

SUPREME COURT OF THE STATE OF KANSAS

State of Kansas v. Daniel Oswald Lopez

State v. Lopez · No. Nos. 128,381 and 128,517 · Decided March 13, 2026

SUMMARY

The Kansas Supreme Court affirmed Daniel Oswald Lopez's sentences for first-degree premeditated murder and reckless second-degree murder. The court held that the district court did not abuse its discretion by denying Lopez's motion to depart from the mandatory hard 50 sentence, concluding that his asserted mitigating factors did not constitute substantial and compelling reasons for departure. The court also noted that Lopez waived challenges to consecutive sentencing and to any alleged errors of law or fact.

CASE DETAILS

COURT	Supreme Court of the State of Kansas
WRITING FOR THE COURT	Standridge, J.; Luckert, J., not participating
JURISDICTION	Kansas
DECIDED	March 13, 2026
DOCKET	Nos. 128,381 and 128,517
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lopez entered guilty pleas to first-degree premeditated murder and reckless second-degree murder and appealed the district court's denial of his motion for a downward departure from the mandatory hard-50 sentence and his request for concurrent sentences.
STANDARD OF REVIEW	A ruling on a statutory or nonstatutory sentencing-departure motion is reviewed for abuse of discretion. Abuse of discretion exists when the decision is arbitrary, fanciful, or unreasonable; rests on an error of law; or rests on an error of fact unsupported by substantial competent evidence. The party asserting abuse bears the burden of proof.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential.
PARTIES	Daniel Oswald Lopez v. State of Kansas

TOPICS

- sentencing
- sentencing guidelines
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

sentencing

appellate practice

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by finding that Lopez failed to establish substantial and compelling reasons for a departure from the presumptive hard-50 sentence for first-degree premeditated murder.
2. Whether Lopez preserved a challenge to the imposition of consecutive sentences when he mentioned the issue but made no separate argument on appeal.

HOLDINGS

1. Under K.S.A. 21-6620(c)(1)(A), (2)(A), and K.S.A. 21-6623, a defendant convicted of first-degree premeditated murder must receive life imprisonment without parole for 50 years unless the district court finds substantial and compelling reasons, after considering mitigating circumstances, to impose life without parole for 25 years.
2. The district court did not abuse its discretion in denying Lopez's motion for a hard-25 departure.
3. Lopez waived or abandoned any challenge to consecutive sentences because he raised the issue incidentally but did not separately argue it on appeal.

KEY QUOTATIONS

“A reason is compelling if the facts of the case force the court to depart from the statutorily presumed sentence.” (1)

“A district court abuses its discretion if its decision is arbitrary, fanciful, or unreasonable, meaning no reasonable person would agree with the decision; is based on an error of law; or is based on an error of fact, meaning the factual findings are not supported by substantial competent evidence.” (1)

“Because a reasonable person could agree that Lopez failed to present substantial and compelling reasons to depart from the hard 50 sentence, the district court did not abuse its discretion in denying Lopez' departure motion.” (13)

FACTUAL BACKGROUND

Lopez and M.S. shared a Wichita residence and a daughter, N.S. On March 28, 2020, Lopez shot and killed M.S. and eight-year-old N.S.; their bodies were discovered approximately a day and a half later. Lopez was on probation for drug and weapons convictions when he committed the murders. He later pleaded guilty to first-degree premeditated murder and reckless second-degree murder, relying on remorse, mental disorders, substance-related brain impairment, low risk of future violence, and rehabilitative efforts to support a sentencing departure.

PROCEDURAL HISTORY

The State initially charged Lopez with domestic violence capital murder, criminal possession of a weapon, and aggravated assault and notified him that it would seek the death penalty. In June 2024, the parties entered a plea agreement under which Lopez pleaded guilty to amended murder charges, the remaining charges were dismissed, and the State agreed not to seek the death penalty. The Sedgwick District Court denied Lopez's departure motion, imposed life imprisonment without parole for 50 years for first-degree murder consecutive to 184 months for second-degree murder, and ordered those sentences consecutive to the sentence imposed for a probation violation. The Kansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Zongker, 319 Kan. 411, 433, 555 P.3d 698 (2024)
- State v. Young, 320 Kan. 354, 359-60, 361-62, 568 P.3d 498 (2025)
- State v. Goens, 317 Kan. 616, 620, 535 P.3d 1116 (2023)
- State v. Peters, 319 Kan. 492, 497-98, 555 P.3d 1134 (2024)
- State v. Davis, 313 Kan. 244, 248, 485 P.3d 174 (2021)
- State v. Meggerson, 312 Kan. 238, 246, 474 P.3d 761 (2020)
- State v. Morley, 312 Kan. 702, 713-14, 479 P.3d 928 (2021)
- State v. McNabb, 312 Kan. 609, 614, 478 P.3d 769 (2021)
- State v. Mitchell, 320 Kan. 775, 778-80, 571 P.3d 604 (2025)
- State v. McLinn, 307 Kan. 307, 348-49, 409 P.3d 1 (2018)
- State v. Murillo, 269 Kan. 281, 289-90, 7 P.3d 264 (2000)
- State v. Newman-Caddell, 317 Kan. 251, 258, 527 P.3d 911 (2023)
- State v. Theurer, 50 Kan. App. 2d 1203, 1235, 337 P.3d 725 (2014)
- State v. Blevins, 313 Kan. 413, 440, 485 P.3d 1175 (2021)

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