

Office of the
WYANDOTTE COUNTY
DISTRICT ATTORNEY



DISTRICT ATTORNEY
Mark A. Dupree, Sr.

29TH JUDICIAL DISTRICT OF KANSAS

Concerning **SB 45**, I urge the committee to accept below mentioned amendment. On average, statistics show that our law enforcement officers are being killed at an unprecedented rate. In 2018, 144 law enforcement officers were killed, the leading cause of death was firearm-related incidents. In just the two months of this year there have already been 13 law enforcement officers killed in the line of duty. These individuals place their lives in harms way, for the safety of our families, while their families wait praying that their loved one does not pay the ultimate sacrifice. Unfortunately, Kansas law enforcement officers have made the ultimate sacrifice too many times in recent years. We must act on behalf of our fallen heroes.

Wyandotte County suffered such a lost in 2016 with the murder of Captain David Melton. Capt. Melton served nine years with the Wyandotte County Sherriff's office before moving to the Kansas City, Kansas Police Department in 1999. While at the KCKPD he advanced to the rank of Captain. Two months before his death he had volunteered to plan the funeral of Detective Brad Lancaster, who too was with KCKPD and was killed in the line of duty earlier that year. Captain Melton served 26 years in the Kansas National Guard, and retired at the rank of 2nd lieutenant in 2012. He was the recipient of the Bronze Star, along with numerous other awards for his heroism overseas.

On July 19, 2016, Capt. Melton answered a call for help, and upon arrival, was fired upon by a now-convicted murderer thus ending Capt. Melton's watch. Capt. Melton's case exposed a gap in the law that was not seen until this tragedy occurred. Capt. Melton was in an unmarked police car, his police lights were not activated, nor were his sirens. The immediate goal was to send the defendant to prison for the rest of his life. He was charged with Capital Murder and in the alternative first-degree murder. For legal reasons we were not able to pursue the death penalty. This case turned on whether the killer acted with premeditation when he shot Capt. Melton. Given the facts of this case, the State would have had a very hard time proving the Defendant acted with *premeditation* when he killed Captain Melton. The eye witness, a fellow officer, stated that as soon as Capt. Melton pulled his car over the killer instantly opened fire. Under current law, *premeditation* is the only way we are able to send him to prison for life without the possibility of parole. He pled guilty in open court, without a plea offer, to the alternative of first-degree murder and was sentenced to life, with the possibility of parole in 25 years. This amendment would make the penalty for first-degree murder, the *intentional* killing of a law enforcement officer: mandatory life without the possibility of parole.

This amendment would not create a *bed-space* problem, as these individuals are already going to prison, the question is if it will be with or without parole. In Capt. Melton's case, if we had proceeded to trial on the capital murder charge only, and the jury would not have found premeditation, the defendant would have been convicted of intentional second-degree murder. The defendant had no criminal history, thus per the sentencing guidelines, the prison sentence would have been 12-14 years. The lives of our law enforcement officers deserve more than 12 years. In short, making this change will bring a greater value to the lives of law enforcement and help to provide justice for the families of fallen heroes.

Be Blessed,

Mark A. Dupree, Sr.

District Attorney