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

STATE OF KANSAS,

Plaintiff,

v.

KYLE TREVOR FLACK,

Defendant.

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Case No. 2013 CR 104

ORDER GRANTING MOTION TO INTERVENE

NOW on this 9th day of June, 2015, the Court takes under consideration the Motion of Intervenor Harris Enterprises, Inc., doing business as The Ottawa Herald, to intervene as a party in this matter pursuant to *Kansas City Star v. Fossey*, 630 P.2d 117 (Kan. 1981) and *The Wichita Eagle Beacon Company v. Owens*, 271 Kan. 710, 27 P.3d 881 (2001) for the limited purpose of Intervenor filing its Motions for Release of Sealed Documents and to Vacate Orders to Seal. Intervenor appears by and through counsel Maxwell E. Kautsch of Kautsch Law, LLC. The State of Kansas appears by and through Franklin County Attorney Stephen Hunting and Deputy Attorney General Victor Braden. Defendant appears by and through counsel ^{MK} ~~Ron Evans~~, Timothy Frieden, and Maban Wright.

WHEREUPON, the Court finds as follows:

1. Intervenor's Motion to Intervene was filed on May 19, 2015.
2. As of the date of this hearing, neither the State nor Defendant has filed opposition to

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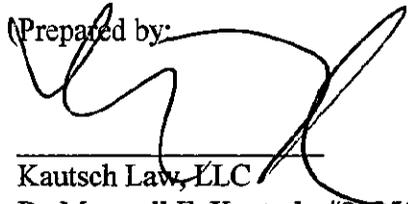
the motion to intervene.

3. *The Wichita Eagle Beacon Company v. Owens* provides that “the news media, as a member of the public, may intervene in a criminal proceeding for the limited purpose of challenging a pretrial request, or order, to seal a record or close a proceeding in that case, even without an express statutory provision allowing such intervention.” *Owens*, 271 Kan. at Syl. ¶ 2, at 711, 712, 713.
4. Counsel for Intervenor has provided to counsel for the State and Defendant copies of this proposed order.

IT IS, THEREFORE, ORDERED that the Intervenor’s Motion to Intervene as a party in this matter is hereby granted and that Intervenor’s Motions for Release of Sealed Documents and to Vacate Orders to Seal shall be deemed filed as of the date of this order.

IT IS SO ORDERED.


District Court Judge Eric W. Godderz

Prepared by:

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