

Approved: 4-23-97  
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Joe Kejr at 7:30 a.m. on April 10, 1997 in Room 522-S of the Capitol.

All members were present except: Representative David Adkins, Excused  
Representative Phill Kline, Excused

Committee staff present: Stuart Little, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Lynn Workman, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Kejr introduced Judge John White of Iola, Kansas, Chairman of the Kansas Supreme Court Alternative Sanctions Committee.

He reported on the committee findings in 1995. The committee concluded that alternative sanctions provide a meaningful method of providing discipline for probation violators. Alternative sanctions are widely used by the Kansas Judiciary at the present time when the sanction may be imposed without jeopardizing public safety. The committee recommended each judicial district should adopt written policies for use of available intermedicate sanctions by court services officers. (Attachment # 1)

Judge White talked a little about the term technical violators. Technical violators are those offenders who committed violations other than conviction of a new felony offense. Realistic what the committee knew was that there are many offenses committed that result in revocation of probation that do not result in a new conviction, so the offense is a criminal act and the only thing missing is a conviction. The committee wrote to the Judges and said tell us about these. (Attachment # 2)

After the conclusion of Judge White's presentation, questions were addressed to him from the select committee.

The next meeting is scheduled for April 10, 1997 at 4:00 p.m. or upon adjournment.

7:30

# SELECT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE: 4-10 - 7:30

NAME	REPRESENTING
Paul Shelby	OJA
John White	Kansas Judiciary
Doug Irvin	OJA
Julia Spahnour	KSC
Julie Meyer	KSC
Paul Smith	KSC
Hank Brisley	KDOC
Charles Simmons	KDOC
TOM VOHS	KDOC
Jan Johnson	KDOC
Roger Werholtz	KDOC

**KANSAS JUDICIAL BRANCH  
ALTERNATIVE SANCTIONS COMMITTEE REPORT**

**EXECUTIVE SUMMARY**

*Select Committee on Corrections &  
Juvenile Justice*

*4-10-97*

*Attachment #1*

## I. Executive Summary

A Special Committees Report to the Kansas Legislature dated December 1995, included the following:

**“The Committee recommends that the Kansas Supreme Court adopt an intermediate sanctions system for probation violators to be used by the district courts similar to that which has been developed by the Kansas Department of Corrections for dealing with parole violators. This recommendation is being drafted for introduction in the 1996 Legislature.”**

The 1996 Kansas Legislature Special Committee on Judiciary considered Senate Concurrent Resolution 1617, a concurrent resolution requesting the Chief Justice of the Kansas Supreme Court “to develop and implement guidelines for intermediate sanction options for certain probation violators.” The resolution notes that the Department of Corrections has implemented a graduated sanction program for technical parole violators as a means of reducing the number of technical violators who return to the prison system. The resolution further directs that a court intermediate sanctions program for probation violators should consider “the supervision level of the offender and the type severity of the violation”.

The Judicial Branch Alternative Sanctions Committee was established in February 1996, at the direction of Chief Justice McFarland. The purpose of the Judicial Branch Alternative Sanctions Committee is “to formulate and/or recommend alternatives to revocation of probation and to submit a report on alternative sanctions considerations to the Kansas Supreme Court.”

## Committee Findings

A. Both statutorily and in practice, the Kansas courts have a system of graduated intermediate sanctions. With one exception, a sanction not allowed by law, all forms of sanctions mentioned in Senate Concurrent Resolution 1617 are currently in use by Kansas district courts. Virtually all forms of alternative sanctions in use in courts of other states are being used in the Kansas courts. Court services officers routinely use alternative sanctions or punishments in response to probation violations.

B. Courts are not revoking probation and sending probationers to the prison system for minor or insignificant violations. Use of the word "technical" as descriptive of the reasons for which probation is revoked is inappropriate, inaccurate and misleading when the actual reasons for revocation of probation are known. New crimes are commonly the "real" cause of the probation revocation but where there is no conviction for the new offense or offenses the probationer remains a "technical" violator by Department of Corrections definition.

In many instances the Department of Corrections data was found to be in error. In their responses, judges and chief court services officers called to our attention that the commitment of "technical" probation and community corrections violators to the Department of Corrections was not for probation revocation but involved factors other than those shown by the Department of Corrections data.

C. The Department of Corrections adopted and implemented a "Condition Violation Alternative Grid" effective October 1, 1995.

## Committee Recommendations to Supreme Court

*The overriding concern of this committee has been the safety of Kansas citizens. The committee recognizes that the legislature and the Department of Corrections are confronted with many problems resulting from prison overcrowding. We are concerned, however, that no course of action be taken that has as its sole purpose the release of criminals to relieve prison overcrowding.* - Judicial Branch Alternative Sanctions Committee

**A. The Committee recommends that the Kansas legislature consider the enhancement of existing resources to provide for the development and implementation of a continuum of intermediate sanctions , in each judicial district, that will offer cost-effective alternatives to incarceration, enhance public safety, and allow judges to fit the punishment to the offender and the offense. The adoption and implementation of a sanctions grid, applicable statewide, is not an appropriate approach to an effective alternative sanctions program for use in Kansas courts.**

**B. The Committee recommends that each judicial district prepare written policies for use of alternative sanctions by court service officers of the district in response to probation violations.**

**C. The Committee recommends that the legislature amend or enact laws permitting more liberal use of alternative sanctions, and allowing for more effective use of probation. We recommend legislative action to:**

- **amend the 30-day limitation on a jail term as a condition of probation;**
- **authorize wage withholding orders for payment of restitution, fines, court costs, and other court-ordered payments;**
- **authorize pre-revocation admission to prison;**
- **authorize court services preparation of a “social file” for use by the court in presumptive probation cases.**

**D. The Committee recommends that the Supreme Court provide the judges and court services officers of the district courts with educational training and informational materials concerning development and use of alternative sanctions in diversion programs, sentencing, and probation revocation proceedings.**

### **Conclusion**

The Judicial Branch Alternative Sanctions Committee concludes that alternative sanctions provide a meaningful method of providing discipline for probation violators. Alternative sanctions are widely used by the Kansas Judiciary at the present time when the sanction may be imposed without jeopardizing public safety. Not all sanctions are available in all judicial districts of the state due to inadequate funding of sanctions programs.

A majority of probationer violators who are revoked have committed a new offense although there is no new conviction. The Department of Corrections defines "technical" violators as any probation violation other than conviction of a new felony. The Department of Corrections use of "technical" to define violators who have committed a new offense, but have not been convicted of the offense, is misleading. Judges do not routinely revoke probation when an appropriate alternative sanction is available.

The Committee recommends each judicial district should adopt written policies for use of available intermediate sanctions by court services officers. Training should be provided for judges and court services officers in the development and use of alternative sanctions programs. The legislature should provide funding for alternative sanctions programs in all judicial districts.

## VI. Committee Findings

**A. Both statutorily and in practice, the Kansas courts have a system of graduated intermediate sanctions. With one exception, a sanction not allowed by law, all forms of sanctions mentioned in Senate Concurrent Resolution 1617 are currently in use by Kansas district courts. Virtually all forms of alternative sanctions in use in courts of other states are being used in the Kansas courts. Court services officers routinely use alternative sanctions or punishments in response to probation violations.**

Senate Concurrent Resolution No. 1617, requests the Chief Justice develop and implement guidelines for intermediate sanction options that “should include, but not be limited to: Intensive supervision, electronic monitoring, community service, curfews, detention in local jails, travel restrictions, treatment programs, residential programs, increase in supervision level, pre-revocation admission to prison, and revocation.”

Statutorily and in practice, the Kansas courts have a system of graduated intermediate sanctions. The court may sentence an offender to confinement in prison, release the offender on probation, assign the offender to a community correctional services program, or assign the offender to a conservation camp. Other sanctions may be included in the sentence in combination with those previously mentioned.<sup>1</sup>

With one exception, pre-revocation admission to prison, all forms of sanctions mentioned in Senate Concurrent Resolution 1617 are currently in use in Kansas district courts. In addition to those sanctions mentioned in the resolution, Kansas courts have programs for drug testing, AA/NA attendance, house arrest, day reporting, and work release. Although our research opportunities were limited, we found virtually all types of alternative sanctions in use in courts of other states are being used in the Kansas courts.

---

<sup>1</sup> K.S.A. 21-4603d



The only exception is the use of day fines, a sanction used in Europe that is gradually gaining favor in the courts of this country<sup>2</sup>. In addition to the use of alternative sanctions, Kansas courts are making use of available treatment programs for probationers who are experiencing mental illness, drug or alcohol dependency, or other problems.

The one sanction mentioned in Senate Concurrent Resolution 1617 not in use by Kansas courts is pre-revocation admission to prison. Pre-revocation admission to prison for a probation violation is not permitted by Kansas law. Prior to the enactment of the sentencing guidelines a form of pre-revocation admission to prison was available to Kansas judges. After committing a defendant to prison, by original sentence or by probation revocation, the judge could modify the sentence within 120 days. The 120-day "callback" period was eliminated by passage of the Kansas Sentencing Guidelines Act.

While the focus of Senate Concurrent Resolution 1617 is on the use of alternative sanctions at the probation revocation stage of a criminal proceeding, we feel it is important to note that sanctions may be used at other stages of a criminal proceeding. Alternative sanctions may be employed by county or district attorneys prior to conviction when a defendant is granted admission to diversion. In the initial sentencing the court may choose from a variety of alternative sanctions when imposing conditions of probation or suspended sentence. Consideration of the use of alternative sanctions should not be limited to probation when probation is only a part of the overall sentencing process.

Judges routinely include alternative sanctions in the initial sentencing of the defendant. Alternative sanctions are sentencing options used to meet the circumstances of each case. The severity of the sanction or sanctions imposed depends upon the severity of the crime, the public safety, the victim's loss, the defendant's needs, the defendant's prior criminal history, and other relevant factors. The court may admit the defendant to probation or suspended sentence. Where circumstances dictate, the sentencing judge may assign the defendant to a community corrections program or to the Labette County Conservation Camp. As part of the initial sentence, the judge may also impose other

---

<sup>2</sup> *Summary Listing of Coercive Measures and Sanctioning Options*, The Intermediate Sanctions Handbook, State Justice Institute, p. 38. See Appendix E-1

sanctions in combination with any of the mentioned sentences. Treatment programs may be imposed as a condition of probation, suspended sentence or community corrections. Community service work is commonly used in community corrections programs. Assignment to the Labette County Conservation Camp may be ordered as a condition of community corrections.

Court services officers routinely use alternative sanctions or punishments in response to probation violations. In most judicial districts court services officers may issue, on their own initiative and without a court order, a verbal or written reprimand, an order for increased reporting, an order for increased drug testing, and a curfew. In other jurisdictions written policies allow court services officers to impose more severe sanctions<sup>3</sup>.

County and district attorneys, sentencing judges, and court services officers are using alternative sanctions in the criminal justice process when appropriate sanctions are available. Except for community corrections programs and the Labette County Conservation Camp, funding for local sanctions programs must be provided by county commissions or by offenders<sup>4</sup>. The responses to the committee's questionnaire left no doubt that lack of funding is a major determining factor in the availability of alternative sanctions.

**B. Courts are not revoking probation and sending probationers to the prison system for minor or insignificant violations. Use of the word "technical" as descriptive of the reasons for which probation is revoked is inappropriate, inaccurate and misleading when the actual reasons for revocation of probation are known. New crimes are commonly the "real" cause of the probation revocation but where there is no conviction for the new offense or offenses the probationer remains a "technical" violator by Department of Corrections definition.**

---

<sup>3</sup> See Appendix C-4, C-5 and C-6 for policies of 10th, 25th, and 28th judicial districts.

<sup>4</sup> In some instances sanctions programs are funded by payment from the offender. As an example, electronic monitoring is frequently paid for by a daily or weekly charge to the offender. Work release programs may be funded in part from offender contributions. Some writers have recognized that legal issues may arise from use of a program that is available only to those offenders that can afford to pay for admission to the program.

+7-1-8

**In many instances the Department of Corrections data was found to be in error. In their responses, judges and chief court services officers called to our attention that the commitment of “technical” probation and community corrections violators to the Department of Corrections was not for probation revocation but involved factors other than those shown by the Department of Corrections data.**

We are concerned by the Department of Corrections’ use of the word “technical” in describing the violations for which probationers are revoked and committed to prison. The statistical data in the Kansas Sentencing Commission report and the data provided by the Department of Corrections<sup>5</sup>, without other considerations, could lead to the conclusion that courts are revoking probation and sending probationers to the prison system for minor or insignificant violations. Our research and experience within the system, reveals that in a vast majority of the cases such a conclusion is not warranted and, in fact, is not true. We believe that use of the word “technical” is inappropriate, inaccurate and misleading when the actual reasons judges revoke probation are known.

For statistical purposes, the Department of Corrections defines “technical” violations as any violation of a probation condition other than conviction of a new felony charge. The requirement a probationer be convicted of the new “felony” or “offense” is of more significance than providing a definition for statistical purposes. The importance of the issue arises in making a comparison of the “technical” condition violated and the actual conduct of the violator--the “real offense” committed.

The court order of revocation and commitment, required by statute<sup>6</sup>, reveals little concerning the “real offense” providing the basis for revocation. Our research shows new crimes are commonly the real offense causing the probation revocation<sup>7</sup> but where there is no new conviction the probationer remains a “technical” violator by definition.

The most frequently imposed conditions of probation are the statutory conditions set forth in K.S.A. 21-4610. As the legislature saw fit to enact this statute, so too have

---

<sup>5</sup> Appendix B

<sup>6</sup> K.S.A. 22-3426a

<sup>7</sup> For examples of actual cases involving “technical” violators see Appendix C-8

the courts attempted to enforce its conditions. These statutory conditions of probation provide the basis for many of the “technical” violations brought before the court. Our research shows probationers are not often revoked solely for violation of the statutory conditions. In most instances of revocation for violation of a statutory condition, the revocation is ordered due to (1) violation of the statutory conditions coupled with commission of a new offense, or (2) violations of such frequency and number of conditions violated that continued attempts at supervision would be futile<sup>8</sup>.

As previously mentioned, the Alternative Sanctions Committee sent a list of the “technical” violators to judges and chief court services officers in each judicial district. In many responses judges and chief court services officers called to our attention that the commitment of “technical” probation and community corrections violators to the Department of Corrections was not for probation revocation but involved direct commitments on a felony sentence<sup>9</sup>. In another instance, from Riley county, the data indicates a revocation and commitment to Department of Corrections in case no. 94TR350. The case number designates this case as involving a traffic violation, not a felony case<sup>10</sup>. We have some concern about the accuracy of the Department of Corrections database and the validity of the statistical data derived from it.

*“You understand, I know, that minor violations of probation never result in revocation. .... Conviction of a misdemeanor offense while on felony probation very rarely results in revocation. The defendant usually just serves the misdemeanor sentence.... Almost all revocations that are not the result of conviction of another crime occur because of a complete disregard of the primary conditions of probation,.... I have never revoked probation of any*

---

<sup>8</sup> For examples of actual cases see Appendix C-8

<sup>9</sup> For examples see Appendix C-8

<sup>10</sup> Riley county reports that it has no such case involving the named inmate but does have a case numbered 94TR3501 where the named inmate is the named defendant. However, that case involves a second-time DUI, a misdemeanor.

1-10  
1-9

*defendant until I was satisfied that because of his attitude demonstrated by his actions he had no chance at success. Like most judges, most of the time I am accepting substantially less than full compliance with the terms of the probation order.* " -Judge Robert Bishop, Administrative Judge, 19th Judicial District.

1-11  
~~7-10~~

**Department of Corrections  
Technical Violators**

The Department of Corrections provided the Alternative Sanctions Committee with a list of inmates classified by the Department as technical probation violators, who were committed to the custody of the Department in 1995. The Committee sent a letter to judges in each judicial district requesting anecdotal information concerning those inmates. Written responses were received from twenty-seven judicial districts. Verbal responses were received from two districts.

The following examples are taken from the judges' responses. These examples represent a small percentage of the total case scenarios described by the judges. These examples were selected to show the various sanctions used by judges, the procedures followed in revocation cases, and the reasons that offenders are revoked from probation.

The following cases raise a question as to the Department of Corrections definition of "technical" violations. The Alternative Sanctions Committee was informed that "technical" violators were those offenders who committed violations other than conviction of a new felony offense. However, many of the following case examples, and many more not cited, show convictions for new felony offenses in the same county, in other counties, and in other states. Additionally, several commitments were direct commitments that did not involve a revocation of probation or Community Corrections.

---

"Technical" violator #0060723 Treles H. Holt, Jr. Sedgwick County 90CR153

In February 1991, Holt was sentenced and placed on probation. In February 1992, probation was revoked and he was assigned to Community Corrections. In January 1994, a second violation hearing was held and Holt was reassigned to Community Corrections. Further probation violation warrants were filed in November 1994, and January 1995. Holt was charged with a further count of possession of cocaine. His assignment to Community Corrections was revoked.

---

"Technical" violator #0061494 John A. Jones Sedgwick County 92CR143, 92CR152, 92CR297 & 93CR136

Jones was placed on Community Corrections after being convicted in four separate cases. He was revoked for failure to comply with the terms of his supervision. The Department of Corrections SRDC report recommended that Jones "serve appropriate sentence".

---

"Technical" violator #0042052 Carlos Garcia Sedgwick County 82CR386, 84CR134, 91CR781 & 94CR506

At the time of sentencing, Garcia, who was facing a presumptive prison sentence, received the benefit of a dispositional departure sentence and was placed on probation.

*Select Committee on Corrections &  
Juvenile Justice  
4-10-97  
Attachment #2*

He was sentenced in April 1995. In May 1995, Garcia tested positive for cocaine usage. In October 1995, Garcia was arrested on a possession of cocaine charge. His probation was revoked.

---

“Technical” violator #0061023 George Tiemeyer Sedgwick County 88CR1878

After being convicted of indecent liberties with a child, Tiemeyer failed to attend sex offender treatment. Instead he “obtained a job involving driving a bus for small children”.

---

“Technical” violator #0062349 Pamela Haner Sedgwick County 94CR1574

In April 1995, Haner was sentenced and placed on Community Corrections. On April 26 and May 10, 1995, Haner tested positive for cocaine. In October 1995, Haner again tested positive for cocaine; she also failed to attend out-patient substance abuse, and failed to make payments on costs and restitution. On October 27, 1995, Haner was ordered to a halfway house. On November 1, 1995, Haner failed to return to the halfway house. The next day she again tested positive for cocaine. Community Corrections recommended that Haner not be returned to their program. She was revoked and committed to the Department of Corrections.

---

“Technical” violator #6000966 Brian Dyer Wyandotte County 93CR2379

Dyer was granted probation in June 1994. Dyer did not report to his court services officer between August 8, 1994, and February 14, 1995. A violation warrant was issued February 14, 1995. Dyer failed to appear for hearing and a bench warrant was issued. Dyer was arrested approximately ninety days later and a new hearing date was set. Dyer again failed to appear and another bench warrant was issued. Dyer was again arrested and a further hearing date was set. Dyer again failed to appear and again was arrested with no bond allowed. Dyer was revoked for his total failure to comply.

---

“Technical” violator #0058056 Kevin Ford Wyandotte County 93CR1017

Ford was sentenced under the pre-guidelines law. Probation was denied initially, but Ford’s sentence was modified to grant probation at the 120-day hearing. Ford was brought before the court for violations of several conditions of his probation. The court granted Ford five continuances to allow him to comply with his probation. At the sixth hearing the court revoked Ford’s probation.

---

“Technical” violator #6000991 Frankie Buie Wyandotte County 93CR2259 & 94CR536.

Buie was revoked for failing to report to his court services officer, failing to pay court costs or restitution, failing to perform community services work, and tested positive seven times for marijuana usage.



---

“Technical” violator #0019924 Frank Holliday Wyandotte County 94CR1147

Holliday was not granted probation. After being sentenced where probation was denied, Holliday left the courtroom. He was arrested in March 1995, and committed to the Department of Corrections.

---

“Technical” violator #0039968 James Lundquist Wyandotte County 91CR1380C

Lundquist was revoked for failure to report, continued drug use, failed UA's and failure to take UA's. Lundquist had incurred new charges in Cass County, Missouri.

---

“Technical” violator #6001141 James Dick Shawnee County 94CR1515, 94CR1867, 94CR2492, 94CR3387, 94CR3713 & 95CR1530.

Dick was placed on probation and ordered to the Labette County Conservation Camp after his convictions in six separate felony cases. The defendant failed to complete the Labette program. He was then placed in New Chance. Two months later he was committed to serve his sentence in the above cases.

---

“Technical” violator #0056771 Juan Dudley Shawnee County 94CR1696 & 95CR1548.

Dudley was sentenced to intensive supervision probation in September 1994. Dudley was charged with a subsequent felony offense and failed to appear for his preliminary hearing. He was also convicted of a misdemeanor offense of eluding a police officer. His supervision was revoked in September 1995.

---

“Technical” violator #6000684 Gary Gobin Ford County 93CR586

Gobin was convicted of drug sales and was placed on Community Corrections. Thereafter, Gobin repeatedly tested positive for drugs. After inpatient treatment was completed, Gobin again tested positive for drugs. His probation was revoked.

---

“Technical” violator #0061222 Lance Guillen Ford County 94CR626

One month after being placed in on Community Corrections for a theft conviction, a motion for revocation was filed. Guillen chose to serve his sentence rather than remain on Community Corrections.

---

“Technical” violator #0061324 Hurbert Guliford Miami County 93CR304

Guliford was convicted of Indecent Liberties with a Child. Guliford was not placed on probation as the sentence was presumptive incarceration. Guliford was in the custody of the Department of Corrections from another county at the time of sentencing.



---

“Technical” violator #0061580 Michael Griffin Montgomery County 93CR183

Griffin was revoked from probation on the second request filed. The first request involved misdemeanor violations and probation was reinstated. The second request for revocation was granted after Griffin was convicted for burglary and other offenses in Tulsa County.

---

“Technical” violator #0059996 Michael Glass Montgomery County 93CR3C

Glass was revoked from probation after receiving his third offense DUI (felony) and after continuing to test positive for drugs. This was the second request for probation revocation.

---

“Technical” violator #0061433 George Garcia Lyon County 95CR12

Garcia was on felony release at the time he was convicted of this crime. The court ordered Garcia to the Labette County Conservation Camp program. Labette determined Garcia was not eligible for the program. Garcia was then committed to the Department of Corrections. This is not a probation revocation case.

---

“Technical” violator #6000474 Daniel Hartwell Sherman County 94CR83

Hartwell was charged with aggravated battery that included use of a firearm. In a plea agreement, he was convicted of attempted aggravated battery. Hartwell was sentenced to six months with placement on Community Corrections for twenty-four months. Hartwell had a DUI pending and was on probation from a misdemeanor charge at the time of his sentencing. The prior probation had been extended due to his noncompliance with the terms.

In October 1994, the Thomas County attorney informed Sherman County officials that Hartwell was being prosecuted in Thomas County for aggravated battery and criminal threat against the same victim in the Sherman County case. After a hearing to revoke, Hartwell was returned to Community Corrections and was ordered to an in-patient alcohol program. He failed to complete the program. After a further revocation hearing, Hartwell was continued on Community Corrections on condition that he take antibuse.

After a further conviction for domestic battery, in Thomas County, against the same victim, Hartwell was revoked and committed to the Department of Corrections.

---

“Technical” violator #0058379 John H. Counterman, Jr. Linn County 93CR105, 93CR107.

In two separate cases, Counterman was convicted of six counts of burglary, two counts of felony theft, one count of possession of drug paraphernalia, and one

2-4  
23

misdemeanor count of criminal damage to property. On November 22, 1993, Counterman was sentenced and placed on Community Corrections.

A revocation hearing was scheduled for April 21, 1995. Counterman failed to appear. The Court issued a bench warrant and Counterman was arrested. During a revocation hearing on May 19, 1995, Counterman stipulated to violations that included two positive tests for marijuana usage in March 1995, and an arrest for reckless driving and other traffic violations in March 1995. Counterman also failed to pay any amount for restitution he owes in the amount of \$11319.82. During the time he was supervised by Community Corrections, Counterman was convicted of felony theft and felony criminal damage to property in Linn County, second-degree burglary and felony theft in Bates County, Missouri, and two counts of felony theft in Bourbon County. The additional convictions added \$956 to the amount he already owed in Linn County. Counterman's assignment to Community Corrections was revoked.

---

"Technical" violator #0053866 Randy Shadden Bourbon County 91CR128

After being convicted of various crimes dating back to 1980, Shadden was sentenced on a charge of driving after being declared a habitual violator. On November 1, 1991, Shadden was placed on probation for five years. On December 11, 1992, a motion to revoke was filed as Shadden had absconded to Colorado. After Shadden was arrested and returned to Kansas, a revocation hearing was held on June 15, 1994. The Court denied the motion and gave Shadden an opportunity to comply with his probation. Shadden was allowed to return to Colorado under interstate supervision. Shadden failed to report and in addition, gave the Court a fictitious address. He was later arrested in Kansas and returned to Bourbon County. His probation was revoked.

---

"Technical" violator #0053696 Lanita Tucker Bourbon County 91CR196 & 94CR497.

Tucker was convicted of forgery in 91CR196. In November 1991, she was placed on probation for two years. Motions to revoke were filed in April 1992, and June 1993. The 1992 motion was sustained and Tucker was ordered to inpatient treatment, after which her probation was reinstated. Her probation in this case was terminated in May 1994. Her probation was not revoked.

In December 1994, Tucker was convicted of conspiracy to sell a controlled substance in 94CR497. She was sentenced to twenty four months on Community Corrections. In July 1995, Tucker was revoked for continued use of illegal drugs. In addition to the convictions in 91CR196 and 94CR497, Tucker's record included convictions for worthless checks in 1988 and 1989, attempted possession of narcotics in 1990, two counts of forgery in 1991, and two misdemeanor theft charges in 1994.

---

"Technical" violator #0062091 Darrell Weichert Bourbon County 93CR275

After being convicted of a drug tax stamp violation in November 1993, Weichert failed to appear for sentencing. He was arrested in December 1994 and was sentenced in

2.5  
24

February 1995. After being placed on probation, Weichert absconded to Missouri. He was arrested in Missouri on a Missouri warrant, and was then returned to Kansas where his probation was revoked.

---

“Technical” violator #6001696 Kenyon Harrison Geary County 94CR707

After being convicted of possession of cocaine and placed on probation, Harrison absconded to Florida. Since the conviction in 94CR707, Harrison has been convicted of possession of cocaine, obstructing official duty, criminal possession of a firearm, and sale of cocaine.

---

“Technical” violator #0062199 James Clavon Geary County 92CR812

Clavon was convicted of two counts of forgery. His prior record included convictions of attempted burglary, theft, forgery and driving while suspended. Clavon was ordered to complete the Labette County Conservation Camp program. Instead of completing the program, Clavon incurred a new burglary conviction in Riley County.

---

“Technical” violator #0057173 Bonnie L. Moore Geary County 91CR919 & 95CR522.

Moore was on probation in 91CR919 when she was convicted of a severity level 3 drug offense. A severity level 3 drug offense is presumptive imprisonment. Moore was sentenced to the custody of the Department of Corrections for a period of fifteen months in accordance with the sentencing guidelines.

---

“Technical” violator #0061855 Gary Don Burgett Cowley County 92CR386

Burgett was convicted of two counts of burglary and placed on Community Corrections. After completing the Labette County Conservation Camp program, Burgett failed to report to his intensive supervision officer and was arrested for possession of marijuana and drug paraphernalia. Burgett was informed that he would be continued on Community Corrections on condition that he receive drug and alcohol treatment. Burgett informed the court that he preferred to serve the remainder of his sentence. Burgett was committed to the Department of Corrections.

---

“Technical” violator # 0061107 Carlos Checotah Cowley County 93CR34A, 93CR372A & 95CR2A.

Checotah was convicted of burglary in 93CR34A and was assigned to Community Corrections. After stipulating to a violation, the court extended his assignment on condition that he complete an inpatient drug and alcohol program in a halfway house. After his conviction in 93CR372A, Checotah was continued on Community Corrections on condition that he complete the halfway house inpatient program. Although he completed the program Checotah continued to use cocaine as shown by testing.

Checotah's assignment to Community Corrections was revoked in the two 1993 cases when he was convicted and sentenced in 95CR2A. The sentence in the 1995 case was a direct commitment. No probation was granted.

---

"Technical" violator #0059990 Jimmy Jordan Cowley County 94CR56A

After being convicted of forgery and being assigned to Community Corrections, Jordan violated the terms of his assignment, including possession of a quarter pound of marijuana. Jordan informed the court that he preferred to be committed to prison to serve his relatively short term rather than being returned to intensive supervision. The judge granted his request.

---

"Technical" violator #0061695 Terry Johnson Cowley County 93CR70A

After being found in violation of his probation, Johnson was ordered to the Labette County Conservation Camp. Johnson refused to cooperate in the admission process and informed the court he wished to be committed to the Department of Corrections. The court ordered Johnson committed to the Department.

---

"Technical" violator #0060690 Impone Namphengsone Cowley County 92CR249W; Saline County 94CRM 1.

The defendant was convicted and placed on probation in Cowley and Saline counties. After committing further violations in Cowley County, he was committed to jail as a condition of probation. Saline County revoked the defendant's probation and committed him to prison.

---

"Technical" violator #0061094 Junious Gammill Pratt County 94CR132 & 94CR133.

Gammill was convicted of various burglary and theft charges. Due to Gammill's lengthy juvenile record, the court ordered him to the Labette County Conservation Camp program. Gammill was discharged after several violation of camp rules. His probation was revoked and he was committed to the Department of Corrections. Gammill has been released by the Department and has now been convicted of another felony in Pratt County.

---

"Technical" violator #0060507 Darrell Cook Labette County 94CR224PA & 94CR215PA.

Cook was convicted of forgery and indecent solicitation of a child. Violations of his probation included minor law violations, associating with other probationers, violating curfew and house arrest, consuming alcohol, lying to intensive supervision officer, and having further contact with children. Cook's probation was revoked.

---

“Technical” violator #0061894    Robert Davis                      Labette County    93CR61PA

Davis was sentenced to five to twenty years and was ordered to the custody of the Department after violating the conditions of his probation. The court returned Davis for modification of his sentence within the 120-day “callback” period. Davis was assigned to Community Corrections.

---