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JAMES WARD  
Assistant District Attorney  
Sedgwick County Courthouse  
535 North Main  
Wichita, Kansas 67203  
268-7281

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1000  
4-3-89  
JU

APR 3 1989  
CLEAR OF THE  
18TH JUDICIAL  
DISTRICT  
SEDGWICK COUNTY  
BY [Signature]

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CRIMINAL DEPARTMENT

JG

THE STATE OF KANSAS, )  
Plaintiff, )  
vs. ) Case No. 88CR02472  
ROGER D. TUCKER, )  
Defendant. )  
Division No. 9

JOURNAL ENTRY OF JUDGMENT

On this 13th day of February, 1989, this case comes on for plea before The Honorable Paul W. Clark, Judge of the District Court, after previously being bound over for trial before The Honorable Karl W. Friedel, Judge of the District Court. The State of Kansas appears by its attorney, James Ward, Assistant District Attorney. The defendant appears in person and by his attorney, Timothy J. Henry, Assistant Public Defender, court appointed.

Thereupon, the State makes oral application to the Court to amend the Information filed herein by striking therefrom all words, phrases and allegations pertaining to Aggravated Robbery, contrary to K.S.A. 21-3427, a Class B Felony, and inserting in lieu thereof words, phrases and allegations charging the defendant with Robbery, contrary to K.S.A. 21-3426, a Class C Felony, which motion was by the Court sustained.

The defendant having heretofore been served a copy of the Information and having waived arraignment, further waives a jury trial on the information as amended by interlineation charging him with Robbery, contrary to K.S.A. 21-3426, a Class C Felony; is informed by the Court of the consequences of a plea of guilty and of the maximum penalty provided by law.

The defendant then enters a plea of guilty to Robbery, contrary to K.S.A. 21-3426.

The Court, after determining that the plea was voluntarily made with an understanding of the nature of the charge and the consequences of the plea, and that there is a factual basis for the plea, adjudges the defendant guilty of Robbery, contrary to K.S.A. 21-3426; the Court orders a Pre-Sentence Investigation and continues this case for sentencing.

Thereafter, on the 21st day of March, 1989, the State of Kansas appears by its attorney, Mark Severt, Assistant District Attorney. The defendant appears in person and by his attorney, Timothy J. Henry, Assistant Public Defender, court appointed.

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 then proceeds to suspend imposition of sentence pursuant to K.S.A. 21-4603, for a period of three (3) years upon the following terms and conditions:

- a) That the defendant shall not violate the law in any manner;
- b) That the defendant shall report to this Court as directed by the Court Services Officer;
- c) That the defendant shall notify the Court Services Officer within twenty-four (24) hours before any change of address or after any change in employment status;
- d) That the defendant shall not leave the State of Kansas without the permission of this Court and/or the Court Services Officer;
- e) That the defendant shall pay the costs of this action to the Clerk of this Court within twelve (12) months, including witness fees and miscellaneous expenses;
- f) That the defendant shall pay restitution in the amount of \$140.00; said restitution to be paid to the Clerk of this

Court, within fourteen (14) months, who shall be and is hereby authorized and ordered to remit the collections to: Rene Retkofsky, 1101 South Emporia, Wichita, Kansas, or at such other address as the victim may subsequently advise the Clerk of this Court in writing;

g) That the defendant shall reimburse the State Board of Indigents' Defense Services in the amount of \$150.00 within sixteen (16) months for expenditures by said Board on behalf of the defendant; payments toward reimbursement shall be made payable to and forwarded to the Clerk of the District Court, who shall be and is hereby authorized and ordered to remit the collections to the Kansas State Treasurer. Payment schedule to be coordinated by the Court Services Officer;

h) That the defendant shall not possess or consume any type of drugs or alcohol without a legal prescription from a physician;

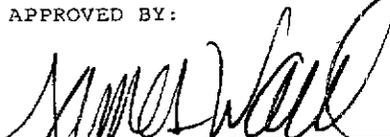
i) That the defendant shall enter and successfully complete mental health, drug and alcohol counseling as professionals may recommend, and shall remain in said counseling until released by the authorities by written report to this Court and/or Court Services Officer;

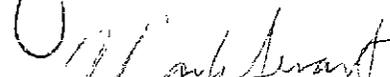
j) That the defendant shall submit to urinalysis and/or blood testing at any time requested by the Court Services Officer.

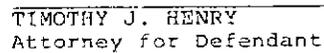
IT IS SO ORDERED.

  
PAUL W. CLARK, JUDGE

APPROVED BY:

  
JAMES WARD  
Assistant District Attorney

  
MARK SEVART  
Assistant District Attorney

  
TIMOTHY J. HENRY  
Attorney for Defendant

IN THE EIGHTEENTH JUDICIAL DISTRICT, DISTRICT COURT  
CRIMINAL DEPARTMENT, SEDGWICK COUNTY, KANSAS

STATE OF KANSAS,

vs.

Plaintiff,

Feb 13 10 25 AM '89

Roger D. Tucker

CLERK  
1814  
3601  
BY

Case No. 88 CR 2472  
RTP

Defendant(s).

RECORD OF TRIAL OR PLEA

On this 13<sup>th</sup> day of February, 1989, this matter comes  
on for  trial  plea, defendant(s) being present in person and by counsel Timothy J. Henry

Assistant Public Defender

State being present by counsel \_\_\_\_\_

TRIAL:

Thereupon, the case proceeds to  Jury Trial  Bench Trial, and after hearing all of the evidence  
and statements of counsel, a verdict is

returned on \_\_\_\_\_, 19\_\_\_\_, finding the defendant(s):

Count One _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Count Two _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Count Three _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Count Four _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Count Five _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Count Six _____	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty

or: The Court Declares a

Mistrial

PLEA:

The defendant announces that he pleads  Guilty  Nolo Contendere to:

Count One Robbery (AS Murder)

Count Two \_\_\_\_\_

Count Three \_\_\_\_\_

Count Four \_\_\_\_\_

Count Five \_\_\_\_\_

Count Six \_\_\_\_\_

P.S.I. The Court orders a pre-sentence investigation be made, and schedules sentencing for 3:14

19 89 at 9:20 M.

Paul W. Clark

Judge, Div/Pos 9

Record Taken By R. Harris

2nd Copy - if P.S.I. - Probation Intake

10 DA  
2-13-89BF

FILED

APP. DOCKET NO. \_\_\_\_\_

FEB 13 12 20 PM '89

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CRIMINAL DEPARTMENT

DISTRICT COURT  
SEDGWICK COUNTY, KANSAS  
BY BP

THE STATE OF KANSAS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Roger Tucker )  
 )  
 Defendant. )

Case No. 88 CR 2472

DEFENDANT'S ACKNOWLEDGMENT OF RIGHTS AND ENTRY OF PLEA

COMES NOW, Roger D. Tucker, the above-named Defendant and freely and voluntarily gives this Court to understand as follows:

1. My true name is Roger D. Tucker and I am also known as \_\_\_\_\_. I am 28 years of age and have completed 11 years of schooling.
2. My attorney is Timothy J. Henry. I have been given a copy of the Complaint/Information filed in this case and understand I am charged with the offenses of:

- Count One: Aggravated Robbery, being a  
Class B ~~Felony Misdemeanor~~
- Count Two: \_\_\_\_\_, being a  
Class \_\_\_\_\_ Felony Misdemeanor.
- Count Three: \_\_\_\_\_, being a  
Class \_\_\_\_\_ Felony Misdemeanor.
- Count Four: \_\_\_\_\_, being a  
Class \_\_\_\_\_ Felony Misdemeanor.
- Count Five: \_\_\_\_\_, being a  
Class \_\_\_\_\_ Felony Misdemeanor.
- Count Six: \_\_\_\_\_, being a  
Class \_\_\_\_\_ Felony Misdemeanor.

3. I understand the statutory penalties for these offenses are as follows:

Count One, a minimum term of not less than 5 to 15 years and a maximum term of 20 to life years and a fine not to exceed \$ 15,000.00 which may be imposed by the Court.

Count Two, a minimum term of not less than \_\_\_\_\_ to \_\_\_\_\_ years and a maximum term of \_\_\_\_\_ to \_\_\_\_\_ years and a fine not to exceed \$ \_\_\_\_\_ which may be imposed by the Court.

Count Three, a minimum term of not less than \_\_\_\_\_ to \_\_\_\_\_ years and a maximum term of \_\_\_\_\_ to \_\_\_\_\_ years and a fine not to exceed \$ \_\_\_\_\_ which may be imposed by the Court.

Count Four, a minimum term of not less than \_\_\_\_\_ to \_\_\_\_\_ years and a maximum term of \_\_\_\_\_ to \_\_\_\_\_ years and a fine not to exceed \$ \_\_\_\_\_ which may be imposed by the Court.

Count Five, a minimum term of not less than \_\_\_\_\_ to \_\_\_\_\_ years and a maximum term of \_\_\_\_\_ to \_\_\_\_\_ years and a fine not to exceed \$ \_\_\_\_\_ which may be imposed by the Court.

Count Six, a minimum term of not less than \_\_\_\_\_ to \_\_\_\_\_ years and a maximum term of \_\_\_\_\_ to \_\_\_\_\_ years and a fine not to exceed \$ \_\_\_\_\_ which may be imposed by the Court.

Further, I understand that if I am subject to being sentenced under the Habitual Criminal Sentencing Act, any term of imprisonment given me may be either doubled or tripled by the Court, depending upon the number of my prior Felony convictions. I also understand that if I am not a United States citizen, a conviction of a criminal offense may result in deportation from the United States or exclusion from admission to the United States and/or denial of naturalization.

4. I have told my attorney everything I know about this case and my attorney has advised me that I have a right to a trial by jury whereby the question of my guilt or innocence would be determined by a jury; that I have the right to call witnesses on my behalf and to cross-examine those witnesses who testify against me; that I have the right to be represented by competent counsel and to have the benefit of such services and advice throughout the conduct of said trial and that at said trial, the State would be required to prove my guilt beyond a reasonable doubt of each

element of the offense or offenses charged before I could be found guilty; that I need not take the stand and testify on my own behalf unless I choose to do so and that if convicted, after a jury trial, I have the right to file and argue a motion for a new trial and if the same be denied, the right to appeal to a higher Court for a review of the legal sufficiency of my trial and that a free transcript of my trial will be furnished me as may be necessary and I will have the benefit of the advice and services of counsel throughout said appeal. Also, that if I waive trial by jury and enter a plea of guilty, I will be required to inform the Court of the facts of this case and of my participation therein and will, in effect, convict myself of the offense or offenses charged and I understand a plea of guilty waives all defects which may be present in these proceedings and eliminates my right to a trial by jury and to any appeal from a finding of guilty made against me.

5. Also, I have been advised that regardless of any plea negotiations between my attorney and the State's attorney, this Court is not bound to agree to or to accept any or all of the conditions negotiated for me by my attorney because this Court is not a party to such negotiations and is not bound thereby and that although I hope to receive leniency and consideration from this Court, I have not been promised or given to understand by anyone that the Court accepting my plea will grant me probation or sentence me to a minimum term or direct that my sentence run concurrently.

6. Plea bargaining has been conducted with my consent and I understand the same to be as follows:

For defendant entering a Brady plea of guilty to the amended count one of robbery, State agrees to so amend count 1 to robbery, and recommend a 3 to 20 year sentence.  
State does not oppose probation, if probation is conditioned to include defendant to successfully complete an inpatient drug treatment program at Keystone Hospital. State does not oppose defendant signing his own bond prior to sentencing if defendant <sup>directly enters into</sup> attends the above-mentioned inpatient program.

7. I further represent and affirm unto this Court that my decision to accept the above plea bargain is completely voluntary and made by me without threats, promises of benefit, duress or coercion of any kind and is made by me with a full and complete understanding of the consequences thereof.

8. Furthermore, I state and affirm that I am in full control of my mental faculties and judgments; that I am able to read and to understand this instrument or, that the same has been read to me and I understand the same; that I am not receiving medication or drugs of any kind save as may be prescribed me by my doctor and that my decision to enter a plea of guilty is based upon my own consideration of my welfare and what I deem to be in my own best interests.

WHEREFORE, and by reason of the premises herein stated, I withdraw my former plea of Not Guilty to Count(s) amended  
day of Count 1 February, 1989, Signed in open Court this 13<sup>th</sup>

Roger Tucker  
Defendant

CERTIFICATE OF COUNSEL

We affirm the above statement of the plea bargain negotiated herein is correct and approved by both counsel for the State and counsel for the Defendant in open Court the day and year first above written.

[Signature]  
Assistant District Attorney

[Signature]  
Attorney for Defendant