

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile Case No. _____
Year of Birth _____ A [] male [] female

JOURNAL ENTRY REGARDING
THE STAY OF EXECUTION OF THE ADULT SENTENCE

Pursuant to K.S.A. 38-2364

Now, on this ____ day of _____, _____, the Court considers the stay of
execution of the adult criminal sentence imposed herein.

- [] The State appears by _____ County/District Attorney or designee.
[] The juvenile appears [] in person and [] not in person, but by the juvenile's attorney,

[] The mother [] is present [] is not present.
[] The father [] is present [] is not present.
[] The CSO is present through _____.
[] The Secretary of Corrections is present through _____.
[] Also present is/are: _____

Having reviewed the file, and the relevant law, the Court makes the following findings and
enters the following orders:

- [] a. There is not sufficient evidence to find that the juvenile offender committed a new
offense or failed to substantially comply with the provisions of the juvenile sentence
imposed herein and the stay of execution of the adult sentence is re-entered.

OR

- [] b. There is cause to revoke the order staying execution of the adult criminal sentence
imposed herein for the following reasons:

Choose one of the following:

- The order staying execution of the adult criminal sentence is revoked, and the juvenile offender shall serve the adult sentence previously imposed as follows:**

OR

- The order staying execution of the adult criminal sentence is revoked, and the juvenile offender shall serve the adult sentence as modified by agreement of the County/District attorney and the juvenile offender's attorney of record. The modified sentence is as follows:**

The jurisdiction of the juvenile court is terminated.

IT IS SO ORDERED this _____ day of _____, _____.

Judge of the District Court

Authority

K.S.A. 38-2364.

Notes on Use

In an extended jurisdiction juvenile prosecution, when it appears that the juvenile offender has failed to substantially comply with the provisions of the juvenile sentence by violating one or more of the conditions of the juvenile sentence or is alleged to have committed a new offense, the court shall notify the juvenile offender and the juvenile offender's attorney of record, in writing by personal service as provided in K.S.A. 60-303, or by certified mail, return receipt requested, of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. (See Form 363.1) K.S.A. 38-2364(b). The court shall hold a hearing at which the juvenile offender is entitled to be heard and represented by counsel.

If the court finds by a preponderance of the evidence that the juvenile committed a new offense or violated one or more conditions of the juvenile's sentence, the court shall revoke the juvenile sentence and order the imposition of the adult sentence previously ordered or, upon agreement of the county or district attorney and the juvenile offender's attorney of record, the court may modify the adult sentence previously ordered. K.S.A. 38-2364(b). Upon the court's revocation of the juvenile sentence and imposition of the adult sentence, the juvenile's extended jurisdiction status is terminated, and juvenile court jurisdiction is terminated. K.S.A. 38-2364(b). The ongoing jurisdiction for any adult sanction, other than the commitment to the department of corrections, is with the adult court. K.S.A. 38-2364(b).