Approved 2-13-89
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~p.m.~~ on February 8, 1989 in room 514-S of the Capitol.

All members were present ~~except~~: Senators Winter, Yost, Moran, Bond, Feleciano, Gaines, D. Kerr, Martin, Morris, Oleen, Parrish, Petty and Rock.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Jane Tharp, Committee Secretary

Conferees appearing before the committee:

Jim Clark, Kansas County and District Attorneys Association

Jim Clark, Kansas County and District Attorneys Association, requested a bill be introduced concerning required notice of the insanity plea (See Attachment I). Following his explanation, Senator Bond moved to introduce the bill. Senator Moran seconded the motion. The motion carried.

The chairman presented four bill requests from the Department of Corrections concerning (1) evaluation of female offenders, (2) evaluation provided inmates at the State Reception and Diagnostic Center, (3) transporting of inmates and (4) consecutive sentences (See Attachment II). Following discussion of the requests, Senator Yost moved the four bills be introduced. Senator Rock seconded the motion. The motion carried. Senator Parrish requested her "no" vote be recorded in the minutes on the bill request concerning the evaluation of female prisoners.

The chairman presented a bill request concerning probate law. Following his explanation, Senator Rock moved the bill be introduced. Senator Bond seconded the motion. Following committee discussion, the motion carried.

The chairman presented a bill request concerning scheduling controlled substances. Following his explanation, Senator Yost moved the bill be introduced. Senator Parrish seconded the motion. The motion carried.

Senate Bill 10 - State board of indigents' defense services, increase membership.

The chairman reviewed Senate Bill 10 and Senate Bill 11 and pointed out they were recommended by the Kansas Judicial Council. Senator Rock moved to amend the bill in line 71 by placing a period after business and striking the remainder of the line and striking all in line 72. Senator Parrish seconded the motion. The motion carried. Senator Bond moved to report the bill favorably as amended. Senator Parrish seconded the motion. Following committee discussion, the motion carried. Senator Bond moved to report the bill favorably as amended. Senator Parrish seconded the motion. Following committee discussion, the motion carried.

Senate bill 11 - Municipal courts, recordkeeping requirements

Following committee discussion, Senator Yost moved to amend the bill to repeal K.S.A. 12-4108 to strike the section indicating it is the duty of the clerk. Senator Bond seconded the motion. The motion carried. Senator Bond moved to report the bill favorably as amended. Senator Yost seconded the motion. The motion carried.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m./p.m. on February 8, 1989.

Senate Bill 9 - Establishing office of district attorney in each judicial district.

Senator Gaines moved to report the bill adversely. Senator Martin seconded the motion. Following committee discussion and with a show of hands of six voting in favor of the motion and five in opposition, the motion carried.

The meeting adjourned.

Copy of the guest list is attached (See Attachment III).

Copies of letters from the Kearny County Attorney, Woodson County Attorney and Nemaha County Attorney are attached (See Attachments IV).

Copy article from The Daily Union, Junction City, is attached (See Attachment V).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE DATE: 2-8-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Michael Horak	Topeka	AP.
Mary Slaybaugh	Topeka	SRS
Paul Shelby	Topeka	Supreme Court
Tom Hitchcock	"	Bd. of Pharmacy
Ruth Levien	"	Girl Scouts
Dixie Hall	Wichita	St. Francis Hosp.
Kathy Bruner	Lawrence	Public
R Frey	Topeka	KTLA
Paula Sue Gridhouse	Lawrence	Sen Feleciano Intern
Senora Armstrong	Topeka	Intern
Ron Smith	"	Ks Bar Assoc
Sophie George	Topeka	Sen Francisco

Attachment III
Senate Judiciary
2-8-89

Kansas County & District Attorneys Association

Requests a Bill on the Required Notice of the Insanity Plea

The request is as follows:

AN ACT concerning criminal procedure, relating to notice of plea of insanity; amending K.S.A. 22-3219 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 22-3219 is hereby amended to read as follows:

22-3219. (1) Evidence of mental disease or defect excluding criminal responsibility is not admissible upon a trial unless the defendant serves upon the prosecuting attorney and files with the court a written notice of such defendant's intention to rely upon the defense of insanity **or other mental disease or defect**. Such notice must be served and filed before trial and not more than thirty days after entry of th plea of not guilty to the information or indictment. For good cause shown the court may permit notice at a later date.

(2) A defendant who files a notice of intention to rely on the defense of insanity **or other mental disease or defect** thereby submits and consents to abide by such further orders as the court may make requiring the mental examination of the defendant and designating the place of examination and the physician or physicians by whom such examination shall be made. No order of the court respecting a mental examination shall preclude the defendant from procuring at the defendant's own expense an examination by a physician of such defendant's own choosing. A defendant requesting a mental examination pursuant to K.S.A. 1988 Supp. 22-4508 may request a physician of such defendant's own choosing. The judge shall inquire as to the estimated cost for such examination and shall appoint the requested physician if such physician agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants. A report of each mental examination of the defendant shall be filed in the court and copies thereof shall be supplied to the defendant and the prosecuting attorney.

Sec. 2. K.S.A. 22-3219 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Attachment I
SJC
2-8-89

STATE OF KANSAS

DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Roger V. Endell
Secretary

Date: November 14, 1988

To: Shelby Smith
Secretary of Administration

From: Roger V. Endell
Secretary of Corrections

RE: **LEGISLATIVE PROPOSALS**

This memo is submitted in response to your request for legislative proposals from the Department of Corrections.

1. K.S.A. 75-5229:

Summary: The proposed amendment to this statute would remove the requirement that female offenders be evaluated only at Kansas Correctional Institution at Lansing. As proposed, the statute would allow the Secretary of Corrections to determine the type of evaluation to be prepared as well as the site for conducting the evaluations.

Background: Last summer the Department of Corrections converted the Kansas Correctional Vocational Training Center to an all female facility. The intent of this action was to change Kansas Correctional Institution at Lansing to an all male facility. However, current statutes require that female offenders be delivered to and evaluated at KCIL. This amendment is necessary in order to give the Department of Corrections greater flexibility in determining what type of evaluation is given to female offenders as well as where that evaluation will occur.

Draft: A draft of the proposed amendment to K.S.A. 75-5229 is attached. Also attached is a proposed amendment to K.S.A. 75-5220(b). This amendment is necessary for the same reasons discussed above and should be considered in the same context as the amendment to K.S.A. 75-5229.

Fiscal Impact: None.

Attachment II
JC
2-8-89

2. K.S.A. 75-5262.

Summary: The proposed amendment to this statute would give the Secretary of Corrections authority to determine the level of evaluation to be provided to inmates at the State Reception and Diagnostic Center.

Background: Currently all offenders receive the same type of evaluation at SRDC. However, in some cases, due to an inmate's sentence or circumstances, a different type of evaluation might be appropriate. Duplicative or unnecessary evaluations could be avoided. This proposed amendment simply recognizes that not all offenders need the same type of evaluation.

Draft: This proposed amendment was introduced last session as S.B. 648 but was not passed.

Fiscal Impact: None.

3. Summary: New legislation is proposed to provide that the Department of Corrections is not responsible for transporting inmates to court unless the department is a party to the litigation.

Background: Attorney General Opinion No. 87-147 concluded that under current law the custodian of an inmate is the proper arty to produce an inmate in court regardless of the nature of the case before the Court. The Department of Corrections is now the custodian of almost 67000 inmates. The Department of Corrections does not have the resources to transport inmates to 105 counties for hearings such as divorces, child custody or support hearings, and personal injury actions. The proposed legislation provides that the Department of Corrections shall not be ordered to produce inmates in court when it (Department of Corrections) is not a party to the case. Rather, the Court shall order an inmate to appear in court, the court shall determine who should bear the expenses of transportation.

Draft: This proposal was introduced last session as S.B. 649.

Fiscal Impact: The impact could be significant to the Department of Corrections if this legislation is not enacted. The Department of Corrections could bear the expense both in terms of dollars and manpower in transporting inmates to and from court throughout the State.

4. K.S.A. 21-4608(e).

Summary: This statute requires amendment to eliminate a conflict with H.B. 3079 enacted during the 1988 Session.

Background: New section 4 of H.B. 3079 provides for credit for time a defendant spent in a residential facility while on probation or assignment to a community corrections program. K.S.A. 21-4608(e) provides that no such credit will be given when computing consecutive sentences.

Draft: Proposed draft attached hereto.

Fiscal Impact: None.

RVE:CES/pa

Attachments

WOODSON COUNTY ATTORNEY

LEO T. GENSWEIDER

316-625-3277

P.O. Box 181

Yates Center, Kansas 66783

February 2, 1989

Honorable Winton Winter
501 First National Bank Tower
P. O. Box 1200
Lawrence, Kansas 66044

Re: Senate Bill No. 9

Dear Senator Winter:

I am writing you concerning Senate Bill No. 9 as I understand you are the Chairman of the Senate Judiciary Committee. I further understand that you have already taken testimony on this bill from the Attorney General and from Jim Clark who is supposed to be representing the District and County Attorneys. I would appreciate if you would consider my views on this Bill.

I have been a prosecutor here in Woodson County now for seven years. I first began prosecuting cases here in Woodson County as the Woodson County Attorney in April of 1982. Since that time, I have prosecuted approximately 30 jury trials and in spite of the small size of Woodson County, successfully prosecuted two murder trials. I believe in my seven years of prosecution I have developed some expertise as to the problems of criminal prosecution here in Kansas.

It makes me mad as hell when I read that the Attorney General is requesting that we go to a Statewide District Attorney's format so that we get better criminal prosecution here in the State of Kansas. That certainly implies to me that under our present County Attorney system that the present County Attorneys cannot effectively and properly handle criminal prosecutions.

It has been my experience in the seven years as a prosecutor that the biggest problem with effective criminal prosecution does not lie in the office of the County Attorney but rather, lies in the office of the law enforcement people who develop the cases and then bring them to the County Attorney for prosecution.

I believe if you would survey the County Attorneys across the State of Kansas and ask them what their biggest problem is in prosecuting criminal cases, they would tell you the ineptness of their local Sheriff's Department and Police Departments. I know

Attachments IV
SJC
2-8-89

that if you ever have a free afternoon I can certainly give you story after story and example after example of the ineptness of my local Sheriff's Department and Police Department.

You, as an attorney, well know that all the prosecuting attorney does is present to the Court the case and evidence that his law enforcement personnel have developed. You well know that if the Sheriff's Deparment or Police Department or some other law enforcement department brings the County Attorney garbage then it is extremely difficult for any criminal prosecutor to get a conviction. As you well know, County Attorneys are attorneys, they are not magicians. If the law enforcement personnel brings the County Attorney inadmissable evidence, there is no way on God's green earth the County Attorney can make such evidence admissable.

The point that I am trying to lead up to is that it makes me mad as hell when I see the Attorney General claiming that the problem with ineffective criminal prosecution in the State of Kansas is due to inept County Attorneys. It is painfully obvious to me from my personal experience and from my conversations with other prosecutors here in Southeast Kansas that the biggest problem with effective criminal prosecution in the State of Kansas is due to poorly trained, poorly educated and inexperienced law enforcement personnel, not because of poorly trained, poorly educated or inexperienced County Attorneys.

Why doesn't the Legislature address the real problem of effective criminal prosecution in the State of Kansas? Why doesn't the Legislature put some requirements on our law enforcement personnel in the State of Kansas? Why doesn't the Legislature require a certain degree of education for our Sheriffs in the State of Kansas? Why doesn't the Legislature require certain levels of education for the Chiefs of Police in the State of Kansas? Woodson County has a newly elected Sheriff, Mark Brilke. Prior to becoming Sheriff, Mr. Brilke had a small auto repair shop where he did body work. Prior to Mr. Brilke's election to Sheriff, he had no law experience whatsoever, no education in criminal justice or law enforcement and has a high school education. It gives me nightmares just thinking about what my next four years are going to be like with a Sheriff who has absolutely no prior experience or education in law enforcement.

I would appreciate if you would explain to me how it can be possible in the State of Kansas for someone with no prior experience in law enforcement and no prior education in law enforcement can become Sheriff of an entire county and yet, the problem with effective criminal prosecution in the State of Kansas is due to inept County Attorneys.

I would respectfully submit that if the Legislature and our Attorney General wants to address the real problem of effective law enforcement in the State of Kansas you will look at the problem of the ineptness of the people who gather the evidence and develop the criminal cases, i.e. the law enforcement people, the Sheriff's Departments and Police Departments.

If you are still reading this letter and I still have your attention, I would like to briefly address one other problem that I see with ineffective criminal prosecution in the State of Kansas. I am still waiting for someone to explain to me why I had to go to four years of undergraduate school, three years of law school, then pass a two day Bar exam so that I could practice law in misdemeanor cases, child abuse cases, traffic cases, including DWI's and limited actions in front of a P.E. teacher. It makes absolutely no sense to me why I had to go to law school and pass a two day Bar exam so that I could argue the law in front of a former P.E. teacher and have the former P.E. teacher tell me whether the law as I am arguing it is correct or not.

Specifically, I am asking why Magistrate Judges are not required to know anything about the law before they become Magistrate Judges. I have had to suffer through Magistrate Judges dismissing criminal actions because they did not understand basic law. As you well know, when a Magistrate Judge who knows nothing about the law erroneously dismisses a misdemeanor case, the State cannot appeal that decision, because of double jeopardy. Why doesn't the Legislature address that problem for criminal prosecution.

It is hard to get a conviction on misdemeanor cases, serious traffic offenses, child abuse cases and care and treatment cases when you are arguing the law before a Magistrate Judge who previously was a P.E. teacher and has no knowledge of the law about which you are arguing.

If you have read this entire letter, then I appreciate it. I would further appreciate if you would give my comments your consideration.

Respectfully,

Leo T. Gensweider

Leo T. Gensweider
Woodson County Attorney

LTG:ksg
cc: Dan Thiessen
Rochelle Chronister
Jim Clark
Cheryl A. Stewart

WILLIAM R. HALVORSEN
NEMAHA COUNTY ATTORNEY

P.O. BOX 166
SENECA, KANSAS 66538

511 MAIN STREET
(913) 336-3526

February 1, 1989

Senator Wint Winter, Jr.
Chairman, Judiciary Committee
Kansas Senate, Capitol
Topeka, Kansas 66601

Re: Senate Bill 9, re: District Attorney Proposal

Dear Wint:

I have been elected to serve two terms as County Attorney, the first in 1984 in Marshall County and the second in 1988 in Nemaha County, in which position I am currently.

From my understanding of the testimony that has been made before your committee concerning Senate Bill 9, I believe that some of the witnesses have seriously misrepresented the work of County Attorneys in Kansas. I hope that the transparency of these statements concerning the competence and success of County Attorneys is obvious.

With some notable exceptions, such as John Bork and Ed Van Petten, Attorney General Stephan's criminal division staff is by far less experienced than any of the County Attorneys in this area of the state. Most of Mr. Stephan's staff have tried few, if any, cases and have even less experience in dealing with the victims of crime. For General Stephan to advance the argument that he needs District Attorneys to work with rather than County Attorneys is preposterous.

Jim Clark, the Executive Director of the Kansas County and District Attorneys' Association, who testified as a proponent of the bill, has heretofore made it clear that he has little interest in the rural parts of this state, except for our training fund. Consequently, I have not belonged to the Association for about three years. I am not surprised that he would advocate this bill.

SJC
2-8-89

If a demonstrated need for a change can be made, the answer is not in developing another layer of bureaucracy that would place another demand on the state budget and, perhaps more of consequence, further insulate the public from its prosecutor. Perhaps the answer, if there is a problem in some parts of Kansas, is to adopt the system that Nebraska did for sheriffs, and that is to legislate a minimum salary that Counties must pay their County Attorneys. In this fashion, the position would be attractive enough to draw good candidates for the job.

I am proud of my record, and frankly it is an insult to County Attorneys and to the profession as a whole to hear some of these statements from people who know better. There must be a hidden motive somewhere.

I urge you and your committee to kill this bill.

Very truly yours,

William R. Halvorsen
Nemaha County Attorney

WRH/th
cc: Senator Montgomery
Representative Larkin
Representative Ekert
Attorney General Stephan
Mr. Clark

OFFICE OF KEARNY COUNTY ATTORNEY
KEARNY COUNTY COURTHOUSE
Box 324
LAKIN, KANSAS 67860
316-355-7547

DENNIS C. JONES
COUNTY ATTORNEY

February 2, 1989

Cheryl A. Stewart, Esq.
Osage County Attorney
Osage County Courthouse
First Floor-P. O. Box 254
Lyndon, KS 66451

Re: District Attorney's Senate Bill/Senate Bill #9

Dear Miss Stewart:

Thank you for your letter dated January 27, 1989, in which you expressed your concerns in regard to the District Attorney's Senate Bill/Senate Bill #9. I, too, share a number of the concerns you have expressed in your letter. However, I have been informed by Mr. Jim Clark, Executive Director of KCDAA, that the elimination of the county attorney positions is not being promoted at this time. It is my understanding, from conversations with Mr. Clark, and from reading the proposed amendment offered by the KCDAA to Senate Bill #9 that in essence a district attorney system is being proposed that will overlap jurisdictions with the county attorneys as we now know them.

I had intended and had hoped to be available at the hearings held on this bill. Due to other committments, I was not able to attend. I did have the opportunity to speak with Chairman Wint Winter and Senator Frank Gaines in regard to the bill, and am convinced from the comments made to me by those gentlemen that no immediate action would be forthcoming on this proposal. Based on those assurances and based upon conversations I've had with Mr. Clark, I don't feel at this time that the county attorney position is in any real jeopardy.

I, too have done some research on the subject of district attorneys, and why the five district attorney offices now existing in the State of Kansas were created. It would appear to me, from perusing the statutes that created said district attorney offices, that the only difference in duties and jurisdiction between the district attorneys office in the five judicial districts as they now exist and the duties and jurisdiction of the remaining one hundred county attorneys is in the area of county counseling. Each of the district attorney positions now in effect are in fact single county judicial districts. What we have is a highly paid county attorney, who has been relieved of the civil and county counseling duties that are required of the remaining county attorneys.

SJC
2-8-89

Miss Stewart, it would appear to me that the purpose in creating the district attorney positions was to raise the salaries of said district attorneys to the level of a District Judge. Also, the salary control and budgeting for that office was taken out of the hands of the county commission. I, like you, fear that what is proposed is in effect an attempt to install another layer of centralized state government upon the citizens of this State, and take away from the citizens their constitutional right to elect officials at a county level to provide services on a county level.

Finally, I would inform you that I have discussed this issue with the voters of Kearny County and with a number of county attorneys now serving in Southwest Kansas. With the exception of Mr. Ricklin Pierce, the new Finney County Attorney, every county attorney that I have discussed the new proposal with is opposed to the proposals made in Senate Bill #9. I, like you, feel that to deprive the citizens in each county of the right to exercise control over local policy matters is a mistake. Quite frankly, I challenge the Attorney General and Mr. Clark to provide some data, statistics or other information which would indicate that the county attorneys are doing a less than adequate job, or performing less successfully, than the district attorneys now in place. I quite simply don't see how, in our multi county judicial districts a district attorney, and one or two deputies, can fulfill all the duties and obligations of criminal prosecution, child in need of care matters, juvenile offender cases, care and treatment cases, and all the other functions we now provide as county attorney on a local level. I don't feel that adequate provisions, or thought, has been given to the requirements of Kearny County, Greeley County, Hamilton County, Stanton County, Stevens County, Haskell County, etc. should a district attorney be located in a district office 100 miles away from the area needing service.

Thank you for your consideration in this matter. Should you have any questions or concerns in this regard, please don't hesitate to contact me.

Sincerely,

Dennis C. Jones
Kearny County Attorney

DCJ:llg

pc: The Honorable LeRoy Hayden, Senator 39th District
The Honorable Wint Winter, Senator 2nd District
The Honorable Nancy Parrish, Senator 19th District
The Honorable Frank Gaines, Senator 16th District
The Honorable Robert T. Stephan, Attorney General
The Honorable Mike Hayden, Governor
Kearny County Commissioners
Wayne Tate, Stevens County Attorney
Steve Upshaw, Grant County Attorney
LaVerne Fiss, Stanton County Attorney
Wayne Westblade, Hamilton County Attorney
Wade Dixon, Greeley County Attorney
Steven Stapleton, Haskell County Attorney
Ricklin Pierce, Finney County Attorney
Dan Love, Ford County Attorney

The Daily Union, Junction City, Kansas

Tuesday, January 31, 1989

FYI
-Laura.

Judge is asked to overturn abuse conviction

By BOB HONEYMAN
Daily Union correspondent

A district judge has been asked to overturn the felony murder conviction of a former Fort Riley soldier based on a recent Kansas Supreme Court decision that a death caused by child abuse cannot be used as a separate felony to obtain such a conviction.

Wayne Hill, 22, serving a life term at the Kansas State Reformatory at Hutchinson, filed a civil case July 8 in Geary County District Court seeking to have his Sept. 6 conviction overturned.

He was found guilty by a jury, which deliberated 48 minutes, in the March 22, 1986, death of his 3-year-old stepdaughter, Riyesha Tamaira Acie. He was charged under a law which makes it first-degree murder when a person dies as the result of a felony crime, such as robbery.

A hearing on Hill's current motion was postponed by District Judge Melvin Gradert, at the request of the state, until the Supreme Court issues a mandate (final decision), expected by the end of February.

In Hill's case, the state used former child abuse accusations to argue that child abuse was inherently dangerous and it was a felony crime that resulted in the death of Acie.

In a 4-3 decision, the Supreme Court on Jan. 15, 1988, affirmed the conviction. The majority rejected Hill's contention that the child abuse merged with the first-degree murder charge and couldn't be used as the underlying cause to obtain a felony murder conviction.

The justices said because of rulings in past cases, evidence of child abuse or neglect can be used in a felony murder case.

The high court last summer ruled that a crime of child abuse "merges" into some murders and thus can't be used as a separate felony to prosecute a child abuser under the felony murder rule. The decision was upheld earlier this month upon rehearing.

Both rulings were on 4-3 votes. They came in a Johnson County case and was also applied to two similar cases in other counties.

In his motion, Hill contends the new Supreme Court ruling "changed the law on this issue."

He was originally charged with first-degree murder, felony murder (based on child abuse) and felony child abuse. An amended complaint charging only felony murder was filed Sept. 3, 1986, the day before his trial began.

Former Geary County Attorney Steve Opat, who convicted Hill, is now serving as special prosecutor in the case because Geary County Attorney Chris Biggs was a member of the public defender's staff which represented Hill in his trial and is his court-appointed counsel in the pending civil case.

Opat said today he won't know what effect the recent ruling will have on Hill until be reviews the court's opinions.

Because of the Supreme Court decision, the Senate Judiciary Committee Monday approved a bill that would make child abuse resulting in death first-degree murder.

Acie died at a Topeka hospital as the result of head injuries.

Opat said because Hill has been put in jeopardy (in the original trial) he's sure there will be a question raised as to whether he can be retried — if Gradert sets aside the conviction — on a refiled charge ranging from manslaughter to first-degree murder.

"If the (supreme) court overturned (the three felony murder convictions) and left the way open (for new trials), he could be retried on one of those charges," said Opat today.

See Abuse, Page 2

Abuse

Continued From Page 1

According to Opat, the ruling won't affect the case of Donna Cooper Parker, who pleaded guilty to an amended charge of manslaughter in the July 1987 beating death of her 4-year-old son, Michael Cooper.

She was originally charged with felony murder as the result of child abuse and her trial was postponed until the Supreme Court handed down it ruling in the Hill appeal.

He said it also won't affect the second-degree murder conviction of Fredricka Ann Hooper in the 1985 beating death of her 16-month-old son, Alonzo Rick Hooper.

Attachment V
SJC
2-8-89