

Kansas Senate

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Senator Greg Smith 21st District

Chairman King & members of the committee,

Thank you for allowing me to speak to HB 2002, as amended by the House Judiciary. This is a matter that has great personal interest to me. I want to bring attention to the testimony of Pat Hayes. His daughter, Keighley, was brutally murdered in 2009. Because of that fact Pat and I became friends. We share the common bond of having had a daughter murdered. I first met Pat in my living room. He had reached out to Missey and I to ask how a parent walks through the process of the criminal justice system. My wife and I helped with that process and were in court to support Pat and his family.

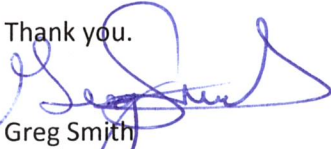
For those of you on the committee descriptions of these heinous crimes are words on a page. Names are just names. You have no connection to the event or the people. It's a normal reaction. The legal problem we need to solve is a fascinating exercise in the US Constitution for the committee, particularly for the attorneys. However, the descriptions, names, and even the legal issue are sources of pain and loss for the families of the victims. It's a pain that never heals. It does not scar over. It forms festering scabs that are ripped off every time an appeal hearing, a parole hearing, or a legal challenge comes up. The family members are secondary victims of homicide, "homicide survivors," as I call them.

The homicide survivors look to the court system to provide certainty after all certainty has been torn from their lives. They are told the law will provide finality and justice. Yet, the finality of a "Hard 50" sentence is gone due to the whims of the United States Supreme Court. The Constitution didn't change. The Hard 50 law didn't change. A judge changed an opinion and all certainty was taken from the victims for those suffering through the nightmare of a 1st degree murder process.

As for justice, the criminal justice system provides justice for criminals. There are at least twenty rights and/or protections in the Bill of Rights. There are ten such provisions in the sixth amendment alone for the accused. There are none for the victim. There were no "safeguards" in place for my daughter, Kelsey's rights, or for Keighley's rights. No jury of their peers decided their fate.

This fix to a judiciary induced mess is necessary to re-establish certainty, as much as is possible, back to the system.

Thank you.



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