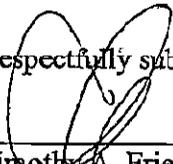


5. Defense objects to questions 74 through 79 of the States Second Proposed questionnaire as they are “follow the law” type of questions. Defense objects to question 80 for the same reason and adds that this is a matter for the court and counsel to determine. Defense has presented evidence through Dr. Troy Comeau and Dr. Shirley Drew as to the effect of pretrial publicity upon individuals of a community and how it affects their ability to judge the facts of a case.
6. Defense objects to question 105. The parties have previously argued the issue of gruesome photos and the defense renews its objection to the allowance of such evidence. Asking a potential juror if seeing and hearing graphic evidence and testimony of the result of violence will substantially impair that person’s ability to serve without seeing and hearing such evidence is similar to asking them to follow the law and asking them to judge their own ability and credibility which is for the Court to determine.
7. Defense objects to question 109 and proposes defense question 22 of defense’s proposed questionnaire. Question 109 substitutes a prospective juror’s true position on the imposition of the death penalty to the choices described in the questions. To truly identify a prospective juror’s position regarding the sentencing question they must put their position into their own words, not words they choose out of a multiple choice question.

WHEREFORE, the defendant Kyle Flack, by and through counsel, objects to the States Second Proposed questionnaire and requests the court to reconsider adopting the defense proposed questionnaire.

Respectfully submitted,



Timothy A. Frieden #12022
Death Penalty Defense Unit
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Wichita, Kansas 67202
316-267-1847 ex 16
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NOTICE OF HEARING

The above motion shall come on for hearing at a time to be agreed upon by the parties and the Court.

CERTIFICATE OF SERVICE

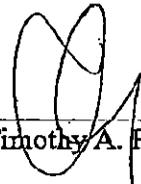
I hereby certify that on this 21st day of October, 2015 a true and correct copy of the foregoing was filed with the District Court Franklin County and a copy of the motion was fax delivered to:

Victor Braden, Deputy Attorney General at (785) 291-3875

Stephen Hunting, Franklin County Attorney at (785) 229-8971

And a Chamber Copy to:

The Honorable Eric Godderez



Timothy A. Frieden #12022