

SUPREME COURT OF KANSAS

State v. Ballard

566 P.3d 1092 · No. 125,846 · Decided April 11, 2025

SUMMARY

The Kansas Supreme Court reviewed a conviction for failing to register as a transient sex offender under the Kansas Offender Registration Act. The court held that the district judge committed clear error by failing to instruct the jury on KORA's specific statutory definitions of transient, residence, and reside, which diverge from common understandings. Although the court found sufficient evidence supported the conviction, it reversed and remanded due to the instructional error, concluding the jury likely would have reached a different verdict with proper instructions.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	LUCKERT, C.J.
JURISDICTION	Kansas
DECIDED	April 11, 2025
DOCKET	125,846
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from Sedgwick District Court; judgment of Court of Appeals affirmed district court reversed; Supreme Court review under K.S.A. 20-3018(b) and 60-2101(b).
STANDARD OF REVIEW	clear error standard for jury-instruction challenges
PRECEDENTIAL VALUE	published
PARTIES	Benjamin A. Ballard v. State of Kansas

TOPICS

criminal procedure

PRACTICE AREAS

criminal procedure

QUESTIONS PRESENTED

1. Whether the district judge committed clear error by failing to instruct the jury on K.S.A. 22-4902(j)-(l) definitions of transient, reside, and residence.
2. Whether the State presented sufficient evidence to support Ballard's conviction for failing to register as a transient offender.

HOLDINGS

1. The district judge erred by failing to instruct the jury on the statutory definitions; the conviction for the transient-offender count is reversed.
2. Viewing the evidence in the light most favorable to the State, a rational jury could find Ballard guilty; thus the evidence is sufficient and the case is remanded for further proceedings.

KEY QUOTATIONS

“We hold the error was clear and we reverse Ballard's conviction for failing to register as a transient.”

“K.S.A. 22-4902(j) defines reside as to stay, sleep, or maintain with regularity or temporarily one's person and property in a particular place.”

FACTUAL BACKGROUND

Ballard, a lifetime sex offender, was required to register under K.S.A. 22-4901 et seq. He was classified by the registration unit as a transient offender and was required to report every 30 days. Evidence showed he stayed with his brother in August-September 2021, but the State presented testimony that he had no permanent address and was therefore transient.

PROCEDURAL HISTORY

The district court convicted Ballard of two counts under the Kansas Offender Registration Act. The Court of Appeals affirmed the conviction for the transient-offender count. Ballard petitioned the Kansas Supreme Court, arguing the trial judge failed to instruct the jury on the statutory definitions of transient, reside, and residence and that the State failed to present sufficient evidence of guilt.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the district court for further proceedings on the count of failing to register as a transient offender.

CASES CITED

- State v. Stuart, 319 Kan. 633, 639, 556 P.3d 872 (2024)
- State v. McLinn, 307 Kan. 307, 317, 409 P.3d 1 (2018)
- State v. Whitaker, 255 Kan. 118, 124, 872 P.2d 278 (1994)

- State v. Coleman, 318 Kan. 296, 313, 543 P.3d 61 (2024)
- State v. Hambright, 318 Kan. 603, 607, 545 P.3d 605 (2024)
- State v. Edwards, 318 Kan. 567, 572, 544 P.3d 815 (2024)
- State v. Holder, 314 Kan. 799, 802, 502 P.3d 1039 (2022)
- State v. Dotson, 319 Kan. 32, 45, 551 P.3d 1272 (2024)
- State v. Scott, 285 Kan. 366, 372, 171 P.3d 639 (2007)
- State v. Buchanan, 317 Kan. 443, 454, 531 P.3d 1198 (2023)
- State v. Chandler, 307 Kan. 657, 668, 414 P.3d 713 (2018)
- State v. Ballard, No. 125,846, 2024 WL 296289 (Kan. Ct. App. 2024)

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