

SUPREME COURT OF THE STATE OF KANSAS

State v. Denney

No. No. 128,401, Supreme Court of the State of Kansas (January 16, 2026)

SUMMARY

The Kansas Supreme Court affirmed the denial of Dale M.L. Denney’s pro se motion to correct an illegal sentence. The court construed the filing under K.S.A. 22-3504 rather than K.S.A. 60-1507, held that it had appellate jurisdiction, and concluded that constitutional competency claims were not properly raised through an illegal-sentence motion. The court further held that alleged failures to consider or include a psychological evaluation did not deprive the sentencing court of jurisdiction or render the sentence illegal.

CASE DETAILS

COURT	Supreme Court of the State of Kansas
WRITING FOR THE COURT	Wall, J.
JURISDICTION	Supreme Court of the State of Kansas
DECIDED	January 16, 2026
DOCKET	No. 128,401
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dale M.L. Denney appealed the Sedgwick District Court's summary denial of his pro se motion to correct an illegal sentence under K.S.A. 22-3504. The Kansas Supreme Court placed the appeal on its summary-calendar docket and decided it without oral argument.
STANDARD OF REVIEW	Whether a sentence is illegal is a question of law reviewed without deference. The movant bears the burden of providing an evidentiary basis; conclusory assertions are insufficient.
PRECEDENTIAL VALUE	published
PARTIES	Dale M.L. Denney v. State of Kansas

TOPICS

- post-conviction relief
- sentencing
- appellate jurisdiction
- criminal procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Denney's pro se filing should be construed as a motion to correct an illegal sentence under K.S.A. 22-3504 or as a habeas corpus motion under K.S.A. 60-1507.
2. Whether the Kansas Supreme Court had appellate jurisdiction over the appeal from the order denying the motion.
3. Whether Denney's constitutional competency and fair-trial claims could be raised through a K.S.A. 22-3504 illegal-sentence motion.
4. Whether alleged failures to include or consider a pretrial psychological evaluation deprived the sentencing court of subject-matter jurisdiction or rendered Denney's sentence illegal.

HOLDINGS

1. A pro se postconviction motion is construed according to the relief requested and its contents, rather than formulaic pleading requirements. Considering the motion's title, filing under the criminal case number, use or nonuse of Judicial Council forms, and cited statutes, caselaw, and legal principles, Denney's filing was properly treated as an illegal-sentence motion under K.S.A. 22-3504.
2. The Kansas Supreme Court had appellate jurisdiction over the appeal because the motion was part of the criminal case, the order resolving it was appealable, and Denney had received a maximum sentence of life imprisonment, bringing the appeal within K.S.A. 22-3601(b)(3).
3. Constitutional competency and fair-trial claims are not properly raised through a motion to correct an illegal sentence under K.S.A. 22-3504.
4. Denney failed to show that the sentencing court lacked subject-matter jurisdiction. Alleged failures to include a psychological evaluation in the record or consider it when fixing the minimum term are procedural errors that do not, without more, divest a Kansas district court of jurisdiction over criminal sentencing.
5. Even if Denney's claim is framed as asserting that the sentence failed to conform to a statutory sentencing requirement, he is not entitled to relief because the statutory definition of an illegal sentence is narrow and failure to comply with the requirement to consider the K.S.A. 21-4606 factors does not fall within that definition.

KEY QUOTATIONS

“Courts interpret pro se pleadings based on their contents, not solely on their title or labels.” (3)

“Subject-matter jurisdiction is the “power of the court to hear and decide a particular type of action.”” (7)

“The statutory definition of an illegal sentence is “narrow.”” (8)

FACTUAL BACKGROUND

A jury convicted Dale M.L. Denney of multiple violent sex crimes in 1993. Before trial, the district court ordered a psychological evaluation, which Denney later argued should have been included in the sentencing record and considered in fixing his sentence. Denney contended that the alleged failure to do so left sentencing incomplete and deprived the court of subject-matter jurisdiction.

PROCEDURAL HISTORY

Denney filed an illegal-sentence motion in 2023 concerning a psychological evaluation ordered before his 1993 trial. After counsel was appointed, the reply expanded the claims to include competency and constitutional arguments. The district court denied the motion, concluding that the evaluation was unrelated to sentencing and competency and that the claimed errors did not establish an illegal sentence. The Kansas Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Denney v. Zmuda, No. 128,536, 2025 WL 2427759 (Kan. App. 2025) (unpublished opinion)
- Denney v. State, No. 126,784, 2024 WL 3738410 (Kan. App. 2024) (unpublished opinion)
- State v. Denney, No. 125,436, 2024 WL 1231154 (Kan. App. 2024) (unpublished opinion)
- State v. Denney, No. 105,681, 2012 WL 402012 (Kan. App. 2012) (unpublished opinion)
- State v. Redding, 310 Kan. 15, 18-20, 444 P.3d 989 (2019)
- State v. Mitchell, 320 Kan. 775, 777, 571 P.3d 604 (2025)
- State v. Tafoya, 304 Kan. 663, 666-67, 372 P.3d 1247 (2016)
- State v. Haynes, 320 Kan. 768, 769-70, 571 P.3d 599 (2025)
- State v. Warrior, 303 Kan. 1008, Syl., 368 P.3d 1111 (2016)
- State v. Daniels, 319 Kan. 340, 342, 554 P.3d 629 (2024)
- State v. Patterson, 262 Kan. 481, 485-86, 939 P.2d 909 (1997)
- State v. Dunn, 304 Kan. 773, 784, 811-12, 375 P.3d 332 (2016)
- State v. Jordan, 317 Kan. 628, 645, 537 P.3d 443 (2023)
- State v. Valdez, 314 Kan. 310, 313-14, 498 P.3d 179 (2021)
- State v. Johnson, 317 Kan. 458, 462, 531 P.3d 1208 (2023)
- State v. Rojas, 280 Kan. 931, 933, 127 P.3d 247 (2006)
- Denney, 2021 WL 3701164, at *6
- Denney v. State, No. 124,883, 2023 WL 3402876 (Kan. App. 2023) (unpublished opinion)