

**State's Filing #64
(Response to Defense Motion to Hear and Rule)**

Victor J. Braden, #18524
Deputy Attorney General
Criminal Litigation Division
Kansas Attorney General's Office
120 SW 10th Avenue, Second Floor
Topeka, Kansas 66612-1597
Phone: (785) 296-2215
FAX: (785) 291-3875
Email: vic.braden@ag.ks.gov

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

**STATE OF KANSAS,
Plaintiff,**

vs.

**KYLE TREVOR FLACK,
Defendant.**

Case No. 2013 CR 104

RESPONSE TO MOTION TO HEAR AND RULE

Within the established statutory construct of jury selection in a criminal case, plaintiff does not object to the defense motion to hear and rule. However, plaintiff does request that all statements outside the presence of the jury be transcribed appropriately for a possible appeal record. Plaintiff does not intend to use the process described by the defendant concerning "for cause" challenges. It intends to make the challenges within the presence of the potential jurors.

DOC # 433

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Respectfully submitted,



Victor J. Braden, #18524
Deputy Attorney General
120 SW 10th Avenue, Room 200
Topeka, KS 66612
(785) 296-2215
Attorney for the plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that the original State's Response to Motion to Hear and Rule (Filing #64) was faxed the 30th day of December, 2015, to:

The Clerk of the Franklin County District Court
Court Building
301 South Main Street
PO Box 637
Ottawa, KS 66067-0637

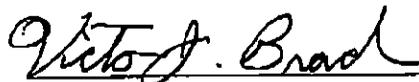
and, I hereby certify that a true and accurate copy of the State's Response to Motion to Hear and Rule (Filing #64) was sent via email on the 30th day of December, 2015, to:

Timothy Frieden
Attorney for the defendant
State of Kansas
Death Penalty Defense Unit
266 North Main, Suite 210
Wichita, KS 67202

Maban Wright
Attorney for the defendant
State of Kansas
Death Penalty Defense Unit
700 SW Jackson, Suite 500
Topeka, KS 66603

and, I hereby certify that a chamber copy of the State's Response to Motion to Hear and Rule (Filing #64) was sent via email on the 30th day of December, 2015, to:

The Honorable Eric W. Godderz
District Court Judge
Anderson County Courthouse
100 East 4th
P.O. Box 305
Garnett, KS 66032


Victor J. Braden, #18524
Deputy Attorney General