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IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile Case No. _____
DOB xx /xx /___ A male female

JOURNAL ENTRY OF HEARING ON
CHALLENGE TO ORDER FOR EXECUTION OF ADULT SENTENCE

Pursuant to K.S.A. 38-2364

Now, on this ____ day of _____, _____, the Court considers the juvenile offender's challenge to the order lifting the stay of execution of the adult criminal sentence imposed herein.

- The State appears by _____ County/District Attorney or designee.
- The juvenile appears **in person and** **not in person, but** by the juvenile's attorney, _____.
- Attending the proceedings relating to this motion would be injurious to the juvenile's health, and the presence of the juvenile is waived.
- The mother **is present** **is not present.**
- The father **is present** **is not present.**
- The CSO is present through _____.
- The Commissioner is present through _____.
- Also present is/are: _____

The Court, having reviewed the file, received the evidence, and heard statements of counsel, makes the following findings, and enters the following orders:

- There is not sufficient evidence to find that the juvenile offender committed a new offense or violated one or more of the conditions of the juvenile sentence imposed herein and the stay of execution of the adult sentence is re-entered.**

OR

- 1. The court finds by a preponderance of the evidence that **the juvenile committed a new offense or** **violated one or more of the conditions of the juvenile offender's sentence;**
and
- 2. Upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court modifies the adult sentence previously ordered as follows:

_____;

OR

- 1. The court finds by a preponderance of the evidence that **the juvenile committed a new offense or violated one or more of the conditions of the juvenile offender’s sentence;**
and
- 2. The order staying execution of the adult criminal sentence imposed herein is revoked, and the juvenile offender shall serve the adult sentence previously imposed as follows:

_____; and

- 3. The juvenile offender shall remain in custody to be delivered to the Secretary of Corrections to serve the sentence recited above, pursuant to K.S.A. 21-4621; and
- 4. The juvenile’s extended jurisdiction status is terminated, and the jurisdiction of the juvenile court is terminated. Jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court.

IT IS SO ORDERED this _____ day of _____, _____.

Judge of the District Court

Authority

K.S.A. 38-2364.

Notes on Use

If the court finds by a preponderance of the evidence that the juvenile offender committed a new offense or violated one or more conditions of the juvenile sentence imposed, then the court shall revoke the juvenile sentence and order the adult sentence executed or, upon agreement of the county or district attorney and the juvenile offender’s attorney of record, the court may modify the adult sentence previously ordered. Upon a revocation order committing the juvenile offender to the department of corrections, the juvenile court’s jurisdiction is terminated. The adult court assumes ongoing jurisdiction for any adult sanction. If the adult sentence is executed, the juvenile shall be credited for time served in a juvenile correctional or detention facility. K.S.A. 38-2364(b).