

Prepared Testimony of Missey Smith
Mother of Kelsey Smith

In Opposition of SB126



First, I would like to thank Chairman King and the rest of the committee members for allowing me to testify at this hearing. I am Missey Smith, wife of Senator Greg Smith, and most importantly, I am the mother of Kelsey Smith. She was murdered on June 2, 2007. Her killer was charged with capital murder here in Kansas.

In Kansas we save the death penalty for the worst of the worst. It is not used for the "accidental" murders. These guys are the worst. They are not good guys. PERIOD!!

Kelsey was only 18 years old when she was kidnapped in broad daylight, taken across the state line to a wooded area and was brutally raped, sodomized and murdered. The evidence showed that she fought for her life. Her hands were greatly bruised. Her killer had used her own belt from her work uniform to strangle her. He had pulled the belt so tight that it cut into her neck. As her mother when she was laying in her casket I looked under the turtle neck the funeral director had put on her to see this. The day after murdering her- her killer went back out to her body and bleached it to try and remove evidence that he had committed this crime. He then covered her in sticks to try and conceal her body. She lay in the woods for four days naked. When she was found she was covered in insects and ticks with the belt still around her neck. These are just some of the facts of her case.

The last time a hearing was held on the death penalty in Kansas I told Greg that these are just words on paper. That it does not convey the brutality of what these victims go through. I wanted to go through her "murder book" to somehow bring that reality to you. I knew this would come up again. I wanted you to see the pictures of her hands and how bruised they were from fighting. I wanted you to see her shirt that was used to bleach her body. Maybe if you saw some of the pictures of these different cases you would see that these people got the sentence they deserve. But there is no way to fully convey that to you. As her mother I have yet to look at all of those pictures. Each and every time this comes up, we as the families are put through hell again.

Fourteen months after brutally murdering Kelsey, her killer pled guilty to all of the charges against him to avoid the death penalty. He wanted to be shown the mercy he did not show her. He waived all rights to appeals and is sentenced to life without parole. BUT, I am here testifying because I do not want that tool taken away from prosecutors. My family never has to deal with that individual again. My children and grandchildren will not be put through the hell of many appeals. I can focus my life on the positive things. Many families I know cannot say the same. I sincerely do not believe this would have been the case had he not faced death.

We hear that cost is the reason this issue comes up, that a murder trial is about \$750,000 vs. 1.25 million for a capital murder trial. That it is cheaper to house someone than it is to execute. Below is a chart from 2002 to 2012 regarding capital murder. It is data that was compiled from The Office of Judicial Administration. ***MORE than half*** of the cases resulted in a guilty plea. One could argue that we end up saving more money by having this in place, and each of those pleas saves the state \$750,000. I would hope that you take that into account when you are factoring cost. If a murderer is facing life without parole if they go to trial or life without parole if they plea are they going to plea? Why would they not take their chances at a trial? How much more will the cost to the state be? Do not take this valuable tool away from prosecutors.

	Capital Murder				
	Filed	Guilty Pleas	Dismissals	Jury Trial	Total
• 2012	1	1	0	2	3
• 2011	1	1	0	1	2
• 2010	5	3	0	1	4
• 2009	4	4	4	4	12
• 2008	19	11	5	8	24
• 2007	7	1	0	0	1
• 2006	4	2	0	1	4 (1 "other" disposition)
• 2005	5	0	1	1	2
• 2004	1	0	0	0	0
• 2003	0	0	0	2	2
• 2002	0	2	0	2	4
• Total	47	25	10	22	58

Some say that the death penalty it is not a deterrent. I have a friend that is a former FBI agent that worked the inner city of KCMO and he has talked about this very subject. He said that on the street drug dealers will say that, they will beat the crap out of someone, but they will not put a cap in them because they do not want the needle. Not a deterrent? He had been an agent for about 30 years, I think he knows what he was talking about.

In closing, no one can guarantee that a murderer will not murder again. I cannot tell another family what is right for them; I would appreciate it if others did not try to tell me what was right for us.

Thank you
Missey Smith

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