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CLERK OF THE DOUGLAS COUNTY DISTRICT COURT
CASE NUMBER: DG-2026-CR-000057
PII COMPLIANT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
SEVENTH JUDICIAL DISTRICT

STATE OF KANSAS, Plaintiff, vs. DAITRON LAMONT DANIELS STRICKLAND, Defendant.	Case No. DG-2026-CR-000057 Division 1

DEFENDANT'S MOTION FOR CHANGE OF VENUE
(K.S.A. 22-2616)

COMES NOW the Defendant, Daitron Lamont Daniels Strickland, by and through his attorneys, Razmi M. Tahirkheli and Angela D. Trimble, and moves the Court under K.S.A. 22-2616(1), the Sixth and Fourteenth Amendments to the United States Constitution, and Section 10 of the Kansas Constitution Bill of Rights, for an order transferring this case to another county. In support, the Defendant states as follows.

I. INTRODUCTION AND RELIEF REQUESTED

Since January 17, 2026, the *Lawrence Journal-World* has published at least 13 articles about this case, most of them on its front page and on its website. The coverage has published the Defendant's custodial statements, described his juvenile adjudication as a "conviction," printed allegations from a co-defendant's arrest affidavit that the Defendant had asked the Court to keep sealed, and reported that this Court rejected his claim of self-defense. Several items of that content originated with law enforcement or the prosecution.

At least two other news organizations covered the same hearings. Their reports of the same events differ from the *Journal-World*'s in content and word choice, as shown in Part III.F and Exhibits N and Q.

The record already shows effects of the publicity. The State's principal eyewitness testified that he learned the Defendant's name from "[t]he news articles afterwards" (Feb. 10 Tr. p. 56). The Court has twice addressed reactions and conduct in the gallery, and noted that talking aloud during hearings had been reported in the media (Feb. 10 Tr. p. 68; Sept. 10 Tr. pp. 124-126).

The Defendant asks the Court to:

1. Grant this motion and certify the order of transfer to the departmental justice under K.S.A. 22-2616(2);
2. Authorize a venue survey of Douglas County and direct that its cost be paid as a defense expense; and
3. In the alternative, keep this motion pending under K.S.A. 22-2618, permit the Defendant to supplement the record, and rule on it after voir dire, including a ruling on actual prejudice when the Defendant renews the motion at the close of voir dire.

This motion is filed before arraignment and is timely under K.S.A. 22-2618.

II. PROCEDURAL HISTORY

1. On January 17, 2026, the Defendant was arrested following a shooting outside the Jayhawk Cafe ("The Hawk"), 1340 Ohio Street, Lawrence. He made his first appearance on January 20, 2026, and was appointed counsel. Bond was set at $1,000,000.
2. On January 21, 2026, defense counsel requested an immunity hearing. The Defendant filed his motion for immunity under K.S.A. 21-5231 and a request to keep his arrest affidavit sealed on or about January 20, 2026.
3. The State received discovery late on January 27, 2026, and provided it to the defense on January 28, 2026 (Feb. 10 Tr. p. 9).

4. On February 5, 2026, the State filed an Amended Complaint charging first-degree premeditated murder, two counts of attempted first-degree murder, criminal possession of a weapon by a felon based on a juvenile adjudication, and misdemeanor battery.
5. The preliminary and immunity hearing began on February 10, 2026. The defense asked for a continuance because it had received 149 videos and could not review them before the hearing (Feb. 10 Tr. pp. 7-9). The Court did not continue the hearing. It heard the State's evidence that day and set a later date for defense evidence (Feb. 10 Tr. pp. 10-11). The Court stated that "no one is delaying or trying to use that to their advantage" and found that the State and defense counsel had each moved through the evidence as quickly as they could (Feb. 10 Tr. p. 10).
6. The Court set the second day for March 5, 2026, after defense counsel disclosed on the record that he was second-set for a jury trial on that date (Feb. 10 Tr. p. 64). That setting was continued to April 13, 2026, because of the trial conflict and the time needed to review the video evidence.
7. On April 13, 2026, the hearing was continued to June 11, 2026, because Lawrence Police Detective M.T. Brown did not appear. The defense subpoena for Detective Brown had been served on or about April 6, 2026 (Sept. 10 Tr. p. 123). (June 11 hearing was moved because jury deliberations took longer than expected in a trial involving the Defendant's attorney).
8. On September 10, 2026, the Court heard Detective Brown's testimony, denied the immunity motion, found probable cause on all felony counts, certified the misdemeanor count, and bound the Defendant over for trial (Sept. 10 Tr. pp. 226-231). Arraignment is set for October 13, 2026 (Sept. 10 Tr. p. 234).

III. STATEMENT OF FACTS

A. Extent of the coverage

The *Journal-World* is the daily newspaper of Lawrence and Douglas County. It has published this case in print, most often on the front page, and online, including updated versions of the same stories through the day (Exs. A, C-M). Four news organizations had permission to photograph the February 10 hearing (Feb. 10 Tr. p. 6). The courtroom was full at the February 10 and September 10 hearings (Feb. 10 Tr. p. 41; Sept. 10 Tr. p. 231). An internet search on February 9, 2026, returned about 4,850 results for the case (Ex. O). *Journal-World* print circulation is estimated to be over 12,000 customers and online readership of over 80,000 unique daily website users nationwide, as of 2021 (Lawrence Journal-World | MEDIA).

The Hawk is a few blocks from the University of Kansas Memorial Union (Ex. B). The decedent and the injured teen were described in print as "innocent bystanders" and the Defendant's shooting as a "senseless act" (Exs. B, C). Fundraising pages for both families were reported with their web addresses (Exs. B, C).

B. Content originating with law enforcement and the prosecution

1. **Police statements.** On January 17, 2026, Lawrence Police Major Hayden Fowler described the arrest of "these criminals" and stated: "When criminals come to Lawrence, Kansas, to perpetrate their crimes, they should know that the Lawrence Police Department will work quickly and decisively to bring them to justice" (Ex. A). The Department also reposted a statement from the decedent's father that his son had been "in the wrong place at the wrong time" (Exs. B, C).
2. **Statements at first appearance.** At the January 20 bond hearing, a prosecutor described the Defendant's "callousness" and attributed to him a remark that it was "a

good thing he caught a body on his first adult charge." The prosecutor also disclosed a 2024 Johnson County juvenile matter (Ex. D).

3. **The co-defendant's arrest affidavit.** On January 27, 2026, the *Journal-World* reported that the Defendant had asked the Court to keep his arrest affidavit sealed because its release would affect the jury pool (Ex. F). On January 28, 2026, the *Journal-World* reported the contents of co-defendant Caiden Clem's arrest affidavit, which it said became public when the State attached an unsealed copy to its own motion, "perhaps by mistake" (Ex. G). The article published the Defendant's statements to detectives as described in that affidavit, witness accounts, and the description and location of the recovered firearm (Ex. G). The online version was posted at about 2 a.m. (Ex. G-1).
4. **The State's immunity response.** On February 6, 2026, the *Journal-World* published the State's written response to the immunity motion under the headline "Prosecutor: Man aimed gun at people in Hawk shooting," including the State's quotation of the Defendant's interview statements (Ex. H).

C. The Defendant's statements

The Defendant's custodial statements, including the "caught a body" remark and the statement "I don't play that bullshit," were published on January 21, January 28, February 6, February 11, and September 11, 2026 (Exs. D, G, H, J, M). The detective who obtained those statements testified that the Defendant first said he did not want to speak, that she then told him officers were talking to his friends, and that he then agreed to talk (Feb. 10 Tr. pp. 80-81). The admissibility of those statements has not been decided.

D. The juvenile adjudication

State's Exhibit 2 is a journal entry of a juvenile adjudication (Feb. 10 Tr. p. 13). Count 4 of the Amended Complaint alleges that the Defendant "had been adjudicated as a juvenile offender." The *Journal-World* reported on February 10 and 11, 2026, that the prosecutor introduced evidence of the Defendant's "previous convictions" (Exs. I, J). It has described Count 4 as "criminal possession of a firearm by a felon" (Exs. J, L, M). The Amended Complaint charges possession of a weapon.

E. The April 13 continuance

On April 13, 2026, the *Journal-World* published an article titled "Hearing for defendants in Hawk shooting continued again, to families' and judge's frustration" (Ex. L). The article:

1. Opened with a relative's profane reaction and another relative's statement that the continuance was "ridiculous";
2. Described the continuance as "at least the second requested by the defense";
3. Stated that Detective Brown "hadn't been served with a subpoena"; and
4. Reported that the Court ordered defense counsel to issue another subpoena and personally contact Detective Brown (Ex. L).

The article also reported defense counsel's statements that the subpoena had been delivered to the sheriff, that he had no notice it had not been served, and that he was ready to proceed (Ex. L).

The record shows the following. The subpoena was served on Detective Brown on or about April 6, 2026, before the April 13 hearing (Sept. 10 Tr. p. 123; Ex. P). On February 10, the Court did not grant a continuance; it heard the State's evidence and gave the defense a later date, finding that no one was delaying (Feb. 10 Tr. pp. 10-11). Detective Brown is the Lawrence Police detective who compiled the video timeline. On September 10, the State offered part of that timeline as State's

Exhibit 14 and used it in its cross-examination (Sept. 10 Tr. pp. 197-204). The *Journal-World* has not reported the September 10 record on service of the subpoena (Ex. M).

F. Coverage of the same hearings by other news organizations

The *Lawrence Times* has been covering this case and covered the September 10 hearing (Ex. N). Also, KSHB 41 of Kansas City has been covering this case and covered the September 10 hearing. *Lawrence Times* and KSHB 41 reporting is almost identical.[1] (Following is the table of comparison limited to the *Lawrence Times* due to limited space). The two reports of that hearing compare as follows.

Subject	***Journal-World* (Ex. M)**	***Lawrence Times* (Ex. N)**	**Record**
Headline	"Judge rejects teen shooter's self-defense claim"	"Judge denies self-defense immunity for defendant"	Sept. 10 Tr. pp. 226-229
Defense argument	Hearing gunshots "entitled" the Defendant "to pull his own handgun out and start shooting"	The Defendant "reacted within seconds" because he "reasonably feared he was in danger"	Sept. 10 Tr. pp. 220-223
Detective Brown and the defense videos	Quoted Brown: "It looks like you edited them for what you want to show"	Brown said the clips "had been edited for length" but activities within them "had not been altered"	Sept. 10 Tr. pp. 175-176
Description of defense counsel's examination	"Laboriously walked" the detective through exhibits, "attempting to minimize his client's role"	Counsel "presented surveillance video clips"	Sept. 10 Tr. pp. 136-196
State's argument	Defendant "indicated that he was in charge and knew how to 'handle' the situation"	Defendant's statements "did not show that he'd believed deadly force was necessary"	Sept. 10 Tr. pp. 214-215, 225
Count 4	"Criminal possession of a firearm by a felon"	"Criminal possession of a weapon by a felon"	Amended Complaint, Count 4
Presumption of innocence	Not stated	"Defendants in criminal cases should be presumed not guilty unless they are convicted"	
Timing	"Long-delayed immunity decision"	Not characterized	Sept. 10 Tr. p. 231

[1] The KSHB article and the website: Judge rules Daniels Strickland will go to trial in fatal Lawrence bar shooting. *https//www.kshb.com/news/local-news/Kansas/douglas-county/Judge-rules-Daniels-Strickland-will-go-to-trial-in-fatal-Lawrence-bar-shooting.*

The *Journal-World*'s September coverage did not report Detective Brown's testimony that Clem was the first person to display a gun, pointed it at a staff member's head, and fired first (Sept. 10 Tr. pp. 208-209). Its February 11 article stated that "[n]o one testified that Clem pointed his gun anywhere but up" (Ex. J). It did not report Jake Spencer's testimony that when the man in orange fired, "I was getting shot at," and that he could not tell the direction of the shots (Feb. 10 Tr. pp. 43-44), or Detective Nicholson's testimony that she could not tell the direction of Clem's third series of shots (Feb. 10 Tr. p. 104).

G. Effects shown in the record

1. **Eyewitness identification.** Maddox Myer is the only witness who testified that he saw the Defendant draw and fire a gun (Feb. 10 Tr. pp. 52-55). He testified he had never met the Defendant. Asked who told him the Defendant's name, he answered: "The news articles afterwards" (Feb. 10 Tr. p. 56).
2. **The gallery.** During the State's video on February 10, the Court instructed the gallery to "remain without reaction" (Feb. 10 Tr. p. 68). The *Journal-World* reported a "collective gasp" in the "packed courtroom" (Exs. I, J). At the April 13 hearing, the *Journal-World* reported profanity from the gallery (Ex. L). On September 10, the Court addressed reports that people outside the courtroom were photographing defense counsel and stated that "talking out loud during the hearings" had occurred "because it was reported on in the media" (Sept. 10 Tr. pp. 124-126).
3. **The immunity ruling.** The Defendant's defense at trial will be self-defense. The September 10 and 11 coverage reported that this Court found no evidence that the Defendant believed deadly force was necessary and that a reasonable person would not have believed so (Exs. M, N).

IV. ARGUMENTS AND AUTHORITIES

A. Timeliness and procedure

A motion for change of venue "must be made at or before arraignment or at such later time as the court may in the interest of justice determine." K.S.A. 22-2618. Arraignment is set for October 13, 2026 (Sept. 10 Tr. p. 234). This motion is timely. K.S.A. 22-2616 applies to the trial, not to preliminary proceedings; the Defendant was bound over for trial on September 10, 2026 (Sept. 10 Tr. pp. 229-231). If the Court grants the motion, it certifies the order of transfer to the departmental justice, who designates the county or district to which the case is transferred. K.S.A. 22-2616(2).

B. Standard

The Sixth Amendment, applicable to the States through the Fourteenth Amendment, and the Kansas Constitution guarantee an impartial jury. *State v. Carr*, 300 Kan. 1, 56, 331 P.3d 544 (2014). That guarantee entitles a defendant to a change of venue in two situations: when the circumstances show the court should presume the jury will be prejudiced, or when jury selection reveals actual prejudice. *Carr*, 300 Kan. at 57; *State v. Garcia*, 508 P.3d 394, 398 (Kan. 2022). The defendant must show prejudice as a demonstrable reality, not speculation. *State v. Higgenbotham*, 271 Kan. 582, 23 P.3d 874 (2001).

Courts presume prejudice, even before voir dire, when "pretrial publicity is so pervasive and prejudicial that [a court] cannot expect to find an unbiased jury pool in the community." *State v. Longoria*, 301 Kan. 489, 506, 343 P.3d 1128 (2015) (quoting *Carr*, 300 Kan. at 57). Kansas courts apply the factors from *Skilling v. United States*, 561 U.S. 358, 381-85 (2010): (1) media interference with courtroom proceedings; (2) the magnitude and tone of the coverage; (3) the size and characteristics of the community in which the crime occurred; (4) the amount of time that elapsed between the crime and the trial; (5) the jury's verdict; (6) the impact of the crime on the

community; and (7) the effect, if any, of a codefendant's publicized decision to plead guilty. *Longoria*, 301 Kan. at 506; *Garcia*, 508 P.3d at 399. The burden is high. *Longoria*, 301 Kan. at 506. The trial court also has an independent duty to protect the defendant from prejudicial publicity, including publicity that originates with officials. *Sheppard v. Maxwell*, 384 U.S. 333 (1966); see *Rideau v. Louisiana*, 373 U.S. 723 (1963).

C. Application of the *Skilling* factors

1. Media interference with courtroom proceedings. The Court has had to address the gallery at two hearings. On February 10, it instructed spectators to "remain without reaction" during the State's video, and the *Journal-World* reported a "collective gasp" in the "packed courtroom" (Feb. 10 Tr. p. 68; Exs. I, J). On September 10, the Court addressed reports that people were photographing defense counsel outside the courtroom and stated that "talking out loud during the hearings" had occurred "because it was reported on in the media" (Sept. 10 Tr. pp. 124-126). The coverage has also reached the evidence. The State's principal eyewitness, who had never met the Defendant, testified that he learned the Defendant's name from "[t]he news articles afterwards" (Feb. 10 Tr. p. 56).

2. Magnitude and tone of the coverage. This factor asks whether the coverage was inflammatory or untrue, rather than factual. *Garcia*, 508 P.3d at 400-01; *Longoria*, 301 Kan. at 507; *Carr*, 300 Kan. at 66-67. The coverage here contains statements that the record contradicts: that the Defendant has "previous convictions" when State's Exhibit 2 is a juvenile adjudication; that he is charged with possession of a firearm by a felon when Count 4 charges possession of a weapon based on a juvenile adjudication; that a defense subpoena had not been served when it was served on April 6; and that the April 13 continuance was "at least the second requested by the defense" when the Court did not continue the February 10 hearing and found that no one was delaying (Parts III.D, III.E). The coverage published the Defendant's custodial statements at least

five times, before any ruling on their admissibility (Part III.C), and reported this Court's finding that there was no evidence supporting self-defense, his only defense at trial (Part III.G.3). Much of the content came from officials: a police commander's statement that "criminals come to Lawrence" to commit crimes, a prosecutor's statements at the first appearance, the State's filing of the co-defendant's unsealed affidavit, and the State's written immunity response (Part III.B). The *Lawrence Times*'s reports of the same hearings show that this content and word choice came from how the events were reported, not from the events themselves (Part III.F).

3. Size and characteristics of the community. Lawrence is larger than the communities in *Longoria* and *Garcia*. *Longoria*, 301 Kan. at 507 (20,546 residents); *Garcia*, 508 P.3d at 401. The venire is drawn from Douglas County, which the *Journal-World* serves as its daily newspaper. The shooting occurred at a bar a few blocks from the University of Kansas Memorial Union (Ex. B). As of 2025, the population of Douglas County, Kansas was estimated at 120,901 (Douglas County Demographics | Current Kansas Census Data); as of 2021 *Journal-World* circulation and readership is estimated at 12,000 customers and online readership of over 80,000 unique daily website users nationwide (Lawrence Journal-World | MEDIA).

4. Time between the crime and trial. The shooting occurred on January 17, 2026. Coverage has recurred at every setting through September 11, 2026 (Exs. A-N), and will continue at arraignment, at the co-defendant's plea hearing, and at trial. No trial date has been set. Where coverage continues, the passage of time does not weigh against presuming prejudice. *Carr*, 300 Kan. at 68.

5. The jury's verdict. There is no verdict. This factor does not apply before trial. See *State v. Thurber*, 308 Kan. 140, 210, 420 P.3d 389 (2018).

6. Impact of the crime on the community. The decedent's and the injured teen's families published statements describing them as "innocent bystanders" of a "senseless act," and their fundraising pages were reported with web addresses (Exs. B, C). The courtroom was full at the February 10 and September 10 hearings (Feb. 10 Tr. p. 41; Sept. 10 Tr. p. 231), and the *Journal-World* reported a relative's profane reaction in court on April 13 (Ex. L). See *Longoria*, 301 Kan. at 508; *Carr*, 300 Kan. at 69.

7. A codefendant's publicized decision to plead guilty. Co-defendant Caiden Clem, charged in the same incident, is set for a plea hearing on October 15, 2026 (Ex. N). If he enters a plea, it will be reported in the same coverage. The Defendant reserves the right to supplement this motion after that hearing.

D. Actual prejudice and preservation

Actual prejudice is determined by reviewing "the media coverage and the substance of the jurors' statements at voir dire." *Longoria*, 301 Kan. at 508 (quoting *Carr*, 300 Kan. 1, Syl. ¶ 6). A defendant who does not renew the motion after voir dire does not preserve a claim of actual prejudice. *Garcia*, 508 P.3d at 402-03; *Longoria*, 301 Kan. at 509. If the Court does not transfer the case now, the Defendant asks the Court to keep this motion pending under K.S.A. 22-2618. The Defendant will renew the motion at the close of voir dire and asks the Court to rule on actual prejudice at that time.

E. Venue survey

The Defendant is represented by appointed counsel. A venue survey would give the Court evidence on the degree of case recognition and the specific information prospective jurors retain, which *Longoria* and *Garcia* treat as relevant. *Longoria*, 301 Kan. at 508; *Garcia*, 508 P.3d at 401, 403. The Defendant asks the Court to authorize a survey and direct that its cost be paid as a defense expense.

F. Remedy

The Defendant asks the Court to grant this motion and certify the order of transfer under K.S.A. 22-2616(2). The Defendant and the decedent both lived in Johnson County (Exs. A, B). The Defendant asks that the certification note that fact for the departmental justice's designation.

V. CONCLUSION

WHEREFORE, the Defendant respectfully requests that the Court grant this motion and certify the order of transfer to the departmental justice under K.S.A. 22-2616(2); authorize a venue survey and direct that its cost be paid as a defense expense; or, in the alternative, keep this motion pending under K.S.A. 22-2618, permit the Defendant to supplement the record, and rule on it closer to trial or after voir dire, including a ruling on actual prejudice when the Defendant renews the motion at the close of voir dire; and grant such other relief as the Court finds just.

Respectfully submitted,

TAHIRKHELI & PREMER-CHAVEZ LAW OFFICE, L.L.C.

/s/ Razmi Tahirkheli
Razmi Tahirkheli, #20252

/s/ Angela D. Trimble
Angela D. Trimble, #17914
1021 Massachusetts Street, Suite 10
Lawrence, Kansas 66044
Phone: (913) 371-0554
Fax: (913) 371-0559
tpclawyers@gmail.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on October 9th, 2026, I electronically filed the foregoing with the Clerk of the District Court using the Kansas eFiling system, which will send notice to all parties of record and copies electronically mailed to:

Honorable Amy J. Hanley
District Court Judge

Eve Kemple
Senior Assistant District Attorney

/s/ Roberta Frost
Roberta Frost
Legal Assistant

EXHIBIT LIST

Ex.	Date	Source	Item
A	Jan. 18, 2026	*Journal-World*, print, A1, A5	"Shooting at the Hawk kills 1 and injures teen" (Maj. Fowler statement)
B	Jan. 18, 2026	*Lawrence Times*, online	Police release additional information on teen killed
C	Jan. 20, 2026	*Journal-World*, print, A1, A7	"Father identifies teenager killed at The Hawk"
D	Jan. 21, 2026	*Journal-World*, print, A1, A7	"Murder charges filed in shootings at The Hawk"
E	Jan. 22, 2026	*Journal-World*, print, A1, A7	"Defendant requests immunity in shooting at The Hawk"
F	Jan. 27, 2026	*Journal-World*, print, A1, A7	Article on the immunity motion and sealing request
G	Jan. 28, 2026	*Journal-World*, print, A1, A5	"Affidavit paints broader picture of shooting at bar"
G-1	Jan. 28, 2026	*Journal-World*, online	Same, early-morning online version
H	Feb. 6, 2026	*Journal-World*, print, A1, A7	"Prosecutor: Man aimed gun at people in Hawk shooting"
I	Feb. 10, 2026	*Journal-World*, online	"One teen in Hawk shooting now faces more serious charges"
J	Feb. 11, 2026	*Journal-World*, print, A1, A7	"Hawk shooting victim testifies"
K	Feb. 26, 2026	*Journal-World*, online	"Rulings expected next week in Hawk shooting cases delayed until mid-April"
L	Apr. 13, 2026	*Journal-World*, online	"Hearing for defendants in Hawk shooting continued again, to families' and judge's frustration"
M	Sept. 10-11, 2026	*Journal-World*, online and print, A1, A7	"Judge rejects teen shooter's self-defense claim" / "Judge: Teen not immune from prosecution"
N	Sept. 10, 2026	*Lawrence Times*, online	"Judge denies self-defense immunity for defendant in fatal Hawk shooting"
O	Feb. 9, 2026	Internet search results	About 4,850 results
P	Apr. 6, 2026	Sheriff's return of service	Subpoena to Det. M.T. Brown [to obtain]
Q	Oct. 8, 2026	Multiple Outlets not including social media, chat groups, etc.	Coverage shows 7,370 uploaded articles and news stories to date.

Online versions of the print articles in Exhibits A, C-H, and J are attached with the corresponding exhibit as "-1" where available. Transcripts of the February 10, 2026 and September 10, 2026 hearings are part of the record and are cited by page.