

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE MATTER OF

Name \_\_\_\_\_, Juvenile  
Year of Birth \_\_\_\_\_ A  male  female

Case No. \_\_\_\_\_

**MOTION TO AUTHORIZE PROSECUTION AS AN ADULT**

Pursuant to K.S.A. 38-2347

Comes now the State of Kansas through the District/County Attorney or designee and moves the Court for an order authorizing prosecution of the juvenile named above as an adult.

Prosecution of the juvenile as an adult is justified by the offense charged in the complaint, the characteristics of the juvenile and the circumstances of the alleged offense as follows: (*Enumerate bases for request.*)

Wherefore the State requests the Court set the matter for hearing and authorize prosecution of the juvenile as an adult.

\_\_\_\_\_  
County/District Attorney or designee  
Name  
Supreme Court Number  
Address  
Telephone Number  
[Fax Number]  
[E-mail Address]

## Authority

K.S.A. 38-2347.

## Notes on Use

K.S.A. 38-2347(a)(1) provides that the prosecutor may file a motion requesting that the court authorize prosecution of a juvenile as an adult, under the applicable criminal statute. The motion may be made at any time after the commencement of proceedings, but prior to the beginning of an evidentiary hearing. The juvenile is presumed to be a juvenile and the presumption must be rebutted by a preponderance of the evidence. If, after hearing, the court finds by a preponderance of the evidence, that the juvenile should be prosecuted as an adult, then the court shall direct that the juvenile be prosecuted under the applicable criminal statute and that the juvenile proceedings be dismissed. K.S.A. 38-2347(e)(1). The court may also designate the proceeding as an extended jurisdiction juvenile prosecution upon completion of the hearing if the court finds from a preponderance of the evidence that the juvenile should be prosecuted under an extended jurisdiction juvenile prosecution. K.S.A. 38-2347(e)(2).

## Comments

When the provisions of the statute are met, along with the requirement of counsel, the essentials of due process are satisfied even though the juvenile fails to appear. *State v. Muhammad*, 237 Kan. 850, 703 P.2d 835 (1985).

The sufficiency of evidence supporting the determination to try the juvenile as an adult is upheld. *State v. Hooks*, 251 Kan. 755, 840 P.2d 483 (1992).