

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS

IN THE MATTER OF

ARMANDO NUNEZ, JUVENILE

CASE NO. 2021-JV-000038

DATE OF BIRTH: XX/XX/2000

A MALE UNDER THE AGE OF 18 YEARS

**STATE'S REQUEST FOR HEARING ON JUVENILE'S WAIVER AND STIPULATION TO  
PROSECUTION AS AN ADULT**

COMES NOW the State of Kansas, Plaintiff, by and through Amy L. Aranda, First Assistant Lyon County Attorney and moves the Court to schedule a hearing for the juvenile herein, Armando Nunez, to make a waiver and stipulation to prosecution as an adult on the record. In support hereof, movant states as follows:

1. The juvenile is presently charged with various crimes including First Degree Murder, Conspiracy to Commit First Degree Murder, Conspiracy to Commit Aggravated Robbery, Aggravated Robbery, Theft, Arson, and Interference with a LEO.
2. The State filed a Motion to Authorize Prosecution of the juvenile as an adult.
3. On August 24, 2021, the Court held a status conference in which the juvenile through counsel advised the Court that the juvenile wished to "stipulate" to prosecution as an adult. The Court made no further inquiry, but scheduled the matter for preliminary hearing on November 8, 2021 through November 10, 2021.
4. Pursuant to K.S.A. 38-2347, when determining whether prosecution as an adult should be authorized, the Court must consider the eight statutory factors set forth therein.
5. Although a juvenile can stipulate to allegations made against him in a motion for adult prosecution, the court, in making the decision to waive jurisdiction, must take into account the juvenile's stipulation and evidence concerning the eight factors in K.S.A. 38-2347. The Court must make findings on the record that the waiver to adult prosecution is supported by substantial competence evidence. Failure to do so deems the "stipulation" insufficient and the adult proceedings without jurisdiction. See *State v. Smith*, 268 Kan. 222, 246, 993 P.2d 1213 (1999), and *State v. Ellmaker*, 289 Kan. 1132, 1149, 221 P.3d 1105 (2009).

WHEREFORE, the Plaintiff, State of Kansas respectfully requests this Court to conduct a hearing on the juvenile's waiver and stipulation to prosecution as an adult prior to the scheduled preliminary hearing on November 8, 2021 and for this Court to make the requisite findings on the record in support thereof.

Submitted by:

**/s/ Amy L. Aranda**

Amy L. Aranda, 17426  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above and foregoing Request for Hearing on Juvenile's Waiver and Stipulation to Prosecution as an Adult was provided to the following via email and efile filing:

Honorable W. Lee Fowler  
District Judge  
[d2@5thjd.org](mailto:d2@5thjd.org)

Chris Biggs  
[chris@knoppbiggs.com](mailto:chris@knoppbiggs.com)

on this 30<sup>th</sup> day of August, 2021.

**/s/ Amy L. Aranda**

Amy L. Aranda, 17426  
First Assistant Lyon County Attorney