

IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS

THE STATE OF KANSAS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 13 CR 104
Kyle Flack,	)	
	)	
Defendant.	)	

RESPONSE TO STATE'S MOTION REGARDING GRUESOME PHOTOS

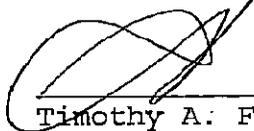
COMES NOW the Defendant Kyle Flack and in response to the states Motion for a pretrial hearing regarding gruesome photos. Defendant states as follows:

1. Defense has no objection to having a pretrial hearing as to the admissibility of photos of the bodies or autopsies.
2. Defense objects to the States motion as to the parties having all photographs which they intend to seek to introduce as evidence at the time of the hearing, if the motion goes to photos that may be introduced during a second phase or a sentencing trial to a jury, on the issue of a sentence of life or death. Defense is in the process of conducting its mitigation investigation and that investigation will not be complete up until the time that phase of the case is to begin.

WHEREFORE defendant, Kyle Flack requests this court deny the motion of the State as to any mitigation photos the defense intends to present.

Doc # 272

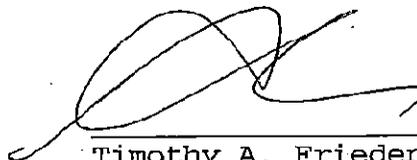
Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Response to the States Motion for haring as to gruesome photos was fax delivered to the Franklin County Clerk of the District Court at (785) 242-5970 and a copy was fax delivered to Julie Furst c/o Franklin County Attorney Office at (785)229-8971 and a bench copy was fax delivered to Missy Strickler Administrative assistant to the Honorable Eric Godderz at (785) 448-3230 this 26th day of January, 2015.



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Timothy A. Frieden