



Kansas Court of Appeals

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RICHARD D. GREENE
CHIEF JUDGE

House Appropriations Committee
Testimony on House Bill No. 2746

Hon. Richard Greene
Chief Judge, Court of Appeals

March 2, 2012

Dear Honorable Members of the Committee:

I write on behalf of the Court of Appeals to advise you of a more urgent need to restore funding for Court of Appeals Judge #14 because the additional judge is needed for a projected increase in appeal filings, together with additional and enhanced complexity of issues in criminal appeals. The projected need is based on the following factors:

- (1) In the months of January and February, 2012, new appeals docketed have soared to a 60 day total of 360 new cases. This is nearly 100 cases above our average for new appeals filed in a 60 day period, and it is more than a 60% increase over the cases filed during this same period in 2011. We are hopeful this trend will not continue throughout 2012, because the incremental increase already experienced in the first 60 days alone warrants at least one new judge—i.e., our judges write about 100 opinions annually.
- (2) It is difficult to discern the reasons for this increase, but we are aware of several developments that have led to additional filings and complexity of criminal appeals. These developments are (a) ambiguity in culpability standards due to the recent enactment of K.S.A. 21-5202(13) as a part of the recodification of the criminal code; (b) challenges to criminal convictions where the statutory framework for the offense in question has given rise to alternative means issues caused by our Supreme Court's opinion in *State v. Wright*, 290 Kan. 194 (2010); (c) the redirection of Jessica's Law cases to our court rather than the Supreme Court.
- (3) We have experienced a recent spike in new appeals challenging termination of parental rights, and we must expedite these cases because of the urgent interests of the children involved. We are unable to discern the reason for this increase, but it appears that we need to be ready for as many as 8 such cases per month in the future.

Thank you for considering my perspective on this problem. Our Court urgently seeks your consideration or reconsideration of funding Judge #14.

Sincerely yours,


Richard D. Greene