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March 15, 2012  
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**Subject: My testimony today is in opposition to the death penalty.**

Good afternoon Chairperson Colloton and members of the House Standing Committee on Corrections and Juvenile Justice. Thank you for allowing me the opportunity to express my support for the abolition of the death penalty in Kansas.

My name is John Todd. I live at 1559 Payne, Wichita, Kansas. Professionally, I am retired from the real estate business. I have been involved in the grass-roots political process for many years, working as the volunteer coordinator for the Wichita Chapter of Americans for Prosperity since it's inception in Kansas and as Vice President in charge of programming for the Wichita Pachyderm Club. I regularly attend Criminal Justice Coordinating Committee stakeholder meetings in Sedgwick County. Please understand that I am not here today to speak for any of these groups, but rather as a private citizen speaking for myself as an advocate for liberty.

As an active citizen with close ties to political groups that advocate for individual liberty versus the will of the collective, human rights, and the need for limited government, I am surprised that our state legislative body as well as our state court system hasn't already recognized and rejected the death penalty as the pre-meditated and planned taking of a human life by government that it is. I believe that capital punishment is morally wrong.

Over the years, I have spent time as a citizen observing the Courts in Sedgwick County all the way from the Wichita Municipal Court to the 18<sup>th</sup> Judicial District State Courts. I have witnessed excellent judicial adjudication procedures as well as cases where District Court Judges settling landlord/tenant and municipal code appellate cases based on what the judge "felt" was fair rather than deciding the cases based on the law. I saw a District Court Judge "wink" at a prosecuting attorney when a well-prepared "pro se" defendant friend of mine got up to present his case before the judge's court as if to say in advance to the prosecutor, "Now watch me have some fun with this amateur!" Not surprisingly, the judge, who had been observed, drinking coffee with the same prosecutor before the trial, upheld the lower court's ruling. My point here is, would anyone feel comfortable with judges like these deciding life or death issues? Not me!

House Corrections & Juvenile Justice  
Committee  
2012 Session  
Date 3-15-12  
Attachment # 13-1

In his book, "The Tyranny of Good Intentions", author Paul Craig Roberts describes the historic role of government prosecuting attorneys as that of seeking "justice" and "truth". In today's political world; however, District Attorneys get elected based on the number of convictions they have achieved during their time in office or in other words, the number of "notches they have carved on their gun handle" for successful prosecutions. Unfortunately, I am afraid that ambition truly rules over justice for many of our state district attorneys. Should life in prison or death penalty be decided based on "justice" and "truth" or expediency?

Our Founding Fathers argued passionately for the unrestrained power of the jury, recognizing the citizen juror as the last bastion of defense in the preservation of liberty. Over the last 100 years our courts have taken this important power away from the people.

Gerry Spence, the famous defense attorney has this to say about trials, "A trial is a barbarous sport conducted in accordance with certain civilized rules...the contest is deadly...often cruel. Rarely will the fight be fair. And...as in most sports, those who can afford the best players generally win." Spence goes on to quote Robert Frost as saying, "A jury consists of twelve persons chosen to decide who has the better lawyer."

I believe that our country's reputation as, "the land of the free" is eroding and that the liberty and constitutional order that insures that government is the servant of the people rather than the master of the people has become today's reality. I believe our system of justice system reflects the overreaching hand of government and rejects the ideals of the founders.

Our state legislature and court system should not be participating in "pre-meditated, state-sponsored" murder that is not reversible in the event prosecutorial errors are made in our imperfect court system.

I can think of no greater punishment than locking someone up for life!

John Todd