

U.S. Supreme Court declines to hear Kansas appeal on 'reckless' criminal threat statute

TOPEKA — The U.S. Supreme Court Monday declined to review two earlier Kansas Supreme Court decisions that ruled Kansas' reckless criminal threat statute violates the First Amendment to the U.S. Constitution, Attorney General Derek Schmidt said.

The Kansas Supreme Court in two separate cases last October invalidated the state's reckless criminal threat statute and overturned the convictions of two individuals for violating it. One case involved a threat of violence directed at a law enforcement officer and the other a threat of violence uttered in a family relationship. The Kansas Supreme Court ruled that the First Amendment's free speech protections require the state to prove that the person uttering the threat specifically intended to cause fear in the victim.

The attorney general in November formally notified the Kansas Supreme Court of his decision to appeal, putting further proceedings in

both cases on hold until the U.S. Supreme Court decided whether to review them. Schmidt's decision to appeal was backed by a bipartisan coalition of 17 state and territory attorneys general and the Kansas Coalition Against Sexual and Domestic Violence, Legal Momentum and National Organization for Victim Assistance.

Justice Clarence Thomas, dissenting from the Court's decision to deny review, wrote, "In my view, the Constitution likely permits States to criminalize threats even in the absence of any intent to intimidate. It appears to follow that threats of violence made in reckless disregard of causing fear may be prohibited. The Kansas Supreme Court reached the opposite conclusion by overreading our decision in [Virginia v. Black], which did not answer the question presented here."

The U.S. Supreme Court grants only a small number of requests to review lower court cases, typically about 1 percent of those it receives

each year. By law, the attorney general's office represents Kansas in matters before the U.S. Supreme Court.

The two cases are State v. Boettger, which arose in Douglas County, and State v. Johnson, which arose in

Montgomery County. With Monday's decision by the U.S. Supreme Court not to review the cases, the Kansas Supreme Court's decision overturning the convictions and invalidating part of K.S.A. 21-5415 is upheld.

COFFEY COUNTY COURTHOUSE NEWS

Limited Civi91

Cases filed:
20LM64 (6-12-20) LVNV Funding LLC vs. Lori Reid, debt collection.

20LM65 (6-15-20) Olathe Medical Center, Inc. vs. Amanda N. and Justin Grieder, debt collection.

20LM66 (6-16-20) State Farm Mutual Automobile Insurance Company vs. Troy A. Mott and Hilland Dairy Foods Company, LLC, fka Roberts Dairy, automobile tort.

20LM67 (6-17-20) Newman Regional Health vs. Lisa Birney, debt collection.

Domestic

Cases filed:
20DM46 (6-16-20) Dawn Nicole Reiter vs. Gary Dean Reiter, divorce.

Criminal

Cases filed:

20CR84 (6-15-20) State of Kansas vs. Jacy Moses-Miller, Ottawa, possession of marijuana upon a roadway (class B misdemeanor), possession of drug paraphernalia (class B misdemeanor).

20CR85 (6-15-20) State of Kansas vs. Nealy James Houston, LeRoy, violate Offender Registration Act - first conviction - person (level 6 person felony).

Cases filed:

19CRI29 (6-16-20) The court dismissed without prejudice two counts filed against defendant Tracy L. Schainost: burglary of dwelling to commit felony or theft (level 7 person felony), theft of property or services, \$1,500 to \$25,000 (level 9 nonperson felony).

BURLINGTON MUNICIPAL COURT

5-07-20 John F. Briles Jr., LeRoy, speeding construction school 30/20, fines and court costs totaling \$198.

5-12-20 Anthony L. Vassolo, Cleves, Ohio, speeding 48/30, fines and court costs totaling \$201.

5-19-20 Paul Pica Jr., Parkville, Mo., driving while license suspended, motor vehicle liability insurance, speeding 35/20, dismissed without prejudice, fines and court costs totaling \$366.

5-20-20 Robert M. Holweger, Chicago, Ill., improper parking, fines and court costs totaling \$318.

6-11-20 Cody C. Ray, Iola, furnishing alcoholic liquor or cereal malt beverage to a minor, transportation of alcoholic beverage, dismissed with prejudice, fines and court costs totaling \$893.

6-11-20 Wilson Saint-Felix, Stoneham, Mass., improper parking, fines and court costs totaling \$246.

6-11-20 Penny D. Cole, Burlington, driver's license in possession, defective tail lamps, fines and court costs totaling \$288.

6-11-20 John T. Wiedmer, Gridley, driver's license in possession, possession of marijuana and transportation of alcoholic beverage, fines and court costs totaling \$593.

6-11-20 Baylor D. Reed, Topeka, driving while license suspended, dismissed without prejudice.

6-11-20 Jonathan R. Cress, Burlington, theft, criminal damage to property, dismissed without prejudice.

6-11-20 Chase M. Heape, Burlington, purchase, consumption or possession of liquor or CMB by a minor, fines and court costs totaling \$358.

6-15-20 Shakya N. Cole, Topeka, speeding 40/30, driver's license in possession, fines and court costs totaling \$253.

Insight

Continued from Page 4

America. However, I do understand some of their emotions: helplessness, frustration, fear and anger.

It's OK if you aren't a vocal participant in the national conversation. It is actually very appropriate if you lack experience with the topics. But please, do not dismiss these conversations. They are happening for a reason.

The world is not black and white. Taking a color-blind approach and ignoring race hides so many valuable

things in the shades of gray. Our world is full of color and colorful people for a reason.

We have an opportunity to make it better. A moment to ask genuine questions and have uncomfortable conversations, raise our voices against injustice and show compassion for others' struggles, and seek to understand the cultures of our fellow humans.

Don't experience life scrolling through other people's photos. Go see it in color.

"Insight" is a weekly column published by Kansas Farm Bureau, the state's largest farm organization whose mission is to strengthen agriculture and the lives of Kansans through advocacy, education and service.

BBB says home security companies not all the same

Summer often means a time for vacations, but because of the present unsettling COVID crisis, many have tamped down their usual travel plans. As states continue their gradual reopening, Americans, weary of staying home for months, are beginning to look, cautiously, again at venturing out for bits of travel fun. A vacation, however scaled back, still means leaving your home empty for a while. That in turn can bring to mind home security issues and a renewed interest in finding the right home security company. It's also worth remembering that a home security system is valuable all of the time, not just during vacations. Your Better Business Bureau (BBB) has some advice for you if you're among those thinking of getting a home alarm system as you navigate the many choices that different companies offer.

cording to your wishes. Consider your budget. The economy is tough to predict during these times and you do not want to get in over your head with expenses. Consider the stability of your current economic situation and plan accordingly.

Get at least three estimates. Never go with the first choice that presents itself. Be smart and contact other reputable companies to see what they offer. Get bids from each on similar systems. Consistency across your bid requests makes it easier to spot the best deal.

Ask about all charges and fees. Factor in the initial installation charge and any monthly fees.

Get insurance discounts. If possible, get the discount your insurance company may provide for your having a security system. Homeowners' premiums may be reduced, depending on your insurance policy.

Get contract details. What's the length of the monitoring contract? (Typically, it is two to five years.) What if you're not satisfied? How do you cancel? What happens if they are bought by another company? In today's business world that is always a possibility.

Think about it. Take the time you need to make your decision smartly. If they are using high pressure, resist it. Unethical companies put undue pressure on potential customers. Ethical companies' give you time to decide. You are in charge. Reject them outright if the pressure makes you uncomfortable.

Sound too good to be true? Some sellers might offer an extremely good price for their products or services. The adage holds true that you get what you pay for and many people have been quickly disappointed when the products

See **BBB**, Page 12

COFFEY COUNTY JAIL ROSTER

*The jail roster lists all people who were in Coffey County Jail during the days listed, with the exception of those under age 18 or those who may be protected under a witness program. The charges listed are those for which the person was booked into jail and are not necessarily the charges formally filed against the person.

(June 15-22)

Dakota Lynn Handley, 26, Jacobs Creek (June 15-22) - Arrested Jan. 5 by CCSO for possession of opiates. Held in lieu of a \$10,000 cash/surety bond.

Kody L. Wright, 35, Burlington (June 15-22) - Arrested Dec. 5 by CCSO for possession of drug paraphernalia, unlawful cultivation or distribution of controlled substances, unlawful distribution of certain drug precursors and drug paraphernalia, and unlawful possession of controlled substance. Held in lieu of a \$50,000 cash/surety bond.

Kenneth L. Sharp, 46, Tulsa, Okla. (June 15-22) - Arrested Jan. 11 by CCSO for driving while license cancelled, suspended or revoked; reckless driving, criminal threat, possession of stolen property unknown value. Held in lieu of a \$100,000 cash/surety bond.

Gregory Lamonte Burrell, 38, Burlington (June 15-22) - Arrested Feb. 19 by Burlington PD for rape. Held in lieu of a \$350,000 cash/surety bond.

Michael Dean Raymond Jr., 26, LeRoy (June 15-22) - Arrested April 18 by CCSO for reckless driving, driving under the influence, second conviction, criminal damage to property, obstructing legal process or official duty - interference with law enforcement, violation of a protective order, and flee or attempt to elude LEO by engaging in reckless driving. Held in lieu of a \$5,000 cash/surety bond.

Treavor Adam Syens, 22, Lebo (June 15-22) - Arrested May 19 by CCSO for domestic battery, third conviction in five years, criminal damage to property greater than \$1,500 and attempted first degree murder. Held in lieu of a \$25,000 cash/surety bond.

Joseph Ray Super, 24, Salina (June 15-22) - Arrested by CCSO for driving while suspended, first conviction, vehicle liability insurance coverage required and possession of stolen property with value between \$1,000 and \$25,000. Held in lieu of a \$500 cash/surety bond.

John Andrew Whittaker, 40, Ottawa (June 15-21) - Arrested by CCSO for failure to appear. Released for time served.

Kyle Collins Ivie, 21, Burlington (June 15-22) - Arrested by CCSO for violation of offender registration act, first conviction. Held in lieu of a \$10,000 cash/surety bond.

Nealy James Houston, 23, LeRoy (June 15-16) - Arrested by CCSO for a violation of offender registra-

tion act, first conviction. Released on a \$10,000 cash/surety bond.

William Neal Fishback, 37, Wichita (June 12-15) - Arrested by CCSO on a warrant for another jurisdiction. Picked up by Reno County.

David Allen Powell, 47, Osage City (June 15-22) - Arrested by CCSO for failure to appear. Held in lieu of a \$7,500 cash/surety bond.

Courtney L. Buckner, 28, Burlington (June 16) - Arrested by CCSO for pedestrian under influence of alcohol or drugs. Released on \$100 cash.

Cole Magnum Shipley, 25, Raymond (June 16) - Arrested by Burlington PD for illegal registration, vehicle liability insurance coverage required and driving while suspended, first conviction. Released on a \$573 cash/surety bond.

Victoria Erin Jenkins, 30, Salina (June 17) - Arrested by Burlington PD for failure to appear. Released on a \$3,000 cash/surety bond.

Ryan Ervin Culler, 19, LeRoy (June 17-18) - Arrested by CCSO on a warrant. Released on a \$500 OR bond.

John Paul West, 41, Burlington (June 18-20) - Arrested by Burlington PD for violation of a protective order. Released on a \$658 OR bond.

Matthew John Beeson, 45, Emporia (June 18-22) - Taken into custody to serve sentence.

Bryan Scott Marret, 19, Petersburg, Ind. (June 18-22) - Arrested by Kansas Highway Patrol for theft, vehicle liability insurance required and no driver's license. Held in lieu of \$5,000 cash/surety bond.

Jaime Cuellar Vivas, 41, Kansas City, Mo. (June 19) - Arrested by CCSO for failure to appear. Released on a \$4,000 cash/surety bond.

Sylas Anthony Horne, 23, Ottawa (June 19-21) - Taken into custody to serve sentence. Released until next weekend.

Nealy James Houston, 23, LeRoy (June 19-21) - Arrested by CCSO for battery, domestic battery, knowing rude physical contact, criminal threat, aggravated assault. Released on a \$10,000 cash/surety bond.

Lindzi Breanne Johnson, 39, Sedgwick (June 21-22) - Arrested by CCSO for vehicle liability insurance coverage required and driving while suspended, second conviction. Held in lieu of a \$500 cash/surety bond.

Justin Daniel Allen, 29, Freeman, Mo. (June 22) - Arrested by CCSO on a warrant for another jurisdiction. Held without bond for Shawnee County.

Rose Marie Stack, 23, Lebo (June 22) - Arrested by CCSO for aggravated battery and aggravated robbery. Held in lieu of a \$150,000 cash/surety bond.

Tyler Ian Sage, 25, Lebo (June 22) - Arrested by CCSO for aggravated battery. Held in lieu of a \$150 cash/surety bond.

NRC

Continued from Page 1

staff will make a brief presentation regarding the agency's oversight process and then answer questions about any of the 12 plants in Region IV.

Wolf Creek, near Burlington, operated safely during 2019 as did Arkansas Nuclear One, in Russellville, Ark., Callaway, near Fulton, Mo., Comanche Peak in Glen Rose, Texas, Cooper Nuclear Station in Brownville, Neb., Columbia Generating Station, near Richland, Wash., Diablo Canyon in San Luis Obispo, Calif., Grand Gulf, in Port Gibson, Miss., Palo Verde, in Wintersburg, Ariz., River Bend, in St. Francisville, La., South Texas Project, in Bay City, Texas, and Waterford, in Killona, La. At the conclusion of the year, all inspection findings and performance indicators for

the plants were green, or of very low safety significance. As a result, the plants in 2020 will receive the normal level of oversight, which entails thousands of hours of inspection each year.

The NRC Reactor Oversight Process uses color-coded inspection findings and indicators to measure plant performance. The colors start at green and increase to white, yellow or red, commensurate with the safety significance of the issues involved. Inspection findings or performance indicators with more than very low safety significance trigger increased NRC oversight.

Inspections are performed by at least two NRC resident inspectors assigned to each plant and specialist inspectors from the Region IV office in Arlington, Texas.

The annual assessment letters for each Region IV plant, as well as the meeting notice, are available on the NRC website.

What is a Closing Statement?

A Closing Statement, also called a Settlement Statement or a HUD-1 (or HUD-1A in the case of a refinance), is a summation, in the form of a balance sheet, made for a Closing showing the debits and credits to which each party to a real estate transaction is entitled.



Coffey County Land Title

Polly Epting - Owner/Manager

424 Neosho St., Burlington • (620) 364-2440

www.tri-county-real-estate.com

NEW - 104 East St., Olpe - \$91,000. Cute 1 1/2 Story Bungalow, 4 bedrooms, 1 bath. Call Dwayne today for showing!

NEW - 1730 W Wilman Court, Emporia - This rock exterior home includes lots of improvements including new paint, flooring and lighting throughout the home. Master bedroom and bathroom added in 2018. New carpet and flooring in 2019. This home has a large backyard with lots of room to create your own outdoor space. \$169,000

NEW - 1595 Road W, Neosho Rapids - This brick ranch style home has 3 bedrooms and 3 baths with sunroom and full unfinished basement. 2 car attached garage with 40x60 outbuilding all on 10 acres \$298,000 An additional 70 acres available to purchase.

NEW - 517 Broad Street, Hartford \$88,000 2 bedroom, 2 bath with **CONTRACT PENDING** feet and partial outbuilding also has extra lots and large outbuilding.

NEW - 2421 Mava Avenue, Emporia - 4 bedrooms, 3 baths with 2616 square feet completely remodeled. New wood cabinets, wood floors **SOLD** the home AND MUCH MORE. This home is located a short walk to Village School. PRICE REDUCED TO \$189,500

NEW - 305 W. Exchange, Hartford - 3 bedroom 1 bath on brand new full unfinished basement appliances and current **CONTRACT PENDING** \$110,000

NEW - 231 W. 7th, Lebo - 2 bedroom, 1 bath home with partial basement and attached garage. \$52,500

411 S. Elm, Lebo- 10,800 sq. ft. metal building with concrete floor. 5" reinforced concrete in large shop. Property is plumbed for 4 bath home. \$238,000

12 acres @ Graphic Arts Road for residential development. Check out website for complete details.

118 W. Santa Fe Olpe - 3 Bedrooms, 1 bath ranch style brick home with partial finished basement w/double car attached garage on 6.1 acres with a lot of mature trees. 2 Outbuildings 1 with concrete floor, pipe fencing directly North of school - Price Reduced \$225,000.

For sale Olpe Locker - Operating meat locker with building, all equipment and smokehouse. Owner will provide training if so desired. Please call Dwayne 620-794-2061 for complete details.

Lebo Lake Lot — 9 acres Lebo City Lake, great building site opportunity \$48,900

zillow.com • carmenymackey@gmail.com

Office 620-256-6993 Tri-County Real Estate

Carmen Mackey, Broker/Owner cell 620-341-0838
Victor Edelman, Associate Broker 620-366-0339
Dwayne Coble of Olpe, Agent/Auctioneer 620-794-2061