

Stephen A. Hunting, #21648
Franklin County Attorney
301 S. Main Street
Ottawa, KS 66067
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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.)	

**STATE'S NOTICE OF INTENT TO SEEK THE "HARD 50" AND REQUEST
SEPARATE SENTENCING AND NOTICE OF AGGRAVATING CIRCUMSTANCES**

COMES NOW the State, by and through Stephen A. Hunting, the duly elected and qualified County Attorney for Franklin County Attorney, pursuant to K.S.A. 21-6620(c)(1), hereby provides reasonable notice to the defendant Kyle Trevor Flack, his attorney, Ronald Evans, and the Court that the State of Kansas intends, upon conviction of the defendant of the crimes of Murder in the First Degree, to request a separate sentencing proceeding to determine whether the defendant should be required to serve a mandatory minimum term of imprisonment of 50 years or sentenced as otherwise provided by law.

NOTICE IS FURTHER PROVIDED to the defendant, Kyle Trevor Flack, his attorney, Ronald Evans, and the Court of the Aggravating Circumstances set forth in K.S.A. 21-6624 upon which the State will rely at the sentencing phase in the above captioned matter.

The State hereby notifies the defendant, pursuant to K.S.A. 21-6620(c)(3) that at the sentencing proceeding, evidence will be presented concerning any and all matters deemed relevant to the question of sentence and shall include matters relating to the following specifically enumerated aggravated circumstances as set forth in K.S.A. 21-6624:

AGGRAVATING CIRCUMSTANCES

With respect to the murders of Andrew Stout and Steven White:

1. The defendant was previously convicted in Franklin County case # 05 CR 159 of attempted second degree murder in which the defendant inflicted great bodily harm on another. K.S.A. 21-6624(a)

MITIGATING CIRCUMSTANCES

The State hereby notifies the defendant that based upon the evidence reviewed to the date of the filing of this notice, there are no mitigating circumstances. The State requests that the defendant, by and through counsel, advises the State of any and all mitigating circumstances upon which the defendant intends to rely upon at the sentencing proceeding.

RESERVATION OF RIGHTS

The State reserves the right to amend the list of aggravating and/or mitigating circumstances as set forth above in this notice. The evidence upon which the State will rely to support the above stated aggravating factors has been provided to the defense by way of discovery. Consistent with the State's continuing obligation to provide discovery, the State reserves the right to rely

upon evidence supplied between today's date and the time of sentencing to support the aggravating factors submitted to the trier of fact.

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 State's Notice of Intent to Seek the "Hard 50" and Request Separate Sentencing and Notice of Aggravating Circumstances was hand-delivered on the 22nd day of April, 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 Notice of Intent to Seek the "Hard 50" and Request Separate Sentencing and Notice of Aggravating Circumstances was hand-delivered on the 22nd day of April, 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 Notice of Intent to Seek the "Hard 50" and Request Separate Sentencing and Notice of Aggravating Circumstances was delivered to Hon. Eric Godderz on the 22nd day of April, 2014.



Stephen A. Hunting, #21648
Franklin County Attorney

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