

Sarah Swain

Defense Attorney

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Proponent for removing marijuana has a inherently dangerous felony

Represents clients

My name is Sarah Swain and I'm an experienced criminal defense attorney with nearly fifteen years experience representing defendants charged with very serious crimes, including rape, kidnapping, robbery, and murder. My main office is located in Lawrence, KS but I travel throughout the state of Kansas representing people charged with a variety of crimes. During my time as a criminal defense attorney, I have seen both just and unjust laws applied throughout the state by prosecutors and law enforcement. In my opinion, certain provisions of the felony murder law in Kansas are totally unjust and have led to the lifelong incarceration of individuals who were merely engaged in the sale of small amounts of marijuana. I'm here today to begin the process with you of righting the wrongs created by the addition of marijuana to the inherently dangerous felony list. I ask you to remove this crime from the inherently dangerous felony list as it currently exists within the Kansas felony murder statute. In 1998, the Kansas legislature added marijuana to the inherently dangerous felony list. An inherent dangerous felony is defined as a crime you will commit where DEATH will most likely occur. In 2013, the legislature once again amended the felony murder law and said even if you tell someone where to get marijuana and a death occurred by a separate crime such as a premeditated robbery that you are completely unaware of, you are guilty of felony murder. I currently represent a young man who is charged under this exact provision of the Kansas felony murder law. In that case, my client, a young man in his 20's, was asked by a former high school classmate if he knew where his friend could obtain some marijuana. A transaction was arranged with my client set to receive \$50 for his limited role in arranging the transaction. Unbeknownst to my client, his former classmate was a gang member who had no intention of completing a drug transaction. In fact, the gang member had recruited other gang members to complete a robbery. During what my client believed to be a simple marijuana transaction, the gang members opened fire and attempted to kill my client. My client was shot and the person present to sell the marijuana was shot dead execution style by the gang members. My client was able to escape and after having his gunshot wounds treated at the local hospital he was arrested and charged with felony murder. Prosecutors have already pursued a life sentence against one of the other people present in the house at the time the robbery took place. And, if my client is convicted at trial, he will also be sentenced to life in prison, leaving behind his wife and two small children.