

The Kansas Prosecutor

The official publication of the Kansas County and District Attorneys Association

Volume V, No. 3, Winter 2009



2008-2009 KCDAA Board



Thomas R. Stanton
President
Reno County Deputy District
Attorney



Ann Swegle
Vice President
Sedgwick County Deputy District
Attorney



John Wheeler, Jr.
Director
Finney County Attorney



Melissa Johnson
Director
Seward County Assistant County
Attorney



Mark Frame
Director
Edwards County Attorney



Michael Russell
Director
Wyandotte County Chief Deputy
District Attorney



Barry Wilkerson
Director
Riley County Attorney



Ed Brancart
Past President
Wyandotte County Deputy District
Attorney

Chairs & Representatives

Justin Edwards
CLE Committee Chair
Assistant Sedgwick County
District Attorney

Nola Tedesco Foulston
NDAA Representative
Sedgwick County District
Attorney

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 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

Board of Editors

John Settle Jerome Gorman
 Barry Wilkerson Mary Napier

Advisory Council

Angela Wilson Jess Hoeme
 Jared Maag

KCDAA Administrative Staff

Steve Kearney, Executive Director
 Leisa Shepherd Kellie Kearney
 Richard Samaniego Kari Presley

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

© *The Kansas Prosecutor* All rights reserved

Photocopying, reproduction or quotation is strictly
 prohibited without the written consent from the publisher or
 Editorial Board. Unsolicited material and/or correspondence
 cannot be acknowledged or returned, and becomes the
 property of *The Kansas Prosecutor*.

The Kansas Prosecutor

The official publication of the Kansas County
 and District Attorneys Association

Volume V, No. 3, Winter 2009

Table of Contents

President's Column
by Thomas Stanton 4

New Legislature Alters Environment for Prosecutors
by Steve Kearney 5

Election of Prosecutors Around the State 7

New KCDAA CLE Committee Chair - Justin Edwards
by Margaret A. McIntire 8

KCDAA Award Winners 9

In re L.M.: Opportunities for Kansas Prosecutors
by John C. Fritz 12

KBI Rolls Out New Case Management System 15

KCDAA Milestones 20

NDA Winter Report 21

KCDAA Spring 2009 Conference 22



About the Cover

The current and modern Cloud
 County Courthouse was built in 1958.
 It is located at 811 Washington St. in
 Concordia, Kansas.

During the warmer months, the
 monument in front features a granite ball
 in a fountain that rotates.

*Photo by John D. Morrison, Prairie
 Vistas Photography*



President's Column

by **Thomas Stanton, KCDA President**
Deputy District Attorney, Reno County District Attorney's Office

Cynicism. The word is defined as the belief that all people are motivated by their own selfish desires. The result of cynicism is distrust in anyone not specifically associated with a person's closest associates. I saw the effect of cynicism firsthand when I was a police officer. The initial desire of all rookie officers, I believe, is to serve the public. Most law enforcement agencies subscribe to the motto, "To Protect and Serve," as a sort of mission statement. I remember being very idealistic along those lines, to the point that one grizzled old sergeant began referring to me as "the white knight." I guess he believed I had an unrealistic view of myself as a person who would ride in and save the day. He found the attitude to be highly unusual and highly unrealistic.

Reality is often the enemy of idealism. Law enforcement officers deal everyday with the type of reality most citizens do not wish to acknowledge exists within their communities. They constantly deal with persons who are committing crimes, using drugs and alcohol, and generally behaving in a manner degrading to the human race. Officers stop "law abiding" citizens for traffic crimes, only to be blasted for spending their time on such trivial matters as enforcing the traffic laws, instead of out catching

rapists. They get blamed for "causing" an increase in the citizen's insurance rates, rather than being praised for protecting and serving the public. Officers then get raked over the coals by defense attorneys bent on making the officer look bad, and by some courts who seem to truly believe that officers intentionally trample the rights of the citizens. After a while, cynicism can set in, creating an "us versus them" mentality.

I have found that most prosecutors, especially those who intend on making prosecution a career, also get into this profession to serve the public. We believe that the citizens of our communities deserve professional, zealous advocates to insure that justice is done. As prosecutors, we can also fall victim to cynicism. We deal with the same defense counsel as do the officers, and we know that some of those counsel will do anything to make the officer or the prosecutor look bad, regardless of the facts of the case. We also sometimes feel the courts favor the defendants over the state. Criticism from local media can easily add to our frustration as public servants. We, too, can develop an "us versus them" mentality if we are not careful, and our office staff can also develop this mentality.

We must strive to fight off cynicism. It is not us versus them. The system works best when everyone does their job to the best of their ability. This means that defense counsel will push

law enforcement and prosecutors to the limit to ensure we do our jobs right. It also means that the courts will do what they believe is right, even if we see the issue differently. We must expect these tests, and we must keep a positive outlook on life while we deal with the tragedies which occur everyday within our communities.

I tried to never lose my idealism as an officer. When I teach at Top Gun, I implore officers to maintain an identity outside of their occupation. They were not born Officer, Deputy, or Agent. They were born Bob, Dave, or Mary. And I was not born Deputy District Attorney; I was born Tom. The secret in avoiding cynicism is to be active in our communities, our churches, and in our families.

The Christmas season provides us with a great opportunity to positively affect our community, as well as our own attitudes. Six years ago our office began putting a "Toys for Tots" box in the lobby of our offices. We were located in a hallway between the law enforcement center and the courthouse. We collected one or two boxes of toys every year, elevating the general mood within the office. Then, three years ago, we moved to the fifth floor of the courthouse, which we occupy exclusively except for some storage areas. It did not seem likely we would have much in the way of traffic to our offices, and we were saddened by the thought of not collecting any toys for the children in

our community. So, we began a tradition of inviting county employees and the community to bring a toy to our office, and we would respond by offering whoever came a cookie and some punch. Everyone became involved, and we have filled five Toys for Tots boxes the past two years. We were hoping for greater success this year, and a live radio remote was executed from our lobby. The event gives us a break from the somewhat deflating issues with which we normally deal. The children of our community benefit from our efforts, and we receive a sense of accomplishment independent of our normal duties. I recommend this type of activity as a shield against the scourge of cynicism. I hope everyone had a Merry Christmas, and I wish you a blessed New Year. ☺

County Courthouse Portraits



Cloud County Courthouse

John D Morrison

Prairie Vistas Gallery
151 N Rock Island, Suite 1D
Wichita, KS 67202
316-214-7566

www.prairievistas.com

New Legislature Alters Environment for Prosecutors

by Steve Kearney, KCDAA Executive Director

The dust has settled on the November general elections and the December legislative leadership elections, and the Kansas legislative environment has morphed in several important ways.

Senate

While the Kansas Senate re-elected the same leadership from the last four years, the aftermath of those elections has resulted in several key committee changes that affect the Kansas County and District Attorneys Association legislative undertakings. Long-time friend of the KCDAA, Senate Vice President John Vratil has stepped down from his chairmanship on Judiciary to serve on the Ways and Means committee to help provide leadership on how to cope with the declining state budget. He will remain on Judiciary so you can rest assured that his knowledge and experience on our issues remains very much in play.

The new Judiciary Chair is Tim Owens who previously served in the House of Representatives since 2001. He is a veteran of the Judiciary and the Corrections and Juvenile Justice Committees in the House and brings a wealth of experience to his new role. Senator Derek Schmidt, the Senate Majority Leader, has moved to the Vice Chair spot and has also been a real asset to the KCDAA on a myriad of issues throughout his legislative career.

Following the defeat of Senator Greta Goodwin in the general election, Senator David Haley has been named the Ranking minority party member on Judiciary. He is also a veteran on the committee and will be an asset in continuity as the committee gets under way.

The full Senate committee on Judiciary makeup is as follows:

Chair **Tim Owens**, R-Overland Park; vice-chair **Derek Schmidt**, R-Independence; ranking Democrat **David Haley**, D-Kansas City. Members: **Les Donovan**, R-Wichita; **Julia Lynn**, R-Olathe; **Dwayne Umbarger**, R-Thayer; **John Vratil**, R-Leawood; **Terry Bruce**, R-Hutchinson; **Jean Schodorf**, R-Wichita; **Mary Pilcher-Cook**, R-Shawnee; and **Laura Kelly**, D-Topeka.

House of Representatives

The House had a fairly unprecedented shake up with the defeat of sitting Speaker of the House Melvin Nuefeld by Representative Mike O'Neal. The election of new Speaker O'Neal has a significant impact on the KCDAA in several ways. As most of you know, O'Neal has been the longstanding Chair of Judiciary in the House.

Most recently he has chaired Judiciary as a single committee taking on all matters both criminal and civil. You may recall that only a few years past, the House split Judiciary matters into two committees, Corrections and Juvenile Justice, which handled virtually all matters criminal, and Judiciary, which concentrated its efforts on civil matters.

Speaker O'Neal is moving back to the two committee model and has reinstated the Corrections and Juvenile Justice Committee. That committee will be chaired by Rep. Pat Colloton. She is a 1970 University of Wisconsin Law School graduate and was elected to the House of Representatives in 2004. The Vice Chair is Joe Patton, a Topeka attorney and 1977 Washburn University School of Law graduate. He was first elected to the Kansas House in 2006. Both Representatives Colloton and Patton have been serving on Judiciary and have been active on matters of interest to the KCDA.

The ranking Democrat is Rep. Melody Miller who was first elected in 2004. While she did not serve on Judiciary in her prior term, she will be able to avail herself of the experience of Rep. Jan Pauls who is also serving on the committee. Rep. Pauls was ranking Democrat on Judiciary when it was responsible for both criminal and civil matters and is retaining her role on Judiciary under this new structure.

The full House Corrections and Juvenile Justice Committee is as follows:

Chair **Pat Colloton**, R-Leawood; vice-chair **Joe Patton**, R-Topeka; ranking Democrat **Melody Miller**, D-Wichita. Members: **Bob Bethell**, R-Alden; **J. Robert Brookens**, R-Marion; **Lance Kinzer**, R-Olathe; **Charlie Roth**, R-

Salina; **Sheryl Spalding**, R-Overland Park; **Nile Dillmore**, D-Wichita; **Stan Frownfelter**, D-Kansas City; and **Janice Pauls**, D-Hutchinson.

The KCDA will certainly have matters before Judiciary in its latest incarnation, and it also has a new Chair in Rep. Lance Kinzer who previously served as Mike O'Neal's vice chair on Judiciary. He is a 1995 graduate of the University of Kansas School of Law and was first elected to the Kansas House in 2004.

The full Judiciary committee is comprised of:

Chair **Lance Kinzer**, R-Olathe; vice-chair **Jeff Whitham**, R-Garden City; ranking Democrat **Jan Pauls**, D-Hutchinson. Members: **John Grange**, R-El Dorado; **J. Robert Brookens**, R-Marion; **Pat Colloton**, R-Leawood; **Aaron Jack**, R-Andover; **Jeff King**, R-Independence; **Marvin Kleeb**, R-Overland Park; **Joe Patton**, R-Topeka; **Jason Watkins**, R-Wichita; **Kay Wolf**, R-Prairie Village; **Kevin Yoder**, R-Overland Park; **Marti Crow**, D-Leavenworth; **Raj Goyle**, D-Wichita; **Annie Kuether**, D-Topeka; **Milack Talia**, D-Merriam; **Annie Tietze**, D-Topeka; and **Jim Ward**, D-Wichita.

Join me in wishing all these members and their colleagues the best of luck in navigating what is shaping up to be a difficult session and offer your support to those you know on issues of importance to prosecutors across the state. Being a resource to these policy makers as they shape the future of Kansas is some of the most important work you can do as KCDA members and citizens of Kansas. ☺

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.

Next submission deadline: March 13, 2009.



Prosecutors Around the State

This page contains a list of county and district attorneys elected or re-elected in the state of Kansas.

*Indicates a newly elected county or district attorney

County	Prosecutor	County	Prosecutor
Allen	Jerry Hathaway	Linn	John Sutherland
Anderson	Frederick Campbell	Logan	*Preston Pratt
Atchison	Gerald Kuckelman	Lyon	Marc Goodman
Barber	Richard Raleigh	Marion	Susan Robson
Barton	Doug Matthews	Marshall	Brian Carroll
Bourbon	Terri Johnson	McPherson	*David A. Page
Brown	Kevin Hill	Meade	*Laura Lewis
Butler	Jan Satterfield	Miami	David Miller
Chase	William North	Mitchell	*Mark Noah
Chautauqua	Kimberly King	Montgomery	Larry Markle
Cherokee	John Bullard	Morris	Laura Allen
Cheyenne	*Kari Gilliland	Morton	Eric Witcher
Clark	Gerald Woolwine	Nemaha	Brad Lippert
Clay	Richard James	Neosho	Melissa Dugan
Cloud	Robert Walsh	Ness	Craig Crosswhite
Coffey	Douglas Witteman	Norton	Karen Griffiths
Comanche	James Herd	Osage	Brandon Jones
Cowley	Christopher Smith	Osborne	Paul Gregory
Crawford	*Michael Gayoso	Ottawa	*Betty J. Mick
Decatur	Steve Hirsch	Pawnee	John Settle
Dickinson	Keith Hoffman	Phillips	David Baumgartner
Doniphan	Charles Baskins	Pottawatomie	Sherri Schuck
Douglas	Charles Branson	Pratt	Kenneth Van Blaricum
Edwards	Mark Frame	Rawlins	*Jared Holste
Elk	Marla Foster Ware	Reno	Keith Schroeder
Ellis	Tom Drees	Republic	Marlea Woodman James
Ellsworth	Joe Shepack	Rice	Scott McPherson
Finney	John Wheeler	Riley	Barry Wilkerson
Ford	*Terry Malone	Rooks	Edward Hageman
Franklin	Heather Jones	Rush	Tony Rues
Geary	Steven OPat	Russell	Daniel Krug
Gove	Mark Schmeidler	Saline	Ellen Mitchell
Graham	Tony Potter	Scott	John Shirley
Grant	Robin Hathaway	Sedgwick	Nola Foulston
Gray	Curtis Campbell	Seward	Don Scott
Greeley	Charles Moser	Shawnee	*Chad Taylor
Greenwood	Joe E. Lee	Sheridan	Michael Haas
Hamilton	Rob Gale	Sherman	Bonnie Selby
Harper	Laurel McClellan	Smith	Allen Shelton
Harvey	David Yoder	Stafford	Joe Shepack
Haskell	*Lynn Koehn	Stanton	David Black
Hodgeman	Craig Crosswhite	Stevens	*Paul F. Kitzke
Jackson	*Shawna Miller	Sumner	*Evan Watson
Jefferson	*Caleb Stegall	Thomas	*Bruce Flipse
Jewell	Darrell Miller	Trego	*David Basgall
Johnson	*Steve Howe	Wabaunsee	Norbert Marek Jr.
Kearny	Dennis Jones	Wallace	Charles Moser
Kingman	*Matthew Ricke	Washington	*Elizabeth Baskerville Hiltgen
Kiowa	Candice Lattin	Wichita	Laura Lewis
Labette	*Hillary McKinney	Wilson	Jill Chard
Lane	*Dale Pike	Woodson	*Zelda Schlotterbeck
Leavenworth	*Todd Thompson	Wyandotte	Jerome Gorman
Lincoln	Jennifer O'Hare		

Introducing the New KCDA A CLE Committee Chair

- Justin Edwards

By Margaret A. McIntire, Senior Assistant District Attorney,
Office of the District Attorney, 18th Judicial District

It is a pleasure to introduce Justin Edwards as the new Continuing Legal Education Committee Chair. Justin comes to this position after eight years as a prosecutor. He is dedicated to his profession and to bettering the Kansas County and District Attorneys Association.

Justin was born and raised in southeastern Kansas. He went to Erie High School and like all good farm kids was very active in 4-H and FFA. Justin's family farmed and raised beef cattle.

After high school Justin went to Kansas State University and earned his degree in Agribusiness. Then Justin went on to obtain his Juris Doctorate at the University of Kansas School of Law in May 2000.

In August 2000, Justin began in the 18th Judicial District Attorney's Office in the Traffic Division. He gained experience in traffic until he was transferred into the Drug Unit in 2001 where he remained until 2003. Since

2003, Justin has been prosecuting in the Sex Crime and Domestic Violence Unit. While he gets a constant diet of sexual offenses and domestic violence, Justin also prosecutes homicide cases. Justin is the "go to" person in the office for computer crimes involving sexual exploitation.

While in Wichita, Justin met his lovely wife, Kristi Barton, who is an attorney in the Appellate Division of the DA's office. They were married in October 2004 and have two beautiful daughters, Jocelyn, age 2 ½ and Jillian, age 5 months.

As if he isn't already busy with a stressful job and young family, Justin also teaches gang courses at Wichita State University, as well as, speech and business law at Southwestern College. Justin is an avid softball player for the DA team and loves all things WILDCAT!!!

Justin came to the CLE committee because he has an "interest in progressing the



Justin Edwards

association to new levels by continuing to provide quality CLE and training to prosecutors of Kansas." Justin reminds everyone he is looking for new people with fresh ideas and perspectives for the CLE committee so come and join him as he dives into his new role with KCDA A. 



**HAVEN'T RECEIVED
YOUR KCDA A
YEARS OF
SERVICE PIN?**

KCDA A lapel pins are available for members who have served 5, 10 and 20 years in prosecution.

Contact Kari Presley at the KCDA A office (785) 232-5822 or kpresley@kearneyandassociates.com.

2008 Lifetime Achievement Award
Dave Debenham
Shawnee County District Court Judge

Governor Kathleen Sebelius did something this year that prosecutors can applaud regardless of party affiliation; she appointed Dave Debenham to a district judge position in Shawnee County. It is very positive that a person with Dave's prosecution experience will be sitting on the bench in Topeka. The appointment, on the other hand, removed an experienced prosecutor from our ranks. The KCDAA has recognized the service of Dave Debenham by bestowing upon him the 2008 Lifetime Achievement Award.

Dave graduated with a Bachelor of Arts degree from Bethany College in Lindsborg in 1977. He went on to the Washburn University School of law, and he showed early interest in prosecution as a Consumer Fraud Investigator and Legal Intern for Shawnee County from 1979 to 1980. Dave earned his Juris Doctorate in 1980, and immediately went to work in Shawnee County as Assistant District Attorney. He held this position until January 1988, at which point he took a position as an Assistant General Counsel and Senior Attorney with the Kansas Corporation Commission. Dave remained in this position until December 1988, at which time he returned to the Shawnee County District Attorney's Office as an Assistant District Attorney.

In June 1995, Dave took a position as Deputy Attorney General for Carla Stovall. In that capacity, Dave supervised 13 attorneys and eight support staff, acted as liaison to several national, state, and local agencies, contributed to the legislative process, and provided legal assistance to local prosecutors throughout Kansas. Dave left the Attorney General's Office in 2000 to become the Deputy Shawnee County District Attorney, where he served until his appointment to the bench.

Dave has served the KCDAA over the past several years as a Board Director, Secretary/Treasurer, and Vice-President. He was Vice-President at the time of his appointment to the bench, and also served until that time as a Director on the Board of Directors of the Kansas Prosecutor's Foundation. In addition, Dave served on the Board of Editors of the Kansas Prosecutor from its

by Thomas Stanton, KCDAA President
Deputy District Attorney, Reno County
District Attorney's Office



Dave Debenham at the awards presentation during the Fall KCDAA Conference.

inception until his appointment to the bench.

Dave has lectured for the KCDAA on several topics, and served as a Faculty Advisor for two courses sponsored by the National College of District Attorneys. He served on the Ethics and Grievance Committee for the Topeka Bar Association from 1990 to 2008, and has been active in several associations connected to the prosecution field. Dave is admitted to practice before the United States Supreme Court.

Dave has competently and professionally performed the prosecution duties assigned to him over nearly three decades of work. He worked diligently for the Kansas County and District Attorneys Association and the Kansas Prosecutor's Foundation. We congratulate Dave on a successful prosecution career, and we wish him the best as he takes on the responsibilities of a District Judge in Shawnee County. 

2008 Prosecutor of the Year
CJ Rieg
Sedgwick County Deputy District Attorney

To the police detectives who work her cases, she is considered one of the most aggressive prosecutors they know.

To the defense attorneys who battle her in court, she is a formidable opponent who knows every detail of her cases.

To her colleagues in the Sedgwick County District Attorney's office, she is a tireless prosecutor who manages to find time to mentor many of the younger trial attorneys.

Meet Deputy District Attorney CJ Rieg, named the 2008 Prosecutor of the Year by the Kansas County and District Attorneys Association. CJ was selected in part because of her multiple successful homicide prosecutions in 2008.

"CJ has had an exceptional year," said Ann Swegle, also a Deputy District Attorney. "This is an exceptional award for an exceptional prosecutor."

From March to October 2008, CJ tried six murder cases and obtained convictions in every case. The cases ranged from a pregnant woman fatally shot by a gang member to a bar owner killed in a parking lot dispute to a man killed in a drug transaction. The cases involved dozens of eye witnesses and police officers, hundreds of photographs, DNA reports, ballistics matches, autopsies, firearms, and countless pieces of physical evidence.

"CJ is one of the most aggressive, tireless, and dedicated prosecutors I have worked with," said Wichita Police Lt. Randy Reynolds, a former gang officer who met CJ ten years ago while investigating a child homicide case. "She is extremely professional both in and out of the courtroom."

In two of the trials this year, CJ trained younger attorneys on her methods of picking juries, examining witnesses, admitting exhibits, and generally trying a murder case. As a 10-year prosecutor in Sedgwick County, she heads the office's gang unit, where she supervises several assistant district attorneys and works closely with the Wichita Police Department officers.

by Robert Short
Assistant District Attorney, Sedgwick County



CJ Rieg speaks after she was presented with her award at the Fall KCDA Association Conference.

Defense attorney Brad Sylvester said he has worked with CJ on many violent felony cases, and he is always treated fairly. Sylvester said he is impressed with how carefully she prepares her cases.

"She reads everything," Sylvester said. "She takes being a prosecutor very seriously."

Alice Osburn, a former Sedgwick County prosecutor and now a defense attorney, said there is no one tougher in jury trial.

"She is a smart and passionate prosecutor who isn't afraid to try a hard case and won't sugar coat any of the facts, even if they are bad facts for the state," Osburn said. "Unfortunately for the defense, she is able to gain the trust of the jury with this approach."

2008 Prosecutor of the Year
CJ Rieg
Sedgwick County Deputy District Attorney

CJ, 50, graduated from the University of Kansas School of Law in 1993. Her first prosecuting job was for the Jackson County Prosecutor's office in Kansas City, Missouri, where she worked until 1996.

She joined the District Attorney's Office in September 1996 and has averaged at least 10 jury trials a year. (CJ took a brief hiatus from prosecuting to pursue a business opportunity in 2004-2005.)

In addition to her regular job duties, she is also involved in teaching gang prosecution to law enforcement officers and trial advocacy to other attorneys. She is involved in activities outside the office on a weekly basis, including riding with patrol officers and attending police squad meetings.

Chief Sedgwick County District Attorney Randall Hubert, who nominated CJ for the award,

described her organizational and trial skills as "exceptional." She has brought law enforcement and prosecution together on the same team, he said.

"CJ daily receives information from the gang unit of the police department regarding the activities of known gang members on the streets and passes this information to her trial unit attorneys," said Hubert, one of the day-to-day supervisors in the Sedgwick County office. "This information can be used to revoke bonds or add other conditions to the bonds on pending cases."

CJ's past awards have included Rookie Prosecutor of the Year in Jackson County, Missouri (1994); Wichita Police Certificate of Appreciation (1999 and 2008); and Wichita/Sedgwick County DV Coalition Prosecutor of the Year (2003). 

STATE OF KANSAS
ATTORNEY GENERAL'S CALL

HOTEL RESERVATIONS:
TOPEKA RAMADA INN
420 SE 6TH ST.
TOPEKA, KS 66607
785-234-5400
WWW.TOPEKARAMADA.COM

ALL ROOM RESERVATIONS
MUST BE PERSONALLY
MADE AND SHOULD BE
RESERVED NO LATER
THAN JANUARY 19TH 2009
TO GUARANTEE THE
GROUP ROOM RATE.



For Registration Information
www.ksag.org

REGISTRATION:
ONLINE REGISTRATION
DEC 9TH 2008 – JAN. 19TH
2009

CONFERENCE FEE: \$60.00
DUE AT TIME OF
REGISTRATION

LATE REGISTRATION:
WILL BE ALLOWED ON-SITE
WITH A FEE OF \$10.00

REGISTRATION REFUNDS :
WILL BE ALLOWED UNTIL
JAN. 19TH 2009 WITH A
FEE OF \$10.00.

Join Us:

February 4th 2009

FOR AN AFTERNOON RECEPTION:

Time: 3:00-5:00 PM

Location: Kansas Attorney General's Office
120 SW 10th Ave. Topeka, KS.

February 5th 2009

CONFERENCE DETAILS:

REGISTRATION 8:00-8:30 AM

Two Training Tracks Available:

Track 1 -Emerging Attorneys

- Evidentiary Foundations
- Appellate Advocacy & Trial Skills
- Basic Search & Seizure

Track 2– Experienced Attorneys

- Advanced Appellate Advocacy & Trial Skills
- Advanced Search & Seizure
- Advanced Evidentiary Foundations

Plenary Sessions:

- Cross Examination
- Civil Litigation
- Cyber Crimes

In re L.M.: Opportunities for Kansas Prosecutors

By John C. Fritz
Shawnee County Assistant District Attorney

On June 20, 2008, the Kansas Supreme Court handed down its decision in the case of *In re L.M.*¹ The *L.M.* decision came a little more than 10 years after *In re B.M.B.*, (which ruled that juveniles under age 14 must be given the opportunity to consult with a parent, guardian, or attorney prior to waiving Miranda rights in a custodial setting).² As with *B.M.B.*, the *L.M.* decision was viewed with caution and concern by some Kansas prosecutors. However, similar to *B.M.B.*, the *L.M.* decision also affords Kansas prosecutors some positive opportunities to enhance their litigation skills, and increase public confidence in the juvenile system.

Facts

In re L.M. involved a sixteen-year-old juvenile charged with aggravated sexual battery and a minor in possession of alcohol. L.M. had requested a jury trial, which was denied by the trial court.³ The case was tried to the court, and L.M. was found guilty as charged. The trial court ordered a juvenile correctional facility commitment, but stayed this sentence and ordered L.M. to complete sex offender treatment and register as a sex offender.

L.M. appealed, and raised three issues to the Court of Appeals. First, he claimed a constitutional right to a jury trial. He also raised issues relating to his statement to the police, and whether evidence was sufficient to support an adjudication. The Court of Appeals affirmed the district court's decision, and L.M. filed a petition for review with the Kansas Supreme Court. The sole issue of the petition for review was whether L.M. had a constitutional right to a jury trial in a juvenile offender proceeding.

Decision

The Kansas Supreme Court granted review, and held that juveniles have the right to a jury trial under

the U.S. and Kansas Constitutions. Because this ruling is a new one of procedure, it will not apply retroactively.

Background – *McKeiver*, *Findlay* and Kansas Changes

The issue of jury trials in juvenile prosecutions had been decided previously by the U.S. Supreme Court and the Kansas Supreme Court. In *McKeiver v. Pennsylvania*, 403 U.S. 528, 29 L. Ed. 2d 647, 91 S. Ct. 1976 (1971), a plurality of the Court ruled that juveniles were not entitled to a jury trial under the Sixth and Fourteenth Amendments.

The Kansas Supreme Court had also previously ruled that juveniles were not entitled to a jury trial in *Findlay v. State*, 235 Kan. 462, 681 P.2d 20 (1984). In fact, the Court in *Findlay* ruled a trial court's refusal to grant a jury trial was not subject to review on appeal.⁴

In the *L.M.* opinion, the Kansas Supreme Court determined that statutory changes (since the *McKeiver* and *Findlay* decisions) to the juvenile system had "eroded the benevolent, child-cognizant, rehabilitative, and *parens patriae* character that distinguished (it) from the adult criminal system."⁵

Here are some of the changes to the juvenile system noted within the *L.M.* decision:

- The juvenile code's stated purpose changed from a rehabilitative model to one emphasizing public safety and accountability.⁶
- Adoption of criminal-law nomenclature within the juvenile system (terms such as "sentencing," "juvenile correctional facility," "guilty," and "term of incarceration").
- Implementation of a "sentencing matrix," which allows for upward departures, and which requires adult-like "aftercare" terms.⁷

Footnotes

1. *In re L.M.*, ___ Kan. ___, 186 P.3d 164 (2008).
2. *In re B.M.B.*, 264 Kan. 433, 955 P.2d 1302 (1998).
3. See: K.S.A. 38-2357 (trial court may allow for jury trial in felony cases).

4. See also: *In re A.C.W.*, 26 Kan. App. 2d 468, 988 P.2d 742 (Kan. App. 1999).
5. See: *In re L.M.*, Headnote #1, and majority opinion (page cite not available).
6. See: K.S.A. 38-1601 (old) and K.S.A. 38-2301 (new).
7. See: K.S.A. 38-2369.

- Erosion of confidentiality provisions as to court and law-enforcement records, and requiring open hearings unless a specific finding is made.⁸

Other Court Decisions

In the *L.M.* majority opinion, decisions from other states were noted and discussed. The Court cited seven opinions where the appellate courts of other states ruled that even with changes to their juvenile systems, a right to a jury trial was not constitutionally required. The Court also discussed seven other state appellate court opinions where juveniles were not entitled to such a procedural right.

Right under U.S. Constitution and Kansas Constitution

With *McKeiver* and *Findlay* as a jump-off point, the majority opinion explores the changes made to the juvenile system since those decisions. The Court concludes that the system is now far more punitive, and less rehabilitative. In fact, the Court determined that the Kansas juvenile system is now “akin” to an adult criminal prosecution, and that juveniles have a right to a jury trial under the Sixth and Fourteenth Amendments. Also, the Court ruled that proceedings under the current juvenile justice code fit within the meaning of the phrase “all prosecutions,” and as such, juveniles have a right to a jury trial under the Kansas Constitution.

Concurring and Dissenting Opinions

Justice Luckert concurred with the majority’s decision, but believes the right to a jury trial under the Kansas Constitution should be available only to those juveniles aged 14 and older and charged with a felony.

Chief Justice McFarland wrote a dissenting opinion. In this opinion, changes in the policy goals, language, sentencing provisions, and confidentiality are listed and discussed in detail. Chief Justice McFarland notes that the changes have not only

promoted public safety, but have also protected many of the rehabilitative concepts instituted in the former system.

Opportunities for Kansas Prosecutors

Just as with *B.M.B.* from 10 years ago, *In re L.M.* is a landmark decision that will affect how prosecutors approach juvenile cases. But, as with *B.M.B.*, the changes can be incorporated to improve investigative and prosecution outcomes. The decision also continues the evolution of the juvenile system to a more adult-like and adversarial process. Here are some thoughts about how the *L.M.* decision affords unique opportunities for Kansas prosecutors.

1. *Strengthen your advantage.*

Many Kansas juvenile prosecutors specialize (at least part-time) in juvenile offender or CINC cases. Through familiarity with the system, they often enjoy an advantage over defense counsel. Gradually developing jury trial skills, and a comfort level with jury trials in juvenile cases will increase, rather than decrease, your ability to obtain good dispositions.

2. *Understand your court’s application of In re L.M.*

Many questions are still left unanswered. What about the right to a preliminary hearing? Do “speedy trial” rights apply? Will this apply to all charges? Does the juvenile have to request a jury trial, or is one available unless waived? Prosecutors should work with their defense bar and their courts to develop administrative orders, or special local court rules.

3. *Deal with juvenile jury trial issues ahead of time.*

Consider some of the issues you would face in a jury trial setting. What will potential jurors think about when they sit in the jury box? Are they thinking that you’re trying to send the juvenile away to prison? Maybe special *voir dire* questions will help. Perhaps a motion *in limine* is needed to limit the defense attorney from unfairly seeking sympathy or jury nullification. Look over your jury instruction packets that are to be submitted to the court. Perhaps you would want to replace the

Footnotes

8. See: K.S.A. 38-2309, K.S.A. 38-2310 and K.S.A. 38-2353.

word “defendant” with “juvenile” or “respondent.” Maybe some special language should be added to the instruction relating to the jury not considering potential penalties. Also consider special language regarding the “sympathy or prejudice” instruction.

4. Communicate with law enforcement.

In re L.M. also presents an opportunity for training and building relationships with law enforcement. Let officers know that their juvenile investigations may be judged in a jury setting. As with the *B.M.B.* decision, this is an opportunity to raise investigative and prosecuting standards, and to improve public confidence in the juvenile system.

5. Re-consider charging standards and options.

The juvenile system continues to evolve into a full adversarial process. Charging decisions must be made on evidentiary reasons first, and then social considerations second. However, prosecutors can work with local agencies to develop diversion, youth court and other pre-filing options. These other options allow for the flexibility that prosecutors used to have when needing to intervene early for younger offenders alleged to have committed minor offenses.

For more information, contact:
John C. Fritz
Assistant District Attorney
Shawnee County, Kansas
Ph: (785) 233-8200 x 4211
John.Fritz@snco.us

THE FACTS OF UNDERAGE DRINKING ARE SOBERING...



5

More than this many drinks in one sitting is considered binge drinking--many youth binge drink.

12

The average age a Kansas youth begins to drink.

4x

Kids who begin drinking before the age of 15 are 4 times as likely to develop alcoholism.

\$646

The millions of dollars underage drinking cost in Kansas (in 2005).

When communities consistently prevent underage access to alcohol and publicize and enforce alcohol-related laws, they reinforce the message that alcohol use by young people is unacceptable.



For more information on what YOU can do to reduce underage drinking in Kansas, contact Kansas Leadership to Keep Children Alcohol Free at (800) 206-7231 or log on to:

<http://www.kansasfamily.com/getinvolved-ksleadership.cfm>

KBI Rolls Out New Case Management System (CMS)

Since 1984, the Kansas Bureau of Investigation has utilized a mid-range AS400 platform to manage the agency's case management system. Initially, the system was more than sufficient to handle the requirements placed on it by agents, crime analysts, and report processors. However, as technology improved and demands became greater, Director Robert E. Blecha decided the agency needed to enhance its capabilities, which resulted in the acquisition of a new case management system called ACISS.

The ACISS system allows the administration, supervisors, agents, crime analysts, and report processors instantaneous access to all reports, narratives, and attachments, which include reports from outside agencies, documentation from businesses, photographs, etc. It does this while still maintaining the ability to keep secure, special investigations to include internal affair investigations, background cases, public corruption cases, and last but not least, confidential informant cases.



The KBI headquarters is located in Topeka, KS. In 1939, the KBI was created by the Kansas Legislature and placed under the Attorney General. The KBI was formed in response to requests from the Kansas Bankers' Association, the Kansas Livestock Association and the Kansas Peace Officers' Association, to create a statewide criminal investigative agency.



One can expect that a major change like this might affect the way the KBI conducts business. Most definitely it will impact the way we process reports and disseminate the information to all law enforcement agencies and prosecutors alike.

With agency-wide training taking place from February 9, 2009 through March 13, 2009, the KBI felt it was important to show prosecutors, throughout the state, what the reports and narratives will look like.

As you can see from the examples provided on the next few pages in this magazine; the entire format has changed.

- The first report you see is the Case Initiation Report used to open investigations.
- The second report is an Evidence / Property Report, which includes a description of evidence seized.
- The last document displayed is a reformatted version of our old KBI Investigation Report, which is now referred to as a KBI Narrative.

Rest assured that everything you were used to seeing in the old investigative reports will still be provided. Additionally, with the new KBI Case Management System (CMS) more detail will be available to better assist you in the prosecution of your cases.

If you have questions or need more information, contact the KBI at (785) 296-8200 or visit www.kansas.gov/kbi.

KBI New CMS Reports - Example: Case Initiation Report

Kansas Bureau of Investigation Training

ACISS CASE INITIATION REPORT Report

Report Number: **KBI08-54**

Report Date: **12/11/2008**

Primary Information	
Report Number:	KBI08-54
Report Date:	12/11/2008
Type Of Report:	CASE INITIATION REPORT
Description:	CRACK COCAINE PURCHASE FROM J C PAINSWORTH BY CI 2008-1234
Occurrence From:	12/11/2008 00:00
Source Of Info:	CI 2008-1234
Source Reliability:	RELIABLE
Dissemination Code:	RESTRICTED (NORMAL)
Content Evaluation:	CONFIRMED
Reporting LEO:	ZAPATA, JOHN (025 / STAFF / KANSAS BUREAU OF INVESTIGATION)
Approval Status:	Approved
Approved Date:	12/31/2008
Approved By:	SABEL, RICK (CRIMINAL INVESTIGATIONS / KANSAS BUREAU OF INVESTIGATION)

Synopsis
On Thursday, 12-11-08, at approximately 1457 hours, CI 2008-1234 made a controlled purchase of 3.5 grams of crack cocaine from J.C. PAINSWORTH at 2204 SE Jefferson St. in Topeka, Shawnee County, Ks.

Suspect Actions	
<u>Action</u>	<u>When Occurred</u>
DRUG OFFENSES	WITHIN LAST 3 MONTHS

Address #1 - OCCURRED AT #1 - 2204 SE JEFFERSON ST	
Primary Information - 2204 SE JEFFERSON ST	
Address:	2204 SE JEFFERSON ST, TOPEKA, KANSAS 66605 , UNITED STATES
Description:	BROWN SINGLE STORY WITH BARS ON WINDOWS
REGION:	TOPEKA

Subject #1 - SUSPECT #1 - PAINSWORTH, J C	
Primary Information - PAINSWORTH, J C (SUSPECT)	
Race:	BLACK
Record Type:	PERSON
Subject Name:	PAINSWORTH, J C
Sex:	MALE
Age:	35 YEARS (Approx.)
Juvenile:	NO
Personal Information - PAINSWORTH, J C (SUSPECT)	
Height:	603
Weight:	275
Eye Color:	BROWN
Hair Color:	BLACK

KBI New CMS Reports - Example: Evidence/Property Report

Kansas Bureau of Investigation Training

ACISS EVIDENCE / PROPERTY REPORT Report

Report Number: **KBI08-54/1**

Report Date: **12/11/2008**

Primary Information

Report Number: **KBI08-54/1**
 Report Date: **12/11/2008**
 Type Of Report: **EVIDENCE / PROPERTY REPORT**
 Description: **CRACK COCAINE PURCHASED FROM J C PAINSWORTH BY CI 2008-1234**
 Occurrence From: **12/11/2008 14:59**
 Occurrence To: **12/11/2008 14:59**
 Dissemination Code: **RESTRICTED (NORMAL)**
 Reporting LEO: **ZAPATA, JOHN (025 / STAFF / KANSAS BUREAU OF INVESTIGATION)**
 Approval Status: **Approved**
 Approved Date: **12/31/2008**
 Approved By: **SABEL, RICK (CRIMINAL INVESTIGATIONS / KANSAS BUREAU OF INVESTIGATION)**

Address #1 - OCCURRED AT #1 - 2204 SE JEFFERSON ST

Primary Information - 2204 SE JEFFERSON ST
 Address: **2204 SE JEFFERSON ST, TOPEKA, KANSAS 66605 , UNITED STATES**
 Description: **BROWN SINGLE STORY WITH BARS ON WINDOWS**
 REGION: **TOPEKA**

Subject #1 - SUSPECT #1 - PAINSWORTH, J C

Primary Information - PAINSWORTH, J C (SUSPECT)

Race: **BLACK**
 Record Type: **PERSON**
 Subject Name: **PAINSWORTH, J C**
 Sex: **MALE**
 Age: **35 YEARS (Approx.)**
 Juvenile: **NO**

Personal Information - PAINSWORTH, J C (SUSPECT)

Height: **603**
 Weight: **275**
 Eye Color: **BROWN**
 Hair Color: **BLACK**
 Hair Length: **SHORT**
 Hair Style: **AFRO/NATURAL**
 Complexion: **DARK/TAN**
 Physical Build: **HEAVY**
 Clothing/Jewelry: **WEARS LOTS OF GOLD CHAINS**

Related Addresses - PAINSWORTH, J C (SUSPECT)

Address	Relationship
2204 SE JEFFERSON ST, TOPEKA, KANSAS 66605 , UNITED STATES	CURRENT ADDRESS

KBI New CMS Reports - Example: Evidence/Property Report

Kansas Bureau of Investigation Training

ACISS EVIDENCE / PROPERTY REPORT Report

Report Number: **KBI08-54/1**

Report Date: **12/11/2008**

Subject #2 - CONFIDENTIAL INFORMANT #1 - KBICI-6, 2008-1234

Primary Information - KBICI-6, 2008-1234 (CONFIDENTIAL INFORMANT)

Race: **UNKNOWN**
Record Type: **PERSON**
Subject Name: **KBICI-6, 2008-1234**
Sex: **UNKNOWN**
Juvenile: **NO**

Property #1 - PLASTIC BAGGIE CONTAINING WHITISH COLORED ROCK

Primary Information

Property Class: **EVIDENCE SEIZED**
Property Type: **DRUGS / NARCOTICS / PARAPHERNALIA**
Description: **PLASTIC BAGGIE CONTAINING WHITISH COLORED ROCK**
Date Seized: **12/11/2008 00:00**
Property Status: **SEIZED BY KBI - TEST**
Status Date: **12/11/2008 00:00**
Drug Type: **CRACK COCAINE**
Drug UOM: **GRAM**
Quantity: **3.5**
Control Number: **LAB 1**
Stated Value: **300**
Submitted To PES: **YES**
Remarks: **Plastic baggie containing 3.5 grams of a whitish colored rock suspected of being crack cocaine. The cocaine was purchased from J C PAINSWORTH**

Property #2 - DIGITAL RECORDING OF CONTROLLED PURCHASE OF CRACK COCAINE

Primary Information

Property Class: **EVIDENCE SEIZED**
Property Type: **MISCELLANEOUS**
Description: **DIGITAL RECORDING OF CONTROLLED PURCHASE OF CRACK COCAINE**
Date Seized: **12/11/2008 00:00**
Property Status: **SEIZED BY KBI - HOLD**
Status Date: **12/11/2008 00:00**
Quantity: **1**
Submitted To PES: **YES**
Remarks: **Digital recording of CI 2008-1234 during a controlled purchase of 3.5 grams of crack cocaine from J.C. PAINSWORTH.**

Record Status Information

Record Origination Operator: **ZAPATA, JOHN (025 / STAFF / KANSAS BUREAU OF INVESTIGATION)**
Record Origination Date: **12/11/2008 13:33**
Last Update Operator: **SABEL, RICK (CRIMINAL INVESTIGATIONS / KANSAS BUREAU OF INVESTIGATION)**

KBI New CMS Reports - Example: KBI Narrative



Kansas Bureau of Investigation

RE: Controlled purchase of crack cocaine
 From J.C. PAINSWORTH

DETAILS: On Thursday, 12-11-08, at approximately 1400 hours, Senior Special Agent SSA John ZAPATA and SSAmet with CI 2008-1234 at a previously determined location in preparation for a controlled purchase of crack cocaine from J. C. PAINSWORTH.

A controlled purchase requires several things to take place prior to, during and after the purchase of any illegal drugs. Specifically, the CI must be searched along with his vehicle to ensure that no illegal contraband exists. If at all possible, the CI must be outfitted with some type of monitoring device so any conversation the CI has with the suspect in the case can be recorded. Furthermore, the CI must have all personal monies removed from his possession and replaced with money, previously photocopied, from the KANSAS BUREAU OF INVESTIGATION. Finally, surveillance of the CI and the location where the controlled purchase is to take place must be maintained at all times.

At the conclusion of the controlled purchase the CI will return to a previously determined location where a search of the CI and their vehicle will occur. All evidence, recording equipment and any remaining cash will be seized at that time. The CI will provide a written statement explaining what they did, who they spoke to and what took place during the controlled purchase.

Based on the above information, CI-1234 and their vehicle were searched. No irregularities were noted. The CI was provided \$300 in U.S. currency to purchase 3.5 grams (8-ball) of crack cocaine. The CI was provided with a monitoring device and at approximately 1435 hours left the briefing area in route to PAINSWORTH'S residence located at 2204 SE Jefferson St.in Topeka, Shawnee County, Ks.

At approximately 1455 hours the CI arrived at PAINSWORTH'S residence. A brown Cadillac CTS 4 door was observed parked in the driveway of the residence. The tag on the vehicle was "P MONEY."

At approximately 1457 hours the CI entered the residence. SSA ZAPATA heard the CI state over the monitoring device "High J.C.! How's it going? Have you got anything for me today?" Some muffled

12-11-2008	John Zapata	KBI08-54/1
Investigative Date	Report Writer	KBI Case/Report Number

Narrative Page 1 of 2

New Attorneys

Travis Harrod joined the Miami County Attorney's office as an Assistant County Attorney. He previously worked at the Ford County Attorney's Office where he was an assistant for almost two years. Travis graduated from the University of Kansas for his undergraduate degree and received his law degree from the Washburn University School of Law. At Miami County, he will handle a variety of Felony cases. He is replacing Norah Clark who left to go into private practice in Olathe.

Serena Hawkins joined the office of the Wyandotte County District Attorney. She received her undergraduate degree at Kansas State University and her Juris Doctorate Degree from the University of Kansas Law School. She was admitted to the bar in September 2008.



Daniel Martinez has joined the office of the Wyandotte County District Attorney. He received his undergraduate degree at the University of Kansas and his Juris Doctorate Degree from the Washburn University School of Law. He was admitted to the bar in Kansas on September 2006 and Missouri in March 2007.



Amy Mellor has joined the office of the Wyandotte County District Attorney. She received her undergraduate degree at National American University in Rapid City, South Dakota and her Juris Doctorate Degree from Washburn University School of Law. She was admitted to the bar on Sept. 26, 2008.



Matthew J. Olson, formerly an Assistant City Attorney with the City of Wichita has joined the Office of the District Attorney, 18th Judicial District effective Dec. 1, 2008. He was hired as an Assistant District Attorney assigned to the Traffic Division.



Other Attorneys who recently joined the staff at the Office of the District Attorney, 18th Judicial District, include:

Avery M. Elofsson on Aug. 4, 2008



Gordon R. Scott on Sept. 8, 2008

Monica S. Cameron on Sept. 8, 2008



R. Jacob (Jake) Johnson on Nov. 24, 2008

David A. (Andy) Vinduska on Nov. 24, 2008



On the Move

Connie Alvey, Deputy District Attorney, will be leaving the Wyandotte County District Attorney's Office in January 2009. Connie Alvey was elected to fill the position of Judge for the Twenty-Ninth Judicial District, Division two.

Births



Jennifer Myers, Assistant District Attorney, in the Wyandotte County District Attorney's Office, and her husband Ron announce the arrival of their daughter, Lillian Rose, born February 17, 2008. She weighed 7 lbs 15.5 ounces.

Bremyer Summer Clerk Scholarship fund

The **Bremyer Summer Clerk Scholarship Fund** is open to first- and second-year KU Law students who will work during the summer of 2009 at any Kansas prosecutor's office, law firm, public interest organization, public defender, or city attorney's office whose principal office is in a city or town not located in Douglas, Johnson, Sedgwick, Shawnee, or Wyandotte Counties. The late John K. Bremyer, a long-time McPherson attorney with the Bremyer & Wise, L.L.C. law firm, established the fund in 2005 with the KU Endowment Association to provide financial incentives for KU Law students to practice law in smaller Kansas communities.

The fund encourages summer clerkships at participating employers by awarding the clerks a scholarship not to exceed the gross summer salary received from the employer. If the employer does not offer a summer salary, the scholarship committee is free to award a scholarship based on a consideration of all the factors listed in section five.

In the summer of 2005, 10 KU law students received a total of \$24,000 in Bremyer scholarships. In the summer of 2006, seven students received a total of \$22,000. More than \$14,000 was distributed in 2007 and over \$20,000 in 2008.

To become eligible for Bremyer funds, students must arrange for employment this summer with an eligible employer and submit to the KU Law Office of Career Services a completed application by Friday, April 17, 2009. The selection of scholarship recipients will take place on or before May 1.

If your office has an interest in participating in the program, please contact Assistant Dean for Career Services Todd Rogers (tarogers@ku.edu) for more information. The KU Law Office of Career Services will post a list of interested employers and encourage students to apply for summer positions. 

Winter Report

The NDAA Board met in November to discuss current issues facing the association. At this time, there is an ongoing search for a new executive director. In the interim, Tom Sneddon, former Santa Barbara District Attorney (retired), is assisting the staff. Many of you may recognize Tom as the attorney with the Michael Jackson case.

Also, the NDAA continues to support legislation for loan forgiveness, and it continues to pursue national grants for its training program at the advocacy classes.

For more information about the NDAA, contact Kansas State Director Nola Tedesco Foulston at foulston@sedgwick.gov or visit www.ndaa.org. 

We want to share your news!



If you have something you would like to share with the KCDAA membership, please keep us informed.

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 to:

KCDAA, attn: Mary Napier
1200 S.W. 10th Avenue
Topeka, Kansas 66604
(785) 232-5822
or e-mail:
mary@napiercommunications.com

Feel free to submit digital photos
with your announcement!

**Next Deadline:
March 13, 2009**

New Days & Date for KCDA Spring 2009 Conference

Kansas Attorney General Steve Six together with the Kansas County and District Attorneys Association and the Wichita TRIAD will bring Paul Greenwood to Kansas for the Spring Conference June 18-19, 2009.

For more than a decade, Paul Greenwood, a California prosecutor, has been on the front lines of a crusade against abuse of the elderly. In June 2009, he'll be bringing that crusade back to Kansas at the KCDA Spring Conference in Wichita.

Greenwood began with the San Diego District Attorney's Office in March 1993, and began leading the Elder Abuse Prosecution Unit in January 1996. Though he can impress with trial statistics and national media appearance lists, the most impressive credential for Greenwood is his dedication to training those who will take his crusade back to their own communities. Greenwood has trained in Kansas before, forging an alliance with Wichita's TRIAD to combat physical, emotional and financial elder abuse in the Sedgwick County area.

Elder abuse, like the other types of abuse Kansas prosecutors encounter on a daily basis, can present unique dynamics and may raise obstacles to investigation and prosecution in a variety of ways. First, the relationships between the parties may cause the abused victim to try to protect their tormentor, or the lack of a relationship may make the abuser impossible to identify. The victim's vulnerability may cause reluctance to report, or the victim's fear of being judged and losing freedoms may lead to silence or denial. Finally, a perceived loss of memory may make law enforcement and prosecutors loath to rely on the testimony of an elderly person in proving a crime.

None of these dynamics are completely unique to the prosecution of those who abuse the elderly, but Greenwood presents real-life examples of the challenges he has overcome in raising awareness about elder abuse, in increasing law enforcement sensitivity to the crimes, and in presenting the case to a jury.

One big change for the spring 2009 conference is that it will be held on a Thursday and Friday instead of the previous Monday and Tuesday schedule. So, mark your calendars for June 18-19, 2009 at the Hyatt Regency Hotel in Wichita, and watch the KCDA website, www.kcdaa.org, for more information as it is available. We hope to see you there. 

Paul Greenwood

Deputy District Attorney V
Office of the District Attorney
San Diego, CA



Education:

Leeds University, Leeds,
Yorkshire, England
Bachelor of Laws, LL.B [Hons],
1973

Council of Legal Education, Gray's Inn,
London Barrister's Finals, 1978
College of Law, Guildford, Surrey,
England Law Society Finals, 1979
Admitted to California Bar, 1991

Years in Practice: 29

Practice Area: Criminal Prosecution; Head of Elder Abuse Prosecution Unit since January 1996

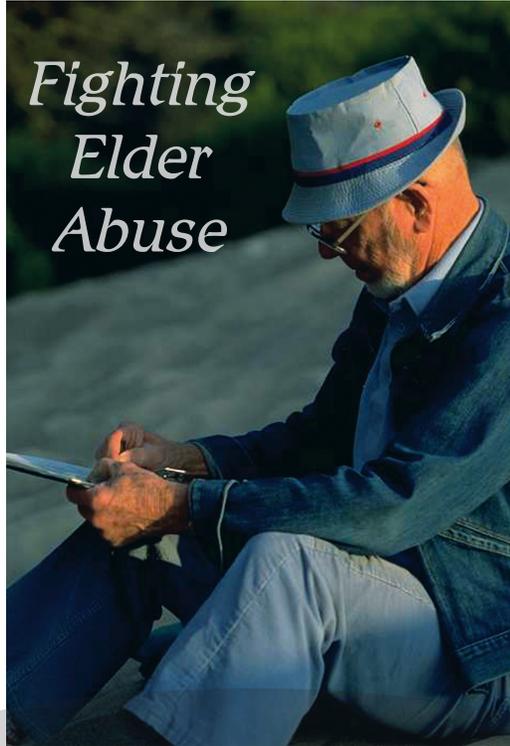
Qualifications and Experience:

- District Attorney's Office prosecutor since March 1993
- Involved in the prosecution of over 300 felony cases of elder and dependent adult abuse
- Prosecuted nine murder cases and in seven of them obtained a first degree murder conviction
- Co-chair of California's DA Elder Abuse Committee
- Assisted with drafting Elder Abuse legislation for California Evidence Code sections 1380 and 1109
- Former member of Board of Directors for the International Network for Prevention of Elder Abuse
- San Diego DA's Elder Abuse Prosecution Unit was awarded the California State Association of Counties' Challenge Award in 1998
- Named as one of the "Lawyers of the Year" by the California Lawyer magazine in December 1999
- An instructor with the California District Attorneys Association (CDA); the National District Attorneys Association, and the American Prosecutors Institute
- Member of UCSD's Advisory Board on its Certified Trauma Specialist program to legal nurse consultants
- Awarded the 2005 "Visionary for Change" Award in October 2005 at the Dementia Care Conference, San Diego.
- Awarded the 2006 San Diego County Bar Association Public Service Attorney award
- Awarded the Professional Leadership Award in February 2007 by Elder Financial Protection Network

For Paul Greenwood's full biography, visit www.kcdaa.org.

KCDAA Spring 2009 Conference

*Fighting
Elder
Abuse*



Thursday, June 18 -
Friday, June 19, 2009
Hyatt Regency Hotel
Wichita, KS

Featuring Keynote Speaker:
Paul Greenwood, Deputy District Attorney V
Office of the District Attorney,
San Diego, CA



**Kansas County and District
Attorneys Association**

1200 S.W. Tenth Avenue
Topeka, Kansas 66604

Return Service Requested

PRSR STD
U.S. Postage
PAID
Permit No. 9
Topeka, KS

