



1 THE COURT: We are here in State of  
2 Kansas versus Chandler S. Matney, 23 CR 132.  
3 Would you state the appearances, please.

4 MR. DEITER: May it please the Court,  
5 Your Honor, the State appears by Assistant  
6 District Attorney Brian Deiter.

7 MR. O'CONNOR: May it please the  
8 Court, Chandler Matney appears in person and by  
9 and through counsel, Robert O'Connor.

10 THE COURT: Ms. Miller?

11 MS. MILLER: Yes, Your Honor.

12 THE COURT: Why are you here?

13 MS. MILLER: We were subpoenaed, Your  
14 Honor, under the *Brady Giglio* checklist, and so we  
15 are here because we are under subpoena and the  
16 sheriff is -- the undersheriff was as well, but  
17 was not available, but in finding out the day  
18 before, which is what we are supposed to do is  
19 find out if it's going, and we did that, and we  
20 filed a motion to quash.

21 THE COURT: I have not received that.

22 MS. MILLER: I just filed it this  
23 morning. I apologize. We don't know until the  
24 night before and we don't want to charge the  
25 County to do these in every case.

1 MR. DEITER: Your Honor, I see we are  
2 starting a little early. Can I go get Mr. Seiden  
3 on that?

4 THE COURT: And he also filed a  
5 48-page response that I got at 1:50.

6 MS. MILLER: I have not read that  
7 yet.

8 THE COURT: I don't even know it's  
9 even a response. I haven't had time to even look  
10 at what he is responding to.

11 MR. DEITER: I have not either,  
12 Judge.

13 MS. MILLER: You want to set it for a  
14 certain day and time, Your Honor? I don't want to  
15 take up everyone's time on this, but also, we have  
16 to be here and we have got the officers out in the  
17 hall.

18 THE COURT: Well, you are not  
19 prepared to deal with this thing?

20 MR. DEITER: Well, my understanding  
21 was that Mr. Seiden was going to be here, and that  
22 being said, it looks like we are seven minutes  
23 early, so if I can go grab him real quick and let  
24 him figure that out, but yeah.

25 THE COURT: Okay. We will resume at

1 2:30.

2 (Short recess was taken, after which  
3 Mr. Seiden joined the hearing.)

4 THE COURT: We are back on the record  
5 in the Matney matter, 23 CR 132, and Mr. Seiden is  
6 here. Mr. Deiter did not know how to respond to  
7 my question as to why the sheriff and counsel were  
8 here.

9 MR. SEIDEN: Well, thank you, Your  
10 Honor, and I can address that. So what has  
11 happened is the State has subpoenaed the sheriff  
12 so that I can ask him the questions contained on  
13 the law enforcement checklist. This morning, the  
14 sheriff's counsel filed a motion to quash. The  
15 State has filed a response, so that would be the  
16 purpose for me being here, Your Honor.

17 THE COURT: Well, I have not received  
18 the motion to quash because that was filed  
19 earlier, and I have just received your 48-page  
20 response, which I have not had time to review. I  
21 have been in court all day. And I look at this as  
22 an affront to the Court. I have already submitted  
23 an opinion, an order saying, I am not going to get  
24 in between the D.A.'s argument with law  
25 enforcement on *Brady Giglio*. I set forth what law

1 enforcement's duty is is to report if they find  
2 anything and they reported and we found nothing.  
3 Period. It's over. And I am not going to take up  
4 my court time with this circular argument about  
5 the checklist.

6 MR. SEIDEN: If the Court is going to  
7 find that the State has met its obligation with  
8 respect to *Brady Giglio*, then that would resolve  
9 the issue for this matter. If the Court makes  
10 that finding, then we are happy with it.

11 THE COURT: Well, I shouldn't have to  
12 make that finding in advance, but let me put it  
13 this way.

14 I will ask Ms. Miller, has the sheriff  
15 said, We have nothing?

16 MS. MILLER: Yes, Your Honor. My  
17 understanding is the process that is occurring is  
18 the sheriff's office is following what the Court  
19 deemed appropriate under the last hearing I  
20 believe last October when this specific issue came  
21 up. They are communicating, I believe, on a  
22 weekly or a bi-weekly basis to that mandate. The  
23 issue, the Court is well aware, is since last  
24 September -- if you remember, we were here in  
25 October -- since last September, there have been

1           64 subpoenas issued to the sheriff, the sheriff  
2           and the undersheriff that were cancelled, two that  
3           occurred, not including this one, and then 17 that  
4           are currently active. So despite the ongoing,  
5           continued disclosure of what the Court has  
6           determined as proper per *Brady Giglio*, the  
7           sheriff's office is still, every single time,  
8           under subpoena, the sheriff directly and the  
9           undersheriff, and is to bring the confidential  
10          personnel files.

11                 So I appreciate that it's resolved in this  
12          case, but the next time this happens, which again,  
13          there are 17 active at the moment, we don't know  
14          when those cases will go until the night before.  
15          I don't want to charge the County to do a motion  
16          to quash and an entry of appearance in every  
17          single case because I don't think that is the  
18          right use of the taxpayer money. Hence, them  
19          being filed weekly the night before or the day  
20          before, because that is when we are supposed to  
21          call in per the D.A.'s office protocol to find out  
22          if the case is going.

23                 So we are complying and we have continued  
24          to comply with what you said, yet we are in the  
25          exact same situation we were in last October.

1 THE COURT: I am not going to make  
2 any specific ruling now; but if this comes up  
3 again, my thought process is that I may just go  
4 ahead and find that the D.A. should pay for your  
5 time to appear and your time to file a motion to  
6 quash.

7 MS. MILLER: Thank you.

8 MR. SEIDEN: Your Honor, then if the  
9 Court is going to assess those fees --

10 THE COURT: I am not saying I am or I  
11 will, but I am saying that is my thought process.  
12 I am trying to think how to stop this.

13 MR. SEIDEN: I think -- my suggestion  
14 would be if the Court finds we have met our  
15 obligations under *Brady Giglio*, then that would be  
16 sufficient; but absent that, by noncompliance with  
17 the sheriff's office, it's hard to actually meet  
18 our obligations. These weekly or bi-weekly  
19 meetings, I don't know what these are. They are  
20 certainly not happening with this office.

21 So, Your Honor, if the Court makes the  
22 finding that we have met our obligations in this  
23 case with respect to *Brady* and *Giglio*, that is  
24 sufficient for the State. If not, then -- it's an  
25 affirmative duty that we have and an obligation we

1 have. The sheriff's office has, on many  
2 occasions, not timely disseminated this material  
3 to us and has caused problems in serious cases,  
4 and Sheriff Armbrister knows exactly what I am  
5 talking about. So Your Honor, we are in a  
6 difficult spot here if the Court is not going to  
7 allow us to exercise subpoena power to insure that  
8 we are disclosing what we are required to  
9 disclose.

10 THE COURT: I wrote the opinion, and  
11 in my opinion, I said that it's the State's  
12 obligation to send a letter or e-mail, communicate  
13 in some form that can be documented saying,  
14 Sheriff, please share anything with us that would  
15 be *Brady Giglio* material. If the response from  
16 the Sheriff is, I have nothing, you have satisfied  
17 your obligation, as it stands in Kansas, under  
18 *Brady Giglio*. So I have already written that  
19 opinion; and if you just follow that going  
20 forward, I think that should solve all future  
21 cases.

22 MR. SEIDEN: Well, thank you, Your  
23 Honor. That was not part of the opinion; but if  
24 that is what the Court's expectation is to make  
25 that finding, we are certainly happy to do that.



1 MS. MILLER: Well, Your Honor, saying  
2 they are happy to do that, I think it has been  
3 proven that we are still here. I am not going to  
4 respond to the negative comments made by the DA's  
5 office against the sheriff, and I don't think that  
6 is helpful and a waste of everybody's time; but  
7 the fact that I am not responding does not mean  
8 that we agree with what is being said.

9 THE COURT: I understand. Okay. You  
10 are excused, Ms. Miller, and the sheriff, you are  
11 excused. Thank you.

12 MR. SEIDEN: That is all I am here  
13 for, too, Your Honor, if I may be excused?

14 THE COURT: You may.

15 (Mr. Seiden and Ms. Miller left the  
16 courtroom.)  
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1 STATE OF KANSAS,  
2 COUNTY OF <sup>SS.</sup> DOUGLAS

3 CERTIFICATE

4 I, Mary Kay Howe, a Certified Shorthand  
5 Reporter, do hereby certify that I am the  
6 regularly appointed, qualified and acting Official  
7 Reporter of Division No. 2 of the 7th Judicial  
8 District of the State of Kansas, Douglas County,  
9 Kansas, duly certified under and by virtue of the  
10 laws of the State of Kansas. I further certify  
11 that on the 14th day of April, 2023, I was present  
12 at and reported in machine shorthand the  
13 proceedings in the aforementioned case before the  
14 Honorable Sally Pokorny, Judge of Division 2 of  
15 the District Court of Douglas County, Kansas, and  
16 that the foregoing transcript is a true and  
17 correct transcript of the proceedings as revealed  
18 by my stenotype notes so taken.

19 IN TESTIMONY WHEREOF, I have hereunto  
20 set my hand and official seal at Lawrence, Douglas  
21 County, Kansas, this 18th day of April, 2023.

22 */s/Mary Kay Howe, CSR, RMR*  
23 MARY KAY HOWE, CSR, RMR  
24 Official Court Reporter #0471  
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