



Other Viewpoints

# **Evidence laws need** to admit past crimes

A recent ruling from the Kansas Supreme Court will force a new trial for convicted Reno County child molester John Prine, but the reach of the ruling is likely to affect similar cases across the state.

In a 6-1 decision in Topeka, the Supreme Court ruled that District Judge Richard Rome erred in allowing evidence of prior crimes during Prine's trial in 2004 for sexually abusing a 6-year-old girl.

During the trial, Reno County District Attorney Keith Schroeder produced witnesses who testified that Prine had committed similar crimes against them. Those crimes, however, weren't reported before the statute of limitations had expired.

The majority opinion from the Supreme Court explained that the evidence of previous crimes, if it is to be admitted, must be "so strikingly similar in pattern or distinct in method of operation as to be a signature.'

Such a standard is too high and is likely to diminish prosecutors' ability to try sex abuse cases in the state. In fact, the new standard for admitting prior crimes as evidence during trial exceeds the standard in place for sexual predator civil commitments, which allow the state to detain indefinitely sexually violent predators. ...

In the latest ruling, the Supreme Court suggested that the Legislature should review and rewrite the law to make the standard clearer to attorneys and judges who are trying and hearing these cases.

While there is a full plate of issues to handle in Topeka, the Legislature should rewrite this language to establish more clearly the standard for admission of previous criminal conduct. Without that clarity, prosecutors will find it exceedingly difficult to put away known sex offenders, and many offenders who have been locked up are likely to ask for new trials as well.

-The Hutchinson News, via The Associated Press

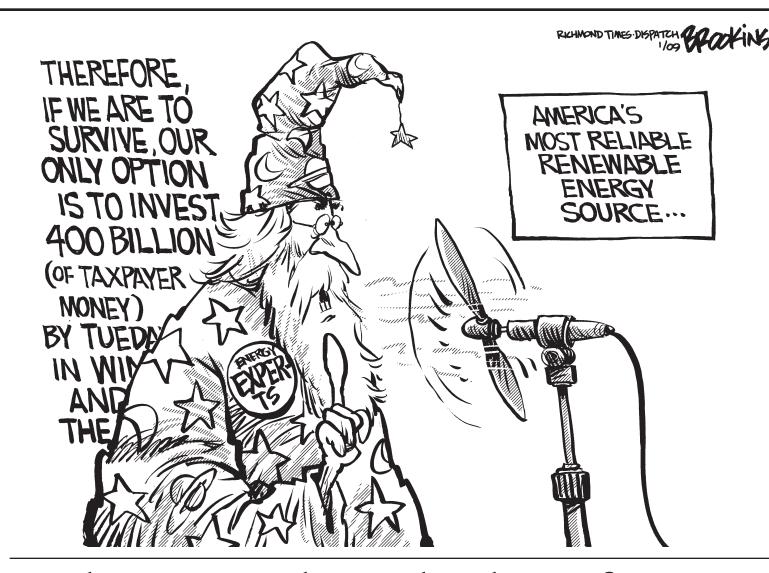
### Where to write, call

U.S. Sen. Pat Roberts, 109 Hart Senate Office Building, Washington, D.C. 20510. (202) 224-4774

U.S. Sen. Sam Brownback, 303 Hart Senate Office Building, Washington, D.C. 20510. (202) 224-6521

U.S. Rep. Jerry Moran, 2202 Rayburn House Office Building, Washington, D.C. 20515. (202) 225-2715 or Fax (202) 225-5124

State Rep. Jim Morrison, State Capitol Building, 300 SW 10th St. Room 143-N, Topeka, Kan. 66612. State Sen. Ralph Ostmeyer, State Capitol Building, 300 SW10th St., Room 128-S., Topeka, Kan. 66612.(7785)



### Columnist evaluates her love of writing

Every now and then, I have to ask myself the questions: Why do I write? What is my goal? Who cares?

These questions come to mind every time I write, "A Moment with Michelle."

As I begin, I picture my readers like someone I am having coffee with. We're at a coffee shop, one of those local, offbeat ones with antique lamps giving off a soft light. The music is subdued as the murmur of customers and the fragrance of coffee beans drift through the air. And I can hardly wait to taste that sweet, smooth, steaming liquid.

I love going to these places with a friend who needs someone to listen to them. We order our drinks, select a table and after a few sips, we open our hearts to each other. Sometimes we allow our hearts to spill over. Other times, we give the other person only a taste of what we are going through, often because we don't even know how to describe what we are thinking and feeling.

That's what I imagine when I sit down at my laptop, usually with coffee at my side, as I begin to write. Whether it's my weekly column, a blog for my website or a simple note to a friend, I like to think that I'm having a conversation with someone.

I write because I have something to say.

But so far, I have met only a few people who enjoy writing as much as I do. When I wake ing, hearing and tasting. up in the morning, it's one of the first things



I want to do after I finish getting ready for the day. I can't imagine my future without the art of writing.

I believe it's a desire that has been embedded in me since I was born. Ever since I learned how to spell, I've submerged myself in the written word through stories and poems. The story of Cinderella was my favorite when I was little. I created my own version once, even including illustrated pages, except for the horses with the pumpkin carriage, which a friend drew since I only knew how to draw the head of a horse.

Today, I'm not able to do much story writing. My lack of time doesn't allow it. So I feel privileged to be able to write my thoughts every week.

People seem to be curious about what I like to write about. I've concluded that I like to write something that people will read. I like writing what people are thinking, feeling, see-

"People read today to learn what and when

and who and where, but they also read to discover why and how and what it will mean in the future," from "Memo to a New Feature Writer" by Donald M. Murray.

My goal has always been to get my audience to read the paragraph after the first paragraph. If I can't get you to do that, then I have failed.

One indication that a person is a writer is not the sight of someone hunched over a keyboard, notebook or journal. They are the ones who are staring out the window, thinking. We are listening, observing, forming sentences in our minds, hoping they sound as good as we think they do. We want our words to be meaningful not only to the reader, but to ourselves, as well. We will agonize over facts and sentences long after we have turned off the laptop or sent it off to an editor. We want our work to say something.

I guess that's why I continue to write, even though school papers need to be written, textbooks need to be read, the laundry needs done, the car needs fixed and the body needs sleep. I write not because coffee shops stimulate my senses. I write because my heart compels

me to.

Michelle Myers, a Colby native, is a student at Multnomah University in Portland, Ore., majoring in Bible and journalism. She enjoys the 32 Starbucks found within five miles of her campus.

#### 296-7399 ostmeyer@senate.state.ks.us

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## Consolidation could hamper local control

At a time when budget committees want to achieve greater operating efficiencies and reduce costs to government, one obvious thing to do is consolidating departments.

The Post Audit Committee has recommended the combining of the Animal Health Department and Soil Conservation Commission into the state Board of Agriculture. Post Audit believes there would be a savings of \$710,000, or 13 percent of the combined 2009 operating costs of both agencies. \$630,000 of the savings is the result of restructuring staff positions and \$80,000 comes from reducing rental costs.

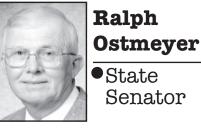
The combined spending of the Board of Agriculture, Animal and Health Department, and Conservation Commission is around \$44 million. Restructuring of these agencies has been considered several times since the mid 1990s with no action. Kansas is one of the six rural farm states that doesn't place or combine animal health and conservation grants into the state Board of Agriculture.

Post Audit has proposed a bill to combine these services and I am sure there will be much debate on this issue.

I want to study both sides of this consolidation issue so that I can be comfortable with and able to support my decision. I had the honor of serving on a Conservation Board and know and understand the process. My concern is that this consolidation plan would decrease local control, and we may regret that.

#### **CUTS DRAW IRE**

I have been inundated with calls and e-mails concerning proposed budget cuts to schools and prisons, and consolidation of local government. I want my constituents to know that I value your input on these issues. However, time does not allow me to always return each



and every contact. I am considering your input on these issues and pledge to keep my focus to do what is best for western Kansas.

To recap some of the major issues addressed this week:

Substitute Senate Bill 23 - Appropriations for FY 2009: On Wednesday, the Senate met to debate the rescission bill for the current 2009 fiscal year. The bill, as initially passed out of the Ways and Means Committee, adjusted spending by \$300 million and included acrossthe-board reductions of 3.4 percent, leaving a balance of \$115.5 million in the state general fund this year and \$209.9 million for 2010.

During the floor debate, the bill was amended to decrease spending by \$334.8 million. Included in the amendment was an across-theboard reduction of 1.5 percent for all areas of state government, with a \$11 per pupil reduction in school money. For the current year, reductions in base state aid total \$33 per student. The amendment would leave a \$151.4 millionbalance in the state general fund this year.

The Senate passed it 25 to 14.

Senate Bill 30- State Surplus Property: This bill would allow state legislators or their staff to buy off-lease state computers. Those not sold will be offered to public libraries for purchase. Any remaining computers would then be sold at state surplus.

The bill also allows state law enforcement officers to purchase their personal firearm at market cost if they resign for other employment opportunities or retire. SB 30 has no fiscal note and passed 40 to 0.

Senate Bill 34- Open Records: The measure is a review of the exceptions to the Kansas Open Records Act. In recent history, the legislature has reviewed the exceptions in an effort to eliminate those deemed unnecessary. No new exceptions to the act are included. The Senate approved the bill 40 to 0.

Senate Bill 44- False Submission of Claims: Under SB 44, any individual who attempts to make a false claim to the state would be held liable for three time the amount of actual damages, a \$1,000 to \$11,000 civil penalty for each action, and court costs and attorney fees. The bill passed 40 to 0.

Senate Bill 45- Kansas Power of Attorney Act: This bill amends the Kansas Power of Attorney Act in three ways. SB 45 was approved 40 to 0.

Transportation Update: The Senate Transportation Committee heard the recommendations of the Interim Transportation Committee on Tuesday, Jan. 27. The committee encouraged the House and Senate Transportation committees to develop a new comprehensive transportation plan that requires equity between urban and rural needs when approving new transportation projects. Other recommendations include using "practical design" for projects that do not meet federal standards.

The governor's T-Link Task Force met this week to finalize its report and Secretary of Transportation Deb Miller is expected to provide a review of the report next week.



• Bruce

Tinsley

