

Informational Hearing on Kansas Death Penalty

March 15, 2012

First, I would like to thank Chair Colloton and the rest of the committee members for allowing me to testify at this hearing. I am Missey Smith, wife of Representative Greg Smith, and most importantly, I am the mother of Kelsey Smith. She was murdered on June 2, 2007. Her killer was charged with capital murder here in Kansas.

In Kansas, the capital murder crimes for which the death penalty can be invoked include the following:

- Intentional and premeditated killing of any person in the commission of kidnapping, or aggravated kidnapping, when the kidnapping or aggravated kidnapping was committed with the intent to hold the person for ransom;
- Intentional and premeditated killing of any person under a contract or agreement to kill that person or being a party to the contract killing;
- Intentional and premeditated killing of any person by an inmate or prisoner confined to a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;
- Intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, the crime of rape, criminal sodomy, or aggravated criminal sodomy, or any attempt thereof;
- Intentional and premeditated killing of a law enforcement officer;
- Intentional and premeditated killing of more than one person as a part of the same act or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or
- Intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, or aggravated kidnapping, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with the intent that the child commit or submit to a sex offense

We save the death penalty for the worst of the worst. It is not used for the "accidental" murders. These guys are the worst. They are not good guys. PERIOD!!

When I first started to prepare for my testimony I was doing all sorts of research. I wanted to know what the TRUE cost of the death penalty is. How long does it take for a death penalty case to be brought to a trial? To conclusion? How much does it cost the families? And many, many more. There were such conflicting answers to each of the questions that I could not come to a true conclusion.

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Here are some conclusions I can tell you:

- Kelsey's case only 18 years old when she was kidnapped, brutally raped sodomized and murdered.
- Her case was resolved in 14 months.
- Her killer pled guilty to all of the charges against him to avoid the death penalty. He wanted to be shown the mercy he did not show her. He waived all rights to appeals and is sentenced to life without parole.
- I NEVER have to deal with that individual again. My children and my grandchildren do not either.
- I can now focus my life on the positive things in my life and Kelsey's killer no longer has a role in my life. Many families I know cannot say the same.
- I have yet to find of those AGAINST the death penalty someone that can tell me how much the plea saved the state of Kansas.

When looking at the web-site for Kansas Coalition Against the Death Penalty, I did not see a section for those that had pled guilty when being charged with capital murder. They show the stats for those that have been convicted and sentenced to death and those sentenced to less than death. I would be curious, how many like my daughter's killer *will* plea so that don't face the death penalty. How many more cases will go to trial instead of pleading? If a murderer is facing life without parole if they go to trial or life if they plea, do you really think many will plea like in Kelsey's murder? Why would they not take their chances at a trial? How much more will the cost to the state be? Has anyone researched that?

Some will say that it is not a deterrent. Last night I was talking with an FBI agent that works the inner city of Kansas City and he was talking about this very subject. He said that on the street drug dealers will say that yeah they will beat the crap out of someone, but they will not put a cap in them because they do not want the needle. He has been an agent for almost 30 years. I think he knows what he is talking about.

In closing, no one can guarantee that a murderer will not murder again. I cannot tell another family what is right for them; I would appreciate it if others did not try to tell me what was right for us.

Thank you
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