



APPLICATION FOR ASSOCIATE CIRCUIT JUDGE  
EIGHTH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI

QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS

NAME: Kenneth Robert Garrett III

1. State your present principal occupation: **Assistant Prosecuting Attorney for Jackson County, Missouri**
2. Are you at least twenty-five (25) years of age? **Yes**
3. (a) How long have you been a citizen of the United States? **33 years**  
(b) Have you been a resident of Jackson County for at least one year immediately prior to the date of this application? **Yes**  
(c) How long have you been a qualified voter of Missouri? **15 years**
4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney:

**Kansas**

**United States District Court, District Court of Kansas**

**United States District Court, Western District of Missouri**

5. State the date you were admitted to the Bar in Missouri: **April 16, 2003**
  - (a) Missouri Bar Number **#52931**
  - (b) Are you currently a member in good standing of the Missouri Bar? **Yes**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all law schools, colleges, and universities you have attended, together with the dates and degrees received:

Penn Valley Community College  
3201 Southwest Traffic way  
Kansas City, Missouri 64111  
August, 1995 – May 1997  
Awarded Associate of Arts Degree - May 1997  
Received the Chancellor's Transfer Scholarship

University of Missouri at Kansas City  
5100 Rockhill Road  
Kansas City, Missouri 64110  
August, 1997 – May 1999  
Awarded Bachelor of Arts Degree in Political Science – May 1999  
Inducted into *Pi Sigma Alpha*, National Political Science Honor Society

University of Missouri at Kansas City  
Bloch School of Business and Public Administration  
5100 Rockhill Road  
Kansas City, Missouri 64110  
August, 1999 - July, 2000  
Awarded Masters in Public Administration with an emphasis in Human Resource Management - July, 2000  
Inducted into *Pi Alpha Alpha*, National Honor Society for Public Affairs and Administration

University of Missouri-Kansas City School of Law  
5100 Rockhill Road  
Kansas City, Missouri 64110  
August, 2000 – December 2002  
Awarded Juris Doctorate Degree, December 2002  
I was an Editorial Associate of the *Urban Lawyer*, a member of the Black Law Students Association, Phi Delta Phi – President.

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

1993-1994

**Checkers Fast Food Restaurant, Kansas City, Missouri 64110**  
Cooked and prepared food and washed dishes.

1994 -1994

**Long John Silvers Restaurant, 4800 East Bannister, Kansas City, Missouri 64137**

Cooked and prepared food and washed dishes.

1994 -1999

**Hen House Market, 8430 Wornall, Kansas City, Missouri 64114; 4050 W. 83<sup>rd</sup> Street, Prairie Village, Kansas 66208**

I worked as a courtesy clerk, cashier, deli food handler and stocked the dairy department. In 1996 I transferred to the Kansas Hen House and worked in the produce department.

May, 1999

**City of Kansas City, Missouri, City Hall, 22nd floor, 414 E. 12th St., Kansas City, Missouri 64106**

**Administrative Assistant to Councilmember Kelvin Simmons**, Answering and returning phone calls of constituents, attended meetings with constituents and scheduled councilmember Simmons' activities.

1999-2000

**Kelvin Simmons for State Treasurer Campaign, 2010 East 61<sup>st</sup> Street Kansas City, Missouri 64130**

**Administrative Assistant,**

Contacted potential donors for contributions and prepared campaign documents.

April 2000 – June 2000

**United States Department of Census, 1211 North 8<sup>th</sup> Street, Kansas City, Kansas 66101**

I was an Enumerator for the U.S. Census. I collected censuses throughout the Northeast area of Kansas City, Missouri.

2001-2002 Academic Year

**University of Missouri at Kansas City – School of Law, 5100 Rockhill Road Kansas City, Missouri 64110**

**Teaching Assistant,**

Assisted professors in the academic enrichment program by conducting workshops in order to help bridge the gap between college and law school for first year law students.

2001-2002

**Oscor Drug, 7003 E. Bannister, Kansas City, Missouri 64134**

I was a cashier and stocked the shelves.

2001-2002 Academic Year

**University of Missouri at Kansas City – School of Law, 5100 Rockhill Road Kansas City, Missouri 64110**

**Research Assistant,**

Assisted professor with a research project that involved International business.

May 23, 2002 – May 23, 2003

**Jackson County Prosecutor's Office, 415 E. 12<sup>th</sup> Street, 10<sup>th</sup> Floor Kansas City, Missouri 64106**

**Intern,**

On behalf of the State of Missouri entered guilty pleas, handled probation violation hearings, preliminary hearings and second chaired trials.

June 2, 2003 – April 15, 2004

**Missouri Attorney General's Office, P.O. Box 899, Jefferson City, Missouri 65102**

**Assistant Attorney General,**

On behalf of the Ethics Commission, Missouri Department of Health, Missouri National Guard, Missouri State Fair, Missouri Veterans Commission and the Department of Corrections, retrieved money for the State of Missouri due to overpayments and breach of contract actions. I also filed suits in an attempt to recover money from the probated estates of people who are deceased and who were recipients of aid or assistance from the Missouri Department of Social Services, Missouri Department of Mental Health and Senior Services or the Department of Mental Health.

April 19, 2004 – Present

**Jackson County Prosecutor's Office, 415 E. 12<sup>th</sup> Street, 10<sup>th</sup> Floor Kansas City, Missouri 64106**

**Assistant Prosecuting Attorney,**

On behalf of the State of Missouri prosecuted criminal cases of all classes and carry a trial case load of 60-70 cases. First or second chaired 20 trials of all classes;

*Community Prosecutor* – Work closely with community groups and law enforcement in a proactive partnership to improve community safety and enhance the quality of the relationship between the Prosecutor's Office and the community;

*Gang Prosecutor* – Selected as one of two prosecutors assigned to work closely with the KCPD Gang Unit to target dangerous individuals in the community;

*Police Shootings* – Selected to respond to crime scenes involving all police shootings and present the cases to the Grand Jury;

Additional duties include guilty pleas, probation violation hearings, suppression hearings, and appeals for post-conviction relief; Invited by the Kansas City Police Department to lecture in criminal justice at the Police Academy bi-annually.

July 9, 2007-Present

**Hen House Market, 4050 W. 83<sup>rd</sup> Street, Prairie Village, Kansas 66208**

I was hired to work the produce department and then promoted to Manager, where I supervise the store and handle customer or teammate issues that may arise.

February 9, 2010 – Present

**Baker University, 7301 College Boulevard, Overland Park, Kansas 66210**

I teach Strategic Business Planning and Policy.

8. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court?

**Yes**

9. Attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **See attached**

10. Have you briefed or argued any case in an appellate court? **Yes**

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

**Matthew R. Hlavacek vs. Department of Revenue, 129 S.W.3d 374 (Mo.App W.D. 2003).** On behalf of the Respondent, Department of Revenue, I wrote the brief and argued the case to the Missouri Court of Appeals for the Western District.

11. If your experience as an attorney is not in litigation, you may list up to five (5) of your most significant accomplishments in your law career. **N/A**

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

As an Assistant Attorney General, I have filed civil cases on behalf of dozens of State agencies in more than half of the 115 counties in the State of Missouri. The goal was to recoup money owed to these agencies. In addition, I appeared in 40 of the counties in the State of Missouri and managed one of the largest case loads in the Financial Services Division. In these counties I have had bench trials, argued summary judgment motions and appeared for regular docket calls.

As an Assistant Prosecuting Attorney I have handled several dockets, such as the preliminary hearing docket and the refusal docket. I have tried twenty criminal cases ranging from Murder to Burglary both to the Court and to juries. In addition, I have worked with various community groups and law enforcement to create proactive ways to deter crime. I was appointed to be the gang prosecutor and was selected as one of the assistant prosecutors assigned to handle police shootings. This involved responding to the scene of the shooting as well as presenting these cases to the Grand Jury.

13. Have you ever been convicted of a misdemeanor or felony? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction: **N/A**

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated: **N/A**

15. 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? **No**

If yes, provide details: **N/A**

16. Have you ever been held in contempt of court? **No**

If yes, provide details: **N/A**

17. If you were ever a member of the judiciary of the State of Missouri in the past, please state: **N/A**

(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? **N/A**

If yes, state the nature of such breach, the date discipline was imposed and the exact 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. **N/A**

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

(c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: **N/A**

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No**

If yes, provide details: **N/A**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

**American Bar Association – Member**  
**Missouri Bar Association – Member**  
**Kansas City Metropolitan Bar Association – Member**  
**Kansas Bar Association – Member**  
**Phi Delta Phi - Member**

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

**Sugar Tree Estates – Treasurer. I collect home association dues from homeowners and keep records of such.**

**Big Brothers and Sisters – Participate in fundraising efforts on behalf of Big Brothers and Sisters**

**UMKC Inns of Court – Coordinating Inn Master**

21. Do you now hold or have you ever held any elective or appointive public office or position? **No**

If yes, provide details: **N/A**

22. Are you delinquent in the payment of any federal, state, county or city taxes?  
Yes ( ) No ( **X** )

If your answer is yes, please state details. **N/A**

23. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: **N/A**

24. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received: **N/A**

25. No more than five (5) persons may mail a letter of reference with respect to your character and judicial qualifications. See instructions for deadline for submission. **DO NOT INCLUDE AS A REFERENCE ANY ACTIVE SITTING JUDGES FROM THE CIRCUIT FOR WHICH YOU ARE APPLYING.** List the names of the persons from whom each member of the commission will receive letters.

1. Michael S. Kisling, General Counsel of the Missouri Department of Revenue
2. David Kimmis
3. John O'Connor, Esquire
4. Denise St. Omer, Esquire
5. Sgt. Steve Seward, Kansas City Police Department

26. State any additional information you deem relevant:

My education and work experience meet the technical requirements of an Associate Circuit Judge. However, it is my life experience that makes me uniquely qualified for this position. I was raised by a single mother, and educated in the Kansas City Missouri School District. I grew up in an environment similar to many of those who come before criminal settings in Division 26. This environment did not encourage high achievement, high expectations, or any real hope for the things I have accomplished in my life. As an Associate Circuit Judge, I believe that these experiences will be a great asset in understanding the individuals who come before criminal Division 26. Not only will I be able to understand and empathize with the hurdles they face every day, but I will also have the ability to see through excuses. The experiences that I have gained throughout my life will help guide me through the judgments that I must make.

I believe that any judge must be fair, patient and possess a calm and respectful temperament. However, for an Associate judge it is even more important to remain composed. The Associate Circuit Judge has cases that involve pro-se litigants and criminal cases that involve initial arraignments where many defendants have questions and many of those questions cannot be answered by the judge. All of these people must be treated with respect, regardless of how confused and agitated they may be. I believe my experiences talking with custodial parents and pro se defendant's in my capacity as an Assistant Attorney General has allowed me to mature in that very important area.

The greatest benefit of being an Assistant Attorney General was the level of courtroom experience that I took away from the Attorney General's Office. At least three to four days of the week I was travelling to the various courthouses within the State of Missouri doing probate, child support or general breach of contract actions on behalf of the State of Missouri. I achieved a level of comfort in the courtroom being out on my own and handling a large and diverse caseload that I could not have found anywhere else. In the Associate Circuit things move fast. At times the dockets, both civil and criminal, can be overwhelming. My experience in both civil and criminal law as well as my experience in handling large dockets makes me a great candidate for this position.

Response to question number 9

In all cases I represented the State of Missouri and all cases were tried in Jackson County Circuit Court

State of Missouri vs. Jerry Frost

Honorable Sandra Midkiff

Case No. 16CR04000818

Date: October 4, 2005

First Chair

Bench Trial

Defense Attorney: Willis Toney, 1100 Main Street, Suite 1600, Kansas City, Missouri 64105

Description: Defendant was charged with Trafficking in the Second Degree and was acquitted.

State of Missouri vs. Gregory Burnside

Honorable Sandra Midkiff

Case No. 04CR201488

Date: January 17, 2006

Second Chair

Jury Trial

Defense Attorney: Ned Shine, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Murder in the Second Degree and Armed Criminal Action and was found guilty.

State of Missouri vs. Gregory Burnside

Honorable Gene Martin

Case No. 04CR201488

Date: April 2, 2007

First Chair

Bench Trial

Defense Attorney: Randy Schlagel, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was retried on Murder in the Second Degree and Armed Criminal Action and was acquitted.

State of Missouri vs. Valentino Barrazza

Honorable Gene Martin

Case No. 0516-CR01349

Date: March 15, 2006

Second Chair

Jury Trial

Defense Attorney: Cenobio Lozano, 3001 N State Route 291

Ste. 10, Harrisonville, Missouri 64701-1113

Description: Defendant was charged with Murder in the Second Degree and Armed Criminal Action and the defendant was found guilty.

State of Missouri vs. Charlton Bradford

Honorable William F. Mauer

Case No. 0516-CR06666

Date: March 5, 2007

First Chair

Jury Trial

Defense Attorney: Kalpesh Patel and Leon Munday, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Tampering in the First Degree and the defendant was found guilty.

State of Missouri vs. Adrian Fountain

Honorable Kathleen Forsyth

Case No. 0716-CR01043

Date: January 22, 2008

First Chair

Jury Trial

Defense Attorney: Matthew O'Connor, 523 Grand, Suite 1B, Kansas City, Missouri 64106

Description: Defendant was charged with Trafficking in the Second Degree and the defendant was found guilty.

State of Missouri vs. Melvin Blackmon

Honorable Lee E. Wells

Case No. 0616-CR03487

Date: January 28, 2008

First Chair

Jury Trial

Defense Attorney: Scott Taylor, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Trafficking in the Second Degree and the defendant was found guilty.

State of Missouri vs. Reginald Martin

Honorable Kelly Moorehouse

Case No. 0616-CR03657

Date: February 11, 2008

First Chair

Jury Trial

Defense Attorney: Debra Durmeyer, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Tampering in the First Degree and the defendant was found guilty.

State of Missouri vs. Simon Smith

Honorable Kelly Moorehouse

Case No. 0816-CR00693

Date: August 4, 2008

Second Chair

Jury Trial

Defense Attorney: Debra Durmeyer, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Unlawful Use of a Weapon and the defendant was acquitted after a jury trial

State of Missouri vs. Ronald Allison

Honorable Jay Daugherty

Case No. 0616-CR03559

Date: November 17, 2008

Second Chair

Jury Trial

Defense Attorney: Carrie Allen, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Murder in the Second Degree and Armed Criminal Action and the defendant was acquitted.

State of Missouri vs. Derrel Jones

Honorable Jack Grate

Case No. 0716-CR05254

Date: January 12, 2009

First Chair

Jury Trial

Defense Attorney: Melody Anchietta, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with two counts of Assault in the First Degree and two counts of Armed Criminal Action and was acquitted.

State of Missouri vs. Kelvin Thurman

Honorable Justine E. Del Muro

Case No. 0816-CR00931

Date: November 30, 2009

Second Chair

Jury Trial

Defense Attorney: Armieta Dupree, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Forcible Rape and Forcible Sodomy and the jury hung on both counts. The defendant later pled to Felonious Restraint.

State of Missouri vs. DeAngelo Jones

Honorable Robert Schieber

Case No. 0916-CR02760

Date: December 14, 2009

First Chair

Jury Trial

Defense Attorney: Garrett Solomon, 324 E. 11<sup>th</sup> Street, 20<sup>th</sup> Floor, Kansas City, Missouri 64106

Description: Defendant was charged with Assault in the First Degree and the jury hung. The defendant later pled guilty to the Felony of Assault in the Second Degree.

State of Missouri vs. Juawon Pearl

Honorable C. William Kramer

Case No. 0716-CR00947

Date: January 19, 2010

First Chair

Jury Trial

Defense Attorney: Steve Willibey, 1102 Grand, Suite 800, Kansas City, Missouri 64106

Description: Defendant was charged with Burglary in the Second Degree and theft. The defendant was acquitted.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police 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, with the understanding that the information described in (1) and (2) above is available only to the members of the Sixteenth Circuit Judicial Commission. 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.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Associate Circuit Judge of Jackson County, Missouri, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: MAY 27, 2010

SIGNED: 