

IN THE THIRTY-FIRST JUDICIAL DISTRICT
DISTRICT COURT OF NEOSHO COUNTY, KANSAS

STATE OF KANSAS,)
Plaintiff,)
v.)
LINUS THUSTON,)
Defendant.)
_____)

Case No. NOC 24 CR 264

PLEA AGREEMENT

COMES NOW, the defendant in the above-captioned case, Linus Thuston, and upon receiving counsel from his attorney, Scott Poor, does freely and voluntarily enter into the following plea agreement:

1. My true name is Linus Augustus Thuston, I am 54 years of age and have completed 18.5 years of schooling.
2. Plea negotiations have been conducted, with my consent through my attorney, and I understand the plea bargain with the Attorney General to be as follows:

The defendant, Mr. Thuston, agrees to enter a plea of **guilty** as follows:

- A. Count 1 of the Complaint/Information: violations of the Kansas Retailers' Sales Tax Act, an unclassified misdemeanor.
- B. Count 2 of the Complaint/Information: misuse of public funds, a Class A misdemeanor.
- C. The parties agree to recommend following sentence: an underlying sentence of 30 days in jail for Count 1 and an underlying sentence of 12 months for Count 2, to run concurrently, suspended, with a term of probation granted. The parties agree to recommend 12 months probation.
- D. Mr. Thuston agrees to pay a \$10,000 fine for the violation of Count 1 and a \$2,500 fine for the violation of Count 2.
- E. This plea agreement is intended to resolve investigations pending against Mr. Thuston for which the Office of the Kansas Attorney General has been appointed as a Special Prosecutor, including:
 - a. NOSO #01-01329-22
 - b. NOSO #01-01369-21


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- c. NOSO #01-1370-20
- d. NOSO #01-01373-21
- e. NOSO #01-06368-21
- f. NOSO #02-23272-22
- g. NOSO #02-01587-21
- h. NOSO #03-04248-16
- i. NOSO #04-01382-22
- j. NOSO #05-12451-16
- k. NOSO #05-01414-22
- l. NOSO #05-02108-17
- m. KBI 23-305
- n. KBI-21-629
- o. NOSO #2024-038

04-1415-22
xbl sol

In exchange for Mr. Thuston's guilty plea as outlined in this agreement, the State of Kansas agrees to not file additional criminal charges against Mr. Thuston that are known and of the same nature of the allegations in the above-listed investigations. If new and additional allegations arise after the date of plea, such allegations and investigations are not encompassed by this plea agreement.

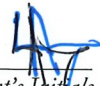
- F. The State will agree to recommend unsupervised probation if Mr. Thuston pays any restitution and fines at the time of sentencing, meaning: the funds have been deposited into Mr. Poor's attorney trust account and a check from that account has been delivered to the Clerk of the District Court on the day of sentencing.

DEFENDANT'S ACKNOWLEDGEMENT OF RIGHTS AND ENTRY OF PLEA

3. I understand that the Kansas Sentencing Guidelines Act will apply. Under this Act, a presumptive sentence will be determined by the court by combining the severity level of the current crime of conviction and my prior criminal history. I have been informed by the State, at the time of my plea, that my criminal history is believed to be a criminal history category "I." I understand that if additional criminal history is discovered before sentencing it can be used to increase my sentence.

Under some circumstances the court may depart from the presumptive sentence. The court may sentence me to a longer or shorter sentence than the presumptive sentence. The court may give me probation when prison is presumed. The court may order me to prison when probation is presumed.

I understand from discussions with my attorney, and I have been advised by the court, that the following are the range of sentences and fines which may be imposed against me by the court if I choose to enter a plea of **guilty** to the criminal charge pending against me.


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Count 1: Confinement in the county jail of not less than one month, nor more than six months; a fine of not less than \$500 nor more than \$10,000, or both fine and imprisonment.

Count 2: A definite term of confinement in the county jail that shall not exceed one year, a fine not exceeding \$2,500, or both fine and imprisonment.

I understand that in addition to the penalties described above, upon the completion of any prison term, I will be required to serve a term of post-release supervision. The length of the required post-release supervision will depend upon the severity level of the offense and the amount of good time earned while imprisoned.

4. I understand that if I am ordered to serve my sentence, I may receive a credit for good time as prescribed by statute. I understand that the decision of whether I receive good time credits is not within the power of the sentencing judge.
5. I understand that if I am not now a United States citizen, a conviction of a criminal offense may result in deportation from the United States, incarceration by immigration officials for an indefinite period until I am deported, exclusion from admission to the United States and/or denial of naturalization and citizenship in the United States.
6. I understand from discussion with my attorney, and I have been advised by the court, that regardless of the plea agreement between myself, through my attorney, and the Attorney General's Office, this court is not bound to agree to, nor to accept, the terms of the plea agreement. I further understand that if I enter a plea of **guilty**, this court may impose against me any or all of the maximum penalties and the maximum fines in combination; will order the payment of court costs against me; may require that I pay full restitution and reparations for all personal injury, property loss or damage; may impose administrative costs of a probation program; will require me to reimburse the state for my reasonable attorney fees, if I am represented by appointed counsel; and may take whatever other action the court deems appropriate and which is permitted by law, to ensure the public safety.
7. I understand from discussions with my attorney, and have been advised by the court, that by entering a plea of **guilty**, that I am surrendering and waiving the following legal rights which I would be able to exercise if I chose to go to trial:

I have a right to a trial where my guilt or innocence on all of the criminal charges against me would be determined by a jury, or if I choose to waive a jury, by a judge.

At a trial, I would have the right to confront the witnesses against me and have them cross-examined by my attorney.

At a trial I would have the right to compel the attendance of witnesses who may have information favorable to me and to call these witnesses to testify on my behalf.


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At a trial I would have the right to compel documentary and physical evidence favorable to me.

At a trial, it would be the burden of the State of Kansas to prove, beyond a reasonable doubt, each element of the charge(s) against me before I could be found guilty.

At a trial, the judge and the jury would presume that I am innocent unless and until the State of Kansas proved otherwise, beyond a reasonable doubt.

At a trial, I alone would have the final decision, after consulting with my attorney, whether I would testify on my own behalf, and I understand that I would not be required to testify or to present any evidence to prove my innocence. If I enter a plea of guilty, I waive the right to remain silent, and the court may require me to tell the court the facts known to me which would show that I am guilty.

If I were to be convicted of any offenses in this court, I would have the right to ask the court for a new trial based on any legal errors which may have denied me my right to a fair trial or which may have otherwise prejudiced me in my defense.

If I were to be convicted of any offenses in this court, and if my motion for a new trial were denied, I would have the right to appeal my conviction(s) and sentence(s) to a Kansas appellate court where I would be entitled to have such court review the transcripts and record of my trial for any prejudicial error.

During any such appeal, I would be entitled to the services of a competent appellate attorney and to the transcripts of my trial or to the proceedings which might be necessary to my appeal. If I could not afford an attorney or transcripts, they would be provided to me by the court.

If I go to trial, I retain the right to appeal from any adverse ruling or order made against me by the court or jury, including the legal sufficiency of the evidence presented against me to prove my guilt, any legal defects in the criminal proceedings, the sentences or other penalties imposed, and the denial of probation.

8. After fully discussing my potential defenses to the charges in this case, the legal options available to me in these proceedings, and the above-mentioned matters with my attorney, I advise this court that I understand it is my decision, alone, whether to accept or reject the plea agreement and whether to enter a plea of **guilty** to the charge herein. My decision to accept the plea agreement and change my plea is completely voluntary without anyone having threatened me or promised me anything of benefit, and is without duress or coercion other than that which the plea agreement provides.


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9. I understand that if I violate any terms of my bond or fail to appear at any scheduled hearing in this case this will constitute a breach of the plea agreement, and the State will be relieved of any obligations contained in this agreement. I understand such a breach will allow the State to request the court impose any legally permissible sentence in this case regardless of any commitments contained in this plea agreement.
10. I understand that despite my plea of **guilty**, I retain a limited right to appeal the sentence which may be imposed. If the sentence imposed is the presumptive sentence the appellate court will only have jurisdiction to hear appeals based on the accuracy of my criminal history score and the accuracy of the crime severity level determination. If the sentence imposed is not the presumptive sentence, the appellate court will have jurisdiction to hear all appeals regarding the sentence imposed. I understand that any appeal must be filed within 14 days of the date my sentence is pronounced in court and that if I cannot afford an attorney or the costs of an appeal, the court will appoint counsel to represent me and will order that a transcript of the necessary portions of the transcript be provided to my counsel.
- I understand and agree that I waive my right to appeal based on statutory speedy trial rights.
11. I have read this "Defendant's Acknowledgment of Rights and Entry of Plea", or have had it read to me, and I fully understand its contents; I fully and completely understand the consequences of my plea(s) pursuant to the plea agreement, and I accept that the plea agreement in consideration of what I believe is in my best welfare and in my own best interests.
12. I have not been taking any drugs or medication, during the past 48 hours, except _____. Any such drugs or medications do not impair my mental faculties or judgment. I remain in full control of my mental faculties or judgment. After fully discussing my potential defenses to the charges in this case, the legal options available to me in these proceedings, and the above-mentioned matters with my attorney, it is my decision, alone, whether to accept this plea agreement. My decision to accept the plea agreement and change my plea is completely voluntary without anyone having threatened me or promised me anything of benefit, and is without duress or coercion other than that which the plea agreement provides.

Signed this 4th day of September, 2024.



Linus Thuston

CERTIFICATE OF COUNSEL

We affirm that the above statement of the plea agreement is correct and approved both by counsel for the defendant and for the State of Kansas. Defense counsel further affirms he has read this document, has fully discussed the same with the defendant, and to the best of his knowledge knows the contents of the same to be true.



Defendant's Initials

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Scott Poor
Attorney for Defendant

Sept 4 2024
Date


Stacy Edwards #25067
First Assistant Attorney General

9.4.2024
Date


Defendant's Initials