



Court: Lyon County District Court
Case Number: 2021-JV-000055
Case Title: In the Matter of Samuel Garcia
Type: Journal Entry of Hearing on Motion to Authorize
Prosecution as an Adult

SO ORDERED.

A handwritten signature in black ink that reads "Merlin G. Wheeler". The signature is written in a cursive style with a large initial 'M'.

/s/ Honorable Merlin G. Wheeler, District Court
Judge

**IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
JUVENILE DIVISION**

IN THE MATTER OF

SAMUEL GARCIA, JUVENILE

CASE NO.2021-JV-000055

DATE OF BIRTH: 10/2/1999

A MALE UNDER THE AGE OF 18 YEARS

**JOURNAL ENTRY OF HEARING ON
MOTION TO AUTHORIZE PROSECUTION AS AN ADULT**

Pursuant to K.S.A. 38-2347

Now, on this 22nd day of February, 2022, the Court considers the Motion Requesting Authorization to Prosecute as an Adult, Judge Merlin G. Wheeler presiding.

The Court finds jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The State appears by Amy L. Aranda, First Assistant Lyon County Attorney via Zoom.

The juvenile appears in person via Zoom and not in person, and by the juvenile's attorney, Charles O'Hara, appearing via Zoom.

The juvenile consents to appearance via Zoom.

The mother is present is not present.

The father is present is not present.

The CSO is present through _____.

The Secretary of Corrections is present through _____.

Also present is/are: Carlos Wriett, interpreting for the parents.

The Court informs the juvenile of the nature of the charge(s) in the complaint, the right to be presumed innocent of each charge, the right to trial without unnecessary delay, the right to confront and cross-examine witnesses appearing in support of the allegations of the complaint, the right to subpoena witnesses, the right to testify or to decline to testify, and the sentencing alternatives the Court may select should the motion be granted.

The juvenile advises the Court that he wishes to stipulate to prosecution as an adult. The Court inquires of the juvenile and finds the juvenile's stipulation is knowing, voluntary and intelligent and accepts the same.

The Court, having reviewed the file, received the evidence, heard statements of counsel, and made the considerations required by K.S.A. 38-2347(d), makes the following findings, and enters the following orders:

The charges of Conspiracy to Commit First Degree Murder, First Degree Murder, Premeditated, First Degree Murder, Felony Murder, Conspiracy to Commit Aggravated Robbery, Aggravated Robbery, Theft, Arson, and Interference with a Law Enforcement Officer are serious person offenses. The Court further finds, the age of the juvenile, the limitation of options to deal with the juvenile as a juvenile offender, and the protection of the community warrant prosecution

as an adult. The Court further finds the alleged offenses were committed in an aggressive, violent and premeditated or willful manner resulting in the death of the victim. The Court further finds the juvenile's prior adult convictions for three, person felonies weigh heavily in favor of adult prosecution. The Court further finds that the facts alleged in the Affidavit support a finding that the crimes were planned and demonstrate a level of sophistication consistent with the actions of an adult. The Court further finds that there are no juvenile facilities available to the court that are likely to rehabilitate the juvenile, and due to the juvenile's current age, the interest of the community would be better served by prosecution of the juvenile as an adult. There is a preponderance of evidence that the alleged juvenile offender should be prosecuted as an adult for the offense(s) charged. The present matter shall be dismissed and prosecution initiated under the applicable criminal statute.

or

The evidence is insufficient and the motion to prosecute the juvenile as an adult is denied.

or

The motion should be denied, but there is a preponderance of evidence that the proceedings should be designated as an extended jurisdiction juvenile prosecution, and they are so designated.

SUBMITTED & APPROVED:

/s/ Amy L. Aranda

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