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District Attorney Suzanne Valdez's Response to Chief Judge McCabria's Statement

Lawrence, Kan. – I stand by my statement issued to the Douglas County community regarding Chief Judge McCabria's plan to go forward with jury trials starting in April. Judge McCabria did not consult me or my office about a jury trial plan for the pendency of the COVID pandemic. Instead, my office and I were *told* what the plan would be. I objected when I was told about the April jury trial plan. I object now for the reasons I've already shared with the Douglas County community in my statement issued on March 22, 2021.

Chief Judge McCabria should have been transparent about my objection to the jury trial plan in his public statement issued on March 19, 2021. He was not. Instead his public statement may have lead the public to believe that I and my office are complicit in the District Court's jury trial COVID plan. The District Attorney's Office is not complicit, and I will not let the public believe otherwise. There are very serious personal safety and constitutional concerns for the defendant that arise from the ill-considered jury trial plan if these trials are to be held at makeshift courtrooms at the Fairgrounds. My office raised these concerns with Chief Judge McCabria on our own and not at his invitation.

There is a clear difference between being *consulted* about a matter and being *told* something. As a female attorney and former law professor, who has mostly been told - not consulted - about matters from men in authority in the legal profession, I must point out that the meaning of these two words matter to me. "Consult" means to seek information or advice. "Told" or "tell" means to communicate news or facts to someone or "to decide or determine... with certainty." Consult also encourages participation in decision-making and a willingness to engage and consider alternate points of view. As District Attorney, I was never consulted about the April jury trial plan.

Chief Judge McCabria did not ask for my advice or for my input regarding the April jury trial plan. To suggest that he and I met personally or consulted about the jury trial plan, or that he invited or asked for my or my office's input is simply false.

It is disappointing that Chief Judge McCabria has misrepresented my communication with him about the legitimate public safety concerns I have about trying serious high level felony jury trials at the Fairgrounds. Unfortunately, this is yet another example of how an outspoken and honest woman is mischaracterized as untruthful by a male in power.

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