

SUPREME COURT OF KANSAS

State v. Beaman

295 Kan. 853 (2012) · Decided October 19, 2012

SUMMARY

The Kansas Supreme Court affirmed Karl Beaman’s convictions for rape and aggravated indecent liberties with a child. It held that Beaman knowingly and voluntarily waived his right to a jury trial and that the district court did not abuse its discretion in denying his continuance and departure motions. The court vacated lifetime postrelease supervision for the rape conviction and remanded for a nunc pro tunc correction deleting electronic monitoring from the journal entry, while affirming the remainder of the sentence.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Biles, J.
JURISDICTION	Kansas
DECIDED	October 19, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from convictions for rape and aggravated indecent liberties with a child and the resulting sentences.
STANDARD OF REVIEW	The validity of the jury-trial waiver was reviewed de novo because the relevant facts were undisputed. Denial of a continuance and denial of a sentencing departure were reviewed for abuse of discretion. Whether a sentence was illegal and questions of statutory interpretation were reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Karl Beaman v. State of Kansas

TOPICS

criminal procedure sentencing appellate procedure standard of review constitutional law

PRACTICE AREAS

criminal law criminal procedure sentencing appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether Beaman knowingly and voluntarily waived his constitutional right to a jury trial despite the district court's failure to expressly state all particulars of that right.
2. Whether the district court abused its discretion by denying a continuance to research a possible constitutional challenge to Jessica's Law sentencing.
3. Whether the district court abused its discretion by denying Beaman's motion for a downward or dispositional departure.
4. Whether Beaman's rape sentence was illegal because K.S.A. 22-3717(b)(2) allegedly allowed parole eligibility after 20 years rather than the 25-year mandatory minimum under Jessica's Law.
5. Whether the district court improperly imposed lifetime postrelease supervision for the off-grid rape conviction.
6. Whether the sentencing journal entry improperly imposed electronic monitoring.
7. Whether aggravating sentencing factors had to be submitted to a jury under Apprendi and Cunningham.

HOLDINGS

1. A criminal defendant's jury-trial waiver is knowing and voluntary when, considering the totality of the facts and circumstances, the record demonstrates that the defendant understood the right being relinquished and intentionally chose a bench trial. Beaman's waiver satisfied that standard.
2. The court may review a jury-trial waiver issue raised for the first time on appeal when the record presents circumstances implicating the defendant's fundamental jury-trial right and the court's duty to ensure a valid waiver.
3. The district court did not abuse its discretion by denying a continuance where the defendant failed to show good cause for additional research and offered only speculation that a further motion might be filed.
4. The district court did not abuse its discretion by denying a departure from Jessica's Law's hard-25 sentence.
5. The hard-25 sentence for the rape conviction was lawful; K.S.A. 22-3717(b)(2)'s 20-year parole provision did not override the 25-year mandatory minimum required by K.S.A. 21-4643.
6. Lifetime postrelease supervision may not be imposed for Beaman's off-grid rape conviction; the rape sentence instead carries parole eligibility under the governing statute after the mandatory term.
7. The sentencing court did not impose electronic monitoring from the bench, but the journal entry incorrectly reflected it as part of the sentence and had to be corrected nunc pro tunc.
8. Kansas law did not require the aggravating factors supporting Beaman's sentence to be submitted to a jury under Apprendi or Cunningham.

KEY QUOTATIONS

“Full consideration of the facts and circumstances surrounding a defendant’s waiver of his or her jury trial right is necessary in deciding whether a knowing and voluntary waiver occurred in any given case.” (at 861)

“But a criminal sentence is effective when it is imposed from the bench, not the sentencing journal entry.” (at 870)

FACTUAL BACKGROUND

Beaman was charged with rape and aggravated indecent liberties with a child. He admitted the sexual conduct but disputed the date of the rape, claiming it occurred after the victim turned 14. On the morning of trial, he waived a jury against counsel's advice, explaining that he wanted to avoid putting the victim and her family through a jury trial. The district court conducted a bench trial, convicted him, and imposed a hard-25 sentence for rape and a concurrent sentence for aggravated indecent liberties.

PROCEDURAL HISTORY

Beaman was convicted after waiving a jury trial and proceeding to a bench trial. The district court denied his motion for a new trial, motion to continue sentencing, and motion for a sentencing departure, then imposed a hard-25 life sentence for rape, a concurrent 61-month sentence for aggravated indecent liberties, lifetime postrelease supervision, and entered a journal entry referring to electronic monitoring. The Supreme Court of Kansas affirmed the convictions and most of the sentence, vacated lifetime postrelease supervision for the rape conviction, and remanded for correction of the journal entry.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the lifetime postrelease-supervision order for the rape conviction and remand for the district court to issue a nunc pro tunc order deleting the electronic-monitoring reference from the sentencing journal entry. Affirm the convictions, the postrelease supervision for aggravated indecent liberties, and the remainder of the sentence.

CASES CITED

- State v. Anderson, 294 Kan. 450, 276 P.3d 200 (2012)
- State v. Luna, 271 Kan. 573, 24 P.3d 125 (2001)
- State v. Bowers, 42 Kan. App. 2d 739, 216 P.3d 715 (2009)
- State v. Frye, 294 Kan. 364, 277 P.3d 1091 (2012)
- State v. Foster, 290 Kan. 696, 233 P.3d 265 (2010)
- State v. Barnes, 293 Kan. 240, 262 P.3d 297 (2011)
- State v. Irving, 216 Kan. 588, 533 P.2d 1225 (1975)
- State v. Clemons, 273 Kan. 328, 45 P.3d 384 (2002)
- State v. Fisher, 257 Kan. 65, 891 P.2d 1065 (1995)
- Patton v. United States, 281 U.S. 276 (1930)
- State v. Stevens, 285 Kan. 307, 172 P.3d 570 (2007)

- State v. Cook, 281 Kan. 961, 135 P.3d 1147 (2006)
- State v. Carter, 284 Kan. 312, 160 P.3d 457 (2007)
- State v. White, 279 Kan. 326, 109 P.3d 1199 (2005)
- State v. Ortega-Cadelan, 287 Kan. 157, 194 P.3d 1195 (2008)
- State v. Seward, 289 Kan. 715, 217 P.3d 443 (2009)
- State v. Zimmer, 198 Kan. 479, 426 P.2d 267 (1967)
- State v. Roberts, 293 Kan. 1093, 272 P.3d 24 (2012)
- State v. Ward, 292 Kan. 541, 256 P.3d 801 (2011)
- State v. Baptist, 294 Kan. 728, 280 P.3d 210 (2012)
- State v. Plotner, 290 Kan. 774, 235 P.3d 417 (2010)
- State v. Trevino, 290 Kan. 317, 227 P.3d 951 (2010)
- State v. Robison, 290 Kan. 51, 222 P.3d 500 (2010)
- State v. Spotts, 288 Kan. 650, 206 P.3d 510 (2009)
- State v. Cash, 293 Kan. 326, 263 P.3d 786 (2011)
- State v. Horn, 288 Kan. 690, 206 P.3d 526 (2009)
- State v. Cameron, 294 Kan. 884, 281 P.3d 143 (2012)
- State v. Chavez, 292 Kan. 464, 254 P.3d 539 (2011)
- State v. Hyche, 293 Kan. 602, 265 P.3d 1172 (2011)
- State v. Mason, 294 Kan. 675, 279 P.3d 707 (2012)
- State v. Antrim, 294 Kan. 632, 279 P.3d 110 (2012)
- Cunningham v. California, 549 U.S. 270 (2007)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- State v. LaBelle, 290 Kan. 529, 231 P.3d 1065 (2010)
- State v. Houston, 289 Kan. 252, 213 P.3d 728 (2009)
- State v. Johnson, 286 Kan. 824, 190 P.3d 207 (2008)