

Wednesday, February 03, 2016

To: House Judiciary Committee

From: Amy James, friend of Carr case victims

#### Kansas Supreme Court issues

Thank you for the opportunity to speak today. My name is Amy James, and I was friends with Jason Befort, Aaron Sander, Heather Muller, and Brad Heyka when they were killed in Dec. 2000 in Wichita. Another friend, known to the public as H.G., survived and ran for help. Ann Walenta was also killed around the same time, and then another victim, Andy Schreiber, survived his robbery and kidnapping. 5 people dead, 2 survived, before they were caught by police and tried for capital murder.

Before I talk about the court cases, I want to share a little about my friends. Jason, Brad, and Aaron were roommates that shared a condo, and Heather, H.G., and I spent a lot of time over there together.

Jason was a teacher, coach, and mentor for the Augusta school district. His students still talk and write blogs about his influence on them.

Aaron Sander worked at Koch Industries, and was considering becoming a priest.

Heather Muller was a kindergarten teacher and a faithful follower of Christ, I think she was the closest person I knew to modeling what Jesus expects of us here on Earth. A beautiful person inside and out.

Brad Heyka and I had dated for 2½ years, and he was a larger than life type that accumulated friends everywhere he went. He had a quick wit, and was set on a successful business path with Koch Industries.

I think that losing lives like this is horrible, but losing such contributors to our community hurts all of us.

Fast forward to 2002, where the trial was held. A jury of 12 people sat through months of evidence and gruesome details, and after careful deliberation, arrived at a unanimous decision of the death penalty. The trial was carefully and methodically handled so that it would be an air tight case. Thank you Sedgwick County DA's office, staff, the Sedgwick County Court system, the police, detectives, and the jury.

Fast forward to Dec. 2013. I attended the hearing of the defense appeals in front of the Kansas Supreme Court, along with several other family members. I understand by now this isn't about the victims anymore, it's about the criminals and about legal language. I get it. However, the Ks Supreme Court's behavior was hostile, rude, arrogant, and unprofessional to the lawyers that were presenting and to all that were present.

Fast forward to July 2014. The Ks Supreme Court releases 500 pages of their ruling agreeing with the criminal's side, which sent that case back to trial for re-sentencing the criminals separately, which essentially is starting over and doing it twice. While Justice Moritz stated in the only dissent that these technicalities would have not changed the outcome of the sentencing, the other six justices disagreed. Can you imagine the two living victims being told, "You have to go back and walk through all of the facts again twice"? Can you understand how daunting that is? Words to describe that day: bewilderment, confusion, shock, frustration, disbelief and finally, sorrow. The case had become a political pawn. Brad's

brother-in-law Vinny said it best: "I'm proud to be a Kansan, but on that was I ashamed. The state had failed us."

Kim Voss, Jason Bafort's sister called me that fall and said "We have to do something. There's no accountability on these cases from the Kansas Supreme Court when they rule incorrectly. If not now, then when is a good time? If not us, then who else will do it?" In 2014 we raised awareness of the ability for voters to not retain justices. I think the public responded positively, many saying they wish they had a better way to understand more about the retention section of the ballot.

As the Attorney General explained, the U.S. Supreme Court overturned this case 8-1. In my mind it's actually a 9-0 vote, since Justice Sotomayor didn't agree with Kansas Supreme Court either, she dissented that the U.S. Supreme Court shouldn't have to take these cases. So where do we stand today? Facing more frivolous appeals from the defense.

Thank you to the Ks Attorney General, the Ks Solicitor General, and all of their staff for their hard work. We are forever grateful for your pursuit for the correct punishment.

My purpose here today is not for sympathy or for pity, it's to share my perspective. I leave you with this. This is the fifth case where the Ks Supreme court's been overturned by the U.S. Supreme Court just on the death penalty, and there are more cases coming. We have a problem. Actually we have six problems. They are the 6 Ks Supreme Court justices sitting next door in the Judicial Center making six figure salaries while they ignore the oath they took to follow the law. If I don't do my job, I get fired. If you don't do your job, your constituents will vote you out. If the Kansas Supreme Court doesn't do their job, they just get up and go back to the work the next day. I think they should be held accountable. Thank you for your time.