adjudges the defendant guilty as charged; the Court orders a Pre-Sentence Investigation and continues this case for sentencing.

Thereafter, on the 17th day of August, 2005, this case comes on for sentencing. The State of Kansas appears by its attorneys, Nola Foulston, District Attorney; Kim T. Parker, Chief Deputy District Attorney; Kevin O'Connor, Deputy District Attorney, and Aaron L. Smith, Assistant District Attorney. The defendant appears in person and by his attorneys, Charles S. Osburn, Public Defender, and Sarah McKinnon, Assistant Public Defender. Evidence is presented by the State.

THEREUPON, the Court makes the following findings of fact and conclusions of law:

1. That there is substantial competent evidence establishing beyond a reasonable doubt, in regard to Count Ten, the existence of the following aggravating circumstances: (A) That the defendant committed the crime in order to avoid or prevent a lawful arrest or prosecution; and (B) That the defendant committed the crime in an especially heinous, atrocious or cruel manner. There are two mitigating circumstances. The Court finds two mitigating factors: (A) That the defendant waived trial and entered a plea of guilty, and (B) That the defendant cooperated with law enforcement. The existence of these aggravating circumstances are not outweighed by any mitigating circumstances. Therefore, a sentence of Life Imprisonment with parole eligibility after 40 years shall be imposed.
2. That restitution is due and owing and that the final order regarding restitution shall be entered at a future date.
3. That there shall be no final dispensation of evidence and/or property collected in the investigation or prosecution or seized by search warrants issued by this Court until further order of this Court.

The Court inquires of the defendant if he has any legal cause to show why judgment of sentence should not be pronounced against him; the defendant failing to show any such cause and none appearing, there being none, the Court makes the finding that under the Kansas Sentencing Guidelines each count in this case would be categorized as an Offgrid felony and therefore the conversion provisions of K.S.A. 21-4724 do not apply. The Court then proceeds to pronounce judgment of sentence against the defendant, being advised of the Pre-Sentence Investigative Report prepared by the Court Services Officer.

IT IS THE SENTENCE OF THIS COURT AND IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED that the defendant is hereby committed to the custody of the Secretary of Corrections for imprisonment for a period of Life on the charge of Murder in the First Degree, Count One, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Two, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Three, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Four, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Five, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Six, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Seven, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Eight, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life on the charge of Murder in the First Degree, Count Nine, contrary to ***Kansas Statutes Annotated 21-3401***, and in accordance with ***Kansas Statutes Annotated 21-4501(a)***; for a period of Life, with no parole before forty (40) years, on the charge of Murder in the First Degree, Count Ten, contrary to ***Kansas Statutes Annotated 21-3401(a)***, and in accordance with ***Kansas Statutes Annotated 21-4501(a) and Kansas Statutes Annotated 1990 Supp. 21-4628***. Said sentences shall run consecutively to each other. The defendant shall pay the costs of this action to the Clerk of this Court, including witness fees. All remaining miscellaneous expenses are to be determined at the time of the restitution order.

IT IS FURTHER ORDERED that recommendations for conditions of incarceration will be determined by the Court at the time the miscellaneous costs and restitution costs are determined.

IT IS FURTHER ORDERED that the Clerk of this Court deliver two (2) certified copies of this judgment and commitment to the Sheriff of Sedgwick County, Kansas, or one of his duly authorized deputies. It is further ordered that such certified copies serve as the commitment of the defendant and said Sheriff or authorized deputy is ordered to transport the defendant to the custody of the Secretary of Corrections for imprisonment, and make due return thereof.

IT IS FURTHER ORDERED that for the purpose of computing defendant's sentence, his parole eligibility and conditional release dates thereunder, that such sentence shall be computed from February 26, 2005.

IT IS SO ORDERED.

GREGORY L. WALLER, JUDGE
DIVISION NO. 5

APPROVED BY:

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