

In the District Court
of
Linn County, Kansas

**Walker Publishing, Inc., d/b/a Linn County
News**

Plaintiff,

v.

Doug Shima, et al.,

Defendants.

Civil Action No. LN-2026-CV-000031

Brief of *Amicus Curiae* Kansas Justice Institute;
Exhibits A-D; Certificate of Service.

(Hon. Mike Ward)

Brief of *Amicus Curiae* Kansas Justice Institute

Kansas Justice Institute submits this *amicus* brief in support of the Linn County News.

Introduction

This case raises important and fundamental questions involving transparency and accountability in the criminal justice system. In a series of cases decided more than forty years ago, the United States Supreme Court declared that courtrooms must remain open to the public under the First Amendment. Openness, transparency, and accountability are necessary and fundamental components of a well-functioning judicial and criminal justice system. Both systems' legitimacy depends on public confidence, which secrecy erodes.

But under a newly enacted Kansas statute, courts are *required* to keep *all* criminal court records hidden from public view until an arrest warrant has been executed, irrespective of the facts, and without exception. Even worse, courts and law enforcement are prohibited from revealing *any* information about a case, including acknowledging its existence.

Kansas's automatic rule of secrecy violates the First Amendment and is plainly unconstitutional.

Factual Background

The Linn County News seeks access to routine court records in a high-profile criminal case involving Damon Leonard. According to extensive reporting and publicly available Missouri court records, in December 2025, a 13-year-old boy died in Linn County, Kansas. Laura Bauer, *Neighbor charged in Kansas boy's death was 'somebody we trusted,' grieving dad says*, The Kansas City Star (January 15, 2026).¹ According to the Wyandotte County, Kansas, Coroner's Office, the cause of death was "multiple dog bite injuries." *Id.*

The dog's owner, Mr. Leonard, admitted that he crossed the state line and disposed of the body in Bates County, Missouri, where he was taken into custody and charged with abandonment of a corpse on December 23, 2025. *See Missouri v. Leonard*, Case No. 25BS-CR00532-01. Around the same time Kansas authorities announced charges against Mr. Leonard in Linn County for interference with law enforcement, criminal desecration, and having a vicious dog at large. *See Eric Adler, Kansas files murder charge in case of boy killed by dog. Records hidden from public view*, The Kansas City Star (June 3, 2026);² PJ Green, *Suspect in 13-year-old's death charged with additional crimes in Kansas, Missouri*, The Kansas City Star (December 30, 2025);³ Caroline Zimmerman, *Linn County teen dies from 'multiple dog bite injuries,' according to KCK police*, The Kansas City Star (January 6, 2026).⁴ Mr. Leonard remained in custody in Missouri, entered a guilty plea, and was sentenced to four years in prison on May 29, 2026. *See Exhibit A, Judgment in Missouri v. Leonard*, Case No. 25BS-CR00532-01.

Unsurprisingly, a reporter from the Linn County News—and the Kansas City Star—requested the Linn County charging documents from the Linn County District Court. Pet. ¶¶ 37, 40. Court officials initially denied the documents existed. Pet. ¶ 41. Eventually, the Linn County

¹ Available at <https://www.kansascity.com/news/local/article314285934.html>

² Available at <https://www.kansascity.com/news/state/kansas/article315977422.html?tbref=hp>

³ Available at <https://www.kansascity.com/news/local/crime/article314042055.html>

⁴ Available at <https://www.kansascity.com/news/local/crime/article314195543.html>

Attorney admitted the records existed but indicated they were sealed under a newly enacted statute, K.S.A. § 60-2617(a). Pet. ¶ 42.

Analysis

The Linn County News seeks an order declaring K.S.A. § 60-2617(a) unconstitutional under the First Amendment. Pet. ¶ 70; Pet. Prayer ¶ 1. Because the statute violates the First Amendment, this Court should grant the relief requested.⁵

I. Kansas’s automatic-sealing statute violates the First Amendment.

A. The First Amendment’s right of access applies to charging documents.

The United States Supreme Court has held that the First Amendment provides the public with a right to access court proceedings. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) (plurality); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982); *Press-Enter. Co. v. Superior Ct. of California, Riverside Cty.*, 464 U.S. 501 (1984) (*Press-Enterprise I*); *Press-Enter. Co. v. Superior Ct. of California for Riverside Cty.*, 478 U.S. 1 (1986) (*Press-Enterprise II*). The public’s First Amendment right of access extends to judicial documents. *E.g.*, *Courthouse News Serv. v. New Mexico Admin. Off. of Cts.*, 53 F.4th 1245, 1264 (10th Cir. 2022) (civil complaints); *In re Search Warrant for Secretarial Area Outside Off. of Gunn*, 855 F.2d 569, 573 (8th Cir. 1988) (search warrant affidavits); *Press-Enterprise I*, 464 U.S. at 513 (*voir dire* transcripts).

Whether the right applies to a *particular* process, proceeding, or document turns on the application of *Press-Enterprise II*’s two-factor “experience and logic” test. *Courthouse News*, 53 F.4th at 1264; *United States v. Smith*, 776 F.2d 1104, 1108 (3d Cir. 1985). The experience factor asks whether the place, process, or document has “historically been open to the press and general public,” *Courthouse News*, 53 F.4th at 1264 (cleaned up); and the logic factor asks whether public access would play a “significant positive role in the functioning of the particular process in question.” *Id.* (cleaned up). The logic factor—whether there is a functional benefit deriving from

⁵ Pursuant to K.S.A. § 75-764, *amicus curiae* KJI will serve a copy of this brief on the Attorney General’s office.

public access—is alone a sufficient justification for establishing First Amendment access. *E.g.*, *Seattle Times Co. v. U.S. Dist. Ct. for W. Dist. of Washington*, 845 F.2d 1513, 1516 (9th Cir. 1988); *Press-Enterprise II*, 478 U.S. at 10 n.3.

Once the First Amendment right of access attaches, the burden shifts to the government to disprove the presumption of openness. *E.g.*, *Courthouse News*, 53 F.4th at 1270.

1. Experience factor.

In *United States v. Smith*, 776 F.2d 1104 (3d Cir. 1985), the court considered whether the First Amendment right of access applies to public indictments. There, the court reviewed Blackstone’s Commentaries,⁶ Joseph Chitty’s *A Practical Treatise on the Criminal Law* (1819),⁷ cases from the 1800s and early 1900s, and concluded charging documents have a long and “historic tradition of public access.” *Smith*, 776 F.2d at 1112. That long historical tradition exists, the court explained, even though indictments are “sometimes temporarily sealed.” *Id.*

“Charging documents are,” moreover, “a quintessential example,” of judicial records that must be open to public access, and “[h]istorically, the openness of the charging document was intimately connected with the notion of the open trial itself.” *In re Reps. Comm. for Freedom of the Press to Unseal Crim. Prosecution of Assange*, 357 F. Supp. 3d 528, 534 (E.D. Va. 2019).

2. Logic factor.

From *Richmond Newspapers* through *Press Enterprise II*, the United States Supreme Court has announced and reiterated that courtrooms must remain open to the public. The First Amendment’s freedoms require, demand, and provide for openness, transparency, and accountability—all necessary components of a well-functioning criminal justice system. As a district court explained in a closely analogous case, the right to access judicial records “serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public

⁶ 4 Blackstone’s Commentaries 306. Available at https://archive.org/details/bim_eighteenth-century_commentaries-on-the-laws_blackstone-sir-william_1791_4/page/306/mode/2up.

⁷ Available at <https://archive.org/details/apracticaltreat11chitgoog/page/218/mode/2up>

with a more complete understanding of the judicial system, including a better perception of fairness. For criminal cases, public access plays a particularly significant role in the functioning of the judicial process and inures to the benefit of both the defendant and society as a whole.” *In re Reps. Comm. for Freedom of the Press to Unseal Crim. Prosecution of Assange*, 357 F. Supp. 3d at 533 (cleaned up).

These principles of openness are vital to American liberty. After all, “[o]pen government is a founding principle of our country. As James Madison, the father of our Constitution, once wrote, ‘a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.’” *Jobe v. Nat’l Transportation Safety Bd.*, 1 F.4th 396, 410 (5th Cir. 2021) (citation omitted).

These notions are *so* foundational that “openness is Law 101: The public’s right of access to judicial records is a fundamental element of the rule of law.” *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417 (5th Cir. 2021) (cleaned up) (analyzing common law right of access). “[O]penness is the most important characteristic of free government ... [and] [t]hat openness may be more important in the courts than anywhere else.” Dan Bernstein, *Justice in Plain Sight* at 202 (2019) (quoting Martin Salditch and Ronnie D. Smith, “Right of Access Upheld for Pretrial Hearings,” *Press-Enterprise* (July 1, 1986)).

Public access to court records, which includes the documents charging Mr. Leonard with crimes, permits a well-informed public discussion about this, and other widely covered matters. As the *Smith* Court explained, the “historic tradition of public access to the charging document in a criminal case reflects the importance of its role in the criminal trial process and the public’s interest in knowing its contents. It sets forth the charge or charges to be tried” and “establishes the general parameters of the government’s case. Knowledge of the charge or charges is essential to an understanding of the trial, essential to an evaluation of the performance of counsel and the court, and, most importantly, essential to an appraisal of the fairness of the criminal process to the accused.” 776 F.2d at 1112.

The First Amendment’s presumption of openness “fulfills important societal objectives,” “benefits the *criminal* process,” see *United States v. Loughner*, 769 F. Supp. 2d 1188, 1195 (D. Ariz. 2011) (emphasis added), “plays a significant positive role in the functioning of the criminal justice system,” *In re Application of New York Times Co. for Access to Certain Sealed Ct. Recs.*, 585 F. Supp. 2d 83, 90 (D.D.C. 2008), and benefits the *judicial* process. See also, Hon. T.S. Ellis, III, *Sealing, Judicial Transparency and Judicial Independence*, 53 Vill. L. Rev. 939, 940 (2008) (“Secret proceedings, including unwarranted or excessive sealing of court records, engender suspicion, mistrust and a lack of confidence in the judicial process[.]”). All these reasons “underscore the logic of granting public access to” court records. *Loughner*, 769 F. Supp. 2d at 1195.

Each of these reasons are sufficient in their own right—and each satisfies the United States Supreme Court’s logic factor from *Press-Enterprise II*.

B. Kansas’s automatic-sealing statute fails First Amendment scrutiny.

As shown above, the First Amendment right of access attaches to criminal complaints and other court records. Two First Amendment questions remain though: when does the right attach; and can the government overcome the presumption of access?

The First Amendment right to access charging documents attaches, at the latest, once the government has made a “sufficiently certain disclosure that charges have in fact been filed.” *In re Reps. Comm. for Freedom of the Press to Unseal Crim. Prosecution of Assange*, 357 F. Supp. 3d at 537. Once the First Amendment right of access attaches—as it does here—the burden shifts to the government to prove “(1) there is a substantial probability that its interest in the fair and orderly administration of justice would be impaired by immediate access; and (2) no reasonable alternatives exist to adequately protect that government interest.” *Courthouse News*, 53 F.4th at 1270. Under this standard, restrictions on the right of access must be “content-neutral, narrowly tailored and necessary to preserve the court’s important interest in the fair and orderly administration of justice.” *Id.* This framework is consistent with other First Amendment cases, is

easier to apply in future cases, offers clarity for litigants, and strengthens the public's First Amendment rights.

While there may be circumstances where sealing is proper, Kansas's automatic-sealing statute, K.S.A. § 60-2617(a), is overbroad and lacks procedural safeguards, as this very case demonstrates. The automatic sealing of records in *State v. Leonard*, LN-2025-CR-000212 perfectly encapsulates the statute's overbreadth and procedural problems. Mr. Leonard has already been arrested, is currently in custody, and the media has extensively covered the story. Furthermore, it is a matter of public record that Mr. Leonard was charged in Missouri and sentenced to four years in prison on May 29, 2026, and that from his arrest up to the date of this filing he has been in custody in Missouri. *See Missouri v. Leonard*, Case No. 25BS-CR00532-01. The publicly available probable cause statement and bond recommendation state that "Leonard is listed as s [sic] suspect in Linn County, Kansas's investigation into the death of the child, and charges are expected to be filed in Kansas in relation to that investigation," and that "[t]he defendant will likely be charged in Kansas for the death of the victim." *See* Exhibit B, Probable Cause Statement and Bond Recommendation and Request for Warrant in *Missouri v. Leonard*, Case No. 25BS-CR00532. Mr. Leonard himself filed a motion to withdraw his guilty plea because it would be "detrimental to the defense of the related charges in Kansas." *See* Exhibit C, Motion to Withdraw Guilty Plea in *Missouri v. Leonard*, Case No. 25BS-CR00532-01.

What's more, Kansas law enforcement agencies have discussed the case publicly. Indeed, Linn County Sheriff James Akes candidly told reporters that his office had a conflict of interest because Mr. Leonard's mother is a former county commissioner and his stepbrother is a former sheriff, which is why the Kansas City, Kansas Police are leading the investigation. *See* Laura Bauer, *Neighbor charged in Kansas boy's death was 'somebody we trusted,' grieving dad says*, The Kansas City Star (January 15, 2026). The Kansas City, Kansas Police, for their part, issued a news release announcing charges for interfering with law enforcement, criminal desecration, having a vicious dog at large, second-degree murder, and involuntary manslaughter. *Id.*; *see also* PJ Green, *Suspect in 13-year-old's death charged with additional crimes in Kansas, Missouri*, The Kansas City Star

(December 30, 2025); Eric Adler, *Kansas files murder charge in case of boy killed by dog. Records hidden from public view*, The Kansas City Star (June 3, 2026).

Whatever value secrecy may provide in the abstract does not exist in *State v. Leonard*. Mr. Leonard has presumably known for more than five months that he had been charged in Linn County. There is no risk that he will flee either since he is in custody. Similarly, there is no risk that Mr. Leonard will destroy evidence, or harm law enforcement officers.

Ultimately, there is no public value in keeping these court records sealed. But there is great harm to the public in keeping these files secret. This tragic case is of great public concern. The fact that the defendant's family is so politically connected that the Linn County Sheriff had to hand over the investigation to an outside department creates an even greater need for public transparency. The public needs to know that justice is being administered in a fair manner, but instead K.S.A. § 60-2617(a) mandates indefinite secrecy. The Court Clerk, attempting to comply with the overbroad command of § 60-2617(a), even asserted in writing that records of the case "do not exist," even though they apparently do exist. Denying that a highly publicized, politically connected case even exists, just because of an inflexible, overbroad statute that allows no exceptions whatsoever, is bound to cause confusion and distrust among the public about the fairness of the judicial process.

Mr. Leonard has been in custody in Missouri since December 23, 2025. He has known for at least that long that he is facing charges in Linn County. There is no value to law enforcement or the public in keeping court records in Mr. Leonard's case secret. Indeed, law enforcement has publicly announced the charges to the media. Keeping these records sealed is not necessary to any government interest, it is not tailored in any fashion, and there are numerous less restrictive options available. Yet K.S.A. § 60-2617(a) requires the records to remain sealed. This does not survive First Amendment scrutiny.

II. Kansas’s automatic-sealing statute violates Kansas’s separation of powers doctrine.

The Linn County News correctly argues that K.S.A. § 60-2617(a) violates the First Amendment. This Court should declare Kansas’s automatic-sealing statute unconstitutional on those grounds, and in addition, find that the Linn County News prevailed in its civil rights lawsuit under 42 U.S.C. § 1983. But Kansas’s automatic-sealing statute is problematic for another reason—it violates Kansas’s separation of powers doctrine.⁸

Section 60-2617(a) mandates that courts “shall” seal criminal cases when “an arrest warrant is being sought,” without exception. The sealed records must remain sealed “until such warrant has been executed or the request for such warrant is denied,” without allowing the court any discretion or providing a procedure to unseal the records. Instead, the statute states that “no information related to a case or warrant, including the existence of such case or warrant, shall be made available to the public.” As a result, court officials and law enforcement are placed in the unenviable position of having to deny the existence of court records that the public knows exist. This legislative interference with the independence of the judicial and executive branches violates the separation of power which “is an inherent and integral element of the republican form of government and is expressly guaranteed to the states by the federal Constitution.” *Solomon v. State*, 303 Kan. 512, 525 (2015).

Article 3, § 1 of the Kansas Constitution vests all judicial power “exclusively” in the hands of the judiciary and grants the Kansas Supreme Court “general administrative authority over all courts in this state.” This “general administrative authority” includes “the power to make rules for process, practice, and procedure at all levels of the unified court system.” *Solomon*, 303 Kan. at 523. “The Kansas Supreme Court has the authority and duty to preserve the constitutional

⁸ Section 1983 is, of course, a vehicle for vindicating violations of federal constitutional rights, not violations of state constitutional rights. Given the posture of the case, it would be imprudent to decide the case on the grounds the statute violates the separation of powers doctrine, unless it was specifically raised by an amended petition or by other parties that might seek to intervene. Nonetheless, this Court should take the opportunity to address the separation of powers issues to prevent future legislative encroachment on such matters.

division of powers against disruptive intrusion by one branch of government into the sphere of a coordinate branch of government.” *Id.* at 525.

The Kansas Supreme Court exercised this exclusive authority when it enacted Supreme Court Rule 22 – Access to Public Electronic District Court and Appellate Case Records. Under Rule 22(d)(15), arrest, search, or bench warrants that have not been executed are automatically sealed,⁹ while criminal complaints are publicly available unless the court has affirmatively sealed the case. And Comment 1 to Rule 22 states that “unless previously sealed by court order, a criminal complaint remains accessible to the public even when an arrest warrant is issued.”

K.S.A. § 60-2617(a) usurps the Kansas Supreme Court’s administrative authority and purports to nullify Rule 22(d)(15). One proponent of § 60-2617(a), testified that prosecutors had opposed the adoption of Rule 22(d)(15) and expressed their opposition to the Kansas Supreme Court and the Office of Judicial Administration. *See* Exhibit D, Testimony of Stephen M. Howe on Senate Bill 204. Mr. Howe testified that “we have no opportunity to appeal [the Kansas Supreme Court’s] decision [to adopt Rule 22(d)(15)], which is why we come before you with this bill.” *Id.* But the Kansas Supreme Court’s administrative authority is exclusive, and the Legislature has no authority to hear appeals of Kansas Supreme Court Rules. Such legislative attempts to control the administrative authority of the Kansas Supreme Court to promulgate rules are an unconstitutional violation of the separation of powers. *Solomon*, 303 Kan. at 533.

Similarly, § 60-2617(a) infringes on the independent power of the executive branch. Apprehending fugitives pursuant to an arrest warrant is a core executive function. Sometimes the executive may prefer to maintain the element of surprise until the warrant has been executed. But sometimes the executive may find it advantageous to publicize the existence of a case and a warrant. From the humble “Wanted” poster to the Kansas Bureau of Investigation’s “Kansas Most Wanted” website,¹⁰ there is a long history of law enforcement publishing information about

⁹ As shown in Section I, Rule 22’s automatic-sealing provision may raise its own First Amendment issues.

¹⁰ Available at <https://www.kansas.gov/kbi/mostwanted/mw.shtml>

charges pending against fugitives, either to solicit the public for assistance in locating the fugitive or to update the public about the status of a case. Indeed, in this case both the Linn County Sheriff and the Kansas City, Kansas Police thought it advantageous to provide information to the press regarding the case against Mr. Leonard.

Yet the overly broad text of § 60-2617(a)(5) purports to prohibit law enforcement from communicating with the public in this manner: “no information related to a case or warrant, including the existence of such case or warrant, shall be made available to the public.” The State of Kansas is a party to all criminal cases, and as such, the State’s agents in law enforcement must respect the sealing of court documents. Section 60-2617(a) does not provide for any exception for law enforcement, nor does it provide any procedure to lift the seal until a warrant has been executed. This mandatory, overbroad sealing of every criminal case interferes with the executive branch’s time-honored ability to communicate with the public to aid in the capture of wanted fugitives, in violation of the separation of powers.

Conclusion

Secrecy erodes confidence, undermines law enforcement and judicial legitimacy, demotes respect for our laws, our courts, and our entire criminal justice system.

The public has a First Amendment right to know how and why its government enforces the laws and dispenses justice. After all, “the advancement & diffusion of Knowledge” is “the only Guardian of true liberty[.]” Letter from James Madison to George Thompson (June 30, 1825).¹¹ The mandatory, indefinite sealing of every criminal case until a warrant has been executed, with no exceptions, denies the public its right to access presumptively public court records and violates the separation of powers.

¹¹ Available at Founders Online, National Archives, <https://founders.archives.gov/documents/Madison/04-03-02-0562>

Kansas Justice Institute

Dated: June 4, 2026

/s/ Jeffrey Shaw
Samuel G. MacRoberts, 22781
Jeffrey Shaw, 29767
12980 Metcalf Avenue, Suite 130
Overland Park, Kansas 66213
Sam@KansasJusticeInstitute.org
Jeff@KansasJusticeInstitute.org
(913) 213-5018
Attorneys for *Amicus Curiae*

Certificate of Service

I hereby certify that on the below date, a true and correct copy of the above was electronically mailed to Maxwell Kautsch, and the rest were mailed a copy *via* first class mail:

To: Maxwell E. Kautsch
Kautsch Law, LLC
810 Pennsylvania St., Ste. 207
Lawrence, KS 66044
maxk@kautschlaw.com
Attorney for Walker Publishing Inc., d/b/a Linn County News

Stephanie Gerken
Administrator for the Sixth Judicial District of Kansas
120 S Pearl St.
Paola, KS 66071

Gina Witherspoon
Clerk for the District Court of Linn County
308 Main St., Suite 105
Mound City, Kansas 66056

Doug Shima
Clerk of the Appellate Court
301 SW 10th Ave, Room 337
Topeka, KS 66612-1507

Dated: June 4, 2026

/s/ Jeffrey Shaw
Jeffrey Shaw

In the District Court
of
Linn County, Kansas

**Walker Publishing, Inc., d/b/a Linn County
News**

Plaintiff,

v.

Doug Shima, *et al.*,

Defendants.

Civil Action No. LN-2026-CV-000031

Brief of *Amicus Curiae* Kansas Justice Institute
Exhibit A.

(Hon. Mike Ward)

Brief of *Amicus Curiae* Kansas Justice Institute

Exhibit A

Judgment in *Missouri v. Leonard*, Case No. 25BS-CR00532-01



IN THE 27TH JUDICIAL CIRCUIT COURT, BATES COUNTY MISSOURI

Judge or Division : JACQUELINE ANNETTE COOK (36389)	Case Number : 25BS-CR00532-01 ☐ Change of Venue from
	Offense Cycle No : 7P000051
State Of Missouri vs. Defendant: DAMON BARRETT LEONARD (S8860) 49 North Lakeview Drive Pleasanton, Ks 66075	Prosecuting Attorney/MO Bar No: HUGH C JENKINS (35887) Defense Attorney/MO Bar No: HAROLD FRANKLIN TRULL (69395)
DOB : SSN SEX : M	
	Appeal Bond Set Date : Amount :
Judgment	

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	22-Dec-2025	194.425-001Y202055.0	Abandonment Of A Corpse (Felony E RSMo: 194.425)
Disposition:	29-May-2026		Guilty Plea	
Order Date:	29-May-2026	Sentence or SIS :	Incarceration DOC	
Length :	4 Years	Start Date :	29-May-2026	
Text :	Count 1 - Defendant sentenced to 4 Years Doc And Court Costs CREDIT FOR TIME SERVED IN DAYS: 158, 24.035/29.15 INEFFECT COUNSEL: N No, ALLOCUTION: Y Yes, DELIVER CERTIF COPY OF JUDMT: Y Yes			

The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to **Supreme Court Rule 24.035/29.15** and the court has found **No Probable Cause** to believe that defendant has received ineffective assistance of counsel.

The Court orders:

Pursuant to section **558.031.2, RSMo**, Defendant shall receive credit of **158** days toward the service of Defendant's sentence for time spent in prison, jail, or custody after the offense occurred and before conviction.

The clerk to deliver a certified copy of the judgment and commitment to the sheriff.

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of **\$46.00** for the Crime Victims Compensation fund. Judgment is **Not Satisfied**.

The Court further orders:

29-May-2026 Judgment CVC \$46 - Other

29-May-2026 Defendant Sentenced

Count 1 - Defendant sentenced to 4 Years Doc And Court Costs CREDIT FOR TIME SERVED IN DAYS: 158,
24.035/29.15 INEFFECT COUNSEL: N No, ALLOCUTION: Y Yes, DELIVER CERTIF COPY OF JUDMT: Y Yes

So Ordered on: 25BS-CR00532-01 ST V DAMON BARRETT LEONARD

Document

Date

Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Circuit Court)

Issued on:

Date

Clerk

In the District Court
of
Linn County, Kansas

**Walker Publishing, Inc., d/b/a Linn County
News**

Plaintiff,

v.

Doug Shima, *et al.*,

Defendants.

Civil Action No. LN-2026-CV-000031

Brief of *Amicus Curiae* Kansas Justice Institute
Exhibit B.

(Hon. Mike Ward)

Brief of *Amicus Curiae* Kansas Justice Institute

Exhibit B

Probable Cause Statement and Bond Recommendation and Request in

Missouri v. Leonard, Case No. 25BS-CR00532-01

PROBABLE CAUSE STATEMENT

I, Amy Fishbaugh am a Deputy Sheriff for Bates County, Missouri, knowing that false statements on this form are punishable by law; state the facts contained herein are true.

1. I have probable cause to believe that Damon B. Leonard committed one or more criminal offenses:

On 12/22/2025 Deputies with the Bates County Sheriff's Office received a call for service in reference to a missing 13 year old juvenile from Linn County, Kansas. Upon arrival to the calling party's residence, a male subject identified as Damon Leonard of Pleasanton, Kansas advised Deputies that he knew the whereabouts of the missing child and that the child was deceased.

Upon interviewing Leonard, he described a location in Bates County where he transported the deceased child to from Kansas. Leonard later drove us to the location where he had placed the deceased child. A search warrant was obtained and the deceased child was located in a remote area in rural Bates County down a large ravine in a creek bed. Leonard admitted that he transported the deceased child from Kansas to Missouri and left the body in the bottom of the creek bed before traveling back to Kansas where he resides.

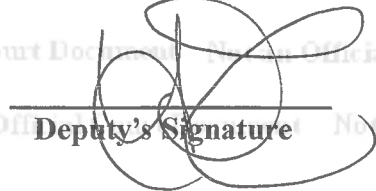
I am requesting a warrant be issued for the following reasons:

1. I have reasonable grounds to believe the defendant will not appear based on the following information:

2. I have reasonable grounds to believe the defendant poses a danger to a crime victim, the community, or any other person based on the following information: Leonard admitted to knowing the child was deceased and then transported the body across state lines and abandoned the body in Bates County, Missouri. Leonard is listed as a suspect in Linn County, Kansas's investigation into the death of the child, and charges are expected to be filed in Kansas in relation to that investigation.

Date: 12/23/2025

Amy Fishbaugh
Print Deputy's Name


Deputy's Signature

Subscribed and sworn to before me this 23rd day of December, 2025

My Commission Expires:

6/12/27


Notary Public

JEREMY DAVIS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Bates
My Commission Expires: Jun. 12, 2027
Commission #15634810

IN THE CIRCUIT COURT OF BATES COUNTY, MISSOURI

STATE OF MISSOURI

Plaintiff,

vs.

Damon Barrett Leonard

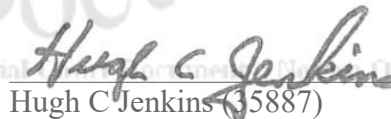
Defendant.

Case No.

PA File No. 013020076

BOND RECOMMENDATION AND REQUEST FOR WARRANT

1. The defendant is charged with abandonment of a corpse without notifying authorities.
2. The defendant has the following criminal history from Linn County, KS. Felony Attempted Arson, convicted 05/19/2000.
3. The State alleges the defendant is a threat to the community.
4. The State alleges the defendant flight risk. The defendant will likely be charged in Kansas for the death of the victim.
5. The State requests a warrant be issued.
6. The State requests the bond be set at \$100,000 cash only.



Hugh C Jenkins (35887)

Prosecuting Attorney

Bates County Courthouse

Butler, Missouri 64730

(660) 679-4030

In the District Court
of
Linn County, Kansas

**Walker Publishing, Inc., d/b/a Linn County
News**

Plaintiff,

v.

Doug Shima, *et al.*,

Defendants.

Civil Action No. LN-2026-CV-000031

Brief of *Amicus Curiae* Kansas Justice Institute
Exhibit C.

(Hon. Mike Ward)

Brief of *Amicus Curiae* Kansas Justice Institute

Exhibit C

Motion to Withdraw Guilty Plea in *Missouri v. Leonard*, Case No. 25BS-CR00532-01

IN THE CIRCUIT COURT OF BATES COUNTY
STATE OF MISSOURI

STATE OF MISSOURI,	)	Cause No. 25BS-CR00532-01
Plaintiff	)	
	)	Division No. 1
v.	)	
	)	
DAMON R LEONARD,	)	
Defendant	)	

MOTION TO WITHDRAW GUILTY PLEA

Comes Now, Defendant, in the above-styled cause, and moves this honorable court to withdraw the previously entered plea of guilty. In support of this motion, Defendant states the following:

1. Defendant was charged by information of the E felony of abandonment of a corpse on February 9, 2026 in the Circuit Court of Bates County, Missouri.
2. On May 22, 2026, Defendant entered a plea of guilty by agreement with the State to the E felony of abandonment of a corpse in the Circuit Court of Henry County, Missouri, before the Honorable Judge Jacqueline Cook.
3. A sentencing assessment report was waived and Defendant was scheduled to be sentenced on May 29, 2026, to serve four (4) years in the Missouri Department of Corrections.
4. On May 28, 2026, at approximately 4:45pm, Counsel was made aware of new information regarding Defendant's cases in Kansas, which are related to this matter.
5. Based on this new information, Counsel believes that a plea in this case, should it move forward, would be detrimental to the defense of the related charges in Kansas.
6. As a result, Defendant requests that the Court allow a withdrawal of the plea conducted on May 22, 2026, as the circumstances and collateral consequences of a plea has changed, and further discussions with Counsel on both matters will be desired to move forward.
7. Supreme Court Rule 29.07(d) allows a defendant to withdraw a guilty plea to correct

manifest injustice, stating, "A motion to withdraw a plea of guilty may be made only before sentence is imposed or when imposition of sentence is suspended; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his or her plea. A guilty plea may not be withdrawn as a matter of right. State v. Choate, 639 S.W.2d 906, 908[1] (Mo.App. 1982). Whether such a withdrawal shall be permitted is within the sound discretion of the trial court. Id. and State v. Sharp, 908 S.W. 2nd 752 (Mo. App. E.D. 1995).

8. Counsel argues that disallowing the plea in this matter to be withdrawn will result in manifest injustice to the Defendant.

WHEREFORE, it is respectfully requested that Defendant be allowed to withdraw the plea of guilty, entered on May 22, 2026, that Defendant be released to the active warrants in Kansas, that the case be placed back on the docket for case review, and for such other relief as this Court deems just.

Respectfully submitted,

/s/ Harold Trull

Harold Trull, Mo Bar No. 69395
 Attorney for Defendant
 502 Westchester Avenue
 Harrisonville, MO 64701
 Phone: 816-380-3160
 Fax: 855-574-0796
 E-Mail: Harold.Trull@mspd.mo.gov

Certificate of Service

I hereby certify that on this 28th day of May, 2026, an electronic copy of the foregoing was sent through the Missouri e-Filing system to counsel of record.

/s/ Harold Trull

In the District Court
of
Linn County, Kansas

**Walker Publishing, Inc., d/b/a Linn County
News**

Plaintiff,

v.

Doug Shima, *et al.*,

Defendants.

Civil Action No. LN-2026-CV-000031

Brief of *Amicus Curiae* Kansas Justice Institute
Exhibit D.

(Hon. Mike Ward)

Brief of *Amicus Curiae* Kansas Justice Institute

Exhibit D

Testimony of Stephen M. Howard on Senate Bill 204



STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

STEPHEN M. HOWE, DISTRICT ATTORNEY

March 7, 2025

House Judiciary Committee
Attention: Chair Susan Humphries
State Capitol, Room 582-N
Topeka, Kansas 66612

Re: Senate Bill 204

Chair Susan Humphries and members of the House Judiciary Committee,

Thank you for the opportunity to submit our written response in support of SB 204.

Over the last several years, the Office of Judicial Administration (OJA) and the Kansas Supreme Court have worked on establishing a state-wide court management system called Odyssey. That was accomplished in November of 2024. Prosecutors across the State had previously notified OJA and the Supreme Court of some public safety concerns we had with how this new management system was operated. There are two areas of concern addressed in this bill. The release of warrant information and personal identification information to the general public.

Warrant Information

In summer of 2023 several prosecutors met with the Supreme Court and OJA to outline our concerns regarding public access to case information prior to an arrest warrant being served on defendants. We believed that the legislature's intent was clear: nothing directly or indirectly notifying the public of the existence of an arrest warrant should be available. We argued that K.S.A. 21-5906 precludes the release of any information associated with issuance of an arrest warrant. That section of the statute reads as follows:

- (a) Criminal disclosure of a warrant is recklessly making public in any way, prior to the execution of such warrant the:
 - (1) Fact that a search warrant or warrant for arrest has been applied for or issued;

Prior to using the Odyssey court system, case filing information was not available to the public. The Supreme Court and OJA have now taken the position that only data directly related to issuance of the warrant should be excluded from public view. (see Supreme Court Rule 22 comments section) We still believe that the legislature's intent was withhold any information that disclosed the presence of the warrant, not just the word "warrant".

Obviously, we have no opportunity to appeal their decision, which is why we come before you with this bill. Currently under the Odyssey court management system, when we file a case and an arrest warrant is issued, the following information is seen by the public; name of the offender, list of criminal charges, date of offense, city and county where it occurred, the name of the victim, prosecutor who filed the case and the judge who signed the documents. Any criminal defendant can easily create an account to figure out if there is an active case pending against them and can reasonably conclude they have a warrant for their arrest if they haven't yet appeared in court. This occurs for all cases including homicide, sexual assault and domestic violence cases.

There are several obvious public safety concerns with this situation. It puts victims of violence including domestic violence at risks by allowing the offender to have the ability to intimidate, hurt, or kill victims prior to their arrest. This publication of charges also puts law enforcement at risk by giving the defendant notice of the case and the warrant prior to their arrest. It also places the public at risk from individuals who will flee from the police because of the warrant, which results in many traffic fatalities throughout the State.

The Supreme Court outlined only limited relief available in Supreme Court Rule 23. It allows prosecutors to file a motion and order to seal the information from public view. However, there are several problems with how this rule is constructed. The Court has forbidden the unilateral use of seal orders. Therefore, we must provide case specific facts on each case we want sealed. This requires the prosecutors to file tens of thousands of motions and orders and have a hearing, prior to filing charges, to protect law enforcement and victims. It places an additional burden on the already overworked prosecutors and court clerks offices across the state.

This case specific facts requirement by OJA and the Court presumes that we can anticipate which warrant situations places victims and the public at risk, presuming we have the ability to predict future behavior like the Sci-fi movie "Minority Report". That is far from reality. We have had a number of fatality accidents where individuals fled from police for minor crimes like traffic warrants. This also holds true for many misdemeanor domestic battery cases. Limiting what type of cases can be sealed unnecessarily puts law enforcement, victims and the general public at risk. Therefore, we propose the following amendment to K.S.A. 60-2617.

(a)(1) Upon filing of a criminal case or a case pursuant to the revised Kansas juvenile justice code in which an arrest warrant is being sought, the case shall be sealed by the court until such warrant has been executed or the request for such warrant is denied. Nothing in this paragraph shall prohibit disclosure of case or warrant information to law enforcement for the purposes of executing such warrant.

We are asking the legislature to pass these amendments to reaffirm your intent to exclude all direct and indirect reference to case and warrant information until execution of the warrant. This commonsense approach will once again help protect our law enforcement officers, victims and the general public. Once the warrant is executed and the person arrested, then all case information would become public.

Personal Identification Information

As the State-wide court management system (Odyssey) has been implemented, it has highlighted the need for additional changes to protect victims and individuals “personally identifiable information”. The Supreme Court has acknowledged a need to protect this information under Supreme Court Rule 24. So has this legislative body by limiting this same information under various statutory provisions including the Open Records Act.

Attorneys across the State have for years taken steps to protect personally identifiable information from public view during court proceedings. This has been done by using initials or abbreviations of this information in filed court documents. However, prosecutors must utilize this information when subpoenaing individuals and documents to present their case and make their arguments in court. This would include names of children who are victims of abuse and neglect, names and addresses of adult victims of sexual assault and domestic violence, requests for bank records that has victims account numbers and social security numbers on it, medical records that include victim’s social security number and or date of birth. Those subpoenas need to specify the name, address and personal information in order for the proper individuals and documents to be served and obtained for court. We have already had domestic violence cases where subpoena information listing the name and addresses of the victim has resulted in harassment of the victim by the defendant.

The crux of the problem under Odyssey is that it allows all subpoenas filed with the court to be accessible to the general public. Prior to Odyssey those records were not available to the public. The only relief available to the attorneys is to file motions and orders to seal this information and then schedule a hearing to argue why this information should be protected. We are then required to articulate case specific information as to why sealing the information is necessary. Once again, this suggests that we can predict future human behavior. This would unnecessarily require attorneys to file seal orders on something that is presumptively considered by the Supreme Court and the Kansas Legislature as privileged information. We are asking that you pass this bill to require the Court to proactively seal subpoena information from public view. The attorneys and court and process servers would still have access to this subpoena information. We are therefore asking that you amend Kansas Statutes in the following way.

60-2617. Sealing or redacting court records; closing a court proceeding; motion; notice; hearing; exceptions.

(a)(2) All subpoenas issued in a criminal case or a case pursuant to the revised Kansas juvenile justice code shall be sealed by the court and a subpoena shall only be unsealed if the court makes a finding that unsealing such subpoena is in the interest of justice

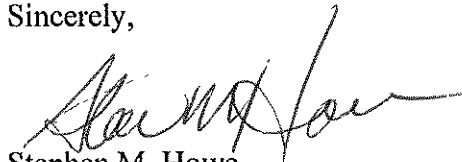
The only stated reason for making these subpoenas public was the court's desire for transparency. The transparency of our court system will not be impacted by this bill, since all court hearings are presumptively open to the public, with a few limited exceptions. The vast majority of court documents are also available for public view. Those individuals and records obtained by subpoena would still be presented in open court which is available to the public, while protecting the individual's privacy rights and safety.

Since submitting this bill, it has come to our attention that the return of service documents also contains this same privileged personal identification information and could be deemed a separate document and therefore not covered by the original wording of the bill. That document notifies the Court and opposing counsel that a subpoena has been served on a person or business. We now believe that this document would be considered by the Court as a separate document from the subpoena and will remain a publicly viewed document unless we specifically ask for its sealing. Attached to this testimony is the requested amendment to the bill approved by the Kansas Senate. This will again help protect victims and witnesses and deny the disclosure of personal identification information.

These changes would eliminate the need to file large number of motions and orders to seal and avoid clogging up the Court system with hearings requesting said orders. It would also have the collateral benefit of eliminating unnecessary documents from being filed by our numerous court clerks across the State. This would create a more efficient means of affecting justice.

These commonsense amendments will protect victims, law enforcement, and the general public and allow individuals personal identification information to be protected. We ask that you pass this bill into law for the safety of all Kansans.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Howe", written over a horizontal line.

Stephen M. Howe
Johnson County District Attorney

Proposed amendment by District Attorney Steve Howe

(2) All subpoenas **and their return of service document** issued in a criminal case or a case pursuant to the revised Kansas juvenile justice code shall be sealed by the court and a subpoena shall only be unsealed if the court makes a finding that unsealing such subpoena is in the interest of justice.