ELECTRONICALLY FILED
2020 Aug 17 AM 7:16
CLERK OF THE RILEY COUNTY
CASE NUMBER: RL-2020-CR-000440
PII COMPLIANT

IN THE DISTRICT COURT OF RILEY COUNTY
TWENTY-FIRST JUDICIAL DISTRICT OF KANSAS

STATE OF KANSAS,
Plaintiff,
v. **Case No. RL-2020-CR-**

ANDREW CHAPIN BARNARD,
Defendant

YOB: 1984 **Race/Sex**: White / male **Height**: 508 **Weight**: 190 **Eye Color**: Blue **Hair Color**: Red **KDR Transaction Number:** 308112000734

COMPLAINT/INFORMATION

David Lowden, #15525, Deputy Riley County Attorney, the undersigned, of lawful age, being first duly sworn on oath, for complaint against the above shown defendant, in the name and by the authority on behalf of the State of Kansas, gives the Court to understand and be informed:

COUNT 1: That on or about the 17th day of May, 2020, in Riley County, Kansas, Andrew Chapin Barnard, did unlawfully and feloniously take or confine a person, K.M.O. accomplished by force, threat or deception and with the intent to hold said person to inflict bodily injury or to terrorize the victim or another, and with bodily harm being inflicted on Ka K.M.O. In violation of K.S.A. 21-5408(b), ***Aggravated Kidnapping***, a severity level 1 person felony. (Penalty: K.S.A. 21-6804, 21-6807 & 21-6611)

COUNT 2: That on or about the 17th day of May, 2020, in Riley County, Kansas, Andrew Chapin Barnard, did unlawfully, feloniously and knowingly in a rude, insulting or angry manner, impede the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person, K.M.O. th whom the defendant is involved or has been involved in a dating relationship or is a family or household member. In violation of K.S.A. 21-5414(b)(1) & (C)(2), ***Aggravated Domestic Battery***, a severity level 7 person felony. (Penalty: K.S.A. 21-6804, 21-6807 & 21-6611)

The above count constitutes a domestic violence offense as set forth in K.S.A. 22-4616 subjecting the defendant to the provisions of subsection (p) of K.S.A. 21-6604 and amendments thereto.

COUNT 3: That on or about the 17th day of May, 2020, in Riley County, Kansas, Andrew Chapin Barnard, did unlawfully and knowingly or recklessly cause bodily harm to a person, K.M.O. vith whom the offender is involved or has been involved in a dating relationship or a family or household member as defined in K.S.A. 21-5414(e)(1)&(2). In violation of K.S.A. 21-5414(a)(1) & (c)(1)(A), ***Domestic Battery***, a class B person misdemeanor. (Penalty: K.S.A. 21-6602 & 21-6611)

The above count constitutes a domestic violence offense as set forth in K.S.A. 22-4616 subjecting the defendant to the provisions of subsection (p) of K.S.A. 21-6604 and amendments thereto.

WITNESSES: Ofc. Steven J Adams, CSI Michael W Cherms, Cpl. Joseph Ehrlich, Ofc. Ian Ford, Sgt. Scott D Hagemeister, Ofc. Carson Lang, Ofc. Steven M Miller, Ofc. Jake Shailer, Ofc. Andrew M Spade, K.M.O. Lindsey Kate Bishop, Jacklyn Arce Ruiz, Brent Joseph Steven, Evidence Custodian.

RL-2020-TM-000506

I verify under penalty of perjury that the foregoing is true and correct.
Executed on August 17, 2020.

/s/ David Lowden, #15525
David Lowden, #15525
Deputy Riley County Attorney
105 Courthouse Plaza
Manhattan, KS 66502
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"Notice: Information about the Diversion Program is available through the Riley County Attorney's Office."

ELECTRONICALLY FILED
2021 Oct 18 AM 11:35
CLERK OF THE RILEY COUNTY
CASE NUMBER: RL-2020-CR-000440
PII COMPLIANT

Court: Riley County

Case Number: RL-2020-CR-000440

Case Title: State of Kansas
vs.
Andrew Chapin Barnard

Type: Sentencing Journal Entry

Defendant is ordered to make contact with Riley County Court Services (785)537-6372 within two business days.

SO ORDERED.

Kendra S Lewison

/s/ Honorable Kendra S. Lewison, District Judge

IN THE TWENTY-FIRST JUDICIAL DISTRICT
DISTRICT COURT, CRIMINAL/TRAFFIC DIVISION
RILEY COUNTY, KANSAS

The State of Kansas

PLAINTIFF,

VS **Case No. RL-2020-CR-000440**

ANDREW CHAPIN BARNARD

DEFENDANT

KDR Transaction Number: 308112000734

JOURNAL ENTRY – MISDEMEANOR CASE

PLEA: On the file stamped date on page one of this Journal Entry this matter comes on for the Court's acceptance of a plea and sentencing

the State by: Barry R. Wilkerson, Riley County Attorney
the defendant with counsel: Kurt P Kerns
☐ waives a jury trial, see attached waiver of rights attached and incorporated herein.
☒ The defendant hereby enters a plea of guilty, and after being advised of the circumstances, the court finds said defendant guilty of:

COUNT 1: Aggravated kidnapping K.S.A. 21-5408 (b), Felony Level 01
COUNT 2: Agg domestic battery; choke in rude manner; family member/dating relation K.S.A. 21-5414 (b) (1) (c2), Felony Level 07
COUNT 3: Battery; Causing bodily harm K.S.A. 21-5413 (a) (1), Misdemeanor Class B
☒ Charges dismissed: Counts 1 & 2

SENTENCING: On the file stamped date on page one of this Journal Entry the defendant is sentenced to confinement in the jail of Riley County, Kansas and payment of fines as follows:

COUNT ONE: DISMISSED
COUNT TWO: DISMISSED
COUNT THREE: 90 Days Underlying in RCJ
For a total sentence of 90 Days Underlying in RCJ and costs.

☐ The trier of fact determined the defendant committed a domestic violence offense pursuant to K.S.A. 21-3110 prior to its repeal, or K.S.A. 21-5111(j). The Court ☐ did ☐ did not order a presentence domestic violence assessment and/or other evaluation, per K.S.A. 21-4603d(p), prior to its repeal, or K.S.A. 21-6604(p).

☐ **The court places a domestic violence designation on this case for count____.** The defendant ☐ is ☐ is not, ordered to undergo a domestic violence offender assessment and follow all recommendations, per K.S.A. 21-4603d(p), prior to its repeal, or K.S.A. Supp. 21-6604(p), and amendments thereto.

☐ The court does not place a domestic violence designation on this case because the defendant has not previously committed a domestic violence offense or participated in a diversion upon a complaint alleging a domestic violence offense; and this domestic violence offense was not used to coerce, control, punish, intimidate or take revenge against a person with whom the offender is involved or has been involved in a dating relationship or against a family or household member.

PROBATION, PAROLE OR SUSPENSION OF SENTENCE

☒ **SUSPENSION OF SENTENCE:** On the file stamped date on page one of this Journal Entry the above named defendant having hereunto fore plead guilty. The court finds that the interests of the public and of the defendant will best be served by suspension of sentencing this case for a period of __12___ months, and the defendant is released subject to the conditions imposed below.

☒ **CONDITIONS ON SUSPENSION OF SENTENCE, PROBATION OR PAROLE:** IT IS FURTHER ORDERED as a condition of the above release from confinement, the defendant shall:

☒ Report to the probation office of this court – Riley County Court Services
☒ Follow all Standard Conditions of Probation
☐ **At the expense of the defendant, obtain a Drug and Alcohol assessment and follow all recommendations. You will schedule and participate in any recommended treatment as directed by your probation officer. If assessment has been completed prior to sentencing, follow all recommendations.**
☐ **You will not possess or consume alcohol (including over-the-counter medication and mouthwash containing alcohol) and will not enter a business such as a bar or tavern where alcohol is a primary source of income. You may enter a business, such as a restaurant, where alcohol may be sold but is not the primary focus of the business. You will submit to any form of random alcohol testing at the request of Court Services or any law enforcement officer.**
☒ Court Costs: ☒ $158.00 ☐ $108.00
☐ Fine: ☐ $_____ ☐ $750.00 ☐ $1250.00
☐ $_____ Fine due to Domestic Battery, which will be waived upon obtaining a Domestic Violence Assessment and following all recommendations.
☒ Probation Fee: $ 60.00
☐ Attorney Fees: $_____ ☒ Attorney Fee waived
☐ Restitution: $ _____ ☐ Joint and Several
☐ Court determined payment plan _____
☐ Sexual Assault Exam $725
☐ Courtesy Supervision to _____ County, if accepted.
☒ Other: The Defendant is directed to contact Court services (785)537-6360 to begin reporting on probation as they direct.

/s/ Barry R. Wilkerson, #14727
Barry R. Wilkerson, #14727
Riley County Attorney
105 Courthouse Plaza
Manhattan, KS, 66549
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/s/ Kurt P Kerns, #15028
Kurt P Kerns, #15028
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Wichita, KS, 67202
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kurtpkerns@aol.com

_____
Andrew Chapin Barnard, Defendant

WAIVER OF RIGHTS

I, Andrew Chapin Barnard, being the accused in case number RL-2020-CR-000440, in the District Court of Riley County, Kansas, state that I understand that by entering this plea of guilty to the charges of Battery; Causing bodily harm, . I am waiving or giving up the following rights that I would have if I had a trial:

a. The right to be presumed innocent/not guilty.

b. The right to a speedy trial before a judge or jury.

c. The right to be represented by an attorney during the trial.

d. The right to require the state of Kansas to prove, beyond a reasonable doubt, all of the charges against me by a unanimous verdict of jurors, whom I could help select.

e. The right to confront witnesses and cross-examine witnesses who may offer evidence against me.

f. The right to compel the attendance of witnesses and to call these witnesses to testify on my behalf at trial.

g. The right to compel production of documentary and physical evidence.

h. The right to testify on my own behalf, and the right to not testify, if I choose not to do so, and that fact could not be used against me at trial.

i. The right, if I were convicted of any offenses, to ask the court for a new trial.

I understand that by entering these guilty pleas, I am waiving these trial rights, and the Court will find me guilty of the crimes.

I understand that I am waiving my right to appeal this conviction. I understand that I have the right to appeal the sentence in this matter. I must file the notice of appeal within fourteen (14) days of sentencing.

I acknowledge that my attorney has spent sufficient time with me to answer any questions that I have presented regarding these matters. The discussion with my attorney has included, with respect to the original charges pending against me in the case(s) resolved herein, the possibility of any convictions being used to increase my criminal history score, as well as the potential for concurrent or consecutive sentences if I were convicted of more than one offense or within more than one case.

I understand that these new convictions could be used to revoke any probation or parole that I may be currently serving.

I understand that if the Court through any of its agencies determines that restitution is due arising from the charges involved I may be required to pay such restitution unless such repayment is determined to be unworkable.

I do this of my own free will and under no threat, intimidation or coercion, and no promises have been made to me by my attorney, any police officer, or any prosecuting attorney other than what appears in this plea agreement.

When I reviewed this document and when I discussed the matter with my attorney, I was not under the influence of alcohol, drugs, or any other substance, prescribed or otherwise, that altered my ability to understand or comprehend the consequences of entering this plea.

Andrew Chapin Barnard, Defendant