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Filed  
Clerk of Dist Court  
Franklin, County, KS  
2016 JAN 28 PM 1:43

**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**

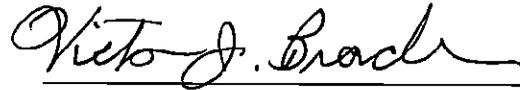
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**RESPONSE TO COURT REQUEST CONCERNING POTENTIAL  
PENALTY VOIR DIRE**

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Plaintiff stands by its argument in State's Filing #70 and objects to the defense motion. However, if the Court allows a voir dire between the guilt and penalty phase, plaintiff will ask the following question to each juror: "Will you base your decision on whether or not to impose the death penalty on the facts of this case and the law as the judge instructs?"

Respectfully submitted,



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

**CERTIFICATE OF SERVICE**

I hereby certify that the original State's Filing #82 was hand-delivered on the 28th day of January, 2016, to:

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

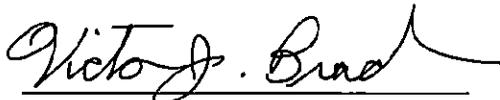
and, I hereby certify that a true and accurate copy of the State's Filing #82 was emailed on the 28th day of January, 2016, to:

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 Filing #82 was emailed on the 28th day of January, 2016, to:

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

  
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Victor J. Braden, #18524  
Deputy Attorney General