for expungement a free chance at one. Our job as prosecutors is to not only protect our community, but make our community better. Helping people obtain expungements is one way of doing that. We want to continue to motivate those who have already bettered their life, and help them to continue to move forward.

Johnny stood in front of the receptionist clutching that expungement day flyer and said he wanted more information. He said he was told that the information was on the County Attorney's website, but he did not know anything about computers. As she did for every individual that is unable to print forms, the receptionist printed the necessary forms and provided them to Johnny. He filled them out right there and returned them to her.

Jermaine Wilson, mayor of Leavenworth and a former convicted felon, was one of the key drivers of the expungement day success had his own record expunged years before. "Getting my record expunged helped me to be in the position I am in today." Thanks to Wilson and his wife Jessica, the Leavenworth County Attorney's office, and local attorneys willing to volunteer their time to the expungement day program, those with convictions could apply for an expungement for free to see if they were eligible. For those that met the statutory guidelines then only needed to pay the court costs, or apply with a

financial affidavit to have those costs waived, could have their record expunged.

For many, an expungement of one's record means the sealing of their convictions. It's an opportunity for people to get better jobs, housing, and even educational opportunities. For others like Wilson it means a new start. "When you have a new start, you have hope and when there's hope there's a promise for your life. The success and impact this program has had in so many people, other counties are now picking up this initiative." Wilson said. For Johnny it meant freedom and a peace of mind.

Johnny expressed that he knew that it seemed silly, but "I want to die knowing this is not on my record".

Many people share Johnny's experience. People of all backgrounds have come in to the Leavenworth County Attorney's Office with similar stories: they had a past conviction, but lack of funds, embarrassment, or even knowledge of the process stopped them from applying. Expungement was just a word they heard at their

sentencing years ago said by the judge that made their conviction final. This caused them distress, especially when it came time to check the box on the job application that yes, they had been convicted of a crime in the past, no matter how long ago it happened. They knew when they checked that box, or when their background was ran, they were

not going to be considered for the job they so desperately wanted, housing they needed, or an education they could never dreamt was possible.

For Johnny, his dream came true. He no longer was an 81-year-old felon. The Court approved his expungement, and the weight Johnny had been carrying with him for years lifted.



Mayor Jermaine Wilson (former felon with an expungement) and Thompson





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