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

STATE OF KANSAS,)	
Plaintiff,)	
vs.)	Case No. 2013 CR 104
)	
KYLE FLACK,)	
Defendant.)	

**NOTICE OF INTENT TO USE A POWER POINT PRESENTATION THAT INCLUDES
PHOTOGRAPHS AND DIAGRAM IN OPENING STATEMENT**

Plaintiff intends to utilize a power point presentation that includes photographs and diagram in its opening statement.

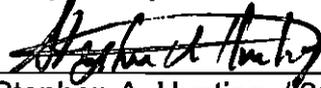
Opening statements by counsel in criminal prosecutions are not evidence. They are given for the purposes of assisting the jury in understanding what each side expects its evidence at trial will establish and to advise the jury what questions will be presented for its decision. The tendency is to permit a prosecuting and defense attorney reasonable latitude in stating to the jury the facts he or she proposes to prove. *State v. McCorkendale*, 267 Kan. 263, Syl. ¶ 4, 979 P.2d 1239 (1999) (citing *State v. Campbell*, 210 Kan. 265, 278- 279, 500 P.2d 21 (1972)).

The State has a good faith basis to believe the photographs and diagram used in opening statement will later be introduced and admitted during its case-

DOC # 565

in-chief. Most of the photographs the State intends to use have been previously offered and admitted during the preliminary hearing, and it's the State's understanding that the defense will not be objecting to the admission of the diagram during the State's case-in-chief.

Respectfully submitted,



Stephen A. Hunting, #21648
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CERTIFICATE OF SERVICE

I hereby certify that the State's Notice of Intent to Use a Power Point Presentation That Includes Photographs and Diagram in Opening Statement was hand-delivered on the 18th day of February, 2016, to:

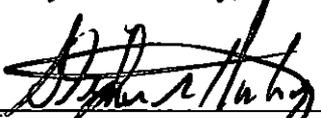
The Clerk of the Franklin County District Court
301 S. Main Street
Ottawa, KS 66067

and, I hereby certify that a true and accurate copy of the State's Notice of Intent to Use a Power Point Presentation That Includes Photographs and Diagram in Opening Statement Photographs was emailed to mwright@sbids.org and tfrieden@sbids.org and via facsimile to 785-291-3979 & 316-0267-3756 and mailed via USPS on the 18th day of February, 2016 to:

Maban Wright
Attorney for the Defendant
700 SW Jackson Street - Suite 500
Topeka, KS 66603

Timothy Frieden
Attorney for the Defendant
266 N. Main, Suite 210
Wichita, KS 67202

and, I hereby certify that a chamber copy of the State's Notice of Intent to Use a Power Point Presentation That Includes Photographs and Diagram in Opening Statement was delivered to Hon. Eric Godderz on the 18th day of February, 2016.



Stephen A. Hunting, #21648
Franklin County Attorney