

Judges lack authority to give sentences that fit

Kansas, like many states and the federal government, has tied judges' hands over the last couple of decades, setting up elaborate rules for determining who goes to jail and for how long — but leaving out the elements of judgment and common sense.

Judges used to have a lot of control over the kind of sentence criminals got in their courts. States moved from fixed sentences for each crime to variable, or indeterminate, sentences. The penalty for a given crime would be a range of years, from six months to a year for a misdemeanor, to say two to five years for a minor felony and 10 to 15 for more serious crimes.

Then, judges had the authority to decide whether sentences for multiple crimes would run consecutively or concurrently. That if, a convict would begin serving, say, three concurrent sentences all at the same time, effectively meaning he (or she) would have to serve at least the "short end" of the longest term. If sentences were two to five years, eight to 10 and one to two, then the prisoner supposedly had to serve at least eight years before parole was possible. The shorter terms essentially didn't count.

If sentences were given to be served consecutively, however, it was a different matter. The order in which they were pronounced meant everything, because the convict had to serve the "long end" of the first one and the "short end" of the second.

A sentence of eight to 11 years, followed by a consecutive term of one to three, meant 12 years hard time, while the reverse meant 11. Judges also had wide latitude to grant probation for first-time offenders and others who seemed like good risks. Today, however, that has all but been taken out of their hands.

Legislators upset by wide variation in sentencing, and wanting to crack down on drugs, started to ratchet up the rules. Eventually,

states, Kansas included, produced sentencing "grids" factoring in criminal records, severity of crime, personal injury and other facts. Judges apply the facts of a given case to the grid and it produces as sentence. There's little "judgment" involved.

A recent burglary case in Saline County illustrates one problem with this. Two men apparently had set themselves up in the burglary business. They were on a roll, hitting store after store, sometimes several a night, until they got caught.

The men were charged with 13 counts of burglary, but because they had few prior arrests and a low "criminal history" score, the sentencing grid qualified them — for no prison time at all. They were ordered to serve 60 days in jail and put on probation by an obviously peeved judge.

She told them that if she'd had her way, they would have been headed for the slammer. Because of the state's sentencing law, however, she couldn't do that.

Another problem with the sentencing grid is it allows heavier sentences for drug crimes than for many "property" crimes. Thus, we are filling up our jails with people convicted of drug offenses while people like these burglars, who created a lot of grief, get off easy.

Today, there's hardly any free space in Kansas prisons, but we keep sending drug offenders to jail and let others, who may have done society more harm, off free, or at least easy. It makes no sense.

The only solution we see is to go back to the days when judges were allowed to judge people and use common sense in sentencing those who were convicted in their courts. It's not about treating every criminal the same, but about treating them all — and society — fairly and justly.

A grid just can't do that.

— Steve Haynes

Toenail trim got out of hand

My son tried to trim his toenails with a lawnmower about three weeks ago.

This was not a good choice. He said he was mowing a friend's lawn when he had to go around a big rock. He pulled the mower back and took a step back, then fell backwards over a short fence his friend had put up to keep his dogs in.

As he fell, our son said, he grabbed out to catch himself. Unfortunately, the only thing there was to grab was the mower, which he pulled over this left foot.

After looking down and thinking to himself, "Please, Lord, tell me I didn't just pull a lawnmower over my foot," he pulled out his cell phone and called 911.

He called us from the emergency room.

"Mom, I sort of had an accident," he said.

His dad left the next day for Lawrence. There wasn't much he could do except sit and talk and run a few errands, but he did feed the cat and take stuff to the hospital.

Our son was in surgery for 2 1/2 hours while the doctors cleaned grass and dirt out of his foot, grafted skin over the ends of two shortened toes and pinned the third one to-



Open Season

By Cynthia Haynes
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gether. He was in the hospital for four days and had a second surgery to make sure there was no infection. They removed the top third of his left big toe and the one next to it and pinned the broken toe, which was in somewhat better shape.

Then he went home with a pair of crutches.

I showed up the next day.

Like his father, there wasn't a lot I could do. I took him to the doctor and took a photo of his damaged foot. I did not put that photo on Facebook and have not shared it with many people, but I did want him to have a record of what his foot looked like after the accident.

I also got him a disability parking tag and left him my car, since his truck has a clutch and that's a little hard to manage with a damaged left foot.

His friends have come to the rescue, ferrying him to the doctor, the drug store and to get groceries. They've made him cookies and quiche and soup.

Last week he went back to the doctor and got a walking boot so he now only has one light crutch, but it's still hard to get around much.

He's doing well and hopes to get back to work soon, but it's hard. He's a bartender and they have to be on their feet pretty much their whole shift.

On a lighter note, his friend claims that the dog got out through the broken fence, found our son's toenail out in the yard and brought it home.

He claims, with a smile, that this dog has been after him for years.



Girls just want to have fun

Know how to tell if someone is a real friend? If you let them cut your hair, help you clean out your closets, take their decorating advice, let them see you without makeup and you both still want to spend time together — that is a real friend.

Last time my friend Barbara was cutting my hair she said, "I need to have some 'girl time.'"

She works in a male-dominated industry, has three sons and said she just wanted to spend some time doing girly things, so we got out our calendars and settled on a date about three weeks later when neither one of us had anything going on. We wrote each other in — in ink. Not penciled in — in ink. That made it official. We settled on a destination city that offered a popular (you know what I'm talkin' about) arts and crafts store.

Our day arrived last week, and we left town early to have breakfast at a little restaurant where neither one of us had ever eaten. Following a hearty meal, we hit the road. It was wonderful. We had no time limits, no one to meet, no schedule to keep. The day was stretched out before us just like the road.

Barbara is what Jim would call a "Sunday driver." If he gets behind someone like her he usually says, "Sunday drivers! Nowhere to go and in no particular hurry to get there."

But you know what? She didn't care that every vehicle on the road (with the exception of a tractor or two) passed us. And neither did I.



Out Back

By Carolyn Sue Kelley-Plotts
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We were so busy talking and seeing the sights that we hardly noticed.

We took a detour through a little town and spent about 30 minutes just driving around looking at old homes.

"Look! There's one," I would say, and Barbara would turn the corner.

Then, she would spot one and we would head down a different street. We agreed that they just don't build houses like they used to. Old homes have a character that new homes can't seem to capture. Maybe that's why we both live in old houses.

We eventually made it to our destination and spent hours picking up bargains. Some we needed. Some we didn't. Some we just wanted. Like six little ceramic saucers with perpendicular flat handles I found on the 80-percent-discount aisle. I asked if they were salt dips, but no one seemed to know. I bought them anyway.

When I was unpacking Jim asked, "What are these?"

"Don't know," I said. "They're cute. They're just cute."

I have known Barbara for about

10 years, and in all that time, we have never done anything like that. But we resolved to do it again. In about six months. Sometimes a girl just has to go shopping.

Sunday morning dawned calm and cool. By the time we arrived at the little country church where Jim preaches most Sundays, it had warmed up a bit, but we decided to leave the door open during our service.

We have a small congregation and it is relaxed and casual. Everyone gets a cup of coffee before we start and we all sit around a table to sing our songs and hear the lesson. Right before we were to start, a bird kept flying by the open door.

"I sure hope he doesn't fly in here," I said.

Another member of the congregation said, "Why? Don't you think he would like sing some songs with us?"

My friend Veda, who always sits beside me, had the perfect answer. She said, "I bet he would sing 'I'll Fly Away.'"

House safe but smoke in air

My little brother knew before I did. He called Saturday to ask how close our house in Colorado was to "the fire."

Duh. "What fire?" "They've evacuated South Fork," he said, "and the fire may be headed for Creede."

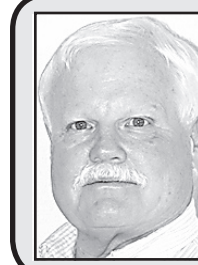
Seems lightning had set the forest north of Pagosa Springs, in southern Colorado, on fire, and the howling south wind last week was driving the flames over the continental divide and through miles of standing dead spruce killed by the beetle epidemic during the last decade.

Fire experts said they'd seen nothing like it, a wind-driven frenzy that moved toward the tiny tourist town of South Fork at a mile an hour, leaping ridges and literally exploding the forest.

Hundreds of fire fighters and at least 40 engines were rushed to the scene, along with nearly a dozen helicopters equipped with fire-fighting buckets. Fire crews stood ready to defend the town, but for a day or two, officials were not promising that could be done.

Finally, the wind shifted more to the west and calmed down some. That filled our area around Creede with Colorado smoke, cutting visibility to 5 or 6 miles at times, but it allowed the flames to die down a little. The fire went around South Fork, growing to more than 70,000 acres.

As the threat eased in town, however, it grew in the canyon to the north. Officials closed both the state highway to Creede, known as the last of the great silver camps, and today, a thriving tourist hamlet, and U.S. 160 over Wolf Creek Pass. A smaller fire burned south of the pass, near the ski area, while the big one



Along the Sappa

By Steve Haynes
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smoldered on to the north.

Then a third fire broke out in the wilderness west of Creede, consuming more acres of dry, dead trees. So far, however, fire crews have kept it west of the Rio Grande and have been able to save all the homes along the river. So far.

My other brother had planned to spend the week in Creede, staying at a little dude ranch way up on the headwaters of the big river. Instead, he and his family are renting a house in Ouray, to the west. He said he'd been told the fire jumped over the cabins at the ranch, taking only the roof of the pump house, but he didn't think being there sounded like much of a vacation.

All that left the house where we lived in the 1980s and where our kids grew up wreathed in smoke, but fairly safe. The house is out in the wide, treeless valley north of the river, well away from any timber that might burn. If the blaze does close in, it and the town of Creede should be well defended.

My brother said the couple who own the guest ranch — she a dear childhood friend — told him not to bother coming to town. There wasn't much to do, they said, and the smoke was awful.

Still, Cynthia and I hope to get out there this week, at least to check the house and see how things are

going. We're evaluating whether to take her summer car and the dog, as we usually do, since realistically, we may not be able to stay in the fire zone.

It seems odd, having the center of a national news event someplace too close to our hearts, but the fire itself seemed inevitable, the result of more than a century of fire suppression, leading to an over mature forest that had to die somehow.

And while many government officials pooch-pooched the danger, that standing dead spruce had to burn sometime. The expense will be horrendous, both for fighting the fire and to the small business owners who will lose much of a summer's revenue, but Nature will regrow the forest. That's how she works.

From the Bible

Now for a recompense in the same, (I speak as unto my children) be ye also enlarged. Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?
II Corinthians 6:13-14

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