

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI
APPLICATION FOR CIRCUIT JUDGE**

***PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF
THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.***

1. State your full name.

Kevin Duane Harrell

2. State your date and location of birth.

April 4, 1970 – Kansas City, Missouri

3. State your present occupation, place of work, and job title.

Occupation: **Prosecuting Attorney**

Place of Work: **Jackson County Prosecutor's Office**

Jackson County Courthouse

415 East 12th Street

Kansas City, Missouri 64106

Jackson County Courthouse

308 West Kansas

Independence, Missouri 64050

Job Title: **Chief Deputy Prosecuting Attorney of Jackson County, Missouri**

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a) Are you at least thirty years of age? **Yes**

(b) Are you licensed to practice law in Missouri? **Yes**

(c) Have you been a citizen of the United States for at least ten years? **Yes**

(d) Have you been a resident of Jackson County for at least one year? **Yes**

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

Yes, I am fully capable and qualified to perform the above listed functions of a Circuit Judge.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

I am and have been a member in good and regular standing of the Missouri Bar since my admission in 1999.

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

I am also a member of the Kansas Bar where I have been in inactive status but in good standing.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution

(b) Dates attended and degrees received

(c) Significant activities, achievements, honors, and awards

1988-1989 Oakwood College -- Huntsville, Alabama

Fall 1989 University of Alabama-Huntsville -- Huntsville, Alabama

1990-1991 Penn Valley Community College -- Kansas City, Missouri

1991-1993 University of Missouri-Kansas City -- Kansas City, Missouri obtained Bachelor of Arts degree in Administration of Justice

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

University of Missouri School of Law-Kansas City, Missouri

(b) Dates attended and degrees received

1995-1998 obtained Juris Doctor Degree

(c) Significant activities, achievements, honors, and awards

Dean's List Spring of 1997

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

No

11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

**Wendy's Old Fashioned Hamburgers – 9708 E. 63rd Street, Raytown, MO 64133
Crew Leader 1990-1997. Reason for termination: Full time employment as an
assistant prosecutor.**

**Project Neighborhood, Robert Woods Johnson Grant Initiative – Street Mobilizer,
Kansas City, Missouri 1991-1993. Reason for termination: Left for full-time
employment**

**Askew Elementary School – 2630 Topping, Kansas City, MO 64129
Paraprofessional 1993-1995. Reason for termination: Attend law school**

**Law Office of Ed Pendleton – 1102 Grand, Kansas City, MO 64106
Law intern summer 1996. Reason for termination: Return to school**

**Jackson County Prosecutor's Office – 415 E. 12th Street, Kansas City, MO 64106
Law Intern 1997-1998; Assistant Prosecuting Attorney 1998-2007; Chief Deputy
Prosecutor 2007-Present**

Official Missouri Referee – Van Erin Officials, Kansas City, KS – 2000-Present

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

**My dedication to public service began in 1997 as a Rule 13 intern. Prior to
graduating law school, I was entrusted with the responsibility of appearing in
Associate Circuit Court to conduct numerous hearings including, probation
violations, preliminary hearings, post-conviction motions, and motions to suppress.
I was also fortunate as second chair to successfully prosecute two sexual assault
cases.**

Upon graduating in 1998, I began my professional career as the Truancy Coordinator in the Community Justice Unit of the Jackson County Prosecutor's Office. In that capacity, I learned to be persuasive and how to effectively communicate the law to non-attorneys. In June of 1999, I transferred to the Warrant Desk where I appeared in court almost daily. In addition, I reviewed thousands of cases and learned how to evaluate, charge and dispose of cases.

I continued to develop as an attorney when I transferred back to the Community Justice Unit as the attorney responsible for prosecuting crimes arising out of the East Patrol Division of the Kansas City Police Department. As a young community prosecutor, I became intensely aware of the importance of how my responsibility as a public servant impacts our community's needs as a whole. I learned how to relate to people in a way that made them comfortable to participate in the criminal justice system. I was very successful in trying numerous drug and gang related cases.

During my tenure, I was given the responsibility of conducting special investigations for all police shootings occurring in Jackson County. These investigations were often challenging in that the police officer involved was considered the "would be defendant." It was during this time I developed the skill of diplomacy and empathy. This was recognized when I won the Victim's Champion Award in 2001 and 2003.

In 2004, I was promoted to a Trial Team Leader in the Kansas City Drug Unit. As Trial Team Leader I supervised and trained five attorneys and over saw the management of their trial dockets. In addition, I maintained a docket of over 30 trial cases as well as reviewed thousands of cases for filing. In 2005, I was recognized for my trial skills when I was awarded the Patrick B. Hall Trial Attorney of the Year Award. It was also during this time that I began to develop as an administrator and manager.

In 2007, I was asked by the Jackson County Prosecutor James Kanatzar to serve as Chief Deputy Prosecuting Attorney. Here I further developed as an administrator, manager, negotiator and trial attorney. While my primary duties were administrative in nature, I continued to carry a small trial case load which included some high profile cases like the Westport Rapist, Shy Bland and Raytown's quadruple murderer, Gevante Anderson.

In the past 15 years as a prosecutor, I have tried over 60 cases, reviewed and filed thousands of cases, conducted hundreds of hearings ranging from motions to suppress to post conviction hearings. I have supervised and trained many attorneys that may someday stand before me if given the opportunity to serve on the bench.

My reputation as a competent, ethical, and fair trial attorney is evident by the cases I have adjudicated and the attorneys I have built relationships with over the years.

My prosecutorial philosophy, temperament, and work ethic have served me well in preparing me for this judicial opportunity.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

Jury/Judge Guilty Verdicts

State v. Daniel Louis Ford – 16CR00003420 - Distribution/Deliver/Mfg Controlled Substance. Represented the State of Missouri in a jury trial in Division 12 where the defendant was a prior and persistent drug offender conducting open and notorious drug sales in his neighborhood. Jury found the defendant guilty on all counts on November 15, 2000.

State v. Antwone Washington – 16CR00000425 - Burglary in the Second Degree; Stealing. Represented the State of Missouri in a jury trial in Division 1 where neighborhood garages were burglarized. Jury found the defendant guilty on both counts on February 7, 2001.

State v. Yntell Duley – 16CR02008565 - Murder in the Second Degree; 3 counts of Assault in the First Degree; 4 counts of Armed Criminal Action; Unlawful Use of a Weapon. Represented the State of Missouri in a jury trial in Division 3 where a 17 year old young lady was killed and three others were seriously wounded during a party that rival gang members attended. Jury found the defendant guilty on all counts on October 18, 2004.

State v. George Hillmon – 16CR03004444 - Murder in the Second Degree; Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 8 where the defendant was charged with killing his friend and attempting to dispose of the body in his pickup truck. Jury found the defendant guilty on both counts on September 2, 2004.

State v. Terry Hutton – 16CR03004937 - Assault in the First Degree; Unlawful Use of a Weapon; 3 counts of Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 70 where the defendant was charged with shooting a two year old and one other person in the middle of the day at a busy intersection of the city. Jury found the defendant guilty on 5 of the 6 counts on August 13, 2004.

State v. Danien Cobb – 04CR201856 - Robbery in the First Degree; Armed Criminal Action; Discharge Firearm at or from Vehicle. Represented the State of Missouri in a bench trial in Division 28 where a cable store was robbed and the suspect led police on a high speed chase before being apprehended. Judge found defendant guilty on all counts on January 12, 2005.

State v. Eboni Ralls – 04CR202379 - Murder in the Second Degree; Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 13. The defendant was charged with killing her boyfriend after an argument and claimed self-defense. Jury found the defendant guilty of Involuntary Manslaughter and Armed Criminal Action on July 20, 2006.

State v. Shy Bland – 0516-CR04774 - 22 different sex crime-related charges. Represented the State of Missouri in a jury trial in Division 7 where the accused was known as the Westport Rapist for sex crimes committed during the early 1980's. Jury found the defendant guilty on all counts on August 27, 2008.

State v. Duane Beard – 0516-CR02293 - Murder in the First Degree; Assault in the First Degree; 2 counts of Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 15 where the defendant was charged with killing one woman and seriously injuring another over a drug debt. Jury found the defendant guilty on September 21, 2009.

State v. Jawanza Brown – 0716-CR06892 - 2 counts of Assault in the First Degree; 2 counts of Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 4 where the defendant was charged with shooting two young men without prior provocation. Jury found defendant guilty on all counts on May 21, 2009.

State v. Jerel Jackson – 0616-CR07116 - 2 counts of Murder in the Second Degree; Assault in the First Degree; Attempted Robbery; 3 counts of Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 18 where the defendant was charged with shooting and killing a mother and her boyfriend and left the mother's 8 year old son for dead after shooting him. Child survived but lost his arm. Jury found the defendant guilty on all counts on December 17, 2010.

State v. Jason Webb – 0816-CR02052 - Assault in the First Degree; Attempted Robbery in the First Degree; 2 counts of Armed Criminal Action; Unlawful Use of a Weapon. Represented the State of Missouri in a jury trial in Division 6 where the defendant was charged with attempted robbery of an armored car and shooting the security guard as well as taking shots at nearby on-lookers. Jury found the defendant guilty on all counts on March 4, 2010.

State v. Gevante Anderson – 0916-CR03422 - 4 counts Murder in the First Degree; 5 counts Armed Criminal Action; Burglary in the First Degree. Represented the State of Missouri in a jury trial in Division 2 where the defendant was charged with shooting his ex-girlfriend, her boyfriend, and her two young nephews in front of his two year old son, who he left unharmed. Jury found the defendant guilty on March 28, 2011.

State v. James Parks - 1116-CR02639 – Robbery in the First Degree. Represented the State of Missouri in a jury trial in Division 15 where the defendant was charged with the robbery of a store. Jury found the defendant guilty on May 23, 2012.

Jury Not Guilty Verdicts

State v. Jawanza Brown – 0516-CR06654 - 2 counts of Murder in the Second Degree; 2 counts of Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 11 where the defendant was charged with shooting and killing two teenage boys who were not from his neighborhood. Jury acquitted the defendant on April 3, 2007.

State v. Jamel Jackson – 16CR04002411 - Murder in the Second Degree; Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 70 where the defendant, accompanied by friends, was charged with opening fire on a rival gang member upon the victim's arrival at the defendant's location. Jury acquitted the defendant on February 8, 2006.

State v. Lorenzo Hughes – 16CR04003162 - Robbery in the First Degree; Armed Criminal Action. Represented the State of Missouri in a jury trial in Division 15 where the defendant was charged with robbing 3 young victims during a home invasion. Jury acquitted the defendant on July 18, 2005.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

Not applicable

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

While I have never officially had any judicial responsibilities, I was once asked by a couple (who had previously wed) to act as a judge and preside over their symbolic matrimonial ceremony.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

Not applicable

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge.

Not applicable

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

Kansas City Metropolitan Bar Association -- 2004 to present

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.
- **Kansas City Metropolitan Bar Association: Criminal Prosecutions, Continuing Legal Education Seminar**
 - **Drug Court: Graduation**
 - **Urban Summit: Understanding the Criminal Justice System**
 - **VictimNet Annual Event: Victim's Rights Week**
 - **University of Missouri-Kansas City: Minority Recruitment, Introduction to Law School, So you want to be a law student**
 - **Kansas City Police Department: Writing and defending written reports, Search and Seizure**
 - **Jackson County Prosecutor's Office Training: Direct examinations, Continuing Legal Education Seminar**
 - **National District Attorney's Association: Trial Preparation, Prosecutor Boot Camp**
 - **COMBAT Seminar: Getting to Know Jackson County**
 - **Face 2 Face: Stop the Violence**
 - **Operation Breakthrough: What is a prosecutor**
20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

Appointed by the Missouri Supreme Court to Region IV Disciplinary Committee. This committee works in conjunction with the Office of Chief Disciplinary Counsel reviewing complaints against attorneys licensed by the Missouri Bar.

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

Not applicable

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

Board Member of Ad Hoc Group Against Crime

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

2001 Victim Champion of the Year

2003 Victim Champion of the Year

2005 Patrick B. Hall Trial Attorney of the Year

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.

No

25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.

No

26. Have you ever been held in contempt of court? If so, please explain.

No

27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

No

28. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? If so, please explain.

No

29. If you are or were a member of the judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed.
- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. If so, explain the details of such cause and the date and nature of the discipline imposed.
- (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.

Not applicable

30. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

As a child, I loved the game of basketball. Constant was my pursuit to improve my skills, knowledge, and appreciation for the game, in earnest anticipation of playing professionally one day. My yearning to excel and to compete was an all-consuming desire that was squelched only by an even greater need to win. Winning was everything. Winning was the only thing!

Immature, energetic, and naïve, my desire to win overshadowed any notion of a "good loss." I did not appreciate the journey of the game but instead focused totally on the crucial outcome of the contest. A lesson yet to be learned was that it really does matter how you play the game.

As I matured, my skills, my appreciation for, and more importantly, my understanding of the game increased. Games became tougher and tougher to dominate as the level of the competition improved. It was during this time that my philosophy of winning began to evolve and I learned to delight in the competition and the journey of the game.

As a young assistant prosecutor, I relished the "game" of trials. Constantly honing my skills as a young trial attorney, I was unrelenting in my pursuit of justice.

Strategic debate, legal wrangling, and the art of persuasion came second only to the jury's favorable announcement of "we the jury . . ."

My philosophy – if you do the crime you must do the time – left no room for the idea of leniency. Second chances had no place in the criminal justice system and became overshadowed by my notion of winning as the only measure of justice. I think it's important to state that, as a prosecutor, experienced or not, I've always known and respected the difference between winning a basketball game and winning at prosecution. Winning as a prosecutor may have dire consequences. Unlike basketball, in prosecutions, strategic fouls for the purposes of winning is never permissible.

As I matured as a prosecutor, I began to contemplate and revise my ideology of prosecution. I began to understand and adopt (as a philosophy) that criminal allegations, even if proven, do not necessarily define a person or dictate their future performance. Furthermore, I learned to accept and appreciate the fact that probations, diversions, dismissals, leniency, and second chances were essential to the administration of justice.

I've learned that in both prosecution and basketball losing from time to time is inevitable. I discovered however, losing is not synonymous to personal failure and winning is far less important than how the game is played.

As a fierce competitor, I still possess the need to participate in both courts. As I've matured as a prosecutor and as a basketball player, I'm often sidelined from the "game" because of increased responsibilities and unavoidable physical limitations. As Deputy Prosecutor, I am not afforded the luxury of time to try the number of cases I once did. As a trial attorney, I still make it my goal to try a couple of cases as time permits. By doing so, I placate my thirst for trial work.

Due to my love of basketball as well as recognizing my physical limitations, 12 years ago I began to referee basketball. As a referee, I'm able to observe and appreciate the game from a totally different perspective. I ensure the integrity of the game by enforcing the rules. While I am not the focus of the game, I am an integral part of the process in that my decisions influence the game and may impact the ultimate outcome. My discretion and temperament as a referee are constantly challenged as I often make difficult calls at crucial points of the game. Despite popular opinion, heckling from the crowd, or any personal likings, I must facilitate, manage, and mediate the process without being adversarial. I must simply make the calls according to the rules while maintaining the progression of the game.

By no means do I intend to trivialize the distinguished position of Circuit Court Judge -- I imagine the role of a referee to be similar. Attention should always be focused on the litigants. While the judge facilitates the process, he or she is to ensure that fairness is afforded both sides and that the rules are equally enforced.

Over the past 15 years as a prosecuting attorney, I have matured in my understanding and appreciation of the power of this position. For me, growing means moving forward and allowing younger, less-experienced attorneys to cultivate and nurture their skills and understanding while working their way through the ranks as I did.

My love and passion for the game and the desire to “win” will always be a part of who I am. As such, winning at the professional level is not simply for personal achievement. For me, winning is protecting the integrity of the adversarial process – which equates to granting access to the courts, unbiased enforcement of the rules, and delivering fairness and equity to all litigants that would stand before me.

Because of my desire to remain in “the game,” I am compelled to seek the next opportunity. I am confident that my qualifications, temperament and integrity have proven to be attributes necessary to fulfill the position of Circuit Court Judge.

31. List the names and contact information (title, mailing address, telephone, and email address) of the five persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.

Jean Peters Baker
Jackson County Prosecuting Attorney
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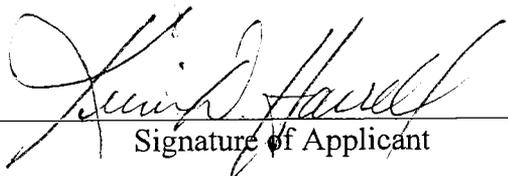
**CERTIFICATION OF ACCURACY AND
AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the office of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Sixteenth Circuit Judicial Commission and appointed to the office of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my medical, law enforcement, or disciplinary records; and (2) the Commission and its members to obtain additional relevant information regarding my qualifications, as well as the accuracy of my responses to the questions on this application. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenth Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (e), if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

This certification and authorization shall remain in full force and effect until revoked by me in writing.



Signature of Applicant

5-24-12
Date

KEVIN DUANE HARRELL
Printed Full Name of Applicant