



Kansas County & District Attorneys Association

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To: Hon. Chairman Rubin  
From: Barry Wilkerson, KCDA A Vice President  
Date: February 21, 2013

Re: Written support of HB 2278

Chairman Rubin and members of the committee

My name is Barry Wilkerson, I am the Riley County Attorney, and have been a criminal prosecutor for 22 + years. I am providing testimony on behalf of the KCDA A, which supports HB 2278 and believes it is necessary to punish with incarceration, those who steal firearms

Two examples illustrate this point:

In 1999, I convicted Demone Bell of the Burglary and Theft of over 30 firearms from Don Morton's Sporting Goods. Many of these weapons were never recovered. Although Demone Bell was from Topeka he was no stranger to criminal behavior in Riley County. He had a previous conviction for Robbery from a jewelry store in Riley County. What was disturbing was that Demone Bell was presumptive probation under the guidelines sentence at that time. If he were convicted today of the same crime again, he would be presumptive probation. Bell is a category 7-C following his convictions of the Morton's burglary and theft, presumptive probation. Mr. Bell at that time of his conviction in Riley County for the Burglary and Theft, of Don Morton's Sporting Goods was a 7-D on the grid. Mr. Bell did go to prison because the District Judge was willing to grant the State's motion for a departure sentence. But for Judge Miller's willingness to stick his neck out (a departure is appealable). Mr. Bell would have received probation - the presumptive sentence.

The remaining question from Demone Bell's theft of over 30 firearms, is where are most of those firearms? How many were sold to other criminals? How many were used in the commission of crimes? We will never know the answer.

This past year, we convicted Cole Drake for the murder of 14 year old Tyler Dowling. The firearm used in the execution style killing was stolen from a motor vehicle a few months before the killing. We can and should assume that firearms that are stolen, since they cannot be sold anywhere legally, and are traceable, are going to be in the hands of criminals who are going to use them to commit violent crimes, robberies, homicide and protection for narcotics dealers.

As a prosecutor, father of two and firearms owner, when people enter a home and steal weapons or just steal weapons that could or very likely will be used in criminal activity, a period of presumptive incarceration in a state prison is the appropriate punishment. The theft and misuse of firearms is risk to community safety. Before any infringement on the rights of law abiding citizens who own and possess firearms, we should adequately punish those who are not law abiding citizens.

The KCDAA respectfully request that the committee act favorably on HB 2278.

Sincerely  
Barry Wilkerson