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FILED
BUTLER COUNTY
DISTRICT COURT

IN THE THIRTEENTH JUDICIAL DISTRICT OF KANSAS

ADMINISTRATIVE ORDER NUMBER 2009- ~~069~~ FEB 11 A11 56

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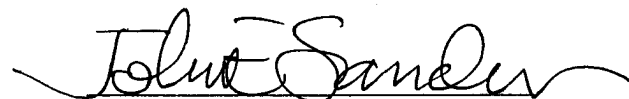
RE: JUVENILE OFFENDER JURY TRIALS

CLERK OF DISTRICT COURT

WHEREAS, in the case of *In re L.M.*, 286 Kan. 460 (2008), the Kansas Supreme Court ruled that accused juvenile offenders have a right under the state and federal constitutions to a jury trial in all criminal prosecutions. Accordingly, juvenile jury trials have recently been and will continue to be scheduled and managed in the following manner. 44

1. Proceedings in all juvenile offender cases (felony and misdemeanor) will continue to start in front of the judge assigned at the time to hear juvenile offender cases.
2. At the first appearance, the Court shall, while advising the juvenile of the various provisions contained in K.S.A. 38-2344, also advise the juvenile of his/her right to a jury trial in all misdemeanor and felony cases.
3. Unless the case is resolved at first appearance, at the conclusion thereof all cases will be set on a juvenile court control docket in front of the assigned juvenile judge in order to give the parties time to determine whether a plea agreement can be reached or whether diversion would be appropriate.
4. At the first juvenile control docket the Court has the discretion to set the case on a subsequent juvenile control docket if the parties request and good cause is shown.
5. Once it is clear that that the case will not be for plea, diversion or bench trial, but rather for jury trial, the assigned juvenile judge will direct the juvenile and his/her counsel to appear at the next available Friday afternoon (2:30 pm) District Court docket for further proceedings.
6. At that time (unless the case is resolved by plea or otherwise) the district judge will set the case for pre-trial on a Friday morning and then jury trial on either a Tuesday or Thursday depending on whether the case is a felony or misdemeanor. In other words, once a juvenile case makes it to a district judge's docket on a Friday afternoon, the jury trial is scheduled in the same manner as in adult cases.
7. Following adjudication of the juvenile offender case in front of the district judge by jury trial or otherwise, that judge has the discretion to handle disposition or to send the case back to juvenile court for disposition.
8. Requests for jury trial in misdemeanor cases shall be in writing. Misdemeanor juries are comprised of six members. K.S.A. 22-3404.
9. Felony cases are presumptively for jury trial unless the parties have waived jury in writing and the Court has consented to a bench trial. K.S.A. 22-3403.

BY ORDER OF THE CHIEF JUDGE this 28th day of January, 2009.



JOHN E. SANDERS, Chief Judge
Thirteenth Judicial District