

# Law not clear on what is needed

TOPEKA (AP) — State law isn't clear about what records the governor's office or the Kansas Supreme Court must disclose as conservative Republican senators hunt for information about whether the two had any contact with each other on school finance issues.

Both the court and Gov. Kathleen Sebelius have said repeatedly they've had no contact, but conservatives remain skeptical. Their questions are fueled by the revelation two weeks ago that Justice Lawton Nuss discussed education funding during a lunch with two senators, with a school finance lawsuit still before the court.

Sens. Tim Huelskamp, R-Fowler, and Kay O'Connor, R-Olathe, sent a letter Wednesday demanding access to records from the governor's office.

They are drafting a similar letter to the Supreme Court, and court spokesman Ron Keefover said he's already denied a legislator's anonymous request for records, made through the Legislative Research Department.

Keefover said that under the Kansas Open Records Act, individual judges and justices aren't considered public agencies that must disclose such records.

Huelskamp said he believes the court and the governor's office are obligated to disclose records of their communications, but others doubt he will obtain what he wants.

"I would think that it would be difficult to obtain anything without a subpoena, and maybe not even then, from the court," said House Speaker Doug Mays, R-Topeka. "From the governor, I wouldn't hold my breath."

Matt All, the governor's chief legal counsel, said her office is working on a reply.

"We're just starting the process," he said. "We don't even know what records are available for us to review, let alone what they contain."

The Nuss case has prompted a judicial misconduct investigation, an inquiry by the attorney general's office and Mays' plan to appoint a committee.

Nuss had lunch March 1 with Senate President Steve Morris, R-Hugoton, and Sen. Pete Brungardt, R-Salina, a longtime Nuss friend. Morris has said Nuss indicated that a bipartisan plan would be helpful.

Huelskamp wants the court to release records from any communication among justices on the case about whether they will require a bipartisan plan or certain dollar amount.

Assistant Attorney General Theresa Bush, who handles records issues, said in the 22 years since the law was enacted, no court, attorney general's opinion or journal article has interpreted that provision.

"It's just not come up," she said. "It's anybody's guess as to what it truly means."



PATTY DECKER/Colby Free Press

Colby Community College concert choir members Stephanie Albin of Quinter, left; Regina Heier of Colby, middle; and Christina Schmid of Colby; along with the rest of the choir were backstage Thursday prior to the Spring Vocal Concert in the Frahm Theater of the Cultural Arts Center. The program included selections such as Halleluyah, Amor de mi Alma, There is a Time, Mamma Mia, Embraceable You, O! Man River, The Phantom of the Opera, Time to Say Goodbye and many others. Dr. Phil Shuman and his singers also were showing off their new choir robes made possible through donations. Pat Ziegelmeier was the accompanist. Shuman said the concert was dedicated to Justin Cosco, a member of the choir, who died this week. On Tuesday, the Colby Community College's concert band and jazz band will present "An American Celebration" at 7:30 p.m., Tuesday, also in the Frahm Theater. The event is free and open to the public.

## Defendants plead not guilty on drug charges

By Jan Katz Ackerman  
Colby Free Press

Two of four defendants of a Valentine's Day drug raid in Oakley were in court Thursday.

Roger Wright pleaded not guilty to one count each of possession of methamphetamine and sale of methamphetamine. He also pleaded not guilty to two counts each of possession with the intent to sell marijuana within 1,000 feet of a school and sale of marijuana within 1,000 feet of a school on Aug. 5, 2005.

"Mr. Wright waives his right to a formal reading of the complain," Oakley attorney Charles Stewart told District Court Judge Glenn Schiffner.

After accepting Wright's not guilty plea on all six charges, Schiffner set a four-day trial for him for Sept. 26. Schiffner said should Wright be convicted and depending on a presentence investigation, the

possession of and intent to sell methamphetamine within 1,000 feet of a school charges are both punishable by prison terms between 138 and 204 months and fines of up to \$500,000. He said the possession of marijuana and intent to sell it within 1,000 feet of a school charges are punishable by 46 to 83 months in prison and fines up to \$300,000.

The maximum penalty for these charges is two times the most severe penalty, and Schiffner told Wright, should he be convicted, it would be up to him whether sentences would run along side each other or back to back.

As Wright was leaving Logan County Court, Logan County Sheriff Pat Parsons served him with an arrest warrant out of Ellis County on a failure to appear in court in a civil case in which he's involved. A deputy from Ellis County picked Wright up Thursday afternoon and transported him to the jail in Hays

on that charge.

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Julie Lewandowski-Zeck, M.S., LMFT

# Courtroom confusion to end Monday

By JAN KATZ ACKERMAN  
Colby Free Press

With a plea agreement on the table and a trial on the docket, attorneys from both sides of a Logan County drug case were caught off guard when a defendant changed his mind.

Michael Keyes of Oakley was scheduled for arraignment in Logan County District Court Thursday when he unexpectedly backed out his agreement with the prosecution.

"Mr. Keyes has some problems," Oakley attorney Charles Stewart said.

Stewart told District Court Judge Glenn Schiffner Keyes, co-counsel, Cal Williams of Colby, was out of town and not able to attend the hearing and his client wanted a continuance in the case.

"The first I knew about these issues was this morning," Stewart said.

Logan County Attorney Andrea Wyrick, along with Assistant Attorney General Julie Carroll of Great Bend, are prosecuting the case. Wyrick said she didn't object to a continuance, but Schiffner gave both sides until noon Monday to sort the situation out or proceed with a four-day trial scheduled to begin May 21.

Keyes on Jan. 9 was formally charged with one count each of conspiracy to manufacture methamphetamine, attempting to manufacture meth and possession of manufacturing paraphernalia. The

charges stem from an Oct. 27 drug raid at Keyes' home.

In March, Schiffner advised Keyes should he be convicted, and depending on a presentence investigation, he faces between 11 and 16 and one-half years in prison and a fine of up to \$500,000 for the conspiracy charge. For the attempt to manufacture meth charge he faces 11 and one-half years to 17 years in prison and a fine up to \$500,000, and another year to three and one-half years and a fine of up to \$100,000 for the possession of paraphernalia charge.

State law sets the maximum sentence at two times the most severe, and should Keyes be found guilty he faces between 23 and 34 years behind bars and a fine of \$500,000.

Keyes and his mother Nelda Foust, Betty Groblebe and Farrell Odum were arrested by Colby-based Quad County Drug Task Force, the Kansas Bureau of Investigation and local authorities for allegedly making drugs and trying to sell them. Keyes' arrest occurred four months after being paroled from prison after probation violations on a 2002 drug conviction.





Keyes remains in the custody of the Logan County Sheriff's Office and was returned to Goodland where he is being detained.

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