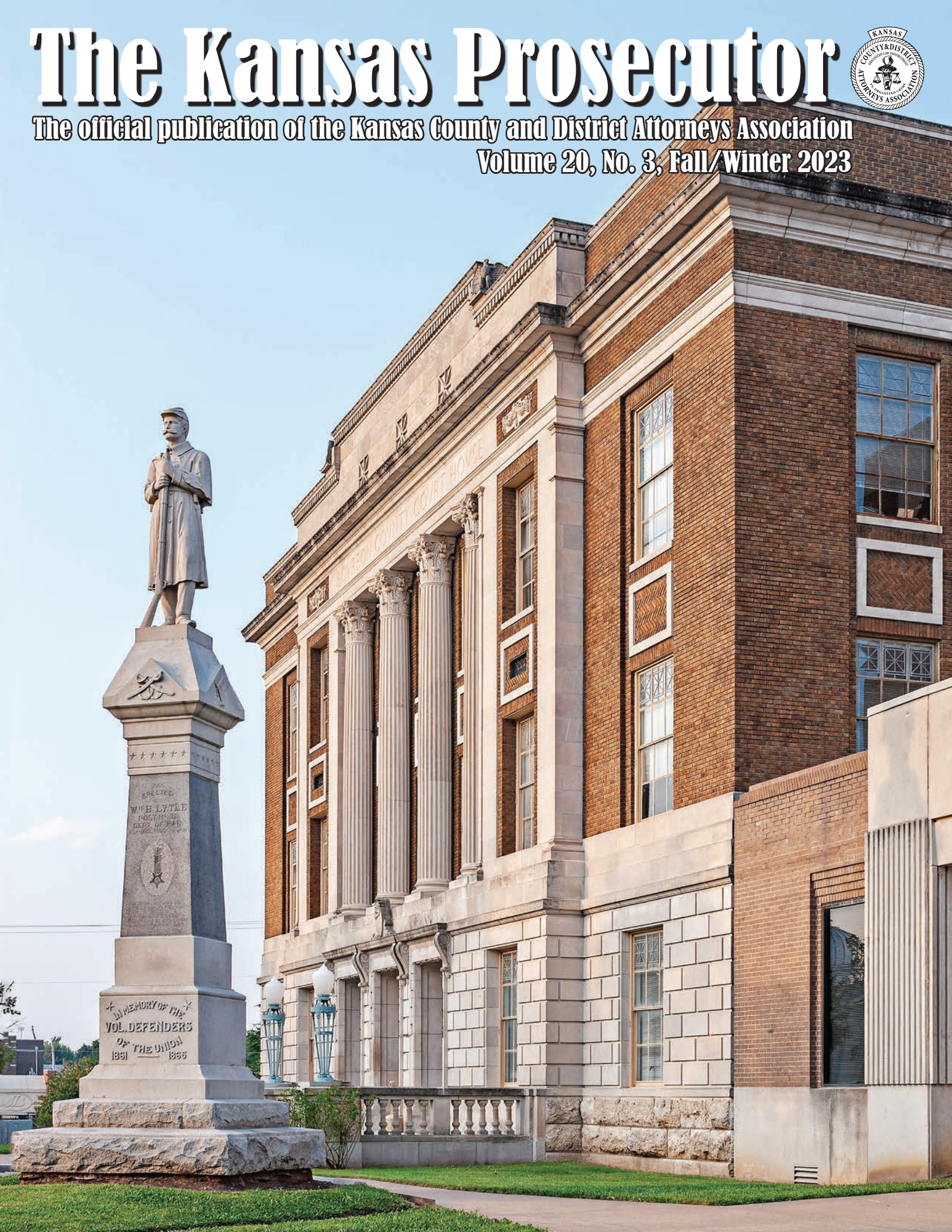


The Kansas Prosecutor



The official publication of the Kansas County and District Attorneys Association
Volume 20, No. 3, Fall/Winter 2023



ERECTED
BY THE
WILLIAM LYTLE
POGONOSE
DEPT. OF WAR
1888

IN MEMORY OF THE
VOL. DEFENDERS
OF THE UNION
1861 1865

2022-23 KCDA Board



Chris McMullin
President

Chief Deputy District Attorney,
Johnson County



Sherri Schuck
Vice President

Pottawatomie County Attorney



Tabitha Owen
Secretary/Treasurer

Smith County Attorney



Ron Paschal
Director I

Deputy District Attorney,
Sedgwick County



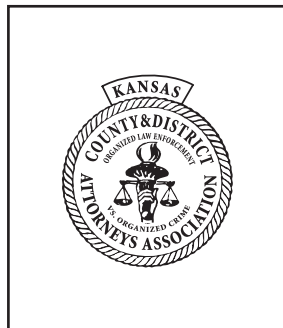
Mike Kagay
Director II

Shawnee County District Attorney



Susan Richmeier
Director III

Finney County Attorney



Vacant
Director IV



Darrin Devinney
Past President

Butler County Attorney

Chairs & Representatives

Shannon Wilson

CLE Committee Chair
Assistant District Attorney,
Sedgwick County

Todd Thompson

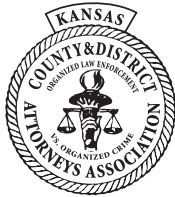
Legislative Committee Chair
Leavenworth County Attorney

Ann Swegle

Best Practices Committee Chair
Sedgwick County 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

Kendall Kaut, Chair	Kris Ailslieger
Amy Aranda	Jacob M. Gontesky
Chris McMullin	Kim Robinson
Barry Wilkerson	Mary Napier, Editor

KCDAA Administrative Staff

Steve Kearney, Executive Director
 Melissa Munoz

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 20, No. 3, Fall/Winter 2023

Table of Contents

President’s Column
by Chris McMullin 4

Guest Article: Priorities for the U.S. Attorney’s Office in Kansas
by Kate Brubacher 5

KCDAA Milestones - News From Across the State..... 7

KCDAA Opposition to “Jailhouse Witness” Bills: Part 2
by Chris McMullin 8

KCDAA Award Winners 2023 10

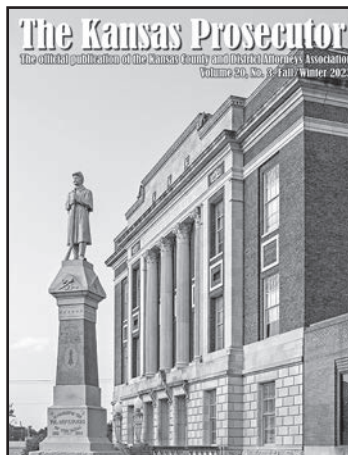
2023 KCDAA Fall Conference..... 13

Member Highlights
by Amy Aranda..... 14

Observations, Insights, and Lessons Learned Through County Attorney Visits
by Vic Braden..... 17

Stepping Up to Produce Rural Prosecutors: Development of the Washburn Law Rural Law and Third Year Anywhere Programs
by Shawn Leisinger..... 20

Technology in DWI Cases: A Brief Look at Where We Are Today and Where We Are Headed
by Erin Inman 22



About the Cover

The Bourbon County Courthouse is located in Fort Scott. It was built from 1929 to 1930 by contractors Thogmartin-Reid Construction Company and designed by Architect Cuthbert & Suehrk of Topeka, Kansas. The current courthouse is the third structure used as a courthouse. The first courthouse was located in City Hall and the second courthouse was destroyed by fire in 1929.

The courthouse is three stories and is constructed of brown-colored brick, stone, and concrete. It was designed in the Neoclassical style.

Photo by John D. Morrison, Prairie Vistas Photography



President's Column

By Chris McMullin, KCDA President
Chief Deputy District Attorney, Johnson County

A List of Life Rules

One of the great events our CLE Committee put together in the last year was the first-ever KCDA trial advocacy school. For two days, a group of exceptionally experienced Kansas prosecutors worked together to teach a diverse student body consisting of less-experienced (as opposed to “young”) Kansas prosecutors on the nuts and bolts of trying criminal cases.

I was privileged to be on that faculty. I was also privileged to teach the ethics portion of the course.

As I reflect on the lightning-fast year that just passed, and as my presidency of this organization concludes, it occurred to me to pass on some of the lessons that I shared with the students, which I have condensed into a list of “life rules.”

1. *First: don't get cute.* You know what the rules are. You know what the law is, what the caselaw says, what the predicate is. Be creative! But don't get *cute*. When you get cute, things can go south fast. Bad law is made.
2. *Be calm in the storm.* Things get chaotic in the courtroom. Your witness goes sideways. Your objection is overruled. The ability to exercise “grace under pressure” and remain calm under these circumstances is a powerful trait. Practice calm.
3. *First, we have coffee.* First.
4. *Proper Preparation Prevents Poor Performance.* Be Prepared! (The Scout motto.) When I file my jury instructions with the court, it seems to be the kiss of death for the case, as that is often when the defendant decides to accept a plea. What it means is that I am ready to go. I have worked my case. I know what I have to prove. I know what my evidence is. Ideally, this translates into demonstrable organization and visible

performance in the courtroom, which should be obvious to the jury.

5. *Every life circumstance can be explained by a quote from “The Right Stuff” movie.* Try me.
6. *Be relentlessly positive.*
7. *Go heavy or go home.* If you are going to do something, do not do it half-way. Do the research. File the trial brief. Watch the body-cam video. Work until the work is done. This is a companion to the P P P P P rule.
8. *Get after it!* Your profession is the subject of novels, movies, and long-running television shows. You have an extraordinary opportunity to do justice in your community. It is a privilege to represent the State. Attack this opportunity with enthusiasm.
9. *Sit down and shut up:* Knowing when to do this is my favorite cross-examination technique.
10. *Be resilient.* This too shall pass.
11. *Adapt, improvise, overcome.* A prepared attorney can deal with the changing dynamics in the courtroom. Visualizing each step of the trial beforehand prepares you to confront the unexpected, and overcome the obstacles placed in front of you.
12. *It's your courtroom.* You represent the People of the State of Kansas. You are a *minister of justice*. It's *your* courtroom. Be confident (preparation helps with this too!) Be an advocate for your cause. Be respectful but firm. Make a record if you need to.

Thank you all for the things that you do on behalf of the people in your community. You make a difference. It is an honor to be part of this organization and the professionals it represents. 🇺🇸

Guest Article

By Kate E. Brubacher, U.S. Attorney, District of Kansas

Priorities for the U.S. Attorney's Office in Kansas



The United States Attorney's Office (USAO) in the District of Kansas is made up of more than 100 attorneys, staff, and support personnel representing the interests of the United States in each of the three U.S. District Courts in the state. I was nominated by President Biden and confirmed by the U.S. Senate in March 2023. As a fifth generation Kansan, it is a particular honor to be the United States Attorney for the District of Kansas.

The work of the USAO is broad and includes national security work against threats foreign and domestic, civil enforcement actions, civil defense, and criminal prosecution. We operate under the broad principles of the Department of Justice to keep the public safe, protect civil rights, and uphold the rule of law. We pursue that calling with independence and impartiality, integrity, and respect. Every action we take, internally and externally, is guided by those principles.

The office has its share of big, interesting cases that garner local and national media attention. But the core work of the office are matters that might receive no attention, have small dollar amounts attached to them, but serve to maintain confidence in our systems and society. When I think about true service to the People, it includes as much having the drive and wherewithal to handle the big cases, as much as the wisdom and will to handle the so-called small cases.

Our work cannot and should not be done without oversight, criticism, and public scrutiny. We invite this legitimate review. But there are new tacks emerging like singling out individual career public servants who are merely doing their jobs ethically. Recent rhetoric about the Justice Department bears no resemblance to the AUSAs, victim advocates, paralegals, secretaries, and other support personnel who work every day to pursue our country's foundational promise of equality under the law.

Critically, the work of the USAO often requires not acting or remaining silent. Some of the most important decisions we make are when not to prosecute or when not to reveal that allegations were investigated. Public knowledge that a person is being investigated by the FBI can do considerable damage to a person's life – even if that person is ultimately innocent. In short, all of our decisions and actions must be guided not by a desire to win or to make a point, but by a desire to do the right thing in the right way.

The Department has set forth a strategic plan which guides our practice, but an important dimension of my role is to articulate more District-specific priorities for the USAO in Kansas.

Kansas' crime statistics are largely consistent with national trends. Unfortunately, we are not immune from the fentanyl crisis or gun violence that plaques the rest of our country. Fentanyl represents an unprecedented risk to the public in its deadliness, its widespread use, and its concealment. The USAO aims to disrupt and dismantle national and international trafficking organizations, increase outreach and awareness-raising efforts, and coordinate with local partners to ensure that our District has the tools at all levels to address this growing problem.

Violent crime is down slightly from the recent highs of 2020. In 2022, the last year of available data, the number of violent index crimes was 9.2% above the 10-year average, but 4.3% below 2021. The trend is in the right direction, but still far too high. The USAO remains committed to addressing gun violence and other violent crime. This includes targeting the most significant violent crime problems and offenders, enhancing partnership with state and local partners, building and applying the resources and legal expertise to pursue difficult cases and dismantle dangerous groups. Our focus on violent

crime also includes crimes against children and a recommitment to vigorously enforce all federal laws against those who target children online or in the physical world.

Other than the danger of fentanyl, the single most alarming criminal trend I have seen is the expansion of Child Exploitation. The landscape has changed significantly in the last decade. Smartphones enable constant communication and present near endless apps, social media, and online storage. There are also advances in encryption, biometric access, and less-than-cooperative providers. Unsuspecting children play video games, post pictures, and stay in contact with “friends,” and anonymity of the internet allows offenders to target and entice those children. Without question, Child Exploitation threats have grown exponentially in scale, complexity, and dangerousness.

As a frame of reference, the National Center for Missing and Exploited Children (NCMEC) operates the CyberTipline, which receives reports from the public and internet platforms about apparent offenses involving child sexual exploitation. From 2012 to 2021, the volume of CyberTips increased by a factor of 70 (415,650 to 29,309,106). Over those 10 years, the volume of CyberTips frequently doubled or nearly doubled from one year to the next, and in 2016, the number of CyberTips was four times what it was the prior year. In 2021, the number of CyberTips forwarded to Internet Crimes Against Children (ICAC) Task Forces was over four times higher than the number received in 2016, rising in five years from 83,967 to 371,515. In terms of dangerousness, the victims have gotten increasingly younger and the offenses more violent. According to data from the U.S. Sentencing Commission, the number of cases involving production of sexually explicit images of an infant or toddler more than quadrupled from 2017 to 2020. As another example, in 2017, there were 800,000 members in a hidden service on Tor called “Hurtmeh” that was dedicated exclusively to the sadistic and masochistic abuse of children. While it can feel far away, the problem is very much in our communities, big and small. In the last year, we have prosecuted significant child pornography production cases with very young victims in cities and towns across the state. We must face this evil.

We are committed to working closely with our federal agencies and state and local partners to find offenders, remove children from harm, and marshal the evidence to successful prosecution and sentencing. The USAO is also eager to share practice tips on how to present digital evidence, or bringing to bear cutting-edge technological and prosecutorial expertise if any of those might assist in state prosecution. Our prosecutors and supervisory team are always responsive to requests for assistance. Duston Slinkard is the First Assistant United States Attorney and has an office in Topeka. Aaron Smith, who sits in Wichita, is the Chief of the Criminal Division for the District.

In each of our three offices, we have a Criminal Coordinator who supervises the criminal staff and handles case inquiries and intake for that office’s area of responsibility.

- AUSA Chris Oakley is Criminal Coordinator for the Kansas City office, which covers the Kansas City Metropolitan area and the northeastern counties of Kansas.
- AUSA Stephen Hunting is Criminal Coordinator for the Topeka office, which covers the north central counties of Kansas.
- AUSA Aaron Smith is the Criminal Coordinator for the Wichita office, which covers the northwestern and southern counties of Kansas.

In addition to our Criminal Division, the U.S Attorney’s office also maintains a Law Enforcement Coordination (LEC) Program to create, strengthen, and maintain communication, cooperation, and collaboration with our state, local, Tribal, and federal law enforcement partners. The LEC program is overseen by our Outreach Manager and Law Enforcement Coordinator Scott Nace, and its priorities are Project Safe Neighborhoods, Public Safety Partnerships, law enforcement and community outreach, and providing training and technical assistance opportunities for law enforcement.

We are only able to accomplish these goals with the many strong partnerships between state and local prosecutors as well as law enforcement agencies. We at the USAO welcome hearing from you, and Duston, Aaron, Stephen, Chris, Scott, or I are always happy to assist you in making an impact in your communities. 📍

About U.S. Attorney Kate E. Brubacher

Kate E. Brubacher was sworn in as the 42nd presidentially appointed U.S. Attorney (USA) for the District of Kansas on March 10, 2023. She was nominated by President Biden and confirmed by the U.S. Senate. As U.S. Attorney she is the chief federal law enforcement officer for the District, which encompasses all 105 counties in Kansas.

Ms. Brubacher is the first woman to hold the office.

As U.S. Attorney, Ms. Brubacher supervises the investigation and prosecution of all federal crimes and the litigation of all civil matters in which the United States has an interest. She leads a staff of approximately 100 lawyers, paralegals and other

support professionals who work in three offices associated with the federal courts in Wichita, Kansas City, and Topeka, Kansas.

Ms. Brubacher is a native of Newton, Kansas. She previously served as an assistant prosecuting attorney in the Jackson County, Missouri Prosecuting Attorney's Office. Prior to her government service, Ms. Brubacher was an associate at Cooley LLP and Cravath, Swaine & Moore LLP, both in New York, New York.

Ms. Brubacher received her bachelor's degree from Stanford University and her law degree from Yale Law School. She also holds a Master of Arts in Religion from Yale Divinity School. 🇺🇸

KCDAA Milestones - News from Across the State

Wyandotte County

Wyandotte County is excited to celebrate the marriage of Wyandotte County Assistant District Attorney Frank Altomare to Sophia Steckelberg. They tied the knot November 18, 2023.

They would also like to announce the marriage of Wyandotte County Assistant District Attorney Ivan Moya to Sara Tepe. They were married on August 19, 2023.

We all wish them many years of happiness.



Frank and Sophia



Ivan and Sara

Member Update - John Settle

Former Kansas Prosecutor and KCDAA member John Settle has recently been selected as General Counsel for the Oklahoma Department of Veterans

Affairs. He began his service to the ODVA, May 30, 2023.

Settle moved to the ODVA from the office of the Oklahoma Attorney General, where he had served Oklahoma citizens as a Chief Assistant Attorney General since January 1, 2018.

Settle served as an Oklahoma assistant district attorney in several Oklahoma Counties until 1988, when he and his wife Paula moved their family from Woodward to Pawnee County, Kansas, to manage one of his family's community newspapers.

In July of 1995, Settle was appointed by Kansas Governor Bill Graves as the County Attorney of Pawnee County, Kansas, where he served the community for 24 years. In January 2017, Settle and his wife moved to Hutchinson, Kansas, where he served as the Senior Assistant District Attorney of Reno County, Kansas, until Settle accepted the position with the OAG.

When asked about his new position, Settle commented, "I want to thank Admiral Slavonic for selecting me to become a member of his ODVA staff. I could not be more honored and blessed to have this opportunity to serve Oklahoma's veterans as the General Counsel of the ODVA." 🇺🇸

KCDAA Opposition to “Jailhouse Witness” Bills: Part 2

By Chris McMullin, KCDAA President
Chief Deputy District Attorney, Johnson County

This is the second article in a two-part series detailing the KCDAA opposition to the so-called “Jailhouse Witness” bills submitted to the legislature in the past two sessions.

For a synopsis of the bill that was introduced last session, see the summer 2023 issue of *The Kansas Prosecutor*. Although it is uncertain what version of the bills might be introduced in 2024, I am writing on the assumption that most of their provisions will remain intact.

Close examination of the provisions proposed in the bills debated by the House and Senate revealed a list of discovery requirements already imposed upon the prosecution by statute, case law, rules of professional conduct and jury instruction. Not only are the statutory changes proposed by the bills unnecessary, but the codification runs the risk of causing confusion between the new language and well-established precedent. It would inject unpredictability into a settled system as the new statute and its language is challenged and further interpreted by the courts. Our concerns include the following:

- The State is already required to endorse witnesses *See K.S.A 22-3201*. This statute has been interpreted by the courts for decades. This statute includes a provision for delayed disclosure of witnesses who are in “danger of intimidation or retaliation.” The statute requires disclosure of such witness no later than arraignment without involvement of the court and an opportunity for the “defendant to be heard.” This provision, codified in 1970, appears to be tailor-made for jailhouse witnesses.
- *K.S.A. 22-3212* and *22-3213* set out the rules of discovery in criminal prosecutions. These have been liberally construed over the decades since they were codified. The

Creating a new, redundant set of statutes would inject uncertainty into a settled area of law.

statutes include provisions for the Court to enforce production of materials.

- *Kansas Rule of Professional Conduct 3.8* is entitled *Special Responsibilities of a Prosecutor*. Subsection (d) requires the State to disclose all exculpatory evidence to the defendant, including evidence that would tend to negate the guilt of the accused or mitigate the offense. Prosecutors risk their law license by defying this Rule, which has been in effect for decades and interpreted by our Supreme Court just as long. Violation of this Rule has resulted in public discipline of prosecutors .
- Decades of Kansas and U.S. Supreme Court caselaw support the proposition that the State must disclose exculpatory evidence independent of statute or rule. This is commonly referred to as *Brady* material. The cases which have interpreted *Brady* weigh heavily in favor of disclosure of all exculpatory evidence, including impeachment evidence pertaining to witnesses.
- The courts are currently required to instruct juries in trials involving jailhouse informants pursuant to PIK 51.100, which states in pertinent part: “you should consider with *caution* the testimony of an informant who, in exchange for benefits from the State, acts as an agent for the State in obtaining evidence against a defendant, if that testimony is not supported by other evidence.” (*emphasis added*). This has been the law of the State (and interpreted by the

courts) for decades.

- The bills would also create a repository of individuals who have testified as incarcerated informants by the Kansas Bureau of Investigation (KBI). Prosecutors would be obligated to report such witnesses to the KBI. All indications are that the number of such witnesses is so small as to make the expenditure of state funds for this purpose questionable. Without evidence that jailhouse witness testimony is a problem in Kansas, the legislature should not require Kansas prosecutors and the KBI to expend limited resources to create and maintain a database on jailhouse informants.

The evil that these bills propose to eradicate is already addressed by statute, rule and case. In the event that a Kansas prosecutor uses a “jailhouse witness” in a case, they are required to disclose the name of the witness, the content of the witnesses’ proposed testimony, the parameters of the deal they struck, and any exculpatory information, including their criminal history. Kansas law has sweeping protections in place which require prosecutors to inform defendants of the existence of an informant and to instruct juries if they are used. These protections have been interpreted by our appellate courts for decades and have created a predictable legal atmosphere in which parties can deal with such witnesses. Creating a new, redundant set of statutes would inject uncertainty into a settled area of law. Prosecutors violate these rules at their peril.

The proposed database is also cause for concern. To be clear: this would be a list of witnesses who have cooperated with authorities, often at their own risk. Although provisions of the bills are designed to keep this list out of the realm of discoverable open records, *such a record would still exist in a database.* This comes with no small further risk to cooperative persons.

“Jailhouse witness” is often used as a pejorative term. This is an offshoot of prison culture- ‘no one likes a rat/snitch’ etc. But often, criminals talk to their cellmates. And sometimes, these cellmates provide valuable information to help authorities

Prosecutors violate already established rules at their peril.

bring criminals to justice. The safeguards already in place in our system make sure that their information is disclosed and used properly. There is no need for additional laws to fix a system that is already designed to deal with this information.

Last, and perhaps most important, I must emphasize that these proposed bills would have done nothing to alter the outcomes in the cases the bill’s proponents cite as the reason these changes are needed. Then, as now, when a Kansas prosecutor uses a “jailhouse witness” in a case, they are required to disclose the name of the witness, the content of the witnesses’ proposed testimony, the parameters of the deal they struck, and any exculpatory information including their criminal history. 🇺🇸

County Courthouse Portraits



Bourbon County Courthouse

John D Morrison

Prairie Vistas Gallery
950 S Oliver Ave
Wichita, KS 67218
316-214-7566

www.prairievistas.com

KCDAA Award Winners

The Kansas County and District Attorneys Association (KCDAA) is pleased to announce its annual award winners for 2023. The award winners were honored during the 2023 KCDAA Fall Annual Business Meeting at the 2023 KCDAA Conference.

2023 Prosecutor of the Year

This award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year. The nominee must be a regular member of KCDAA.

Bethany Fields
Deputy Riley County Attorney

In the last 12+ months, Bethany Fields obtained guilty verdicts in State v Ryan Leonard Aggravated Burglary and Lewd and Lascivious; State v. John Colwell Stalking, 2 counts of Violation of Protective Order and Telephone Harassment; State v. Vincent Meeks guilty of Aggravated Indecent Liberties, Indecent Solicitation and furnishing Alcohol to a Minor; and State v. Marcus Hall, guilty of Rape and Aggravated Indecent Liberties. She also sought justice in other trials that resulted in hung juries or an acquittal, State v. Steere, 11 counts of various child sex offenses, jury hung 10-2 in favor of convicting; Dylan Fain acquitted.

In addition to her cases, Fields was presenter/speaker at CASA training on January 3, 2023 and October 5, 2023, and was a presenter at Child First in Scott City in March 2023. She serves on the local Child Advocacy Center and the Riley/Clay County Community Corrections Advisory Board. Fields has

been a member of the KCDAA since 2001 when she joined the Douglas County District Attorney's Office as an Assistant District Attorney. In January 2005, she joined the Riley County Attorney's Office and has remained a member of KCDAA.

2023 Associate Member Prosecutor of the Year

This award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year from an office other than a County or District Attorney's office.

Eve Kemple
Senior Assistant Attorney General

Eve Kemple has been a career prosecutor for the past 20 years. She began her career in Wyandotte Co. in the fall 2003 (through Feb. 2005) prosecuting felony domestic violence cases and 16 years prosecuting all types of major felonies with the Douglas County Attorney's Office, serving as Chief Assistant District Attorney the last three years. She has been with the Medicaid Fraud and Abuse Unit of the Kansas Attorney General's Office since May 2021.

In the Medicaid Fraud and Abuse Unit, Kemple has earned the reputation of being a hard worker,



professional, detail oriented, and not afraid of a challenge. The number of Medicaid cases filed has increased dramatically through her efforts. Her passion encourages her co-workers daily to be the best they can be. Eve has prosecuted and convicted nurses, health care workers, and individuals in nursing homes of financial and physical abuse of the most vulnerable, the elderly and disabled. Her sustained superior performance and accomplishments have brought credit to the Unit, and she demonstrates exemplary ethical standards and high personal values.

Kemple has been a KCDAA member since 2003 and attended and presented at numerous annual meetings.

2023 Lifetime Achievement Award

The Lifetime Achievement Award is presented to a KCDAA member for his/her longevity as a prosecutor. The nominee must have served no less than 25 years in a prosecutor position, and not previously received this award.

David Melton

David Melton began his career in law enforcement working as a police officer from 1992 to 1995 in Merriam, Kansas. He then attended law school at KU from 1995-1998, interned at the Johnson County District Attorney's Office during his final year of law school, and began his career as a prosecutor at the Saline County Attorney's office in 1998. After that, he worked at the Leavenworth



County Attorney's Office from 2000 to 2005, the Douglas County District Attorney's Office from 2005 to 2021, and re-joined the Leavenworth County Attorney's Office 2021.

As the office's most experienced prosecutor, Melton is the go-to person for advice. Highlights from his time at the Leavenworth County Attorney's Office from 2000 to 2005 include him starting the office's first domestic violence prosecution program, and he was named the Alliance Against Family Violence's Advocate of the Year. Also at the Leavenworth County Attorney's Office, he helped prosecute the office's first death penalty case and used his experience to advise the County Attorney with policy decisions. While at the Douglas County District Attorney's Office from 2005 to 2021, he took part in the prosecution of some of the county's most notorious cases; served as Deputy District Attorney for 14 years; headed up the paid intern program; mentored numerous interns and young attorneys (many of whom have gone on to become prosecutors and judges); became a Certified Public Administrator from KU; and completed the Leadership Lawrence program. Melton has been a member of KCDAA since 1998, and KCDAA congratulates him on this honor.

2023 Lifetime Achievement Award

Tamara Hicks

Tamara Hicks was awarded a Lifetime Achievement Award this year. Hicks started her employment with the Office of the Finney County Attorney on August 8, 1991, as an Assistant County Attorney, working for Finney County Attorney, Ricklin Pierce. John



Wheeler was elected to the Office of Finney County Attorney succeeding Mr. Pierce in November 1992 to be sworn in January 1993.

Over the 20 years Mr. Wheeler held the position of Finney County Attorney, Hicks continued to grow, mature, and excel at her job. The more responsibilities she was given, the more she excelled in her position of Assistant County Attorney. She came to specialize in person crimes such as child abuse, domestic violence, and sexual assault cases. In her work, she had many jury trials and rarely lost.

Back in the early 1990s, Garden City/Finney County was growing rapidly with new industries, new businesses, and immigration. With only three lawyers in the office, the office had to grow to accommodate its rising caseload. As new rookie lawyers were hired, Hicks was quick to assist them and show them the ropes. She was promoted to Deputy County Attorney in January 2013.

Since 2013, Hicks has continued to cultivate her craft prosecuting primarily sex offenders, specializing in offenders committing crimes against children. She has successfully prosecuted over 50 sex offenders by jury trial, sending them to prison for their crimes against women and children. She has also taken on sex cases for other counties as special prosecutor and successfully prosecuted those as well.

In addition to her jury trial work, Hicks has successfully defended their sentences before the Kansas Court of Appeals and the Supreme Court of Kansas, both post-plea and those sentences challenged after jury trial. Hicks was instrumental in the creation and sustained organization of Finney County SANE/SART. She has worked tirelessly to ensure Finney County has qualified, well-trained SANE/SART nurses and forensic interviewers. She has also served on the Community Corrections Advisory Board and is active in her church.

Hicks continues to be a trailblazer by being one of the first prosecutors in the state to successfully mediate criminal cases to completion, a practice which had not been used in Finney County prior to COVID. Her willingness to take a nearly non-resolvable case and work through the mediation process has resulted in several good convictions. Hicks has been a KCDA member for more than 30 years.

2023 Lifetime Achievement Award

Karen Wittman

Karen Wittman, current Municipal Judge in Kansas City Kansas Municipal Court, received a Lifetime Achievement Award for her time as a prosecutor. She was involved with KCDA for all of her 30+ years in prosecution. She provided help for DUI prosecutions for



more than 15 years to the membership, presented at numerous conferences, wrote a DUI Book providing 19 years of updates and supplements to the book, and has been a resource for more than 15 years in the prosecution of DUI law. Wittman also changed the DUI-aggravated battery law along with the leaving the scene law. Wittman has been involved in her community by volunteering at Harvesters, which provides food for the hungry, and has helped at Uplift, serving the homeless. They have a mobile outreach meeting the homeless at parks, under bridges at their camps, or wherever they are. The goal of UPLIFT is to deliver basic human needs, care and compassion that are not usually received from other organizations.

2023 Policy Maker of the Year

This award is typically given to a legislator who is supportive of Kansas prosecutors and their public safety policy initiatives.

Senator Kellie Warren

Senator Kellie Warren represents the 11th Senate District in Johnson County where she practices law. She was elected to the Senate three years

ago after serving two years as the Representative from the 28th House District. She formerly worked at the Shook, Hardy and Bacon law firms from 2006-2013 and then she began working at the Property Law firm starting in 2013. She lives in Leawood with her husband Patrick and their four children. She received her undergraduate degree from Cornell and graduated the University of Kansas Law School.

Senator Warren serves on the Financial Institutions and Insurance Committee, Transportation Committee, Utilities Committee, Corrections and Juvenile Justice Oversight



Committee, Judicial Council, and is Chairperson of the Senate Judiciary Committee. As Senate Judiciary Chair, she has been a strong advocate for the rule of law, public safety and an equally strong advocate and supporter for the KCDAA. Senator Warren has always made time to listen to our concerns and be responsive, especially on issues such as speedy trial, crime and punishment issues, and domestic violence legislation. Senator Warren was nominated for this award by Kearney and Associates, and she was KCDAA's unanimous selection. 🗳️

2023 Fall KCDAA Conference

By Shannon Wilson, CLE Committee Chairperson

The KCDAA held its annual fall conference in Lawrence this year. We were fortunate to have nationally recognized speakers in the areas of juror bias, consent defense, understanding trauma as evidence, alcohol facilitated rape, understanding offenders, and ethical considerations in sex crimes prosecution. As always, we utilized some of our Kansas experts who presented in the areas of appellate ethics, jury selection, gang cases and the use of NIBIN, training those who testify before the

legislature, and Fentanyl.

It was wonderful to catch up with so many of our members in-person. We are looking forward to the 2nd annual Basic Trial Advocacy School March 6-8, 2024 at the Kansas Law Enforcement Training Center. Our Spring conference will again be virtual in June 2024.

In the meantime, look for at least one “lunch and learn” opportunity between now and the Spring conference. 🗳️



Member Highlights

By Amy L. Aranda, First Assistant Lyon County Attorney

This fall, the Kansas Prosecutor magazine editorial committee requested your help with suggestions for our member highlight articles in the magazine. We asked for members to feature with varying years of experience in different parts of the state. With a shortage of prosecutors across the state, we want to showcase our members, why they chose prosecution as a career, and why others should consider it. We had a lot of great names submitted

to be featured, but we can't fit them all in one magazine. Check out this issue and future issues for more of these articles.

For this issue, we are featuring Abigail Horn from the Norton County Attorney's Office, and Saber Hossinei of the Leavenworth County Attorney's Office. Both have less than five years of experience, but they are already making an impact in prosecution. Let's learn more about their careers.

Abigail Horn

Abigail "Abbey" Horn grew up in rural Colorado and has now found her niche practicing law in rural northwestern Kansas. Growing up, her family owned and ran a cow-calf operation in rural Colorado where smaller towns were a familiar thing. Her hometown had a population of 35 people, 18 of which she jokingly advises were family. Horn always had an interest in agriculture, animals, and agriculture policy, so Kansas State University became a natural choice for her undergraduate studies. At K-State, Horn majored in agricultural economics and animal science with a pre-law option. Horn became interested in agriculture policy, so following graduation in 2017, she attended Washburn School of Law.

While in law school, Horn served as president of the Agricultural Law Society, participated in the Rural practice organization, the oil and gas organization, and earned a tax law certificate. Horn also participated in the Hanson Externship Program and spent her 2L and 3L summers working with the firm of Sebelius and Griffiths in Norton, Kan. Following her graduation in 2020, Sebelius and Griffiths hired her. She has since been promoted to partner.

Rural Norton County has been a great fit for Horn. She enjoys the smaller market, having been raised in a rural community, she adapted well and now wears many hats. In addition to her general civil work with Sebelius, Griffiths & Horn, she



works part-time as an Assistant Norton County Attorney, as the City Prosecutor and City Attorney for the city of Norton, Kan., as City Attorney for the city of Logan, Kan., and takes court appointments in neighboring counties.

She enjoys the diversity of her new practice and working in smaller jurisdictions. As Assistant Norton County Attorney, she prosecutes the office's care and treatment cases, child in need of care cases, and juvenile offender cases. In her court appointments in neighboring counties, she works as the Guardian Ad Litem (GAL) and parents/grandparents' attorney in CINC cases. Horn credits the close-knit communities of the smaller jurisdictions with her

ability to work favorable resolutions in her cases. Horn takes on a rehabilitative approach to her role as a prosecutor, citing the smaller size of the community allows everyone to know each other and provides her with a better understanding of an individual's upbringing, background, and needs. Horn says she is able to work closely with other agencies to find resolutions and resources to assist and support children and families. Horn enjoys that on a daily basis she works closely with the same attorneys on a variety of cases and has developed collaborative, less adversarial relationships with opposing counsel all in an effort to find solutions and favorable results in her cases.

Horn's advice to law students is to consider smaller jurisdictions. Horn comments that the shortage of attorneys in rural communities is a real thing, and there is a big need. She realizes there are always advantages and disadvantages of a smaller market, but she credits her time in Norton and surrounding counties with giving her more opportunities and experience than she would have received in a large jurisdiction. Horn feels that many of her law school friends are not getting the same opportunities by practicing law in larger markets as she has had in just two years of practice. Horn says she was able to get right into court within a month of graduation and has seen regular court appearances and hands-on time with cases from the beginning. Horn believes her

experience in taking court appointed cases has made her a better attorney as well, and her advice to law students and new attorneys is to take court appointments for the in-court experience. She also advises finding a good mentor, someone to "bounce ideas off of because law school does not teach you how to manage clients and client expectations." Also, she recommends that law students consider the Hanson Externship Program. Horn describes her participation in the program as one of the best experiences to prepare her for the practice of law. Horn attributes this to the amount of hands-on time she spent with her mentor in court, seeing and practicing law firsthand.

Horn describes her quality of life in a rural jurisdiction as "great and [she] wouldn't have it any other way." She has made partner in a law firm and recently bought a house, all within two years out of law school. Horn is grateful for everything she's experienced and for her mentors who have prepared her to experience and do a variety of things in her law career. Horn encourages others to fill the gap in rural communities.

Horn is a member of the Kansas Bar Association (KBA), City Attorney's Association of Kansas, serves on the Northwest Kansas Community Corrections and Northwest Kansas Juvenile Services Governing Board, and serves on the board of the Huck Boyd National Institute for Rural Development.

Saber Hossinei

Saber Hossinei took a very non-traditional route to a career in prosecution. Hossinei grew up near Benton, Kan. He attended Wichita State University, initially majoring in pre-med, but with just a semester left, he realized it wasn't for him and dropped out. He eventually started a career in the insurance industry where he worked for over six years, until deciding to return to finish his last semester of college the spring semester of 2015.

However, on January 21, 2015, the very day he was to start classes to finish his degree, Hossinei was arrested and charged with rape. Hossinei had been on a date the evening before and had consensual sex with the woman who became his accuser. Hossinei



hired Wichita Attorney Jon McConnel to represent him, and over the next year, their investigation uncovered additional information that revealed his accuser had falsified her report to law enforcement. This evidence was presented at the preliminary hearing, and later, on the day the case was set to go to trial, the State dismissed the case.

It was during the pendency of his case that Hossinei learned about the Innocence Project, a group dedicated to justice reform and using DNA and other scientific advancements to prove innocence. His interest in becoming an attorney was sparked. Prior to his case, he knew little about the criminal justice system and the wrongfully accused and convicted. It was at that time that Hossinei decided if he was exonerated, he wanted to become an attorney and work to help others.

Once his case was dismissed, Hossinei returned to WSU and finished his bachelor's degree in May 2016. He then went to work for the Midwest Innocence Project (MIP) in Kansas City, volunteering first before becoming a full-time employee. Although he enjoyed his work with MIP, Hossinei soon learned that he could have a bigger impact by becoming a prosecutor.

Hossinei attended law school at KU with a vision of going into prosecution. At the Innocence Project, he came to realize the role of the prosecutor is a dual role, not just that of an advocate, but also as an administrator of justice. He came to realize that a prosecutor is the most powerful position in the criminal justice system; that once a case is filed, and during the pendency of a case, the parties all act in response to what the prosecutor does. Hossinei soon understood the significant role of

the prosecutor in determining what happens, what the evidence is, and determining if there's enough to take a case to trial. He realized if he wanted to help prevent wrongful convictions, he could best do so as a prosecutor, by requesting more information, and additional investigation up front as opposed to doing so after someone was already wrongfully convicted.

After graduation from law school in 2021, Hossinei was hired by the Leavenworth County Attorney's Office. Hossinei currently prosecutes the traffic docket, juvenile docket, and adult cases arising out of the Leavenworth Correctional Facility. He has come to love the variety in prosecution and working in a smaller jurisdiction. Hossinei enjoys the linear prosecution system of his office – handling his cases from charging to conclusion. Prior to his work in prosecution, he says he had “bought into the conception and attitude that the criminal justice system was messed up and prosecutors only seek convictions.” Through his work with the Leavenworth County Attorney's Office, he advises he was “blown away by the practices of the office and the caution and care the prosecutors employ in their cases.” He became a prosecutor to look at all of the allegations from the beginning – to make sure his cases have probable cause and ultimately proof beyond a reasonable doubt. He

enjoys being involved in a close-knit office where he can elicit the opinions of the other attorneys and vice versa during the charging process, and in addition, view evidence through the lens of his own experience sharing that perspective with them. Hossinei loves that he can work in a career where he can be the first in line to protect an accused's rights, having the ability to ask for further investigation and additional



Saber and Leavenworth County Attorney Todd Thompson

evidence, yet seek justice for victims as well.

To future law students, either contemplating prosecution or who don't yet have a field identified, Hossinei feels that starting out in prosecution is one of the best ways to gain experience. He feels that there is no better way to gain the necessary experience in court that will carry over into any field of law. For those who know they want to go into prosecution, Hossinei advises students to look for internships in smaller jurisdictions due to the amount of hands-on experience they can obtain compared to that of a bigger office.

Hossinei carries forward his passion for the law mentoring non-traditional and first-generation law students, participating on



Saber and his wife Emily Reed

speaker panels promoting smaller markets, attending mock interviews or career fairs, and being a regular on the KU campus. Hossinei has assisted his office in recruiting several interns by getting the word out regarding the amount of experience students can obtain in smaller jurisdictions. Hossinei's main goal is to convey to others not currently working as prosecutors, or who are working in criminal defense, that working as a prosecutor is such an important role to protect the rights of the accused.

Hossinei is a member of the KCDA and is married to his wife of two years, Emily Reed. Hossinei wakes up every day

grateful that he has the opportunity to do what he does. 🙏

Observations, Insights, and Lessons Learned Through County Attorney Visits

By Vic Braden, Deputy, Criminal Division, Office of the Kansas Attorney General

During my nearly 14 years as the Deputy of the Criminal Division (previously known as the Criminal Litigation Division), I have made an effort to build positive professional relationships with county and district attorneys across the state. Over that timeframe, I have traveled to each of the 105 counties in Kansas, at least once (and for some, many times) for in-person visits with the county/district attorney. As you can imagine, the result has been a lot of windshield time across the Great Plains of Kansas. However, through those travels, I have gained a deeper appreciation for the geographical beauty of the land, the connecting nature of regional

economies and transportation networks, and the demographic dynamics across the state.

In the fall of 2010, I started my travels. By then, I had been the Deputy for about six months. Over that timeframe, my assessment was that there was a lack of case acceptance criteria. The result was a variety of case types with a heavy concentration in certain regions of the state. Therefore, part of my reasoning for making these visits was to gain feedback on the needs within the prosecution community, and to assess whether the Office of the Kansas Attorney General (OAG-KS) was meeting those needs. My other aim was simply to get to

know the county attorneys and district attorneys.

Those initial visits provided some great insight into the views of county attorneys (CAs) and where the focus should be for the Criminal Division. One assessment was that the CAs were frustrated in the lack of reasoning behind whose case acceptance request would be accepted or rejected. I remember one CA telling me “I asked for you guys to take a child sex crime case and you turned me down, but for the county next to me, you took a misdemeanor drug case during the same time period, so what is the reasoning?” The other observation was that the visits allowed me to glean regional trends concerning drug crimes and violent crimes.

Therefore, through these visits, I developed the initial case acceptance criteria (no juvenile cases and no misdemeanors; types of crimes—homicides, child sex crimes, level 2 or 3 drug, and public official involved in a felony). These areas became known as “The Focus 4.” This narrowing of the focus allowed the Criminal Division to concentrate on hiring prosecutors with litigation experience in these areas. In addition, it provided a foundation for our training program to build prosecution competency in these types of crimes.

The travel design for the visits was guided by the CA schedule and drive time between county seats. Generally, anywhere in Kansas, you can count on a 45-minute trip between county seats. Usually, that would leave about a 5-10 minute gap in case of construction, etc. I would plan on a 20-minute visit. Over the years, sometimes a meeting would be up to an hour, with a few only lasting five minutes (yes, those were interesting). During the visits, I could quickly gauge the CA’s past experience with the OAG-KS—most good, some bad. Discussions would always include an assessment of crime trends in the area and my pitch concerning the capabilities of the Criminal Division to support local prosecution efforts. Sometimes, the CA and I had similar “growing up in Kansas” experiences to share. Of course, those with a military background always led to accounts of that experience. I found that most CAs have no trouble expressing past or current frustrations with the OAG-KS. However, I valued those authentic discussions because it allowed me an opportunity to smooth over those friction areas.

During the early 2010s, observing communication and scheduling designs by some CAs was interesting. Before the 2012 general election cycle, there were still a few CAs, generally older, who refused to embrace the modern modes of communication—cell phones, email, Outlook scheduling, etc. Therefore, I learned that double checking on scheduling prior to starting out on visits was a necessity. In addition, some visits provided moments of insights into a CA’s view of communication.

One specific occasion that I remember was from a rural county in western Kansas. It was my last visit of the day, late afternoon, at the CA’s private practice office. He was the only one in the office, and I don’t think he had an assistant employed at the practice. When I sat down, I noticed that he had no visible computer and no cell phone on the desk. However, the office did have a fax machine on a side table and one landline phone on a table behind the desk. About 10 minutes into a great discussion, the landline phone started to ring. It must have rang 30 times, loudly, I might add. I told the CA that he could take the call, no problem. He told me it could wait. One such call would have not been memorable to me, but three minutes later, the same scenario occurred and continued to occur every three minutes or so during my 30-minute visit. To his credit, he put my visit first. So, whatever “urgent” issue the caller needed to discuss with the CA waited until the visit was complete.

Over the years as Deputy Attorney General, Criminal Division, the county attorney visits and the knowledge gathered from those visits concerning the prosecution needs of Kansas, have resulted in numerous re-evaluations of the OAG-KS’s efforts to meet those needs. Early in my tenure, the number of meth labs had reduced substantially, but were still a problem in certain regions of Kansas. Therefore, we maintained a core group of experienced prosecutors to support local law enforcement and Kansas Bureau of Investigation (KBI) drug task forces to combat the meth epidemic. As meth labs disappeared and federal funding dried up, the OAG-KS reoriented prosecution capacity in the mid-2010s to the next emerging need in rural Kansas – the prosecution of off-grid child sex crime cases and elder abuse.

The Criminal Division built the capability to

professionally prosecute “Jessica’s Law” cases. In addition, a new division was established in the OAG-KS, the Financial Abuse Litigation Division, with a specific task of litigating financial and/or physical abuse crimes against the elderly in Kansas. As we started into the 2020s, the fentanyl crisis, explosion of organized retail theft crime, and various forms of fraud against, and abuse of, elder and dependent adults, further necessitated the reshaping of the Criminal Division. However, throughout the years of my tenure, the Criminal Division has maintained the capability to prosecute the area of historical OAG-KS support in rural Kansas, the prosecution of homicide cases.

During my years of travels, I have noted a few CA trends. First, the CAs are getting younger, with a considerable shift from the “baby boomers” to the “Gen Xers” and “Gen Ys” during the 2012 and 2016 election cycle. The KCDA and OAG-KS noted these shifts and provided appropriate collective training for the new prosecutors during both of those cycles.


Second, our road network design has provided us with excellent ways to move commodities and manufactured goods in and out of Kansas, and from urban areas and regional hubs to all rural parts of Kansas. However, these same corridors, combined with more convenient and accessible communication systems, have also become increasingly used conduits for illicit drug trafficking, resulting in all of the associated crimes (homicides, child sex crimes, retail crimes, etc.) in rural Kansas.

Third, as rural area populations decline, the need for interagency approaches has increased. Some rural counties have very limited law enforcement capability, with some down to a handful of law enforcement officers. Therefore, the KBI has increasingly become the “go to” law enforcement agency concerning higher level person felonies. Finally, rural county attorney and county commission

cooperation has become more important as local funds have, generally, become more limited, while local crime has stayed constant or has increased.

Looking forward, I envision an increasing need for positive OAG-KS and county law enforcement official and officer relationships. Projected population trends tell the story for rural Kansas. By 2051, some rural counties will lose more than 1/3 of their present population.¹ As these counties lose population, those who remain will be older, with some counties having more than 50% of the adult population 65 and older.² The result will be rural areas with a significant population decline, with older residents needing more resources, but less people to fund those costs. Based on my conversations with county attorneys in some rural areas, they are one of the last active attorneys in the county and when they leave/retire, there will be none left.³

With these trends in mind, the future of prosecution for many areas in Kansas will be one prosecutor being the CA for multiple counties. Therefore, a quasi-district attorney framework will start to develop as the populations continue to decrease. While this trend is occurring in rural Kansas, urban areas will see significant increases in population over the next 30 years, some by almost 25%.⁴

This scenario will require prosecutor offices to keep up with the increase in case volume, along with the need to expand their workspace. This diametrical dynamic will present significant challenges in the state and local public sector, but particularly within the law enforcement community, both officials and officers. How the KCDA helps shape the prosecution community in terms of capacity (enough prosecutors) and competency (adequately trained and educated prosecutors) to be capable of not just surviving, but thriving, within these demographic changes ahead, time will tell. 

Footnotes

1. Institute for Policy & Social Research, The University of Kansas; data from U.S. Census Bureau.
2. Wichita State University, Center for Economic Development and Business Research; <https://cedbr.org/forecast-blog/population-forecast> (accessed October 25, 2023).
3. Kansas Rural Justice Initiative Active Attorneys per 1000 Citizens (as of January 2023), showing two counties with no active attorneys.
4. Institute for Policy & Social Research, The University of Kansas; data from U.S. Census Bureau.

Stepping Up to Produce Rural Prosecutors

Development of the Washburn Law Rural Law and Third Year Anywhere Programs

**By Shawn Leisinger, Associate Dean of Centers and External Programs and Externship Director
Washburn University School of Law**

On October 26, 2023, I was pleased to be asked to speak at the Fall KCDA Conference in Lawrence, Kan. I spoke jointly with Justice Wall, and we covered the Kansas Supreme Court Rural Justice initiative Committee's work as well as Washburn Law's work to address the shortage of rural attorneys in Kansas. Looking out at the crowd of prosecutors from across Kansas, I was pleased to see easily two-thirds Washburn Law graduates, and many former students of mine, serving as prosecutors across our great state. I share that as introduction to this article, which simply seeks to provide information on the programs I briefly spoke of that day. I encourage any of you to reach out to me if you want to take advantage of our programs or refer young people in your communities who want to go to law school to talk with us about an expedited process to finish college and law school to get back to a home community to practice, especially in prosecution.

Washburn University School of Law has been actively engaged in identifying and addressing the rural lawyer shortage for well over the past 15 years. Washburn Law is currently engaged in a number of initiatives to help encourage graduates to settle in rural areas. These initiatives include engagement with regional bar groups, regional college partnerships and 3+3 Programs, the Dane G. Hansen Externship Program (and others in the works), our Third Year Anywhere™ Program, and future planned rural pipeline initiatives.

Regional Partnerships and 3+3 Programs

Washburn Law has actively been working with regional colleges across the state to reach out and provide guidance to pre-law, and potential pre-law, students in regards to applying to and being successful in law school, legal practice options, and general exposure to law practice and law

practitioners. As part of this work, we have entered into 3+3 agreements with Washburn University, Fort Hays State University, Baker University, and most recently Pittsburg State University. Other agreements are in process and these agreements allow students who express interest and show satisfactory academic ability within certain degrees, to come to law school after their third year of undergraduate education to begin law school. Once they have completed their first year of law school, those completed courses apply to complete their undergraduate degree, and they formally graduate from their undergraduate institution. In essence, this allows these students to reduce the typical seven years to a law degree to the 3+3 or six-year run. We find that many of these students at regional schools have an active interest in returning to their hometowns after completing their education, and this gets them back more quickly.

Externship Program

Whether completing a 3+3 program or not, students can opt to apply to be involved in our Rural Externship Program their first summer semester after completing their introductory law school courses. Students can choose to do this anywhere outside the most populous counties in the state, or they can opt to apply to do it under the Dane Hansen Rural Program in the northwest 26 Kansas counties (basically from Salina north to Nebraska and west to Colorado). Under the Hansen program, the Foundation grant pays for the six credit hours and also provides a \$5000 stipend to cover living and travel expenses for the student over the summer.

Students in these summer programs have a full-time immersive experience of all that these rural attorneys do. We find that in the smaller communities, and less populous counties, many practicing attorneys serve part-time as a prosecutor in one county, may serve as a municipal judge in

a town or two, and then also have a general civil practice as well. Students in the Hansen program have actively enjoyed their work in the criminal law area and a number have gone back to serve as full- or part-time prosecutors statewide.

I would note that the rural program has worked especially well for first generation and other non-traditional students who otherwise could not afford to do traditional unpaid externships. This program began in 2017, and 72 students have completed Dane Hansen area externships to-date. Last year, 14 students participated, and five were in towns of less than 5,000 in population with even more in those smaller towns in past summers. Fifteen of those 72 students who have completed the program, and passed the bar, are currently practicing in the Hansen areas with a few more in neighboring counties. Washburn Law is working with other foundations in southwestern and eastern Kansas and western Missouri to expand the Rural Law Externship program.

Third Year Anywhere™ (TYA) Program

The next area I would like to explain is our first in the nation Third Year Anywhere™ (TYA) program. This program allows students to complete their third year of law school while living in the area where they hope to practice. TYA students complete an externship placement each semester for six credit hours coupled with a one credit hour Lawyering Perspectives companion course and take the remainder of their required credit hours through online courses. Six of these placements last year were in rural areas in Kansas and five placements this year are also in rural areas in Kansas. We see interest from our incoming first year students who should only increase these rural student numbers.

Students who complete a first summer Hansen Rural Externship would only qualify for a single semester of TYA, but we have seen a number of students taking advantage of this to return to their hometown to continue that local exposure and mentorship. They also find support to study for and pass the bar exam. Those students are then ready to practice as soon as that license is in hand.

That said, students taking advantage of a 3+3 program with a regional university, following up with a first summer Rural Externship Program path

and then finishing up with a TYA semester could be back out in a rural community, trained, engaged, and ready to practice at the end of the sixth year summer.

In closing, I would like to touch on where we go from here. Our new Admissions Director Kaitlin Alegria is an active supporter of our rural outreach and programs. She is working to continue to develop these rural connections and education path pipelines. In part, we are working to reach out to community colleges as well as high schools to get the message out about rural legal careers being an option especially for those who want to go back home after their college experience. To do this, we need our alumni and friends in the legal community statewide to be willing to reach out with us to these young people to get them on track to go back out to prosecute and maybe even serve as a judge in their rural community one day. 🍷

About the Author

Shawn Leisinger is the Associate Dean for Centers and External Programs and Externship Director at Washburn University School of Law. The Centers for Excellence are focused in the areas of Advocacy, Business and Transactional Law, Children and Family Law, Oil and Gas Law, International and Comparative Law and Law, Government and Intellectual Property. Shawn has taught Interviewing and Counseling, Negotiation and Professional Responsibility (Legal Ethics) and coaches ABA Law Student competition teams in Client Counseling and Negotiation.



He also has helped develop and runs Washburn Law's RURAL law practice program that seeks to address repopulating attorneys in rural areas. He also worked to develop the Third Year Anywhere Program, which he currently co-directs and teaches, which places students in any remote area regionally, nationally or internationally for their third year of law school to give them a head start on where and in what they want to practice after passing the bar. Shawn received his Juris Doctorate from Washburn University in 1999.

Technology in DWI Cases: A Brief Look at Where We Are Today and Where We Are Headed

By Erin Inman, NTLC Staff Attorney

This article was originally published in the National Traffic Law Center's *Between the Lines* newsletter in April 2023 under NHTSA cooperative agreement 693JJ91950010. It is reprinted here with the permission of the National Traffic Law Center. You can find the newsletter at: <https://ndaa.org/resource/april-2023-btl-technology-in-dwi-cases-inman/>.

Alcohol-impaired driving killed 11,654 people on America's roadways in 2020.¹ Prosecutors play an important role in minimizing the number of lives lost each year by pursuing impaired driving (i.e., DWI or DUI) charges and ensuring offenders are properly sentenced.² "DWI cases," however, "can be highly complex and difficult to prosecute. . . ."³ Part of what makes an impaired driving case complex requires a prosecutor to not only master the courtroom, but to also master the modern-day technology available to detect and secure evidence of impairment as well as assist with the creation of appropriate sentencing recommendations. Technology of the future may also hinder or prevent an impaired motorist from being able to drive in the first place thereby making impaired driving prosecutions a thing of the past. This article highlights some of the tools used to secure evidence in an impaired driving investigation; to craft sentencing recommendations to rehabilitate offenders/reduce recidivism; and to prevent impaired driving from happening at all.

Proving the DWI

Technology in modern policing includes the use of body-worn cameras,⁴ car dash cameras, cell phone data,⁵ and even drones⁶ (e.g., for use in collision reconstruction and crash scene mapping) in investigating impaired driving and other traffic offenses. Each of these tools aid in gathering

evidence that previously was not captured for trial. They also present new challenges for both law enforcement and prosecutors. Footage from cameras, for example, requires storage equipment and must be logged and retained by law enforcement agencies, requiring additional resources to do. Prosecutors must review the camera footage, redact certain sensitive information from it, and provide the means to transfer the video to defendants in discovery. A prosecutor's review of the video footage includes properly assessing it and ultimately presenting it in court. Thus, while advancements in technology help cases, it also means there are often unintended financial costs and employee burdens that complicate matters. Furthermore, it is the prosecutor's job to not only properly introduce this evidence at trial, but to also explain its significance and meaning to the judge and jury. In this way, a prosecutor must have both a mastery of the courtroom and a mastery of the technology used by law enforcement to ultimately prove the impaired driving case.

Law enforcement technology is not the only kind to complicate matters for a prosecutor. Technology used by toxicologists and other scientists also adds to the complexity of impaired driving cases. For instance, breath or blood test results are one of the most compelling pieces of evidence in a DWI case. The presence of alcohol and or drugs in a person's

Footnotes

1. National Center for Statistics and Analysis. (2022, May). *Early estimates of motor vehicle traffic fatalities and fatality rate by sub-categories in 2021* (Crash Stats Brief Statistical Summary. Report No. DOT HS 813 298). National Highway Traffic Safety Administration.
2. See Venkatraman, V., Richard, C. M., Magee, K., & Johnson, K. (2021, July). *Countermeasures that work: A highway safety countermeasures guide for State Highway Safety Offices*, 10th edition, 2020 (Report No. DOT HS 813 097). National Highway Traffic Safety Administration.
3. Id. at 1-39.
4. "Gaining Trust Through Cameras," Product Feature, *Police Chief* 90, no. 4 (2023): 100-102.
5. See e.g., *Carpenter v. U.S.*, 585 U.S. ___ (2018).
6. "The Evolution of Drones in Law Enforcement," Product Feature, *Police Chief*, www.policechiefmagazine.org/product-feature-theevolution-of-drones-in-law-enforcement/, accessed April 14, 2023.

breath or blood provides a degree of certainty that the defendant consumed alcohol and/or drugs. For that reason, much of the developing DWI technology is aimed at securing this evidence. Roadside oral fluid testing,⁷ for example, has become increasingly integrated into law enforcement investigations.

Roadside oral fluid testing is used to screen suspects for recent use of commonly consumed drugs or drug classes, such as tetrahydrocannabinol (THC), cocaine, methamphetamine, amphetamine, opioids, and benzodiazepines.⁸ Officers collect oral fluid from a suspect using a collection device, then insert the samples into a handheld analyzer.⁹ Results are available within minutes.¹⁰ Officers for decades have been able to screen roadside for alcohol using preliminary breath test (PBT) devices, but screening for drugs roadside is relatively new in the United States. The American Automobile Association (AAA) recognized its growing popularity and created a 76-page resource, *Use of Oral Fluids to Detect Drugged Drivers: A Toolkit*,¹¹ for those jurisdictions interested in implementing its own oral fluid program. AAA's Foundation for Traffic Safety (FTS) conducts research aimed at preventing traffic injuries and death and recently studied how long after a person uses certain drugs it can be detected in an oral fluid test and what factors may influence that.¹² "Efforts to understand the proximity of drivers' drug use in time may assist in better understanding and properly enforcing drug-impaired driving laws."¹³ A roadside oral fluid test is akin

to a PBT in that it is not admissible as evidence of impairment at trial, but it is typically admissible for determination of probable cause for both the arrest decision and to obtain a search warrant for blood. This is where electronic warrants (e-warrants) come into play.

Search warrants for blood are used by law enforcement in DWI cases for a variety of reasons including when the driver does not voluntarily consent to a blood draw (i.e., refuses to submit to chemical testing), the law enforcement officer suspects the driver of drug-impaired driving, or the driver is taken to the hospital or is otherwise unable to provide a breath sample. These are just a few of the circumstances that may lead to an officer to seek a warrant for blood. The need for this evidence combined with recent United States Supreme Court decisions amplifies the need for e-warrants.¹⁴ Also, warrants for blood in DWI cases are positively linked to an increase in the collection of this type of evidence.¹⁵ Those jurisdictions that implemented a practice of seeking warrants for blood in DWI cases saw fewer instances of refusals to submit to testing and, for cases containing a defendant's blood alcohol content (BAC), saw swifter resolution of DWI cases.¹⁶ This means offenders needing intervention and/or treatment received the help they needed faster thereby leading to greater public safety.

E-warrants are significant largely because of the time saved in obtaining the warrant. The traditional warrant process "can take an officer an extra 90 to

7. Moore, C., Lindsey, B., Harper, C., & Knudsen, J. "Use of Oral Fluid to Detect Drugged Drivers," National Traffic Law Center, *Between the Lines*, Vol. 28 Issue 10 (October 2020); Indiana Criminal Justice Institute, Roadside Oral Fluid Program, www.in.gov/cji/traffic-safety/impaired-driving/roadside-oral-fluid-program/, accessed April 14, 2023.
8. Foundation for Advancing Alcohol Responsibility, *Oral Fluid Screening for Impaired Drivers*, www.responsibility.org/wp-content/uploads/2020/07/Oral-Fluid-Screening.pdf, accessed April 18, 2023.
9. *Id.*
10. *Id.*; Indiana Criminal Justice Institute, Roadside Oral Fluid Program, www.in.gov/cji/traffic-safety/impaired-driving/roadside-oral-fluid-program/, accessed April 18, 2023.
11. Moore, C., Lindsey, B., Harper, C., & Knudsen, J. *Use of Oral Fluid to Detect Drugged Drivers: A Toolkit*. (2022).

- American Automobile Association.
12. Arnold, L.S., Benson, A., Chen, K.T., Kelley-Baker, T. & Horrey, W.J. (2019). *Detection Windows for Drugs in Oral Fluid: Cannabinoids, Stimulants, and Opioids* (Research Brief). Washington, D.C.: AAA Foundation for Traffic Safety.
13. *Id.* at 1.
14. Holmes, E. & Talpins, S. "Supreme Court Decisions and Upcoming Cases Reflect the Growing Need for Electronic Search Warrants in Impaired Driving Cases," National Traffic Law Center, *Between the Lines*, Vol. 27 Issue 7 (September, 2019).
15. Hedlund, J.H. & Beirness, D.J. (October 2007). *Use of Warrants for Breath Test Refusal: Case Studies*. (Report No. DOT HS 810 852), National Highway Traffic Safety Administration.
16. *Id.* at vi.

120 minutes or more to complete the warrant forms, transmit the information to a judge for signature, transport the suspect to a medical facility or call a phlebotomist to the station, and obtain the blood sample.”¹⁷ Thus, evidence of alcohol and/or drugs in the suspect’s blood will change and, in the case of some drugs, may entirely dissipate by the time blood is drawn. For example, evidence of recent marijuana use can disappear from the blood in 30 minutes.¹⁸ The 90 to 120 minutes it takes to obtain a warrant and have the blood drawn can, therefore, mean the evidence of recent marijuana uses is gone. E-warrants streamline the entire warrant process, thereby enabling officers to gather the evidence before it diminishes or is eliminated from the driver’s blood.¹⁹ With the e-warrant system, officers no longer have to drive to the judge’s location to obtain a signature before proceeding to the hospital or station where the blood draw then occurs.²⁰ Because of the value of e-warrants, several resource guides have been made available for state and local agencies wanting to implement an e-warrant system. For example, NHTSA published *Practices for Implementing Expedited Search Warrant Programs for Obtaining Evidence From Impaired Drivers*,²¹ and the Foundation for Advancing Alcohol Responsibility offers the *e-warrant Implementation Guide* and supporting documents.²²

Sentencing DWI Offenders

Technology also plays an important role in sentencing, in terms of rehabilitating offenders and reducing DWI recidivism. Not all offenders are the same, and not all technology is equal. Prosecutors must understand what technology is available and most effective in order to make meaningful sentencing recommendations. Many repeat offenders have underlying mental health disorders co-occurring with substance use disorders. The Foundation for Advancing Alcohol Responsibility (FAAR) recognized the need for assessing and treating mental health disorders in DUI offenders, in order to decrease recidivism and supported the development of the Computerized Assessment and Referral System (CARS).²³ The CARS tool assists mental health professionals in screening and assessing individuals in crisis and connecting them with the services needed. In 2016, FAAR supported implementing CARS in several sites throughout the United States and evaluated the results.²⁴ By assessing the need for mental health treatment, and requiring that treatment as a condition of sentencing, offenders can benefit from establishing care with a treatment provider who is available to them even after the sentence is served. Ideally, an offender is either introduced to mental health treatment or reminded of the need for it to prevent future mental

17. *Id.* at vii.

18. See Mayo Clinic Laboratories, Test Catalog, Marijuana Δ 9-Tetrahydrocannabinol (THC), stating “The parent drug, Δ 9-tetrahydrocannabinol (THC), has a clearance half-life of less than 30 minutes and is not detectable in urine.” www.mayocliniclabs.com/test-catalog/drug-book/specific-drug-groups/marijuana, accessed April 17, 2023.

19. International Association of Chiefs of Police, Resolution in Support of Electronic Warrants in the Fight Against Impaired Driving, HSC.20. t2018, November 1, 2018, www.theiacp.org/resources/resolution/support-of-electronic-warrants-in-the-fight-against-impaired-driving, accessed April 14, 2023.

20. Minnesota Law Enforcement and Courts Transition to Electronic Search Warrants—New eSearch Warrants Streamline Warrant Processing, Improve Public Safety, Minnesota Dept. of Pub. Safety, Office of Communications, News Release (May 8, 2017), dps.mn.gov/divisions/ooc/news-releases/Pages/Minnesota-Law-Enforcement-and-Courts-Transition-to-Electronic-Search-Warrants.aspx, accessed April 14, 2023. But see also

Miller, J. & Wieber, A. “Warrants approved in just minutes; Are Utah judges really reading them before signing off?,” *Salt Lake Tribune* (Jan. 14, 2018), www.sltrib.com/news/2018/01/14/warrants-approved-in-just-minutes-are-utah-judges-really-reading-them-before-signing-off/, accessed April 14, 2023.

21. Symoun, J., Kehoe, N., Carlson, L., & Marose, D. (2021, April). *Practices for implementing expedited search warrant programs for obtaining evidence from impaired drivers* (Report No. DOT HS 812 949). National Highway Traffic Safety Administration.

22. Foundation for Advancing Alcohol Responsibility, *eWarrants Report—A Guide to Implementing Electronic Warrants*, www.responsibility.org/end-drunk-driving/initiatives/e-warrants/, accessed April 14, 2023.

23. See www.responsibility.org/end-drunk-driving/initiatives/cars-dui-assessment-project/, accessed April 21, 2023; see also www.carstrainingcenter.org/, accessed April 21, 2023.

24. Holmes E. & Dalbec M. (2017). *CARS Implementation Process Evaluation*, Foundation for Advancing Alcohol Responsibility.

health crises and, thus, prevent DUI recidivism.

The country's current appetite for less incarceration and more community-based sentencing²⁵ necessitates alternative means of ensuring public safety. Colorado embraced technology and adopted a law last year mandating continuous alcohol monitoring, such as SCRAM Continuous Alcohol Monitoring (SCRAM CAM), for some convicted repeat and felony DWI offenders.²⁶ Continuous alcohol monitoring devices are typically worn on ankles and transdermally detect alcohol.²⁷ Thus, if an offender consumes alcohol at any time during a day, that information will be captured and ultimately reported to the supervising court or agency. This technology has proven to be a reliable means of monitoring alcohol consumption.²⁸ The information gives the supervising court or agency the ability to either confirm sobriety or hold the offender accountable for having consumed alcohol. Services can then be decreased or increased as needed to treat the offender's condition. Rehabilitation and ensuring defendants do not reoffend have long been aspects of the sentencing landscape, and judges look to prosecutors for recommendations that ensure the safety of the motoring public from convicted DWI offenders. In fact, if the desired outcome is to reduce recidivism, incarceration alone is ineffective.²⁹ "[P]unishment does not ameliorate substance use disorders or related problems."³⁰ Hence, Colorado's

SB22-055. While judges throughout the United States have had the ability to require continuous alcohol monitoring for DWI offenders, Colorado's SB22-055 "is the nation's first law mandating the use of the technology."³¹

The new Colorado law also allows offenders to apply for a restricted license so long as an ignition interlock device is used.³² Ignition interlock systems are designed to be installed in vehicles near the driver.³³ Before the car can start, the driver must provide a breath sample with an alcohol concentration below a given threshold, typically 0.02%.³⁴ Retests are also required by the driver throughout a trip to ensure alcohol levels are not increasing and exceeding the set threshold.³⁵ These devices are designed to prevent a driver from driving while impaired by alcohol. Ignition interlock technology was first developed in 1969 and became more widely accepted as the technology evolved in the 1980s and 90s.³⁶

Ignition interlock devices have been advocated by Mothers Against Drunk Driving (MADD) as a necessary component of all DWI offender sentencing.³⁷ MADD's advocacy for every state to have laws requiring ignition interlock is based on a series of studies regarding the effectiveness of ignition interlock devices in preventing offenders from driving while under the influence.³⁸ Because of the technology's effectiveness, MADD continues its efforts to enact legislation in all 50 states requiring

25. Eisen, L-B. & Oliva, C. (April 2020). "Reimagining a Prosecutor's Role in Sentencing," *Fed. Sentencing Reporter*, Vol. 32, No. 4, pp. 195–201.
26. "New Colorado SB22-055 Requires Continuous Alcohol Monitoring for Repeat DUI Offenders," (August 1, 2022) Offender Management Services, offender-management.com/2022/08/01/new-colorado-sb22-055-requires-continuous-alcohol-monitoring-for-repeat-dui-offenders/, accessed April 14, 2023.
27. Responsibility.org Policy Position (2020) on Continuous Alcohol Monitoring, accessed April 18, 2023.
28. *Id.*
29. PEW Charitable Trusts, "More Imprisonment Does Not Reduce State Drug Problems," (March 2018), www.pewtrusts.org/-/media/assets/2018/03/pspp_more_imprisonment_does_not_reduce_state_drug_problems.pdf, accessed April 14, 2023.
30. Volkow, N. (April 27, 2021). "Addiction Should Be Treated, Not Penalized," *Health Affairs Forefront*, www.healthaffairs.org/doi/10.1377/forefront.20210421.168499/

- [full/](#), accessed April 14, 2023.
31. Kenney, A., Birkeland, B., & Verlee, M. (December 30, 2022). "Disposable bag fees, higher minimum wage and cage-free eggs: Colorado laws going into effect for 2023," *Colorado Public Radio News* (accessed April 14, 2023).
32. *Id.*
33. Centers for Disease Control and Prevention, Transportation Safety, Alcohol Ignition Interlocks, www.cdc.gov/transportationsafety/calculator/factsheet/interlocks.html#History, accessed April 18, 2023.
34. *Id.*
35. *Id.*
36. *Id.*
37. Mothers Against Drunk Driving, Sober to Start—Ignition Interlock, madd.org/ignition-interlocks/, accessed April 14, 2023.
38. Mothers Against Drunk Driving, Ignition Interlock Report 2017, (March 14, 2017), pp. 6–7.

all alcohol-impaired driving offenders install the device.³⁹ NHTSA offers a toolkit for interested jurisdictions to design and implement an ignition interlock program.⁴⁰

DWI Prevention

Perhaps the most heartening technology prospect for impaired driving is its role in prevention. DWI deaths may become a distant memory with the advent of DWI prevention-minded technology. This ideal future is envisioned by NHTSA and its traffic safety partners wherein technology is used to prevent DWIs. The Driver Alcohol Detection System for Safety (DADSS) Program’s goal is to implement breath and/or touch testing technology into new cars with the aim of preventing DWIs.⁴¹ The program began in 2008 and is a partnership between NHTSA and the Automotive Coalition for Traffic Safety (ACTS). “The technology will automatically detect when a driver is intoxicated with a blood alcohol concentration (BAC) at or above 0.08%— the legal limit in all 50 states except Utah—and prevent the car from moving.”⁴²

The breath detecting technology measures the driver’s breath alcohol content through a sensor installed near the driver.⁴³ Unlike ignition interlock, the DADSS program technology passively measures alcohol, rather than requiring the driver blow into a device.⁴⁴ This means the sensor will monitor the driver’s alcohol levels throughout the driving experience. Touch-based technology will monitor and detect alcohol levels of the driver through the

skin, “or more specifically, the blood alcohol content detected in the capillaries.”⁴⁵

Real world deployment of the technology was introduced in Virginia in 2018 when “the . . . DMV announced a collaboration with the DADSS Program and James River Transportation (JRT) to conduct in-vehicle, on-road test trials.”⁴⁶ Implementation into American automobiles is years away but promises to be attainable sooner rather than later.⁴⁷ In fact, the 2021 Infrastructure Investment and Jobs Act requires NHTSA to create a new standard for implementing impaired driving prevention technology in new vehicles by 2024.⁴⁸ Indeed, thousands of lives will be saved each year once this technology is mastered and fully implemented throughout America.

Conclusion

Prosecutors must continue to do their part in reducing impaired driving deaths by effectively pursuing DWI cases. They can do so by understanding the role of technology in detecting DWI as well as the role of technology in reducing recidivism. Most notably, they can look forward to the day DWI trials are a thing of the past. 🏠

About the Author

Erin Inman is a Staff Attorney for the National Traffic Law Center with the National District Attorneys Association. She launched Montana’s Traffic Safety Resource Prosecutor program, taught at the Montana LE Academy, and has participated in the design of several criminal justice publications and curricula.

39. Mothers Against Drunk Driving, Sober to Start—Ignition Interlock, madd.org/ignition-interlocks/, accessed April 18, 2023.

40. See also Mayer, R. (2019, November). *Ignition interlocks—A toolkit for program administrators, policy-makers, and stakeholders*. 2nd Edition. (Report No. DOT HS 811 883). Washington, DC: National Highway Traffic Safety Administration.

41. The Driver Alcohol Detection Safety System Research Program, Breath Technology, dadss.org/breath-technology/, accessed April 14, 2023.

42. *Id.*

43. *Id.*

44. *Id.*

45. The Driver Alcohol Detection Safety System Research Program, Touch Technology, dadss.org/touch-technology/, accessed April 14, 2023.

46. The Driver Alcohol Detection Safety System Research

Program, Virginia: the First State Partnership, dadss.org/driven-to-protect/virginia, accessed April 14, 2023.

47. The Driver Alcohol Detection Safety System Research Program, When might the DADSS technology be in U.S. cars and trucks?, dadss.org/news/updates/when-might-the-dadss-technology-be-in-u-s-cars-and-trucks/, accessed April 14, 2023.

48. U.S. Department of Transportation, Fact Sheet: Safety in the Bipartisan Infrastructure Law, www.transportation.gov/bipartisaninfrastructure-law/fact-sheet-safety-bipartisan-infrastructure-law, accessed April 20, 2023; See also Reklaitis, V. “Infrastructure law mandates new technology to prevent drunk driving—here’s how it would work,” *MarketWatch*, September 2, 2021, www.marketwatch.com/story/infrastructure-bill-mandates-new-technology-to-prevent-drunk-driving-heres-how-it-would-work-11630607081, accessed April 18, 2023.



Endowing the Kansas County & District Attorneys Association

Enhancing Public Safety Through Professional Criminal Prosecutions

Kansas Prosecutors Foundation • 1200 S. W. 10th Avenue • Topeka, KS 66604 • (785) 232-5822

With your help, we can conquer mountains and enhance public safety for the future.

Send your tax-deductible donation to:

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

Learn more at www.kcdaa.org/foundation



Join NDAA Today!

As a **National District Attorneys Association (NDAA)** member, you become part of a community dedicated to protecting the rights and safety of the people. NDAA provides opportunities to **enhance skills, grow peer networks,** and **access world-class resources** that will help you stay on top of current developments in the prosecution field.



Learn more and join today at
ndaa.org/membership/join.



**Kansas County and District
Attorneys Association**

1200 S.W. Tenth Avenue
Topeka, Kansas 66604

PRESORTED STANDARD
U.S. POSTAGE PAID
HALL COMMERCIAL PRINTING

