

Kurt C. Benecke, #27522
Cherokee County Attorney
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**IN THE DISTRICT COURT OF CHEROKEE COUNTY, KANSAS
SITTING AT COLUMBUS**

STATE OF KANSAS,
Plaintiff,

v.

DAVID A JUSTICE,
Defendant.

INFORMATION

COMES NOW the State of Kansas, by Kurt C. Benecke, Cherokee County Attorney, upon information and belief, and gives the court to understand and be informed as follows:

COUNT 1
AGGRAVATED INDECENT LIBERTIES WITH A CHILD

That on or about February 6, 2022, in Cherokee County, Kansas, DAVID A JUSTICE did then and there unlawfully and feloniously cause a child to engage in lewd fondling or touching of the person of either the child or the offender, with a child who was 14 or more years of age but less than 16 years of age, to-wit: Confidential Victim, who did not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender, the child, or both, a severity level 4 person felony, in violation of K.S.A. 21-5506(b)(2)(B) & (c)(2)(B).

Penalty Range: From a minimum of 38 months to a maximum of 172 months in prison and/or a fine of up to \$300,000 and 36 months of post-release supervision, pursuant to K.S.A. 21-6804, 21-6807, 21-6611(a)(2), & 22-3717(d)(1)(A), and amendments thereto.

COUNT 2
PROMOTING OBSCENITY TO MINORS

That on or about February 6, 2022, in Cherokee County, Kansas, DAVID A JUSTICE did unlawfully and recklessly manufacture, mail, transmit, publish, distribute, present, exhibit or advertise any obscene material or obscene device,, and a recipient of the obscene material or obscene device, or a member of the audience of an obscene performance is a child under the age of 18 years, to wit: Confidential Victim, a class A nonperson misdemeanor, in violation of K.S.A. 21-6401(b) & (c)(2)(A).

Penalty Range: From up to one year in the county jail and/or a fine of up to \$2,500, pursuant to K.S.A. 21-6602(a)(1) & 21-6611(b)(1), and amendments thereto.

COUNT 3
AGGRAVATED INDECENT LIBERTIES WITH A CHILD

That on or between May 1, 2022 and August 31, 2022, in Cherokee County, Kansas, DAVID A JUSTICE did unlawfully and feloniously engage in lewd fondling or touching of the person of either the child or the offender, with a child who was 14 or more years of age but less than 16 years of age, to-wit: Confidential Victim, who did not consent thereto, with the intent to arouse or satisfy the sexual desires of the offender, the child, or both, a severity level 4 person felony, in violation of K.S.A. 21-5506(b)(2)(A) & (c)(2)(B).

Penalty Range: From a minimum of 38 months to a maximum of 172 months in prison and/or a fine of up to \$300,000 and 36 months of post-release supervision, pursuant to K.S.A. 21-6804, 21-6807, 21-6611(a)(2), & 22-3717(d)(1)(A), and amendments thereto.

COUNT 4
INDECENT SOLICITATION OF A CHILD

That on or between May 1, 2022 and August 31, 2022, in Cherokee County, Kansas, DAVID A JUSTICE did unlawfully and feloniously entice, command, invite, persuade, or attempt to persuade a child 14 or more years of age, but less than 16 years of age, to-wit: Confidential Victim, to commit or to submit to an unlawful sexual act, as defined in K.S.A. 21-5501(d), as amended, to-wit: rape, a severity level 6 person felony, in violation of K.S.A. 21-5508(a)(1) & (c)(1).

Penalty Range: From a minimum of 17 months to a maximum of 46 months in prison and/or a fine of up to \$100,000 and 24 months of post-release supervision, pursuant to K.S.A. 21-6804, 21-6807, 21-6611(a)(3), & 22-3717(d)(1)(B), and amendments thereto.

COUNT 5
PROMOTING OBSCENITY TO MINORS

That on or between May 1, 2022 and August 31, 2022, in Cherokee County, Kansas, DAVID A JUSTICE did unlawfully and recklessly manufacture, mail, transmit, publish, distribute, present, exhibit or advertise any obscene material or obscene device,, and a recipient of the obscene material or obscene device, or a member of the audience of an

obscene performance is a child under the age of 18 years, to wit: Confidential Victim, a class A nonperson misdemeanor, in violation of K.S.A. 21-6401(b) & (c)(2)(A).

Penalty Range: From up to one year in the county jail and/or a fine of up to \$2,500, pursuant to K.S.A. 21-6602(a)(1) & 21-6611(b)(1), and amendments thereto.

ENDORSEMENT OF WITNESSES

Marcus Baker - KBI
Todd Leeds – KBI
AJ Bradford – KBI
Marvin Franklin – KBI
Ethan New – KBI
Anthony Maness – KBI
Cory Stephens – KBI
Jeremy Newman – KBI
Shawn Campiti – KBI
Joshua Nelson – KBI
Chris Farris – KBI
Chris Engle-Tjaden - KBI
Confidential Victim
J.L.
K.M.
Ashley Dade
Allison Medlin
Officer Preston Hosier
Officer Arlo Lewke
Melvin Myers
Chief Jason Daniels
Officer Jacob Lovewell
Officer Gary Holt
Officer Jim Oberbeck
Officer Sierra Hampton
Officer Kyle Clark
Officer Denise Burns
Melinda Hosier
Alicia Hayes

Sheriff David Groves
Deputy Anne Sharpe
Officer Saul Farfan
Mendy Hulvey
Sabrina Gideon
Matthew Gideon
Devon Anderson
Sarah Poteat
Whitney Lovell
Katie Simpson
Jamie Little



Kurt C. Benecke, #27522
Cherokee County Attorney

VERIFICATION

STATE OF KANSAS)
CHEROKEE COUNTY) ss

Kurt C. Benecke, being first duly sworn upon his oath and being of lawful age, states and alleges that he is the Cherokee County Attorney; he has read the foregoing Information and is familiar with the contents thereof; and, all of the statements therein contained are true and correct to the best of his information and belief as predicated on his review of the Probable Cause Affidavit filed of record in the above-captioned and numbered cause.



Kurt C. Benecke, #27522
Cherokee County Attorney

Subscribed and sworn to before me on this 16th day of April 2024, by the above Cherokee County Attorney.



/s/ Heather Adams
Notary Public