

Before the Kansas House Judiciary Committee

Testimony of Larry Heyka on the Selection of Kansas Supreme Court Justices

January 22, 2015

My name is Larry Heyka from Manhattan, Kansas and I appreciate the opportunity to share my insight and observations about our experiences with the Judicial System, more specifically with the Kansas Supreme Court (KSC). Our son, Brad Heyka and four other wonderful individuals were murdered by the Carr Brothers in December, 2000. The Carr Brothers were found guilty of the horrible and violent crimes in 2002 and were sentenced to the death penalty by an impartial judge and jury. This trial in Sedgwick County took months with bountiful evidence including eye witnesses, DNA and many expert witnesses. Judge Paul Clark and the Sedgwick County District Attorney took every precaution to insure that the Carr Brothers received a fair trial and just punishment under the laws of the State of Kansas. Twelve years later, the Kansas Supreme Court met and overturned most of the convictions with a 6-1 vote. Justice Nancy Moritz felt that the case and original trial was presented fairly and that the sentences should be carried out. This process took way too much time.

Observations and Comments concerning the Kansas Supreme Court:

--They showed little or no respect for the victims of the crimes or their rights. The Justices were rude to those presenting, very arrogant and I could tell within the first few minutes they had their mind made up by their line of questioning.

--I feel that the KSC Justices are not open-minded or independent thinkers. Their reasoning is based upon what they believe the other Justices will do and they have similar ideas. My experience with working on committees is that diverse backgrounds and reasoning is beneficial. You do not put similar thinking individuals on a committee and get much accomplished. I can site examples, if requested. The KSC would function much more efficiently if it did not include mainly liberal thinkers who "go with the flow".

--The death penalty is a legally acceptable penalty: It is not murder. It is a valid and legal form of punishment that was voted on and enacted by the citizens of Kansas. What the Kansas Supreme Court has done, not only in the Carr brothers' case, but in all other capital murder cases to date, is effectively take that penalty away from the victims and citizens that re-enacted the law in 1994. A majority of the Kansas Supreme Court has allowed their personal political views of the death penalty to cloud their impartiality in these cases. The reason the United States Supreme Court has reinstated several of the death sentences vacated by the Kansas Supreme Court is because these decisions were legally flawed.

--We all arrive at decisions in different ways and document our reasoning or rationale differently. As we sometimes review others' opinions, it is not productive or right to "tweak" meaningless differences that basically bear no substance. It appears that the KSC enjoys tweaking decisions made by lower courts where the decision is sound and correct in the first place. Example: If you ask ten people to render a decision on a certain ruling, I believe that you will get 10 different documents which are similar. Does that make nine of them wrong? I doubt it.

--The terms of KSC Justices and selection process needs to be reviewed to allow for more accountability. I believe that this committee is right and correct to review other options than the present method. I believe that six years is too long. Maybe, it would be better if they were elected officials as that way, they would have to campaign which would give the voters the opportunity to access their viewpoints, values and ideas and also have the opportunity to ask questions of them.

Thank you for this opportunity to express my thoughts concerning the very important decisions that your committee has to make. Feel free to contact me if you have any questions or concerns.

Sincerely,

Larry Heyka