

IN THE DISTRICT COURT OF MONTGOMERY COUNTY, KS
14TH JUDICIAL DISTRICT

STATE OF KANSAS,)
Plaintiff,)
vs.) Case No. 16 CR 402-I-MD
JAMES H. CRISWELL,)
Defendant.)

FILED

2016 NOV 16 PM 2: 20

JONI PRATT
CLERK OF DISTRICT COURT
MONTGOMERY CO. KS

BY _____

Clerk of Court Use Only

JOURNAL ENTRY OF CONVICTION AND SENTENCING

On this 16th day of November, 2016, this matter comes before the Court, the Honorable Judge Gossard presiding. The Court finds that jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required.

The State appears by: ☒ Eric K. Rucker ☒ Bethany J. Lee

The Defendant appears ☒ in person ☐ in custody ☐ *pro se* ☒ by counsel PAUL KRITZ.

☐ **ARRAIGNMENT.**

- ☐ The Defendant waives formal arraignment upon the advice of counsel.
- ☐ The Court reads the charges or explains the substance of the charges to Defendant.
- ☐ The Defendant states that s/he understands the nature of the charges.

☒ **ADVISORY OF RIGHTS.** Defendant is advised of the following:

- ☒ The nature of the charges in the complaint;
- ☒ The right to be presumed innocent of each charge;
- ☒ The right to a trial without unnecessary delay and to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- ☒ The right to subpoena witnesses;
- ☒ The right to testify or to decline to testify, and that the fact-finder cannot consider Defendant's choice not to testify in determining whether Defendant is guilty;
- ☒ The sentencing alternatives the court may select as the result of being adjudicated guilty of the offenses in the complaint, including the maximum sentence authorized by law.

ADJUDICATION. The Defendant is adjudicated as indicated below after ☒ Defendant enters the following pleas
☐ trial to the court:

Count 1. ☐ guilty ☒ no contest ☐ not guilty ☐ dismissed pursuant to agreement

Voting without being qualified, viol K.S.A. 25-2416(b), lvl A ☐ per ☒ nonper ☐ drug; ☐ infr ☒ misd ☐ fel

Count 2. ☐ guilty ☐ no contest ☐ not guilty ☐ dismissed pursuant to agreement

_____, viol K.S.A. _____, lvl _____ ☐ per ☐ nonper ☐ drug; ☐ infr ☐ misd ☐ fel

Count 3. ☐ guilty ☐ no contest ☐ not guilty ☐ dismissed pursuant to agreement

_____, viol K.S.A. _____, lvl _____ ☐ per ☐ nonper ☐ drug; ☐ infr ☐ misd ☐ fel

Count 4. ☐ guilty ☐ no contest ☐ not guilty ☐ dismissed pursuant to agreement

_____, viol K.S.A. _____, lvl _____ ☐ per ☐ nonper ☐ drug; ☐ infr ☐ misd ☐ fel

Count 5. ☐ guilty ☐ no contest ☐ not guilty ☐ dismissed pursuant to agreement

_____, viol K.S.A. _____, lvl _____ ☐ per ☐ nonper ☐ drug; ☐ infr ☐ misd ☐ fel

Count 6. ☐ guilty ☐ no contest ☐ not guilty ☐ dismissed pursuant to agreement

_____, viol K.S.A. _____, lvl _____ ☐ per ☐ nonper ☐ drug; ☐ infr ☐ misd ☐ fel

THEREUPON the Court finds Defendant guilty of count(s) I as described above.

☐ Pursuant to K.S.A. 22-4616, the Court finds in count(s) _____ Defendant committed a domestic violence offense as defined by K.S.A. 21-5111.

☐ Pursuant to K.S.A. 21-6604(o), the Court finds in count(s) _____ Defendant unlawfully possessed a controlled substance while transporting the controlled substance in any vehicle upon a highway or street.

☒ The State and Defendant both waive their right to a Presentence Investigation Report (PSI).

☒ **SENTENCING.** The Court finds that there is adequate and current information available to the Court, the parties have waived their rights to a presentence report, and the Court shall proceed to enter a Sentencing Order forthwith. The Court, having reviewed the file, received the evidence, and heard statements of counsel, makes the following findings and enters the following orders:

Ct. I: ☐ jail sentence _____ ☐ days ☐ mos.; ☐ suspended, ☐ after serving _____ ☐ days ☐ mos.
☒ fine \$ 1000; ☐ suspended

Ct. ____: ☐ jail sentence _____ ☐ days ☐ mos.; ☐ suspended, ☐ after serving _____ ☐ days ☐ mos.
☐ fine \$ _____; ☐ suspended Sentence ☐ concurrent ☐ consecutive to ct. ____

Ct. ____: ☐ jail sentence _____ ☐ days ☐ mos.; ☐ suspended, ☐ after serving _____ ☐ days ☐ mos.
☐ fine \$ _____; ☐ suspended Sentence ☐ concurrent ☐ consecutive to ct. ____

Ct. ____: ☐ jail sentence _____ ☐ days ☐ mos.; ☐ suspended, ☐ after serving _____ ☐ days ☐ mos.
☐ fine \$ _____; ☐ suspended Sentence ☐ concurrent ☐ consecutive to ct. ____

Aggregate sentence is ☐ concurrent ☐ consecutive to sentence(s) in case(s): _____

☐ Defendant is forthwith remanded to custody to begin serving sentence.

☐ Defendant shall report to jail to begin serving sentence on _____ at _____ .m.

☐ Defendant shall serve the jail sentence as follows: _____

☐ Defendant shall be eligible for work release beginning on _____ at _____ .m.

☐ Defendant shall be released to house arrest beginning on _____ at _____ .m.

☐ Conditions of release: _____

☐ Defendant shall be granted time served for _____ days.

☒ Court costs: \$158 ☐ Witness fees: _____ ☐ Alcohol assessment fee: _____

☐ Probation supervision fee: _____ ☐ Domestic violence offender assessment fee: _____

☐ Court appointed attorney fees ☐ in the amount of: _____ or ☐ as approved by voucher.

☐ KBI lab fee: _____, payable to Kansas Bureau of Investigation Laboratory Analysis Fee Fund, 1620 SW Tyler Street, Topeka, KS 66612.

☐ **Special Rules Suspending/Restricting Driver's License.** The Court orders Defendant's driving privileges be suspended or restricted as follows:

☐ Transporting controlled substance. K.S.A. 21-6604(o).

☐ TOC 2nd or subs. within 5 years. K.S.A. 8-1599(d).

- ☐ Driving privileges suspended for 1 year and Defendant ordered to surrender license to Court.
- ☐ Driving privileges restricted as follows for a period of ____ ☐ days ☐ months, and Defendant is ordered to surrender license to Court: _____
- ☐ Defendant ordered to carry certified copy of this order whenever operating a motor vehicle.
- ☐ MIP. K.S.A. 41-727(d), ☐ 1st offense: 30 days ☐ 2nd offense: 90 days ☐ 3rd or subs.: 1 year.
- ☐ Pursuant to K.S.A. 22-4616, the Court places a domestic violence designation on this case.
- ☐ Restitution as follows: _____

The above restitution order is entered:

- ☐ Pursuant to agreement between the parties; or
- ☐ Subsequent to a hearing to determine whether any aggrieved party is entitled to restitution and the amount of any such restitution.
- ☐ The Court does not find compelling circumstances that render a plan of restitution unworkable.
- ☐ The Court finds compelling circumstances that would render a plan of reparation or restitution unworkable. The particular basis for this finding is: _____

TOTAL FINES, FEES, RESTITUTION AND COSTS: \$1158

- ☒ Pay no later than ⁵4:00 p.m. on the 16 day of November, 2016.
- ☐ Make minimum payments of _____ every month, beginning on the _____ day of _____, 20____, and on the _____ day of each month until all costs and fees, including restitution, are paid in full. Make payments to the Montgomery County District Court.

- ☐ PROBATION GRANTED. Defendant's jail sentence is suspended ☐ immediately ☐ after serving jail time as indicated above.

Defendant is placed on probation for a period of ____ months, ☐ unsupervised ☐ supervised by court services ☐ supervised by community corrections.

- ☐ Report to Defendant's probation office within 48 hours, excluding Saturdays, Sundays and holidays.
- ☐ Follow all conditions below or set forth in the Order of Probation completed by Court Services.
- ☐ Do not violate the laws of the United State or any State or City excepting minor traffic infractions, and report any law enforcement contact to ☐ Probation Officer ☐ the County Attorney within 48 hours.
- ☐ Do not use, consume, possess or ingest any intoxicating liquor, cereal malt beverage.
- ☐ Do not use, consume, possess or ingest any controlled substances, except Defendant may take controlled substances prescribed to Defendant to the extent and in the manner so prescribed.
- ☐ Submit to a test of saliva, breath, blood, or urine at any time if requested to do so by Defendant's Probation Officer, Prosecutor, Judge, or any Law Enforcement Officer at Defendant's expense. Defendant agrees that the results of said tests may be admitted against Defendant in a probation revocation hearing and stipulates to the evidentiary foundation thereof.
- ☐ Follow all recommendations of the Drug/Alcohol Assessment dated: _____
- ☐ Pursuant to K.S.A. 21-6604(p), Defendant ☐ shall undergo ☐ has completed a domestic violence offender assessment, and Defendant shall follow all recommendations of that assessment.
- ☐ Defendant shall surrender Defendant's driver's license to the Court and shall not operate a motor vehicle for a period of ____ ☐ days ☐ months.

- ☐ Defendant understands Defendant has been sentenced to jail for _____ ☐ days ☐ months, and that Defendant will be required to serve out the jail sentence if Defendant violates any of the orders herein.
- ☐ Make payments as set forth above, and Defendant understands that upon failing to make a payment a Bench Warrant will issue and Defendant will be required to serve out the jail sentence.
- ☐ No contact with: _____
- ☐ Perform _____ hours of community service and provide documentation of such community service to Defendant's probation officer or, if unsupervised probation, directly to the Court.
- ☐ Other conditions of probation: _____

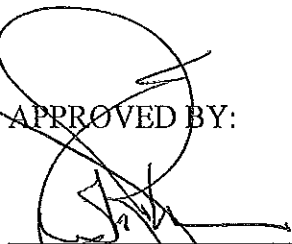
THE COURT FURTHER FINDS: ~~the payment of all fines & costs are not~~
~~part of the sentence~~

THE COURT FURTHER ORDERS: _____

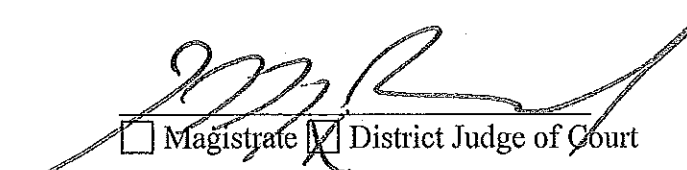
- ☐ The Court grants the State's motion and orders the _____ to dispose of any property which remains in custody as listed on the evidence custody receipts in this matter pursuant to K.S.A. 22-2512 and K.S.A. 65-4135, if no appeal is taken.
- ☐ If a Kansas Disposition Report has not been prepared for this case, Defendant is ordered to report to the Montgomery County Sheriff's Office for the purpose of preparing a Kansas Disposition Report.
- ☒ The Court advises Defendant of the right to appeal within fourteen (14) days of sentencing.
- ☒ The Court advises Defendant of rights to expungement.
- ☐ If an appeal is taken, the Court imposes an appearance bond: _____

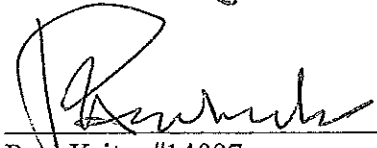
WHEREUPON, the Court sets this matter for _____ on the _____ day of _____, 20____ at _____ o'clock ____m.

APPROVED BY:



☒ Eric K. Rucker, #11109
☐ Bothany J. Lee #25793
 KANSAS SECRETARY OF STATE
 120 SW 10th Ave.
 Topeka, KS 66612
 (785) 296-4559


☐ Magistrate ☒ District Judge of Court


 Paul Kritz, #14097
 Attorney for Defendant