

# The Kansas Prosecutor

The official publication of the Kansas County and District Attorneys Association  
Volume V, No. 2, Summer/Fall 2008



# 2007-2008 KCDAA Board



**Thomas R. Stanton**

*President*

Reno County Deputy District  
Attorney  
KCDAA Board: 4 years  
KCDAA Member: 16 years



**Vacant**

*Vice President*



**Ann Sweagle**

*Secretary/Treasurer*

Sedgwick County Deputy District  
Attorney  
KCDAA Board: 2 years  
KCDAA Member: 26 years



**John Wheeler, Jr.**

*Director*

Finney County Attorney  
KCDAA Board: 1 year  
KCDAA Member: 14 years



**Melissa Johnson**

*Director*

Seward County Assistant County  
Attorney  
KCDAA Board: 1 year  
KCDAA Member: 12 years



**Mark Frame**

*Director*

Edwards County Attorney  
KCDAA Board: less than 1 year  
KCDAA Member: 11 years



**Michael Russell**

*Director*

Wyandotte County Chief Deputy  
District Attorney  
KCDAA Board: less than 1 year  
KCDAA Member: 19 years



**Ed Brancart**

*Past President*

Wyandotte County Deputy  
District Attorney  
KCDAA Board: 6 years  
KCDAA Member: 13 years

## Chairs & Representatives

**Margaret (Maggie) McIntire**

*CLE Committee Chair*

Assistant Sedgwick County  
District Attorney  
KCDAA Member: 18 years

**Nola Tedesco Foulston**

*NDAA Representative*

Sedgwick County District  
Attorney  
KCDAA Member: 18 years

*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](mailto:mary@napiercommunications.com)  
 (785) 783-5494

**Board of Editors**

John Settle Jerome Gorman  
 Mary Napier

**Advisory Council**

Angela Wilson, chair  
 Brad Lippert Lee Davidson  
 Kimberly Knoll

**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](mailto: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. 2, Summer/Fall 2008

### Table of Contents

**President's Column**  
*by Thomas Stanton* ..... 4

**Legislator's Column: 2008 Legislative Changes**  
*by Representative Michael O'Neal* ..... 5

**Victim-Centered Approach to Helping Victims of Sexual Violence**  
*by Juliene Maska and Erica Haas* ..... 9

**Attorney General's Column: Kansas Senior Citizens Need Our Protection**  
*by Kansas Attorney General Steve Six* ..... 11

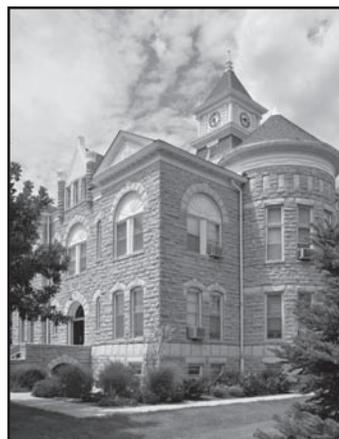
**Tornado Victims Need to Be Aware of Scams**  
*by Angela Wilson* ..... 13

**Q&A Regarding the Transient Merchants Licensing Act** ..... 16

**NDAAs Summer Report**  
*by Nola Tedesco Foulston* ..... 18

**KCDAA Milestones** ..... 21

**Mark Your Calendars - KCDAA Fall 2008 Conference** ..... 23



### About the Cover

The Lincoln County Courthouse was  
 built in 1900 after the original building  
 was destroyed by a fire. The courthouse,  
 which is situated on a square just east of  
 the Lincoln district, was designed in a  
 Richardsonian Romanesque architectural  
 style. The principal building material is the  
 local limestone, sometimes called post rock,  
 cut in the cyclopean style.

The Lincoln County Courthouse is  
 listed on the National Register of Historic  
 Places and the Kansas Register of Historic  
 Places. You can learn more about the  
 courthouse at [www.lincolncoks.com](http://www.lincolncoks.com).

*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

As I drift back through the mists of time, I recall meeting with a prosecutor in his office. I was a police officer at the time, and I was there to visit with the prosecutor about an upcoming case. He was a busy man, so I was waiting for him in his office. I looked up on the wall behind his rather cluttered desk (it looked a lot like my desk today), and on that wall was a small plaque. The plaque read, "Rule #1: Don't sweat the small stuff. Rule #2: It's all small stuff." It sounded clever, so I committed the saying to memory. Over the years I have pulled out that saying and fired it off, usually during my impersonation of the wise, semi-old, sage, as an answer to a stress-filled situation.

Upon reflection now, as a semi-wise, kind-of-old, sage, I am not sure that saying has any application in our business. I know what message the saying tries to relay - that we should try not to get too stressed out over things that may be small in the full context of life. But, as a practical matter, the term "small thing" is always relative to one's perspective. A plumbing leak in my basement is a "small thing" relative to the homes which were destroyed by the flooding Mississippi River, but it would be fairly major as an immediate problem to me. A migraine headache may seem very intrusive if it

keeps me from working on or completing a project, but it would be a small thing when compared to a diagnosis of inoperable cancer.

This concept is also misleading when it comes to the job of a prosecutor. We are forced to rate our cases in some arbitrary order of importance - which cases should go to trial, which should be pled out by agreement. To the victims of crime, however, each case is important, and we are their champions. It does not work to tell a victim of a car burglary that we are sorry, but we are preoccupied with a more important case. The loss of the use of a car by a burglary victim may place them in dire financial circumstances, circumstances of which we may not be aware. Failure to take that case seriously would be a great mistake on our part.

I do not mean to suggest that we should all pull our hair out over every case which comes across our desk. If we did that, everyone would have a hairline like mine. The fact that we have to prioritize our cases is a given fact of our profession. However, we do not have to prioritize our victims. Maybe a better sign to hang above our desks would read, "Rule #1: Be gracious to the victims. Rule #2: There are no small victims." 

**Rule #1: Be gracious to the victims.**

**Rule #2: There are no small victims.**

# Legislator's Column

by Representative Michael O'Neal



## 2008 Legislative Changes of Interest to County and District Attorneys

Casual observers of the 2008 Kansas legislative session may have come away with the erroneous assumption that all legislators did during the session was argue over coal-fired energy plants, immigration, and the budget. Indeed, the media certainly focused the public's attention on these issues.

However, the 2008 legislative session, much like the session before and the sessions before that, accomplished a great deal, particularly in the areas of law enforcement. The 2008 session marked the 16th year I have had the honor of being Chairman of the House Judiciary Committee. I believe most observers of crime and law enforcement legislation would agree that the Kansas Legislature is, as a general rule, very responsive to the needs of law enforcement and the expectations of Kansans in the areas of public safety and punishment. We are also blessed with an excellent working relationship with law enforcement and particularly the Kansas County and District Attorneys Association. I want to take this opportunity, having been invited to write about the 2008 session, to express my appreciation to the Kansas County and District Attorneys Association for their thoughtful assistance in helping us draft good public policy dealing with crimes and punishment.

The accomplishments of the 2008 legislative session in this area were such that space here does not permit me to go into great detail as to all the relevant legislation that was passed. I will, however, touch upon several bills and hopefully provide some insight into the legislative process that many do not get an opportunity to observe or appreciate. Those who are close observers sometimes lament that the legislative process can resemble a shell game from time to time when, in an effort to track a particular piece of legislation, committee and floor amendments will often change the appearance of the bill drastically, and in the final stages of the legislative process the bill may actually lose its numerical identity only to re-emerge wearing an entirely different numerical identity.

By way of explanation, if not apology, it is important to note that the House Judiciary Committee, and its counterpart the Senate Judiciary Committee, are two of the busiest committees in the Legislature. Oftentimes the committees hear more bills than most other committees combined. These committees typically are assigned most, if not all, civil procedure, crime, and criminal procedure bills, and accordingly, there have been times when we have had more than 100 bills pending in committee at one time. I recall one session, not too many years ago, when counting bills carried over from the previous session the House Judiciary Committee had almost 200 pieces of legislation in play. Bills that are not acted upon in odd-numbered years, and which are not adversely reported, automatically carry over to the following even-numbered year session. Bills not acted upon at the end of the even-numbered year are dead. It is not uncommon for a bill that did not receive action in the odd-numbered year to be carried over and acted upon favorably in the even-numbered year. Indeed there are those who have observed that nothing really ever dies that cannot be procedurally resurrected as long as the Legislature is in session.

Given the tremendous workload of the House and Senate Judiciary Committees, it is not uncommon for bills to be acted upon favorably by the House only to run out of time for consideration in the Senate and vice versa. Under joint rules of the House and Senate, any measure that has passed in at least one house is eligible for consideration in conference committee. Bills that pass both Houses, albeit in different form, will go to conference committee, which is a committee made up of three Senators and three House members tasked with the responsibility of trying to reach compromise on the differences between the House and Senate version. Any bill in conference committee that is germane to the subject matter of another bill that has passed either the House or Senate becomes a potential "vehicle" for the measure that succeeds in passing only one of

---

the bodies. Accordingly, these conference committees represent important opportunities for the House and Senate to extend the life of many proposals into extra innings and to secure passage before final adjournment. It is during this process that bills can become an entirely different bill number. Also during the conference committee process, things can get confusing for those attempting to track bills and follow the progress of a measure. House-Senate Judiciary Conference Committee rooms are typically filled with spectators trying to follow their legislative agenda. As confusing as the process can be at times, I'm proud of the fact that at the end of the day, we are generally able to respond to a vast majority of the requests we receive from prosecutors and law enforcement.

The 2008 Legislative Session was typical in the sense that it saw a wide variety of proposals pass, most of which flew well under the media's radar. One such bill, which I was frankly surprised did not receive more attention, was SB 536. The law prior to July 1, 2008, had placed a moratorium on the ability of communities to adopt or enforce offender residency restrictions. That moratorium had a sunset that was scheduled to expire June 30, 2008. Offender residency restrictions are popular with the voters since there is a perception that if registered sex offenders are restricted from living within a certain distance of, e.g. schools and daycare centers, their communities will be safer.

Iowa passed sex offender residency restrictions several years ago. Unfortunately, the results of that legislation were, the proponents candidly admit, disastrous. Instead of making communities safer, the result of the legislation was that sex offenders required to register simply failed to register in order to avoid the registry requirements. The percentage of those registering dropped precipitously.

Fortunately, states, through various national legislative organizations, are good about sharing their experiences, both good and bad, and we received a great deal of information and assistance from Iowa state officials. That data helped convince us that the moratorium on allowing communities to adopt and enforce offender residency restrictions should be made permanent. What is gratifying to me is that a potential political hot potato in an election year was dealt with calmly and efficiently, with even the most skeptical legislators becoming convinced through the hearing process that

passage of SB 536 represented good public policy.

While the Kansas Legislature has never been accused of being terribly proactive, the legislature is at its best in reacting to the need to respond to cases requiring corrective action. SB 430 is a good example. SB 430 makes the crime of aggravated criminal threat a severity level 5 person felony regardless of economic loss. The prior law defined three severity levels of aggravated threat depending upon the amount of loss of productivity measured by the total wages and salaries of all persons evacuated as a result of the threat. While this distinction arguably made sense when enacted, along came the rather bizarre and notorious case of the multiple bomb threats called into various Dillons' grocery stores. The nature of the threat was such that there was no opportunity for evacuation because both workers and customers were forced to remain within the building. The existing statute, therefore, created problems for prosecutors, and thanks to Senator Terry Bruce, an attorney and former prosecutor, Senate Bill 430 was introduced and passed merging the three separate severity levels based upon economic loss into one severity level 5 person felony regardless of economic loss.

On the subject of reactive versus proactive legislation, legislators all across the country are playing catch up with offenders who find new avenues for drug abuse. Place a substance on the controlled substance list, and offenders will find a way to discover or create new ways to get high. This year's annual addition to the Controlled Substances Act includes adding the drugs *salvia divinorum* (*salvinorum A*) and *datura stramonium* (gypsum weed or jimson weed) to Schedule I of the Kansas Controlled Substances Act (SB 481). In addition, HB 2545 adds methylethylendioxy methamphetamine (Ecstasy) to the list of substances that are illegal to possess or have under one's control. A second conviction is a drug severity level 4 felony.

One of the challenges in dealing with certain pieces of crime legislation is to balance the need for black and white rules of law in a universe where public policy is decidedly gray. A bill that I in particular struggled with during the 2008 legislative session was HB 2727. This bill amends current law regarding sexual assault kits. The current law, K.S.A. 65-448, provided that upon the request of any law enforcement officer and with the written consent of the reported victim, any

---

physician shall examine persons who may be victims of sexual offenses using the KBI's sexual assault evidence collection kits, or similar kits approved by the KBI, for the purposes of gathering evidence of any such crime. The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) came to the legislature this year and asked that that law be amended to provide that such examinations can be done as well upon the request of the victim, and if the examination has taken place solely upon the request of the victim, the medical care facility would be prohibited from notifying any law enforcement agency without the written consent of the victim unless otherwise required by law.

The proponent's main focus with HB 2727 was to allow victims to request collection of forensic evidence without having to decide at the same time whether they will make a report to law enforcement officials. The theory was that the evidence could be collected and safely stored at a time when its integrity could be assured. The victim could then make the decision to report or not at a time when the victim had support information and a bit more clarity about how much such a report would impact their life. Proponents noted that some hospitals conducting sexual assault forensic examinations have a longstanding practice of calling law enforcement immediately when a rape victim comes to the emergency room. With this policy in place, the proponents argued that many victims elect not to go to hospitals or emergency departments for the purpose of examination. They suggested that the statistics on non-reporting may be as high as 90 percent. Victims tend to follow one of three paths when deciding to report: 1) an immediate and unquestioning report to law enforcement, 2) a delayed report, and 3) no report. Victims who report at a later date, often after receiving support from advocates or others are frequently too late in the process for legal defensible forensic evidence to be collected.

At the hearing before the House committee, committee members, including this Chairman, struggled with the proposal, having to weigh in our own minds the rights of and respect for victims and the potentially overriding interest in bringing a perpetrator, perhaps a serial perpetrator, to justice. To the victim, the crime is very personal. To law enforcement and prosecutors, the crime is against the State.

Ultimately, both the House and Senate accepted

the proposal and the public policy arguments favoring the proposal. In doing so, we consulted with the KBI who agreed to be a central repository for the kits, and we included a requirement that the evidence be kept for five years. (You can read more about this legislation on page 9.)

Every legislative session usually sees a so-called omnibus crime bill; a bill emerging from a conference committee late in the session which contains a number of bills that passed either one or both houses, and are added to a bill in conference committee to provide a mechanism for a number of proposals to get final legislative approval. In 2008, HB 2707 was one such bill. Starting out as a simple bill that would allow a commercial renter to request the return of a rented or leased vehicle by a written agreement specifying a particular time and place, the lessee would have three calendar days to return the vehicle once a request has been made. If the vehicle was not returned, the lessor could notify the local law enforcement agency, which would list the vehicle as stolen in the appropriate state and local computer systems listing stolen vehicles.

The bill then morphed into an omnibus crime bill that included the base provisions of HB 2707 with additional provisions dealing with sentencing rules for those convicted of a third or subsequent felony theft, burglary or drug violation or any combination of the three. Those individuals would be placed, upon a proper finding by the court, in a substance abuse treatment program established by the Kansas Department of Corrections for at least four months to participate in an intensive substance abuse treatment program. The court would need to find that substance abuse was the underlying factor in the commission of a crime, that the substance abuse facility is likely to be more effective than prison in reducing the risk of offender recidivism, and that such sentence would serve the community safety interest and promote offender reformation. An alternative would be a non-prison sentence for a defendant who meets the prior mentioned requirements to participate in certain community-based drug treatment programs. An offender sentenced to intensive substance abuse treatment would not be transferred to the Reception and Diagnostic Center.

The bill also added a provision that creates a sentencing rule to make a fourth or subsequent convic-

tion for felony theft a presumptive prison sentence.

The House-Senate Conference Committee also used HB 2707 as a vehicle to deal with a House sentencing proposal in response to controversial sentences handed down by a particular Shawnee County District Judge in cases involving extreme sexual violence. The bill as approved by the Legislature provides that there will be no downward dispositional departure for any crime of extreme sexual violence. A downward durational departure could be utilized by the court with regard to a crime of extreme sexual violence, but limited to no less than 50 percent of the center of the grid range of the sentence for such crimes.

One final bill worth mentioning is SB 414, containing fundamental changes in the criminal stalking law. This was one of the carry-over subjects from the 2007 legislative session. Originally introduced by Representative Kasha Kelly of Arkansas City in the wake of the tragic murder of Jodi Sanderholm of Ark City, the legislation was patterned after model legislation that Representative Kelly had come across in her extensive research of the issue. Her bill was introduced in the 2007 session, and in consultation with Representative Kelly, we determined that because the proposal represented a fundamental change in our existing law that it warranted thorough study. We referred the bill to the Kansas Judicial Council, where it was assigned to the Criminal Law Advisory Committee, the membership of which represented a broad spectrum of experienced individuals with criminal law and victim advocacy expertise.

After thorough study, the Kansas Judicial Council proposed a comprehensive revision in the Kansas stalking law and recommended it to the 2008 Kansas Legislature. Significant changes included the removal of “credible threat” as a requirement and a tighter and more helpful definition of “course of conduct.” In all, the committee recommendation was widely accepted as a significant and much needed improvement in the law and was embraced by the Sanderholm family who likewise, advocated for a change in the law in the hopes of preventing future tragedy.

The fate of the bill, however, was in doubt until late in the session due to local community politics and petty jealousies. The bill did not receive a hearing in the Senate committee, forcing the House to advocate for consideration of the bill in conference committee.

It literally took the Sanderholm family making a personal visit to the Capitol and to their Senator’s office pleading for consideration to get the Senate to budge, and even then the Senator insisted that language be added to the bill mandating that law enforcement officers receive training with regard to the new law. The Senator was quoted as saying that in her opinion there was no need for a change in the law, only a need for law enforcement officers to be better educated, essentially suggesting, that the Sanderholm murder might have been avoided if only local law enforcement had understood or had received training with regard to the current law. Those in the know certainly knew better.

Because of the importance of the new stalking provisions, the House ultimately agreed to add provisions to the bill calling for the adoption of written policies and education regarding the stalking provisions, after receiving confirmation from law enforcement that this is done anyway when a new law is passed. With the addition of this superfluous provision, we were thus successful in preventing local politics from getting in the way of good, sound public policy.

There is a saying that those who like sausage and legislation shouldn’t watch either being made. There is a good deal of truth to that. The process is not very pretty and sometimes is downright ugly, but I am proud of the things we have been able to accomplish and look forward to working with our prosecutors and law enforcement officers in the future to address mutual concerns and needed reforms. 

### *County Courthouse Portraits*



*Lincoln County Courthouse*

*John D Morrison*

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

See all 105 county courthouses at  
[www.prairievistas.com](http://www.prairievistas.com)

# Victim-Centered Approach to Helping Victims of Sexual Violence

By Juliene Maska, Administrator and Erica Haas, Attorney, Kansas Governor's Grants Program

In response to new federal mandates, the Kansas Legislature adopted and the Governor signed into law House Bill 2726, the polygraph prohibition for sexual assault crimes and House Bill 2727, regarding sexual assault forensic examination requirements. This article explains the mandates and what this means for prosecutors.

The Violent Crime Control and Law Enforcement Act of 1994 included the Violence Against Women Act (VAWA), which was designed to end violence against women. "The legislative history of VAWA requires Congress to remedy the legacy of laws and social norms that serve to justify violence against women. Since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed."<sup>1</sup> Provisions for a formula grant program to states in addressing violence against women was included in VAWA. The S.T.O.P. (Services, Training, Officers, Prosecutors) Violence Against Women Act grant program supports law enforcement, prosecutors, courts, and victim services in strengthening enforcement and providing services to victims of domestic violence, sexual assault, stalking and dating violence.

When VAWA was reauthorized in 2000, it strengthened the original law by improving protections for battered immigrants, sexual assault survivors, and victims of dating violence. It

also enabled victims of domestic violence who leave state borders to obtain custody orders without returning to jurisdictions where they may be in danger. In addition, it improved the enforcement of protection orders across state and tribal borders.<sup>2</sup>

Since VAWA was passed in 1994, Kansas has received \$19,168,014 in grant funding. These grant funds provide assistance to law enforcement agencies, prosecutor offices, courts, and victim service organizations, to develop and enhance programs addressing and strengthening the criminal justice system's response to domestic violence, sexual assault, and stalking crimes.

On January 5, 2006, the reauthorization of the Violence Against Women Act (VAWA) of 2005 was signed into law. In addition to reauthorizing various programs that address domestic violence, sexual assault, and stalking crimes, VAWA 2005 required states receiving VAWA funding to meet new certifications or risk losing funds.

Two of the certifications address a state's response to sexual assault victims. For many sexual assault victims and survivors, the issues around safety, the trauma caused by the crime, and being believed are of great concern. Too often the criminal justice system may be viewed by victims as unfriendly and revictimizing. Victims may be reluctant to report or follow

through with reporting because of pressures from family, friends, their communities, and the offender, if known to the victim. The need for a sensitive and collaborative approach in working with sexual assault victims is paramount and necessary.<sup>3</sup>

The federal VAWA 2005 reauthorization mandate, 42 U.S.C 3796gg-8, requires states to certify that its policies, laws, or practices prohibit law enforcement, governmental officials, and prosecutors from either requesting or requiring any alleged sexual assault victim to submit to a polygraph examination or other similar truth telling device as a condition for proceeding with an investigation, charging, or prosecuting such offense. Too often a polygraph test was used on sexual assault victims to determine if they were telling the truth and the results determined whether the investigation or charging of a crime would proceed. Sexual assault victims are traumatized and administering a polygraph may affect victims dramatically and create the wrong response by the criminal justice system. House Bill 2726 addresses this mandate by prohibiting law enforcement, governmental officials, and prosecutors from either requesting or requiring any alleged sexual assault victim to submit to a polygraph examination as a condition for proceeding with an investigation, charging, or prosecuting such offense.

The other required mandate

for states in VAWA 2005, 42 U.S.C 3796gg-4, requires states to certify they do not require sexual assault victims to participate in the criminal justice system or cooperate with law enforcement in order to receive a sexual assault forensic examination for which they are not charged. Advocates sought this provision because 84 percent of all sexual assaults go unreported. Sexual violence's acute emotional trauma can inhibit victims' decision making. It is extremely important for victims to have access to health care. The goal is more sexual assault victims will report the crime if they have access to health care and advocacy services. Because time is of the essence in collecting forensic evidence, the new law allows victims the time to consider options and determine the best avenue for them regarding the criminal justice system and reporting the crime.<sup>4</sup>

House Bill 2727 addressed these certifications by amending K.S.A. 65-448. The bill changes

Kansas law to ensure a sexual assault victim refusing to report to law enforcement does not prevent the victim from obtaining a forensic medical examination and does not prevent the appropriate county from paying the cost of the examination. Prior to the amendments, K.S.A. 65-448 required a sexual assault victim to have a law enforcement officer's authorization in order to receive a forensic examination. House Bill 2727 amended the language to authorize an examination if a victim requests it.

House Bill 2727 also included language to support the certification language and address additional issues raised by various stakeholders. The bill requires the forensic examination kits to be sent to the Kansas Bureau of Investigation (KBI) and kept for five years in the evidence storage facilities. The KBI will destroy the forensic kits after the five-year time period. The KBI also is given authority to adopt rules and regulations to effectuate these

new requirements.

In an effort to make the payment for conducting the forensic examinations more consistent throughout the state, the bill requires the Kansas Department of Health and Environment to determine a statewide cost for conducting the forensic examination. The bill also clarifies that neither the victim nor the victim's insurance carrier shall be charged or billed for the examination fee. Another provision was amended that counties shall be reimbursed the costs by the defendant as court costs. Finally, the bill limits the liability of the medical care facilities.

The passage of HB 2726 and HB 2727 demonstrates a good faith effort by Kansas to meet the federal certification requirements. The new laws illustrate Kansas' commitment to assist sexual violence victims and ensure they receive quality services and are treated respectfully by the criminal justice system. 

## Endnotes

1. U. S. Department of Justice, Office on Violence Against Women, Working Together to End Domestic Violence.
2. *ibid*
3. Promising Practices, Improving the Criminal Justice System's Response to Violence Against Women. S.T.O.P.

4. National OVW Presentation, November 2007, Debra Bright, National Technical Assistance Project Director, Maryland Coalition Against Sexual Assault



**HAVEN'T RECEIVED  
YOUR KCDAA  
YEARS OF  
SERVICE PIN?**

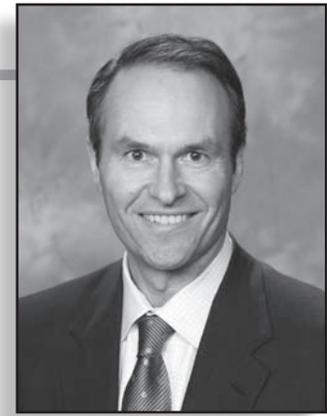
KCDAA lapel pins are available for members who have served 5, 10 and 20 years in prosecution.

Contact Kari Presley at the KCDAA office (785) 232-5822 or [kpresley@kearneyandassociates.com](mailto:kpresley@kearneyandassociates.com).

# Attorney General's Column

by Kansas Attorney General Steve Six

## Kansas Senior Citizens Need Our Protection



Since taking office, I have identified several underserved areas in our state and the individuals or groups who need additional assistance or protection. I have focused on Internet crime because there was a lack of resources and focus being directed to it. I have also completely reorganized the consumer protection division in order to offer more resources to consumers and more assistance to law enforcement.

Along with the Abuse, Neglect and Exploitation (ANE) Unit in my office, I have identified another group of Kansans who are many times underserved: senior citizens. The elderly are often the targets of scams or other abuse.

In 2006, the legislature created the ANE Unit in the Attorney General's Office. During the ANE Unit's first year, we made a disturbing discovery: financial exploitation or fiduciary abuse of the elderly is not always viewed as a crime. In fact, many people do not realize it is against the law. My office is working on several fronts to ensure that our loved ones are protected and that these crimes are taken seriously.

Of the 1,785 reports of abuse, neglect, and exploitation of children and vulnerable adults received by our unit last year, 80 percent report child abuse and 20 percent report adult abuse. Surprisingly, almost half of all reported adult abuse involved financial exploitation. Sadly, seniors are usually being exploited at the hands of a caregiver, family member, guardian, or power of attorney.

The Kansas Department of Aging and Department of Social and Rehabilitation Services reported 184 confirmed cases of financial exploitation or fiduciary abuse of vulnerable adults. We know there are many more cases that go unreported. Additionally, less than 8 percent of those 184 cases reported to our unit resulted in criminal charges and prosecution by the county or district attorneys.

I hope to work with prosecutors across Kansas to increase awareness of this crime. We also need the

public to recognize that this is not just improper use of funds, property, and other assets. It is illegal. So, we have to change public perception. When we hear financial exploitation we must begin to think:

- o **KSA 21-3701. Theft**
- o **KSA 21-3437. Mistreatment of a dependent adult**
- o **KSA 21-3729. Criminal Use of A Financial Card**
- o **KSA 21-4018. Identity Theft**
- o **KSA 21-3711. Making False Information**
- o **KSA 21-3755. Computer Crime**

We must do all we can to protect our most vulnerable citizens from this kind of abuse and exploitation. And we can attack this problem on many fronts.

By increasing public awareness, educating seniors, and working with law enforcement, we can prevent this crime from occurring. However, we must also fight these crimes in court and hold abusers accountable.

I was pleased to speak with prosecutors in June at the KCDA Conference in Wichita about this important topic. Many of you know that financial abuse is a serious crime that should be charged and prosecuted. My office is prepared to assist you with these cases in any way we can.

My Medicaid Fraud and Abuse Division is currently prosecuting cases of financial abuse in several counties, including Neosho and Shawnee. My office has also been working with SRS and the Kansas Bankers Association on guidelines for identifying financial abuse. The guidelines will help bank staff and those working with seniors and their finances to determine if they are being exploited. These new guidelines will be available soon and

will help banks make the proper reports to law enforcement in a timely manner.

We are also working with SRS and the Kansas Bankers Association to produce small informational displays that will be placed at tellers' windows in banks across our state. They'll provide information for bank employees about the signs and indicators of financial abuse, as well as information for seniors about how to protect themselves.

My office also will provide a training class for law enforcement on the investigation of elder abuse and financial abuse this fall. With assistance from the Law Enforcement Training Center, the course will be available statewide through the Telenet online website and via video conference in 17 locations statewide. Our elder abuse and financial abuse training will help law enforcement learn how to better investigate these crimes and also raise awareness among law enforce-



*AG Steve Six speaks with constituents at an event in Hutchinson.*

ment about the serious nature of these crimes.

My goal through prevention is to reduce the amount of elder abuse and financial abuse that occurs in Kansas. But even with significant prevention efforts, these crimes will still occur. When they do, we must be ready to hold the perpetrators accountable.

My office is taking steps on many fronts

to combat elder abuse and financial abuse of the elderly. I look forward to working with many of you to raise awareness and prevent these crimes. Educating bank employees and seniors is the best way to prevent crime and catch criminals early, before they can clean out grandma and grandpa's life savings. But well-trained law enforcement is essential to holding criminals accountable when abusive crimes occur.

Working together, we can prevent the abuse and exploitation of Kansas seniors and make our state a better place to live, work, and also retire. ☺



## Stay current by checking the KCDAA web site!

**New information is being updated regularly in the members only section.  
Just login and check out:**

- √ **Spring Conference Materials from Speakers**
- √ **Unpublished Opinions & Summaries of those Opinions**
- √ **The 2008 Legislative Agenda, Wrap-Up, and a Bill Tracking Report**
- √ **Attorney General Opinions**
- √ **And much more...**

**[www.kcdaa.org](http://www.kcdaa.org)**

# Tornado Victims Need to Be Aware of Scams

by Angela M. Wilson, Deputy Attorney General, Consumer Protection  
Division, Office of Kansas Attorney General Steve Six

June 11, 2008, two Kansas communities were ripped apart when tornadoes made a pass through North Central Kansas. The following week an agent and attorneys from the Office of the Attorney General went to Chapman and Manhattan to educate the citizens about the scams that often follow such natural disasters.

Transient merchants, (often called “traveler groups”), travel state to state, disaster to disaster, looking to defraud vulnerable victims of natural disasters. Elderly citizens are particularly at risk, along with others who are unable to clean up and complete repairs following a natural disaster. The scams and tricks of these transient merchants are well-

known to law enforcement. Some of the false promises made include offering extremely low prices or a claim that the merchant has “left over” materials from another job that can be purchased at a discount. These merchants will often require a significant up-front payment to guarantee the low quoted price, then the merchant and the deposit will disappear.

Profiteering from a disaster is a violation of the Kansas Consumer Protection Act and can be punished by civil penalties. This is sometimes known as the “price gouging” statute, and it prohibits an unjustifiable increase in the price of necessary property or services offered for sale to consumers.



Attorney General Steve Six discusses the challenges these homeowners are facing in repairing the devastation left following the June 11 tornadoes in north central Kansas.



1. Criminal Statutes:
  - ▶ Theft (by deception), KSA 21-3701 (misdemeanor - felony).
  - ▶ Deceptive Commercial Practice, KSA 21-4403 (misdemeanor)
  - ▶ Transient Merchants Licensing Act, KSA 19-2231 et. seq (misdemeanor)
  - ▶ City Building Code General/Limited Contractor License Requirements
2. Selected Kansas Consumer Protection Act (civil) statutes:
  - ▶ 50-617. Receipt of unsolicited goods, wares or merchandise deemed gift, when; negative option invitation or announcement; defense in action for return; deceptive act or practice.
  - ▶ 50-623. Kansas consumer protection act; purpose; construction.
  - ▶ 50-624. Definitions.
  - ▶ 50-626. Deceptive acts and practices.
  - ▶ 50-627. Unconscionable acts and practices.
  - ▶ 50-631. Investigation of violations; remedies.
  - ▶ 50-632. Remedies of the attorney general or any county or district attorney.

- ▶ 50-633. Coordination with other supervision.
- ▶ 50-636. Civil penalties.
- ▶ 50-638. Jurisdiction and venue.
- ▶ 50-640. Door-to-door sales; cancellation; required disclosures; notice of cancellation; definition
- ▶ 50-6,106. Profiteering From Disaster

The Kansas Consumer Protection Act (KCPA) is a civil law enforcement statute, so cases filed by Attorney General Steve Six's Consumer Protection Division are civil, not criminal. We work with local law enforcement regularly, using our civil jurisdiction as well as assisting with criminal cases pursued by County/District Attorneys.

Please call any of the following Attorney General Consumer Protection Division Staff members at 800-432-2310 if you have any questions or need further resources, including sample pleadings or other legal support.

Angela M. Wilson, Deputy Attorney General  
email: [angela.wilson@ksag.org](mailto:angela.wilson@ksag.org)

Emilie Burdette, Assistant Attorney General  
email: [emilie.burdette@ksag.org](mailto:emilie.burdette@ksag.org)

Lee Urban, Assistant Attorney General  
email: [lee.urban@ksag.org](mailto:lee.urban@ksag.org)

Jerry Howland, Special Agent  
email: [jerry.howland@ksag.org](mailto:jerry.howland@ksag.org)

---

Additional information for those living in the aftermath of a natural disaster is available from the Kansas Insurance Department. One warning issued by Insurance Commissioner Sandy Praeger is for consumers to be aware that Kansas has no licensing for "private adjusters" who will often promise consumers a higher insurance settlement in exchange for a percentage of the settlement. Consumers are urged instead to contact Commissioner Praeger's office at **1-800-432-2484** or on the internet at **[www.ksinsurance.org](http://www.ksinsurance.org)** if they believe their adjuster is under-estimating the value of their claim. 

## Tips for Preventing Scams in Disaster Areas

---

*"The rebuilding efforts following recent disastrous storms in our state demonstrate the courage and strength of Kansans. Still, some unscrupulous individuals may see our tragedy as a beacon to their own opportunity to scam or con Kansas consumers."*  
- Kansas Attorney General Steve Six

---

The following are several tips regarding the most common scams following a weather disaster.

### Home Repair Rip-Offs

A few simple tips to help protect consumers from con artists looking to take advantage of vulnerable homeowners:

- Do not allow a contractor, utility company, or "inspector" into your home without verifying their identity.
- Contact your homeowner's insurance agent to inspect your property to determine if the damage is covered by your existing policy.
- Do not sign a contract for repairs until you and your insurance agent have agreed on the exact costs.
- Avoid price gouging by obtaining several estimates for the work that needs to be done.
- Never agree to repairs until you have a written contract stating the type and quality of work to be done, the cost of the labor and supplies, and a start and end date for the project.
- Do not give a contractor a huge down payment. A typical down payment is one-third the total cost with future payments as work is completed.
- Make sure the contractor you hire has a local business or phone number. Contact your local Better Business Bureau to check their customer satisfaction rating. Remember that just because there are no complaints against a company there

is no guarantee that the company is legitimate, especially if the business is very new or from a different area.

- Beware of excessive prices, but also be aware that prices too far below the estimates of other contractors may also signal a scam. These companies may offer reasons such as “leftover” materials from other work as justification for their below-market prices, but may instead simply provide shoddy work using sub grade materials.

## Charity Scams

There are a number of legitimate charitable organizations working to help areas affected by the recent disasters. Unfortunately, disaster areas often attract individuals looking to make a quick profit by soliciting for fake charities.

Kansas consumers should use caution with any charity you do not recognize and only contribute to those organizations willing to provide written information about their charitable efforts. If you are going to contribute, avoid cash donations and make checks payable to the organization, not the individual soliciting.

## Identity Theft

If any of your credit or debit cards are missing



*Lee Urban, Assistant Attorney General for Consumer Protection, assists with cleanup efforts in Chapman.*



*Attorney General Steve Six listens to Chapman's Mayor describe the destruction to the house he occupied June 11 when a tornado destroyed a significant portion of the small north central Kansas town.*

after your property is damaged or destroyed, you should call the card issuer as soon as possible. If you don't have the card issuer's telephone number, you may obtain the information from your local bank, the web site of the company, or by calling directory assistance. If your checkbook was lost, you should put a “stop payment” on all lost checks by calling your bank.

If you are approached by an individual offering home improvement services or disaster relief, use caution providing your personal identifying information. Consumers should guard their social security number, account numbers, and PIN numbers as close as possible, especially if they are in a vulnerable situation.

## Price Gouging

Unfortunately, disaster areas often experience a sudden, dramatic increase in prices for items that are in demand. Most Kansas businesses with roots in their community will not engage in price gouging, but that does not mean it does not occur. I encourage any Kansas consumer who is a witness of price gouging in their community to contact the Attorney General's Office.

Visit the Kansas Attorney General's website for additional consumer tips: [www.ksag.org](http://www.ksag.org).

# Questions and Answers Regarding the Transient Merchants Licensing Act, K.S.A. 19-2231 et. seq.

.....  
*Editor's Note: The Transient Merchant Licensing Act is a law that can only be enforced by the county or district attorney and NOT by the Attorney General's Office. Here is some information about the law that might be helpful to you.*  
.....

## Who is covered by the Transient Merchants Licensing Act?

Any person who engages in, does, or transacts any temporary or transient business (less than six months each year) in the state, either in one locality or in traveling from place to place in the state, and includes merchants who, for the purposes of carrying on such business, hire, lease, use or occupy any building, structure, motor vehicle, railroad car, or real estate.

## Is anyone exempt from licensing under this act?

Yes. Certain wholesalers; the sale of merchandise via sample catalogue for future delivery; certain fairs and convention center activities; sales, fairs, and bazaars sponsored by church, religious, or non-profit or charitable organizations; garage sales held on residential property; sales of crafts and handmade items by the persons making the items; sales of agricultural products raised or produced by the sellers (except for nursery products and foliage plants); sales at residential premises at the invitation of the owner or legal occupant of the premises; concession sales at school activities; sales of

paraphernalia used in celebration of any nationally recognized holiday or used in connection with any school, university, or college related activities; flea markets; retail fireworks establishments; gun shows; sales of coins; state or county fairs; expositions sponsored by government entities or by non-profit trade associations.

## Does a person who has a permanent business location in the state for more than six months, but who may carry on transient business at other locations need a license?

No. If you have a permanent business location, you do not need a transient merchant's license.

## What do I have to do to obtain a license?

First, obtain an application from the county clerk's office in the county where you intend to conduct business. Complete the application and return it to the county clerk's office, along with the following:

1. Sales Tax ID number or a copy of your application from the Kansas Department of

Revenue showing you have applied for one.

2. A cash bond, which is five percent of the wholesale value of the merchandise to be sold (purchased from the county clerk) or a surety bond issued by a corporate surety authorized to do business in this state in the amount of \$2,000, whichever is less. The bond shall be issued in favor of the State of Kansas, and shall secure the payment of any unpaid taxes, fines, and judgments rendered within one year of the date of sale. Cash bonds are refundable after one year if all provisions of the law are met, and all taxes are paid in full.
3. Copy of Registered Agent's Agreement (only if cash bond is purchased through county clerk). Registered agent must be a resident of Kansas.
4. A license fee to be paid in cash, certified check, or money order in the amount of \$250.

## How rapidly can the license be issued?

As soon as all items required in the application as discussed above have been met and checked, the procedure should not take more than 2 hours.

---

**How long is the license in effect?**

Licenses are valid for ninety days from the date of issue.

**Is the license transferable?**

No.

**Can the license be extended?**

There are no provisions for an extension in the law. At the end of the 90-day period, the merchant must apply for a new license if he wishes to conduct business for more than the original term specified in the license.

**Is the license valid statewide?**

No. The license is valid only within the territorial limits of the issuing county.

**Does that mean that if the merchant conducts business in several counties across the state, he would need to obtain a license in each of those counties?**

Yes.

**If the transient merchant operates more than one type of business, will he need more than one license?**

Yes. A license is valid only for the business purpose stated in the application.

**Who enforces the Transient Merchant Licensing Act?**

The county sheriff and other law enforcement officers of the county, and the county or district attorney.

**What is the penalty for conducting business cover under this act without a license?**

Violation of the provisions of this act is a class A misdemeanor, which may be punished by a fine of up to \$2,500 and up to one year imprisonment.

**If I get a transient merchant's license from the county clerk, do I still have to abide by city regulations?**

Yes, all city regulations and codes are enforceable even if the merchant has a valid transient merchant's license from the county clerk. A city may require an additional license for a transient merchant or have other requirements for conducting business inside the city. 

---

**Who can I call upon for further information?**

You may call the license department of the county clerk's office, the fraud division of the county attorney's office, or you may call the Public Information Office of the Kansas Department of Revenue in Topeka (785-296-3041).

---

**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](mailto:mary@napiercommunications.com).  
Next submission deadline: November 20, 2008.





**by District Attorney Nola Tedesco Foulston, 18th Judicial District  
Kansas State Director, NDA Board of Directors**

*Tucson was the site of the 2008 Summer Conference for the National District Attorneys Association and the quarterly meeting of the Board of Directors for the Association.*

---

## Current Issues:

---

### NDA Headquarters Relocates

In an effort to cut expenses, the NDA offices in Alexandria, Virginia have economized by moving its headquarters to a downsized location that will save the association thousands of dollars per month. While the staff has been cut to fewer than 50 members, all essential functions remain in a more stream-lined organization. The salary reductions and changes in staffing have reduced costs by \$1.7 million.

The new mailing address is:  
**District Attorneys Association**  
**44 Canal Center Plaza, Suite 110**  
**Alexandria, VA 22314**  
Telephone: 703-549-9222  
Fax: 703-836-3195  
<http://www.ndaa.org>

### Prosecution Loan Forgiveness Bill Moving Through Congress

There continues to be a lot of activity regarding the **Higher Education Reauthorization Bill** now pending before Congress. We will know soon whether there may be an 8th extension of the provisions to allow for finalization of the bill. In the interim, this is the present status of the bill and amendments:

As previously reported S.1642, the Higher Education Amendments of 2007 and H.R. 4137, the "College Opportunity and Affordability Act 2007" have each passed in their respective chambers. Each bill includes the "John R. Justice Prosecutors and Defenders Incentive Act." Differences existing between S. 1642 and H.R. 4137 continue to be negotiated in conference committee. *Please note that there does not appear to be any issue with the language providing student loan repayment assistance to prosecutors.*

To date the provisions of the Higher Education Act have been extended seven times while negotiations continue. Currently the bill was set to expire on July 31.

**In between publications, I will continue to update you by e-mail on the status of these bills.**

### The Gang Abatement and Prevention Act of 2007

In September 2007, the US Senate passed this (S.456) bill by unanimous consent. This bill would provide critical funding and personnel at the state and local levels for criminal street gang enforcement teams and among other provisions, would provide for the establishment of a National Gang Activity Database. Funds would also be available for the hiring of prosecutors and assistance for victims of gang

---

crimes. The National District Attorneys Association has formally endorsed this bill and continues to lobby on behalf of its passage to assure that Congress passes a comprehensive gang bill that takes a multifaceted approach to combating gang violence.

## Funding the National Advocacy Center

While our organization still remains on an austerity budget, we have received some good news for the financial support of our **Advocacy Center**. At our summer conference, it was announced that the **Justice Department had awarded the NAC the sum of \$1 Million** to assist in providing high quality legal programs for the center.

Still pending before congress is a request for emergency appropriations to supplement Byrne Grant funding in the amount of \$490 million dollars. In May, the president of the Board of Directors testified before congress and the NDAA has been campaigning vigorously to see that this funding is restored for all law enforcement needs. With its passage, there will be more funds available for the National Advocacy Center as well as other law enforcement agencies that depend on Byrne Grants to continue necessary programming. Congress is continuing to work on this issue.

In the meantime, students accepted to courses at the Ernest F. Hollings National Advocacy Center are **required to pay for their own transportation and lodging costs. Lodging costs are \$87.00 per night** with breakfast and lunch at the center included in the price. Dinner is at their own expense. This still remains one of the most affordable seminars for intense prosecutor training with no tuition costs, great southern cooking, and inexpensive housing at the center. These cost assessments will continue unless/until the NAC receives full funding.

## Upcoming Legal Education – Save these Dates

The National District Attorneys Association and its educational components, the National College of District Attorneys, and the National Advocacy Center have a variety of high quality courses available for prosecutors. Application forms for these courses are on the NDAA website - [http://www.ndaa.org/ncda/ncda\\_courses.php](http://www.ndaa.org/ncda/ncda_courses.php)

The following is a listing of fall and early winter offerings at both educational centers.

### NATIONAL ADVOCACY CENTER Columbia, South Carolina

Oct. 13-17 Prosecutor Bootcamp [1/7] 4.5 days 60 01-09-BCP  
Deadline Date: August 8, 2008

Oct. 27-31 Prosecutor Bootcamp [2/7] 4.5 days 60 02-09-BCP  
Deadline Date: August 22, 2008

Nov. 17-21 Trial Advocacy II [1/2] 4.5 days 60 01-09-TA2  
Deadline Date: September 19, 2008

Dec. 2-5 Courtroom Technology [1/3] 3.5 days 60 01-09-CT  
Deadline Date: October 3, 2008

Dec. 8-12 Trial Advocacy I [2/10] 4.5 days 60 02-09-TA1  
Deadline Date: October 10, 2008

*“All courses are subject to cancellation and dates are subject to change. Applicants will be notified of any changes as early as possible.”*

## The Prosecutor's Calendar

*The following prosecution training programs are offered by the National College at the specified locations:*

September 7-11, 2008	Experts	San Diego, CA
September 21-25, 2008	Financial Crimes	Tuscon, AZ
September 23-25, 2008	Prosecuting Elder Abuse Cases	Columbia, SC
October 4-7, 2008	National Conference on Domestic Violence	San Diego, CA
October 11-15, 2008	The Executive Program	Marco Island, FL
October 12-16, 2008	Evidence for Prosecutors	Mesa, AZ
October 27-31, 2008	Prosecuting Drug Cases	Las Vegas, NV
November 2-6, 2008	Prosecuting Homicide Cases	San Francisco, CA
November 17-21, 2008	Prosecuting Sexual Assaults and Related Violent Crimes	Orlando, FL
December 7-11, 2008	Forensic Evidence	San Francisco, CA
December 7-11, 2008	Government Civil Practice	Savannah, GA

### Just a Few of my Favorite Things About NDAA

It is always a pleasure to answer questions about the work of the National District Attorneys Association and its impact on our nation's prosecutors. There are many benefits in belonging to our national organization. . .

- The NDAA is the original nationwide organization for state prosecutors, having been founded in 1950.
- All of the 50 United States and its protectorates are represented by state directors from each unique jurisdiction.
- Our national headquarters in Virginia is the "hub" for prosecution activities, for educational programs, and for research and development.
- We have the benefit of the National Advocacy Center to enhance the training opportunities, ethics, and best practices of prosecution.
- We have the **American Prosecutors' Research Institute** as our "think-tank" that works tirelessly on projects and matters of interest to our nation's prosecutors. At APRI, you can get up-to-date information from their direct programs that include Gun Violence, Violence Against Women, Child Abuse, and Traffic Prosecution.
- The publications, periodicals, APRI reports, monthly newsletters, and web site are available to all prosecutors. Members of the NDAA receive additional benefits including the Prosecutor Magazine and other resources.
- State Directors work on the national level to represent each unique state. I am proud to represent Kansas. Kansas is also fortunate that Chief Deputy Kim Parker has served on the board as an associate director and was appointed this year as Vice President of the organization.
- Our board works to ensure prompt review and response to matters of national interest to prosecutors, and maintains a broad spectrum of prosecutors who can address specific legal issues as they arise.
- The board is dedicated to work in diverse areas of prosecution including the following committees: Audit, Crime Control and Drug Enforcement, Ethics and Services, Finance, Juvenile Justice and Family Law, Legislation, Membership, Metropolitan Prosecutors, National, Nominating, Science and Technology, Media and Communications, and Corrections and Re-entry.

**Join other prosecutors as a member of the National District Attorneys Association -**

*"the voice of America's prosecutors."* 

## Congratulations

**Roger Nordeen** received his 20-year award with the Johnson County DA's Office on August 1, 2008. Congratulations Roger!



Chief Deputy District Attorney **Kim Parker** of Sedgwick County has been appointed Vice President of the National District Attorneys Board of Directors. The national board is comprised of Directors who are state elected officials and associate directors who are also nominated to the board and serve in this special capacity along with the elected officials. Parker, who was nominated to the NDAA Board of Directors in 2001, has been a key member of the Associates Committee, and was appointed Vice President this year demonstrating her achievements, and commitment to the board and to the prosecutors that we serve. Congratulations Kim!



## New Attorneys

**Michael J. Allen** accepted a position on March 24 as an Assistant District Attorney for Douglas County District Attorney Charles Branson. Michael is assigned to work the approximately 125-150 open felony and misdemeanor cases assigned to Division One, the Courtroom of the Honorable Robert Fairchild. He previously worked as an Assistant Attorney General for former Douglas County District Court Judge and current Attorney General Stephen Six. Prior to his work for the Attorney General, Michael

was an Assistant District Attorney in Johnson County and was an Aviation Electronics Technician in the United States Navy for eight years. Michael is a 2005 graduate of the University of Kansas School of Law and has called Lawrence home for the past six years.



On March 17, **Gregory T. Benefiel** accepted a position as an assistant district attorney for Douglas County District Attorney Charles Branson. Gregory is assigned to work in Division Two, the Courtroom of the Honorable Jack Murphy. He handles approximately 125-150 open felony and misdemeanor cases at any given time. To accept the position, Gregory left a similar position at the Reno County District Attorney's Office. He also worked for the City of Overland Park, Law Department – Prosecution Division and completed legal intern work at both Douglas and Wyandotte Counties. He is a 2005 graduate of the University of Kansas School of Law. Gregory, his wife Helen, and their children David and Rachel have called Lawrence home since 1984.



**Michael Higgins, Jr.** has joined the Finney County Attorney's Office as an assistant county attorney on June 16, 2008. Mike moved to Kansas from Montgomery, Alabama, where he served as a law clerk at the Supreme Court of Alabama for Justice Harold See. Mike earned his Bachelor of Arts degree from the University of Mobile, his Master of Divinity and Master of

Theology degrees from Princeton Theological Seminary, and his law degree from the Cumberland School of Law at Samford University.



**Jason R. Lane** recently joined the Office of the District Attorney, Eighteenth Judicial District as an Assistant District Attorney in the Traffic Division. Jason was born and raised in Wichita. He received his undergraduate degree in Industrial Engineering from Kansas State University in 2004, and his Juris Doctor from the Washburn University School of Law in December 2007. He interned for Withers, Gough, Pike, Pfaff and Peterson, L.L.C. during the summer of 2005, Kansas Legal Services in Spring 2007, and for the Kansas Highway Patrol from 2007 to April 2008.

Jason is married to Staci N. Lane who is an Assistant District Attorney with this office. In his spare time, he enjoys playing the guitar and piano, riding his motorcycle -- and he is an *avid* K-State sports fan -- he says he 'bleeds purple'! Jason will be joining the office softball team and will be a welcome addition!



**Jason R. Lane**

# KCDAA Milestones

## New Attorneys (cont.)

**Staci N. Lane** recently joined the Office of the District Attorney, Eighteenth Judicial District as an Assistant District Attorney in the Traffic Division. Staci was born and raised in Wichita. She received her undergraduate degree in Criminology with minors in Philosophy and Political Science from Kansas State University in 2004, and her Juris Doctor from the Washburn University School of Law in December 2007. She interned for the U. S. Attorney's Office in the summer of 2005 and worked at the Kansas Legal Services in the fall of 2007.

Staci is married to Jason R. Lane (yes, they met in High School), who is also an Assistant District Attorney with this office. In her spare time, she enjoys scrapbooking and photography. She also enjoys riding motorcycles with Jason, and she loves to shop.

Staci is also an *avid* K-State sports fan and will be a cheerleader for the office softball team!



**Staci N. Lane**



**Nicole Romine** recently joined the office of the Saline County Attorney. Nicole graduated from the University of Rochester in Rochester, NY in 2003 and Washburn University School of Law in 2006. Nicole previously worked as a research attorney at the Kansas Court of Appeals. She is a native of Eskridge.

## On the Move

**Kathryn E. Marsh** resigned her position as an Assistant District Attorney for Douglas County District Attorney on February 19 to spend more time caring for her growing family. Kathryn, who began her career with Douglas County in April 2007, was previously an ADA in Johnson County, Kansas and Jackson County, Missouri.



Assistant District Attorney **Trent M. Krug** resigned his position with District Attorney Charles Branson's office on April 3 to accept a position as an Assistant Attorney General with the Kansas Bureau of Investigation. He will be cross-designated as a Special Assistant United States Attorney (HIDTA) and will work in the Kansas City, Kansas U.S. Attorney's Office. Prior to his over eight years as a Douglas County ADA, Trent was a legal intern for the DA's Office and also interned for Douglas County District Court Judge Michael J. Malone.

*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:  
November 20, 2008**

Mark your Calendars!

**KCDAA  
FALL 2008  
CONFERENCE**

October 20-21, 2008

Doubletree Hotel Overland Park-

Corporate Woods

Overland Park, Kansas





**Kansas County and District  
Attorneys Association**  
1200 S.W. Tenth Avenue  
Topeka, Kansas 66604

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

