

IN THE SEVENTH JUDICIAL DISTRICT
District Court, Douglas County, Kansas

Court Use Only

The State of Kansas

vs.

Case No. **2023-CR-823**

Judge Stacey L. Donovan, Division 6

Tristen L. Hollins,
Defendant.

**ORDER ON REQUEST FOR DISCLOSURE
OF AN AFFIDAVIT OR SWORN TESTIMONY**
Pursuant to K.S.A. 22-2302.

On **9/12/23**, the Court considers the Request for Disclosure of an Affidavit or Sworn Testimony submitted by Chris Conde on behalf of the Lawrence Journal-World (LJW) and the State’s Motion to Seal Probable Cause Affidavit filed herein. The defendant did not file a response to the Request.

The Court finds jurisdiction and venue are proper. Notice to the parties and those required to receive notice has been given as required by law.

In their Motion to Seal, the State, without elaboration or articulation, argues that the affidavit should be sealed per K.S.A. 22-2302(c)(4)(A), (C), (E) and (F) because “information falling under those subsections” justify a seal order for the entire affidavit. The State then asserts that the LJW’s request for the affidavit be denied because that request comes from a news agency that the State characterizes as “a fledgling publication devoid of journalistic integrity and constantly on the prowl for potential clickbait.” The Court finds the State’s assertion to be both unfounded and beneath the dignity of the Office of the District Attorney.

In response, the LJW filed its own motion to intervene per K.S.A. 60-224, alleging standing based on various Kansas Supreme Court cases which recognize media standing in criminal proceedings for the limited purpose of challenging a pretrial request to seal or close a proceeding. *The Wichita Eagle Beacon Company v. Owens*, 271 Kan. 710 (2001). When

newspapers are denied access to information, Kansas law recognizes they have standing to assert their interest. *Stephens v. Van Arsdale*, 227 Kan. 676 (1980); see also *Citizens Concerned for Separation of Church and State v. City and County of Denver*, 628 F.2d 1289 (1980) (recognizing zone of interest analysis of whether constitutional protection at issue is on the party seeking standing possesses).

K.S.A. 22-2302 is not a statute that requires the requesting party to establish their credentials as a news agency. The plain language of the statute says that “any person” may make such a request. Thus, the State’s position on whether the LJW meets the State’s standards for journalistic integrity is irrelevant to the analysis. It is, however, relevant to the purpose of the First Amendment – to protect against government actors deciding what news stories they find acceptable. “The press was to serve the governed, not the governors.” *New York Times Co. v. United States*, 403 U.S. 713 (1971). While not without limit, the right of the press to access government information derives from the right of the public to such information. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980).

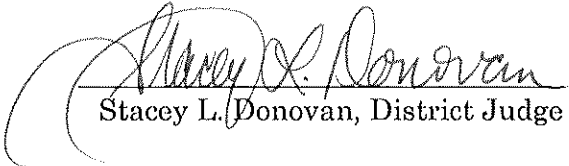
The Court grants LJW’s request to intervene authorized by K.S.A. 60-224 because the disparaging remarks by the State regarding the LJW demonstrate that the LJW’s interest in the matter at hand is not being adequately represented by the existing parties. The media functions as a watchdog that informs, as well as a forum that shares and promotes ideas and opinions for and among ordinary citizens. The State’s attempt to persuade this Court to weigh the “journalistic integrity” of the requestor in deciding whether to seal the affidavit is disconcerting.

The Court finds there is no specific information articulated by the State which the court can rely on to grant the State’s Motion to Seal Probable Cause Affidavit.

The Court orders that the redactions shall be made as proposed by the State and ordered by the Court, and that the request for disclosure is thereafter granted.

IT IS SO ORDERED.

Date: 9 / 12 / 23


Stacey L. Donovan, District Judge

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
(Seventh Judicial District)

STATE OF KANSAS,

Plaintiff,

vs.

Tristen Hollins,

Defendant.

AFFIDAVIT

STATE OF KANSAS, COUNTY OF DOUGLAS, SS:

Sean Crellin, of lawful age, being first duly sworn upon oath, states:

Affiant is a Detective with the Lawrence Kansas Police Department. Based on an investigation, training, and experience, Affiant alleges and states:

1. On Thursday, 08/10/2023, at 2311 hours officers were dispatched to 100 Maple Street (Camp New Beginnings) to investigate a report of a trespassing. Officers arrived and were advised Tristen Hollins (B/M [REDACTED]) had been inside Camp New Beginnings but had since left. Tristen had previously received a trespass warning from Camp New Beginnings on 07/19/2023. Ofc. Daubert located Tristen approximately 400 feet from the entrance of the camp. Ofc. Daubert contacted Tristen who was, at the time, wearing a cream or tan colored short sleeve shirt. The Camp New Beginnings representative did not wish for Tristen to be criminally charged for trespassing at that time. Tristen was released without charges.
2. On Friday, 08/11/2023, at 0048 hours officers were dispatched to the area of N. 2nd Street and Locust Street to investigate a report of a stabbing. Affiant notes this location is approximately 450 feet from the entrance of Camp New Beginnings and approximately 100 feet from the area Ofc. Daubert had contacted Tristen within the prior two hours.
3. Officers arrived at 0048 hours and located Bryan Griffin (W/M [REDACTED]). Bryan was bleeding from the neck and appeared to be in a great deal of pain. Bryan said he had been followed by an unknown short black male (suspect) who was wearing a white shirt. Bryan asked the suspect, "Why are you following me?" the suspect did not respond and continued to follow Bryan. Bryan told the suspect to stop following him and the suspect stabbed him in the neck. Bryan said he did not know the suspect. Medics arrived on scene and provided aide to Bryan. He was transported by medics to a nearby medical facility for treatment.
4. Responding officers noted the close physical and time proximity to their contact with Tristen. Officers also noted a similar physical description of the suspect and Tristen. Tristen is known to officers to be associated with disturbance or fight related calls including five such calls since 07/01/2023.
5. Ofc. Finch contacted Joe Hunter. Joe said earlier in the night he ate with Tristen. While eating, Tristen had laid a large knife on the table. Later in the evening Tristen came to Joe's tent inside Camp New Beginnings. Tristen had the knife with him at that time. Joe asked

Tristen to leave and after Tristen refused, Joe contacted staff at Camp New Beginnings. Staff reported the incident to Lawrence Police which lead to the previously documented contact between Ofc. Daubert and Tristen.

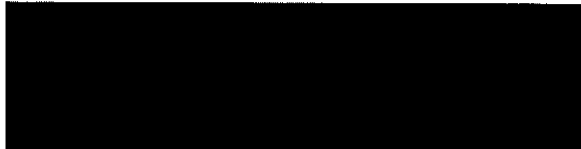
6. Officers searched the area but were unable to locate Tristen or anyone else matching the physical description of the suspect. Officers were unable to locate anyone who admitted to witnessing the stabbing other than Mark Hatfield in the north parking lot of Johnny's (401 N. 2nd Street). Mark said officers were out with a subject earlier who had now stabbed someone. Mark refused to provide a name or identify who he was talking about. Mark walked away without providing any additional details.
7. Ofc. Evans contacted Bryan at the local area hospital for a more complete statement. Bryan said he had been walking northbound on N. 2nd Street on the west sidewalk near Johnny's. Bryan entered the pedestrian tunnel and continued to walk northbound. Bryan saw an unknown subject walking behind him (suspect). Bryan said he believed the suspect was following Bryan and became unsettled. Bryan asked the suspect, "what's up?" but the suspect did not reply. Bryan exited the tunnel and continued to walk north until the end of the railing in the 500 block of N. 2nd Street. Bryan walked into the roadway and began walking southbound due to his concern of being followed. The suspect followed Bryan, pulled out a knife and stabbed him once. Bryan ran southbound towards N. 2nd and Locust Street. The suspect did not follow. Bryan described the suspect as a short black male with a clean shaven head and white t-shirt. Ofc. Evans noted Bryan had received a single stab wound to the right side of his upper jaw/neck beneath the ear near the carotid artery.
8. At approximately 0136 hours Lawrence Police Dispatch received a phone call from a subject who refused to identify herself. The caller stated, "The dude who that is a suspect of the stabbing in North Lawrence is walking across the bridge towards um 6th Street and Mass right now." The caller would go on to say the suspect was on the west side by City Hall. It should be noted City Hall is actually on the east side of the roadway.
9. Officers on scene contacted Tristen walking across the Massachusetts Street bridge in front of City Hall at 0137 hours. It should be noted Tristen is approximately 5'10" in height and has a nearly clean shaven head. Officers noted Tristen was no longer wearing a shirt. Officers located a bloody knife wrapped in a cream or tan colored short sleeve shirt a short distance to the north of Tristen. Ofc. Daubert looked at the shirt and believes it is the same or similar shirt to the one Tristen had been wearing just hours before.
10. Affiant contacted Tristen at the Lawrence Police Department. Tristen was read his rights which he understood and agreed to waive. Tristen stated he was not involved in a disturbance, fight or stabbing earlier in the morning. Tristen said he did not know what happened to his shirt or where it went. Tristen said he did not believe his DNA would be on the shirt or knife but was not certain. Tristen denied being in possession of a knife within the last 24 hours.

All of the above occurred in Douglas County, Kansas.

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FURTHER, AFFIANT SAYS NOT.



Det. Sean Crellin
Lawrence Kansas Police Department

Subscribed and sworn to before me this 11th day of AUGUST 2023



Notary Public