

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

**IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS  
FOURTH JUDICIAL DISTRICT**

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

**JOURNAL ENTRY OF NOVEMBER 25, 2014 MOTIONS HEARING**

NOW ON THIS 25<sup>th</sup> day of November, 2014, this matter comes on for motions hearing before the Honorable Eric Godderz in Franklin County District Court. The State of Kansas appears, by and through Stephen A. Hunting, Franklin County Attorney, Vic Braden, Deputy Attorney General, and James Ward, Assistant Franklin County Attorney. The defendant appears in custody and by and through court- appointed counsel, Timothy Frieden.

THEREUPON, the Court took up the Defendant’s Motion for Discovery. After hearing argument of counsel and reviewing the written motion and State response, the Court granted the motion subject to certain modifications. Specifically, the Court sustained the State’s first written objection. The Court indicated as to the State’s second objection that if there was a question as to privilege, it should be brought before the Court for a ruling. Finally, as to the State’s third objection, if the records sought go beyond drug and alcohol abuse or crimes, it should be brought before the Court for a ruling.

THEREUPON, the Court took up the State's Motion #20, State's Third Motion to Consume DNA Evidence. After hearing argument of counsel and reviewing the written motion and the Defendant's response, the Court granted the State's motion and adopted the previous order of the Court concerning consumptive DNA testing.

THEREUPON, the Court took up State's Motions #21 through #25, all State's Motions to Admit Defendant's Statements. After hearing argument of counsel and reviewing the written motions and the Defendant's response, the Court provisionally grants the State's motion subject to the evidence being presented as it was outlined in the State's motion.

THEREUPON, the Court took up State's Motion #26, State's Motion to Admit Statements Made by Kaylie Bailey. After hearing argument of counsel and reviewing the written motions and the Defendant's response, the Court provisionally grants the State's motion subject to the evidence being presented as it was outlined in the State's motion.

THEREUPON, the Court took up State's Motion #27, State's Motion to Establish a Time Line for Proposed Redactions of the Defendant's Statements. The defendant did not lodge an objection. The Court adopted the timeline outline in State's Motion #27. The Court indicated that proposed redactions from the defendant should be presented to the State by March 6, 2015.

THEREUPON, the Court took up State's Motion #28, State's Motion for Jury Selection Process. The Court adopted the proposed plan outlined in the motion subject to possible future objections by the defendant.

THEREUPON, the Defendant motioned for a continuance of the January 13, 2015 motion hearing date to February 6, 2015. The State did not object and the Court

granted the motion. The Court set the motion deadline at January 6, 2015 and response deadline to January 30, 2015 for the February 6, 2015 motion hearing date.

THEREUPON, the Court set this matter for motions hearing on February 6, 2015 at 9:00 a.m.

IT IS SO ORDERED.



ERIC GODDERZ  
DISTRICT COURT JUDGE

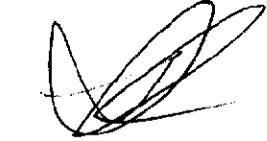
PREPARED AND APPROVED BY:



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

APPROVED BY:



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Timothy Frieden, S.Ct. #12022  
Attorney for the defendant  
230 E. William, Suite 7190  
Wichita, KS 67202