

*Handwritten signature*  
4/20/22

IN THE KANSAS DISTRICT COURT,  
THIRD JUDICIAL DISTRICT, CRIMINAL LAW DIVISION

STATE OF KANSAS,

Plaintiff,

Case No. 20CR001447

vs.

Division 1

PAMELA G BUCKHALTER

Defendant.

PLEA AGREEMENT

COMES NOW the State of Kansas, by and through Cody A. Smith and the Defendant, in person and by and through Kevin Cook and informs the Court that the following plea agreement has been reached:

**AGREEMENT AS TO OFFENSES:**

- The defendant shall plead no contest to an amended count 6, attempted forgery, a level 10 nonperson felony, and an amended count 1, misdemeanor theft, a class A nonperson misdemeanor pertaining only to the defendant's theft of Soldier township funds to pay for her KPERS buyback.
- The State agrees to dismiss counts 2, 3, 4, 5, 7, 8, and 9.

**SENTENCE AGREEMENT:**

- Parties agree to recommend the standard number of months in the department of corrections and the presumptive sentence as set forth in the PSI.
- Parties will recommend that counts run internally concurrent, to the extent allowed by law.
- Defendant must pay a \$500 fine pursuant to statute on count 6.
- Parties agree to hold a restitution hearing to determine the amount of restitution to be paid. At this time, the amount of restitution requested is \$42,850.47.

The Defendant agrees to pay all verifiable restitution including restitution for dismissed charges

The Sentence Agreement is conditioned upon the Defendant's agreement to (1) not make any motion to withdraw the plea; (2) remain law abiding prior to sentencing; (3) obey all conditions of bond (4) appear in court as ordered at any time; (5) fully cooperate with the State as may be specified above. If the Defendant makes any motion to withdraw the plea, if there is probable cause to believe the Defendant committed a new crime prior to sentencing, if the defendant fails to appear in court as ordered, if the Defendant disobeys any

conditions of bond prior to sentencing, or if the Defendant fails to cooperate as may be outlined above, then the State is not bound by any agreement to recommend a particular sentence and it may recommend any sentence that it deems appropriate.

Any agreement by the State to dismiss charges and/or other cases shall be without prejudice until the Defendant has been sentenced in this case.

I have read (or had it read to me) the Agreement as to Offenses and the Sentence Agreement, I understand it, and I agree with it: PSD

In entering into this agreement the Defendant makes the following representations to the Court:

**Section 1: Identity of the Defendant**

My full and complete name is Pamela G Buckhalter. My date of birth is 06/05/1968. My highest level of education is Associates Degree. My current residential address is 720 NEW 4th ST TOPERKA KS and my present employment is with State of Kansas.

I have read this section (or had it read to me), I understand it, and I agree with it: PSD

**Section 2: Desire to Resolve the Case Through Plea**

Plea negotiations have been conducted with my consent through my attorney with the Office of the District Attorney. I understand that an agreement has been arrived at with the District Attorney's Office, as described above, and I agree to its terms.


I have read this section (or had it read to me), I understand it, and I agree with it: PSD

**Section 3: Charged Offenses/Knowledge of Factual Allegations**

I understand the charge(s), the evidence against me, and possible defenses I have in this case. I have received and read or have had read to me a copy of the charging document(s) filed herein and understand the offense(s) with which I have been charged. Either: (1) I have not had a preliminary hearing because I have been indicted by the Grand jury or (2) I have had a full and complete preliminary examination of the charges or (3) I

have or will have waived my right to such hearing after being fully advised of the State's evidence against me. I have read or have had read to me the charging affidavit(s) filed in support of the charging document(s) in this/these case(s). I am aware of the charge(s) against me and I understand it/them. I fully understand the crime(s) I am accused of committing. I have either read the law enforcement reports or have had detailed discussions with my attorney concerning the facts alleged by the State in support of the charge(s) they have filed against me. I agree that there is a sufficient factual basis to support a finding of guilt to the charge(s) to which I am agreeing to plead.

I declare that I have had discussions with my attorney in which I have told my attorney all information I know about the case. I have provided my attorney with all the information necessary for determining possible defenses or mitigation of the charges and we have discussed these issues.

*I have read this section (or had it read to me), I understand it, and I agree with it:*                     

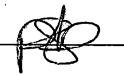
#### **Section 4: Sentencing Options**

I understand the possible penalties I face as a result of my convictions in this case. I have been advised by my attorney of (1) the minimum and maximum terms of incarceration that I face for each count included in this plea agreement; (2) the maximum possible fines that may be imposed by the Court. I understand that if I am incarcerated I will be released from prison subject to a period of post-release supervision. If I violate any condition of my post-release supervision I may be incarcerated and required to serve any remaining time left on my original sentence plus the remaining period of post-release supervision time.

Unless I am entering a plea to an off-grid or non-grid felony, I understand that my sentence will be determined under the Kansas Sentencing Guidelines Act. My sentence will be determined based upon the severity level of the offense and my criminal history score. My criminal history score is a summation of all my prior criminal convictions and juvenile adjudications from within the State of Kansas and outside the State as well.

I further understand that it is the Court's responsibility to determine an appropriate sentence within the Sentencing Guidelines Act and the law and whatever position taken by the District Attorney or by my attorney is not binding upon the Court.

I understand and accept the risk that if I am mistaken about my criminal history I will be subject to the sentence that comes with my accurate criminal history score. I understand that a mistake in criminal history may subject me to a longer period of incarceration and a presumption of incarceration. I am willing to accept this risk and enter this plea in order to obtain the benefits offered by the State as part of the agreement.


*I have read this section (or had it read to me), I understand it, and I agree with it:* 

**Section 5: Additional Consequences**

I understand that a conviction in this case could have additional consequence for me other than the sentence imposed. These could include, but are not limited to, loss of employment; loss of government benefits; loss of the right to vote, hold public office, serve on a jury; loss of the right to possess or carry a firearm; and/or other potential consequences. I understand that neither the Court nor my attorney is required to inform me of all the additional consequences of being convicted of a crime in order for my plea to be valid. By entering this agreement I declare that I understand that there may be additional consequences as a result of my conviction and I assume the risk that I will be exposed to those consequences. I am willing to accept this risk and enter this plea in order to obtain the benefits offered by the State as part of the agreement.

I understand that as a result of this agreement, if I am convicted of a qualifying offense, I will be required to comply with terms of the Kansas Offender Registration Act. I have discussed my duties under the Kansas Offender Registration Act with my attorney. I understand that if I violate any requirement of the Kansas Offender Registration Act I may be charged with a new crime and subject to additional criminal penalties.

I understand that if I am not a citizen of the United States my conviction in this case could result in my deportation, exclusion from re-entry to the United States, denial of naturalization and amnesty, or any combination thereof. I understand that no one, including my attorney or the Court, can guarantee the effect of my plea in this case on my immigration status in any other current or future proceedings.

*I have read this section (or had it read to me), I understand it, and I agree with it:* 

**Section 6: Legal Representation**

I am fully satisfied with the advice and counsel my attorney has provided and have no dispute or question regarding that advice. I have no complaints about the conduct of my attorney. My attorney has advised me that in his/her judgment the plea agreement set forth above is reasonable and appropriate under all of the facts and the law and is in my best interest. My attorney has discussed the charges with me, potential defense, mitigating facts and evidence, and all of my legal options. I have been fully candid with my attorney and provided all the information necessary for my attorney to give me the best representation possible.

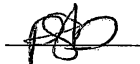
*I have read this section (or had it read to me), I understand it, and I agree with it:* \_\_\_\_\_



**Section 7: Court May Reject Plea Agreement**

I understand from my discussions with my attorney that regardless of the plea agreement between myself (through my attorney) and the District Attorney's office, that the Court is not bound to agree to, or to accept, the recommendations of the attorneys in the plea agreement. I further understand from my discussions with my attorney that the 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 me to reimburse the State for my reasonable attorney fees paid by the State for my defense; may order me to pay full restitution; and may take whatever other action the Court may deem appropriate and permitted by law to ensure the public safety if I choose to enter pleas of guilty pursuant to this plea agreement.

*I have read this section (or had it read to me), I understand it, and I agree with it:* \_\_\_\_\_



**Section 8: No Promise of Leniency**

I declare that no officer or agent of any branch of government (federal, state or local) has promised, suggested or predicted that I will receive a lighter sentence, or probation, or any other form of leniency if I enter this plea except as may be set forth above. If anyone else, including my attorney, has made such a promise, suggestion or prediction, except as noted above, I know that they have no authority to do so.

I have read this section (or had it read to me), I understand it, and I agree with it:



**Section 9: Waiver of Rights**

I understand and have been advised by the Court that by entering a plea pursuant to this plea agreement I make admissions and surrender and waive the legal rights below that I would be otherwise able to exercise if I choose to go to trial:

- a. A plea of guilty is an admission of guilt to the crime charged which relieves the State of Kansas of its burden to prove my guilt. A plea of no contest means that I do not contest the evidence of my guilt in any way.
- b. I know that by pleading there will be no further trial of any kind, either before a court or a jury, and I further realize that the Court may impose the same punishment as if I had pleaded not guilty, stood trial, and had been convicted by a court or a jury.
- c. I have a right to a trial where my guilt on all of the criminal charges against me would be determined by a jury, or if I choose to waive a jury, by a trial judge. I have the right to be represented by an attorney throughout the trial and throughout any possible appeal. Should I be dissatisfied with my attorney I would have the right to dismiss the attorney and represent myself.
- d. At such a trial, I would have the right to confront the witnesses against me and have them cross-examined by my attorney.
- e. At such trial, I would have the right to compel the attendance of witnesses who may have information favorable to me and to call such witnesses to testify in my behalf.
- f. At such trial, it would be the burden of the State of Kansas to prove my guilt beyond a reasonable doubt of each element of the charge(s) against me before I could be found guilty.
- g. At such trial, the judge and the jury must presume that I am innocent unless the State of Kansas proves otherwise beyond a reasonable doubt.
- h. At such trial, I alone have the final decision, after consulting with my attorney, whether I would choose to testify on my own behalf, and that I am not required to testify or to present any evidence to prove my innocence; if I plead 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. Whether to testify or not testify is my decision and I cannot be ordered to either testify or not testify by anyone including my attorney or the Court.

- i. If I were to be convicted at trial of any offenses in this Court, I would have the right to ask the Court for a new trial based upon any legal errors which may have denied my right to a fair trial or which may have otherwise prejudiced me in my defense.
- j. If I were to be convicted at trial of any offenses in this Court, and should my motion for a new trial be denied, I would have the right to appeal my conviction(s) and sentence(s) to an appellate court within fourteen (14) days where I would be entitled to have such court review the transcripts and record of my trial for any prejudicial error. If I could not afford an attorney or the cost of the transcripts they would be provided to me for free.

*I have read this section (or had it read to me), I understand it, and I agree with it:*           PJD          

**Section 10: Right of Appeal**

I understand that by entering this plea I am waiving my right to appeal on any issue other than jurisdiction of the Court or whether the sentence exceeds that permitted by law, and I further agree that waiving my rights to appeal is and has been a part of the consideration for the benefits of this plea agreement. I acknowledge that I have been advised and am aware that any appeal I desire to file must be filed within fourteen (14) days of the imposition of sentence or judgment of the Court. I understand that any sentence imposed by the Court which is in the presumptive sentencing range provided for the crime by the proper grid or which results from an agreement between the parties and is approved by the Court on the records is generally not subject to appeal. I understand that if I am deemed indigent at the point an appeal needs to be taken an attorney will be appointed for the purpose of taking any desired appeal.

*I have read this section (or had it read to me), I understand it, and I agree with it:*           PJD          


**Section 11: Violation of the Agreement**

I understand that if I violate this agreement and make a motion to withdraw my plea and if that motion is successful the State is not bound by any agreement to dismiss charges or cases. In such event the State may proceed with any charges or cases it agreed to dismiss or amend as part of the agreement.

*I have read this section (or had it read to me), I understand it, and I agree with it:*           PJD

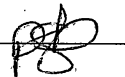
**Section 12: Voluntariness of the Plea**

I declare that I am entering into this agreement of my own free will. I have not been coerced, forced, or mistreated into entering this agreement nor, to the best of my knowledge at this time, I have not been misled or unfairly taken advantage of by any person, including my attorney, any prosecutor, or the Court. I declare that I know of and understand the nature of the charges, the rights I am giving up, the possible punishment I face, the evidence against me, and the evidence that I might use in my defense. I have read or have had read to me this written plea agreement and I understand its contents. Based on my knowledge of these things I have decided that I want to enter into this agreement because I feel it would be in my best welfare and my own best interests. I understand that if I have any questions about the case, the charges, my rights, or if I have any concerns that I have been mistreated by any person including my attorney, I must raise those issues before I enter my plea. I realize that to do otherwise means I may not be able to every raise those issues in the future and I will be bound by the plea that I enter.

*I have read this section (or had it read to me), I understand it, and I agree with it:*                     

**Section 13: Full Extent of Agreement**

This Agreement may only be modified or supplemented by statements made in court, on the record at the time of the entry of my plea, or by written agreement signed by all parties. Otherwise, this Agreement contains all of the terms and conditions of the agreement between myself, my attorney, and the office of the District Attorney and there are no agreements, understandings, assurances or promises made to me, or made by anyone, not contained herein that I have considered or relied on or been influenced by in order to induce me to enter into this agreement.

*I have read this section (or had it read to me), I understand it, and I agree with it:*           



Signed and sworn to by me in the presence of my counsel and under penalty of perjury this 18 day of

April, 2022

By: Pamela G Buckhalter  
Pamela G Buckhalter  
Defendant

**Certificate of Defense Counsel**

The undersigned, as attorney and counselor for the Defendant, herein certifies:

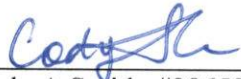
1. I have read and fully explained to the Defendant the allegations contained in the charging documents filed in this case.
2. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in the foregoing Agreement are in all respects accurate and true.
3. The plea offered by the Defendant accords with my understanding of the facts the Defendant related to me and is consistent with my advice to the Defendant and my understanding of the admissible evidence and the law and the evidence that might be available to support any legitimate defenses.
4. In my opinion, the plea offered by the Defendant is freely, voluntarily and understandingly made. I recommend that the Court accept the plea as in the Defendant's best interest.
5. I further represent to the Court that the Defendant's proposed plea is the result of a plea agreement. The terms of the agreement are as set out above and I have informed the Defendant that the Court is not bound by the terms of this agreement when it comes to the penalty to be imposed, and that if the Court rejects the agreement, the Court will not give him/her the opportunity to withdraw the plea.
6. I have had full and complete discovery, am well versed in the facts and law of this case and have had ample opportunity to consult with the Defendant and have fully informed the Defendant of the facts and the law of the case, the available defenses and all other issues regarding the merits of this agreement.

**Signed** by the undersigned attorney in the presence of the Defendant above named and after full and complete discussion of the contents of this document.

By: Kevin J Cook  
Kevin J Cook, #19266  
Attorney for Defendant

**Acceptance by the State of Kansas**

I the undersigned, state that I have represented the State of Kansas in the above matter and have negotiated the above and foregoing plea agreement as contained in the foregoing Agreement and believe the same to be in the best interest of the State, this community, the victim and the defendant.

By:   
Cody A Smith, #28658  
Assistant District Attorney