

2014 JAN 30 AM 9:12

State's Filing # 14

Stephen A. Hunting, #21648  
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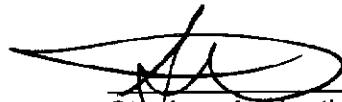
**IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS  
FOURTH JUDICIAL DISTRICT**

STATE OF KANSAS, )  
Plaintiff, )  
vs. ) Case No. 2013 CR 104  
)  
KYLE FLACK, )  
Defendant. )

**MOTION TO WITHDRAW STATE'S REQUEST TO CLOSE THE HEARING ON  
STATE'S FILING #9**

**COMES NOW** the State, by and through Stephen A. Hunting, Franklin County Attorney, and moves the Court, after review of Waller v. Georgia, 467 U.S. 39, 104 S.Ct. 2210, 81 L.Ed.2d 31 (1984) and State v. Cox, 297 Kan. 648, 304 P.3d 327 (2013), to withdraw its request that the evidentiary hearing on State's Filing #9 be closed to the public. Defense counsel for the defendant has no objection to this motion.

Respectfully submitted,



Stephen A. Hunting, #21648  
Franklin County Attorney  
301 S. Main Street  
Ottawa, KS 66067  
shunting@franklincoks.org  
Attorney for the plaintiff

**CERTIFICATE OF SERVICE**

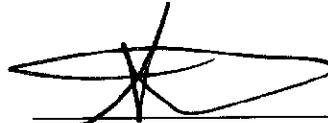
I hereby certify that the original State's Motion to Withdraw State's Request to Close The Hearing on State's Filing #9 was hand-delivered on the 30 th day of January, 2014, to:

The Clerk of the Franklin County District Court  
301 S. Main Street  
Ottawa, KS 66067

and, I hereby certify that a true and accurate copy of the State's Motion to Withdraw State's Request to Close The Hearing on State's Filing #9 was faxed to 785-291-3979 and mailed via USPS on the 30 th day of January, 2014 to:

Ronald Evans  
Attorney for the Defendant  
714 SW Jackson Street, Suite 200  
Topeka, KS 66603

and, I hereby certify that a chamber copy of the State's Motion to Withdraw State's Request to Close The Hearing on State's Filing #9 was delivered to Hon. Thomas H. Sachse on the 30 day of January, 2014 to:



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Stephen A. Hunting, #21648  
Franklin County Attorney