



## August 2012

Hon. Richard M. Smith, Chair  
Hon. Evelyn Z. Wilson, Vice Chair  
Scott M. Schultz, Executive Director



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**2012 Journal Entry, PSI, Probation Revocation Forms and the Sentencing Grids are available!**

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## Commission Chair and Vice Chair Named

At its monthly meeting in August, the Commission was notified that Governor Sam Brownback appointed the Honorable Richard M. Smith as its chair. Judge Smith is the Chief Judge in the 6th Judicial District. He graduated from Washburn University in 1977 and in the Washburn School of Law in 1980. He was engaged in the private practice of law from 1980 until 1989. During that time, he also served as the Linn County Attorney from 1985 to 1989. Judge Smith was appointed District Judge in 1989 and Chief Judge in 2003. Judge Smith has served as Vice-Chair of the Kansas Sentencing Commission since October 2008 and is Past President of the Kansas District Judges Association. Judge Smith served on the Kansas Criminal Justice Recodification, Rehabilitation, and Restoration Project Committee (3R's Committee) and the Kansas Criminal Code Recodification Commission.

During the same meeting, the Commission also elected the Honorable Evelyn Z. Wilson as its new Vice Chair. Judge Wilson, a Shawnee County District Court judge, has been also appointed as a member to fill the vacancy left by the Honorable Ernest L. Johnson. Judge Wilson was appointed to the bench in 2004. She practiced law for 19 years in private practice. A native of Smith County, she graduated *magna cum laude* from Bethany College and with honors from Washburn University School of Law. A published author, she has also taught at Washburn. The judge is a member of the Board of Directors of Bethany College and also a member of several law-related organizations including the American Judges Association, and the American, Kansas and Topeka Bar Associations.

## Annual Prison Population Consensus Group Meetings Held

On July 30 and August 16, the Commission hosted Prison Population Consensus Group Meetings to enlist stakeholder participation in providing state prison projections for the upcoming year. Pursuant to K.S.A. 2011 Supp. 74-9101(b)(13), the Commission is statutorily required to produce inmate population projections annually to assist the Kansas Department of Corrections.

In doing so, the Commission analyzed prison admissions by considering trends in new court commitments, probation condition violators, probation violators with a new sentence and post-incarceration supervision condition violators and the impact of any new changes in state law. Members of the criminal justice

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community in the state, including those from all three branches of government, were invited to participate in the meeting and made vital decisions that shape the assumptions that are the basis for the projections. This assessment includes an analysis of options and their impact on the overall size of the prison population, the effect on public safety and costs.

After the second meeting and approval of the data by the Commission at its August meeting, the projections were delivered to KDOC for use in fiscal and capacity planning, which is the culmination of the project. The projections are now public and may be viewed [here](#).

## Executive Director and Chairman Smith Attend National Conference

On Aug. 6-7, the Honorable Richard Smith and Executive Director Scott Schultz attended the annual National Association of Sentencing Commissions conference. Held in Chicago, the latest trends and practical applications of evidence-based practices were presented. A highlight of the meeting was a session involving the Kansas SB 123 drug nonprison sanction program. Panelist featured were Judge Smith, Commission Chair and former Commission member Tom Drees, Ellis County Attorney.

Former Commission Executive Director Helen Pedigo, now chief counsel to Kansas Supreme Court Chief Justice Lawton R. Nuss, ended her term of successful service representing Kansas as a NASC board member. She was recognized at the business meeting luncheon.

## Have you ordered yours?

### 2011 Kansas Sentencing Guidelines Desk Reference Manual (DRM)

This popular tool is available in a manual or CD. It is also on our [web site](#).

[Fill out this order form](#) and send your payment (including tax if applicable) with the form to us. Thank you.



### 2003 Senate Bill 123

**K.S.A. 2011 Supp. 21-6824  
(formerly K.S.A. 21-4729)**

Provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population on non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp 21-5706. (formerly K.S.A. 21-36a06)

**GOAL:** To provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

### SB123 questions—

Please email Jennifer Dalton,  
[jenniferd@sentencing.ks.gov](mailto:jenniferd@sentencing.ks.gov)  
or call with any questions.

## August Case Law Updates

*State v. Holman* – August 24, 2012 – Sedgwick – Affirmed in part, reversed in part, vacated in part, and remanded with directions, No. 101,204 (Jury Instructions, Multiplicity, Jessica’s Law)

*State v. Plummer* – August 24, 2012 – Reno – Judgment of the Court of Appeals reversing the district court is affirmed. Judgment of the district court is reversed and remanded with directions, No. 101,684 (Jury Instructions)

*State v. Simmons* – August 24, 2012 – Sedgwick – Judgment of the Court of Appeals reversing the district court is affirmed. Judgment of the district court is reversed and remanded for new trial, No. 102,715 (Jury Instructions)

*State v. Brown, II* – August 24, 2012 – Cowley – Convictions affirmed, sentence affirmed in part and vacated in part, and case remanded with directions, No. 103,842 (Jury Instructions, Criminal History, Constitutionality, Postrelease)

*State v. Garcia* – August 17, 2012 – Morton – Judgment of the Court of Appeals affirming the district court is reversed. Judgment of the district court is reversed and remanded with instructions, No. 102,140 (Plea Agreements, Criminal History)

*State v. Cato-Perry* – August 17, 2012 – Sedgwick – Reversed and remanded with directions, No. 104,870 (Jury Instructions)

*State v. Gill, II* – August 17, 2012 – Shawnee – Reversed and remanded with directions, No. 106,388 (Constitutionality)

*State v. Reese* – August 10, 2012 – Johnson – Affirmed, No. 106,703 (DUI, General Issues)

*State v. Nambo, Jr* – August 3, 2012 – Sedgwick – Judgment of the Court of Appeals affirming the district court on the single issue subject to review is affirmed. Judgment of the district court is affirmed, No. 100,464 (KORA)

## Senate Bill 123 News

### Treatment Providers: Please remember:

- Send All ASI’s to us (KSC).
- In addition to monthly invoicing, the KSC accepts weekly or bi-weekly invoices for faster processing.

### Community Corrections:

- If you receive an ASI – please forward it to us (KSC).
- Our office gladly prefers invoices emailed to [jenniferd@sentencing.ks.gov](mailto:jenniferd@sentencing.ks.gov), or faxed to 785-296-0927 in care of Jennifer.

### A Friendly Reminder- SB 123 Offender Reimbursement- \$300

As it is noted on the PSI, and the JE, (where costs are proposed and ordered)  
**Please try to collect at least \$300. Thank you for your efforts.**





### Kansas Sentencing Commission

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Topeka, Kansas 66603-3757

Phone: 785-296-0923  
Fax: 785-296-0927  
E-mail:

[office@sentencing.ks.gov](mailto:office@sentencing.ks.gov)



### Did you know...

You can E-mail your Journal Entry (JE), Probation Revocation, or PSI forms to us as an alternative to mailing them?

Just like everyone these days, we are always looking for ways to cut costs. Save paper and postage!

E-mail to:  
[chrisc@sentencing.ks.gov](mailto:chrisc@sentencing.ks.gov)

## Journal Entry of Judgment (JE) and PSI News

[Click here](#) to view the

### \*2012 Forms\* (effective 7/1/2012)

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)
- Drug & Nondrug Sentencing Grids

Due to the many **NEW** changes made in the forms– there are **highlighted versions** to show what, where and how things changed.

### Offender Registration Requirement K.S.A. 2011 Supp. 22-4902

Under the new Act the court sentencing an offender subject to the Act must not only inform the offender of the registration requirements but also, when that offender is granted some form of probation, see that the initial registration forms are completed.

To get forms - [click here](#)

### Attention

When completing JE and PSI's please include the **ENTIRE statute number - including subsections**

Similar offenses are separated by these subsections

Example:

**21-5705(a)(1)(c)(1)** - [formerly 21-36a05(a)(1)] Drugs; Cultivate, distribute, or possess w/ intent to distribute opiates, cocaine, meth, narcotics and the like.



**REGISTRATION REQUIRED!**

**21-5705(a)(2)(c)(1)** - [formerly 21-36a05(a)(2)] Drugs; Cultivate, distribute, or possess w/ intent to distribute marijuana, depressant, stimulants and the like.



**NO REGISTRATION required!**

Please contact  
Carrie Krusor or Chris Chavez  
if you have **ANY** questions  
(785) 296-0923.

Thank You!

### Take a look!

### Journal Entry (JE) Friendly Reminders



These will answer many questions...

If you email JEs– please include the following:



- ▶ JE
- ▶ PSI
- ▶ Date of Birth
- ▶ Criminal History worksheet

We provide  
**KBI Offender**  
**Registration Forms**

**Remember...**  
**There are a few misdemeanor offenses that require registration!**



## Kansas Criminal Justice System Resource Directory

### A Message to Entities Referenced in the Kansas Criminal Justice System Resource Directory-

The staff of the Kansas Sentencing Commission hopes the Resource Directory will be a valuable aid to you and your staff. Every effort has been made to ensure complete and accurate information. In order to maintain maximum efficiency of this directory, please keep us apprised of updates by emailing changes to: [office@sentencing.ks.gov](mailto:office@sentencing.ks.gov).

If **your** information in this **Resource Directory** has changed, please use this **revision form** to let us know.

**Thank you to those who help us keep your information accurate!**

- Please feel free to print your own copy. \*

**Last revised 8/16/12**



## Kansas Sentencing Guidelines Desk Reference Manual (DRM)



### The Kansas Sentencing Commission Desk Reference Manual ...

provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA) K.S.A. 21-4701 *et seq.* The Manual contains features that we hope will not only inform users of the latest developments in sentencing law 2010, but also help to facilitate more efficient understanding and application of the law.

**2011 DRM**

... **order yours!**

Please check to see the **current** rate for **your** city or county - (we have to keep our books balanced too.)

**2012 Sales Tax Rates**

**Thank you!**

**Mail completed form with your payment.**

**2010 Desk Reference Manual (DRM) are still available.**

**To order yours!**

(Please send payment with the order form.)

To remove your name from our mailing list, please [click here](#).  
 Questions or comments? E-mail us at [sentencing@sentencing.ks.gov](mailto:sentencing@sentencing.ks.gov)  
 We welcome your questions – call us at 785-296-0923