

A RESOLUTION requiring the attorney general to re-file criminal misdemeanor charges originally filed on December 21, 2006 in Sedgwick County District Court, in which probable cause was found to believe that Dr. George Tiller engaged in criminal activity; and to pursue such charges through their final resolution with the Kansas Supreme Court.

WHEREAS, the constitution of the state of Kansas place the responsibility of prosecuting criminal conduct on the Attorney General of the State of Kansas and District Attorneys and County Attorneys; and

WHEREAS, the constitution protects citizens from overzealous prosecution or persecution by government agencies by requiring a judicial finding based on evidence presented of probable cause to believe that crimes have been committed before a warrant for the arrest or a summons to appear may be issued to a criminal defendant; and

WHEREAS two independent District Court Judges have reviewed evidence presented by the former Attorney General and both judges have found probable cause to believe that crimes have been committed; and

WHEREAS, District Court Judge Eric Yost of Sedgwick County swore under oath that after reviewing evidence presented that he found probable cause to believe that crimes have been committed and that Dr. George Tiller committed those crimes; and

WHEREAS, a summons was duly issued for Dr. George Tiller to duly appear to answer said charges; and

WHEREAS, Kansas statute provides the Attorney General of the State of Kansas the responsibility and authority pursuant to KSA 22-3103 and 65-445 to investigate and file such charges; and

WHEREAS, a finding of probable cause substantially and properly demonstrates that a prosecution should proceed and is appropriate; and

WHEREAS, the failure to prosecute charges in which a court has found probable cause to believe that crimes have been committed seriously undermine public confidence in the rule of law in the State of Kansas; and

WHEREAS, procedural maneuvers by those charged with prosecuting criminal conduct should not be utilized to prevent such prosecution; and

WHEREAS, the State has an obligation to ensure that no one is held above the law and that all citizens are subject to the law equally: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That in accordance with K.S.A. 75-702, the attorney general of the state of Kansas is hereby required to file and seek final resolution before the Kansas Supreme Court and such other courts as may warranted the criminal charges reflected in the Attorney General's filing of December 21, 6006 (sic) against Dr. George Tiller, in such timing and manner consistent with the oath of that office to insure that charges in which probable cause has been found are heard by a jury so that the interests of justice may be served.