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**IN THE SIXTH JUDICIAL DISTRICT
DISTRICT COURT OF BOURBON COUNTY, KANSAS**

STATE OF KANSAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. BB-2026-CR-000079
)	
MIKA MILBURN-KEE,)	
)	
Defendant.)	
_____)	

STATE’S MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW the State of Kansas, by and through Assistant Attorney General Olivia R. Higdon, and respectfully moves the Court for leave to amend the complaint in the above-captioned matter. In support, the State offers the following:

1. On March 24, 2026, the State filed a two-count complaint charging the Defendant with Interference with the Conduct of Public Business in Public Buildings, a class A nonperson misdemeanor, and Disorderly Election Conduct, a class B nonperson misdemeanor.
2. The State asserts there are sufficient facts to warrant an additional charge of Intimidation of Voters, a severity level 7, nonperson felony, in violation of K.S.A. 25-2415.
3. Accordingly, the State is requesting the Court permit the State to file an Amended Complaint/Information to reflect the charging modification identified above. A proposed draft copy of a First Amended Complaint/Information is attached.

4. “[T]his court has held that even the charging of a different crime may be allowed by an amendment to a complaint before trial, provided the substantial rights of the defendant are not prejudiced. Whether to allow the amendment of a complaint before trial is subject to the district court’s discretion. This court consistently has given the State considerable latitude in amending a complaint prior to trial. Discretion is abused only when no reasonable person would take the view adopted by the district court.” *State v. Bischoff*, 281 Kan. 195, 205, 131 P.3d 531 (2006) (internal citations omitted).
5. K.S.A. 22-3201(e) states that a court may permit an information to be amended at any time before verdict if no additional or different crime is charged and if the substantial rights of the defendant are not prejudiced. However, the Kansas Supreme Court has distinguished between amendments made prior to trial and during the course of trial. *State v. Woods*, 250 Kan. 109, 114, 825 P.2d 514 (1992). Prior to trial, the trial court has discretion to allow an amendment to a complaint, including the charging of an additional crime, provided the substantial rights of the defendant are not prejudiced. *Woods*, 250 Kan. at 114-15.
6. The Defendant would suffer no prejudice from the requested amendment because no new facts are being alleged by the State. The original charging probable cause affidavit included Intimidation of Voters. Further, during the course of resolution discussions, the State advised defense counsel of the State’s stance that there is probable cause to support an additional charge of Intimidation of Voters and that the State was weighing whether to file an amended complaint in this matter.
7. The State is requesting a preliminary hearing setting in conjunction with the State’s request for leave to amend to protect the Defendant’s right to preliminary hearing.

WHEREFORE, the State requests the Court permit the State to amend the complaint in this

case, adding one additional count of Intimidation of Voters. Accordingly, the State also respectfully requests a preliminary hearing setting.

Respectfully submitted,

KRIS W. KOBACH
ATTORNEY GENERAL

/s/ Olivia R. Higdon
Olivia R. Higdon, #30761
Assistant Attorney General
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 25, 2026, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the District Court and electronic notice provided to all counsel of record herein.

/s/ Olivia R. Higdon
Olivia R. Higdon
Assistant Attorney General
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COUNT TWO

DISORDERLY ELECTION CONDUCT

K.S.A. 25-2413(c)

Class B, Nonperson Misdemeanor

On or about October 25, 2025, in Bourbon County, Kansas, MIKA MILBURN-KEE did then and there unlawfully and willfully approach or remain closer than three feet to a table being used by an election board without the admitted purpose of voting or without the authority of the supervising judge, contrary to the form of the statutes in such case made and provided against the peace and dignity of the State of Kansas.

This act may be punished by up to 6 months confinement in the Bourbon County Jail, a fine of up to \$1,000, or both fine and confinement.

COUNT THREE

INTIMIDATION OF VOTERS

K.S.A. 25-2415(a)(1)

Severity Level 7, Nonperson Felony

On or about October 25, 2025, in Bourbon County, Kansas, MIKA MILBURN-KEE did then and there unlawfully and feloniously intimidate or attempt to intimidate any person for the purpose of interfering with the right of such person to vote as they may choose, or of causing such person to vote for, or not vote for, any candidate for any office or question submitted at any election.

This act may be punished up to 34 months of imprisonment in the Kansas Department of Corrections, a fine of up to \$100,000, or both fine and imprisonment.

Respectfully submitted,

KRIS W. KOBACH
ATTORNEY GENERAL

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STATE OF KANSAS, SHAWNEE COUNTY, SS:

I, Olivia Higdon, being first duly sworn, state that I have read the above and foregoing in the First Amended Complaint/Information and know the contents thereof, and that the same is true in substance and in fact to my best information and belief:

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Subscribed and sworn to before me this ____ day of _____, 2026.

Notary Public

STATE'S WITNESSES

1. Jacqueline K. Beatty – Special Agent, Office of the Kansas Attorney General
2. Daryl Ludolph – Former Assistant Special Agent in Charge, Office of the Kansas Attorney General
3. James Birket, #137 – Detective, Fort Scott Police Department
4. Brian Thurston, #112 – Detective Sergeant, Fort Scott Police Department
5. Susan Walker – County Clerk, Bourbon County
6. Amber Page – Deputy County Clerk, Bourbon County
7. Shane Walker – Employee, Bourbon County
8. Lora Holdridge – Register of Deeds, Bourbon County
9. Dianne Keating – Early Voting Supervisor, Bourbon County
10. Anthony George – Advance Polling Supervisor, Bourbon County
11. Clay Barker – Chief Counsel, Office of the Kansas Secretary of State
12. Bryan Caskey – Kansas Director of Elections
13. Brandi Ross
14. Joan Page
15. Patty Holman