

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

***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.

James Francis Kanatzar

2. State your date and location of birth.

August 5, 1966. Kansas City, Kansas.

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

Prosecuting Attorney of Jackson County, Missouri

**Jackson County Courthouse
415 East 12th Street
Kansas City, Missouri 64106**

**Jackson County Courthouse
308 West Kansas
Independence, Missouri 64050**

4. Identify the Division of the Sixteenth Judicial Circuit for which you are applying:

(a) Division Five only _____

(b) Division Thirteen only _____

(c) Divisions Five and Thirteen **X**

5. 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.**

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 have been a member of the Missouri Bar in good standing since my admission in 1993.

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 have been a member of the Kansas Bar in good standing since my admission in 2002.

8. 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.

I am fully capable to perform the essential functions of a Circuit Judge listed above.

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

(a) Name and location of institution

Creighton University-Omaha, Nebraska

(b) Dates attended and degrees received

1985-1989. Bachelor of Arts

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

**Arts and Sciences Representative to the Student Board of Governors
Victim Advocate Intern, Douglas County District Attorney's Office**

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

(a) Name and location of law school

University of Missouri-Kansas City School of Law

(b) Dates attended and degrees received

1989-1992. Juris Doctor

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

Finalist, Appellate Moot Court Competition 1990

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

No.

12. 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.

- 1985** **Busboy, Costellos Greenhouse Restaurant, Kansas City, Missouri; resigned to accept different employment.**
- 1985** **Landscape Installer, Country Hills Nursery, Lenexa, Kansas; resigned to accept different employment.**
- 1986** **Construction Laborer, Calasanti Corporation, Rosedale, Michigan; resigned to accept different employment.**
- 1987** **Construction Laborer, Midwest Mechanical Corporation, Kansas City, Missouri; resigned to accept different employment.**
- 1988** **Construction Laborer, SMI-CO Corporation, Raytown, Missouri; resigned to accept different employment.**
- 1988** **Victim Advocate, Douglas County District Attorney, Omaha, Nebraska; resigned upon completion of under graduate degree.**
- 1989** **Warehouse Worker, Dillards Department Stores, Kansas City, Missouri; resigned to accept different employment.**
- 1990-1991** **Law Clerk, Office of County Counselor, Jackson County, Missouri; resigned to accept different employment.**

- 1991-2000** **Assistant Prosecuting Attorney, Jackson County, Missouri; resigned to accept different employment.**
- 2001-2002** **Associate, Armstrong Teasdale, LLP, Kansas City, Missouri; resigned to accept different employment.**
- 2002-2006** **Deputy Prosecuting Attorney, Jackson County, Missouri.; resigned to accept appointment of Prosecuting Attorney.**
- 2007-Present** **Prosecuting Attorney, Jackson County, Missouri.**

13. 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.

The focus of my entire legal career has been in the courtroom where cases are tried. I made my first appearance in a trial prior to graduating from law school over 20 years ago. I appeared in the Circuit Court of Jackson County, Missouri as a Missouri Supreme Court Rule 13 Intern and successfully prosecuted an assault case. After graduation, Jackson County Prosecutor Claire McCaskill assigned me to prosecute cases generated by the Jackson County Drug Task Force. As a trial attorney there, I reviewed, filed and prosecuted more than 200 cases investigated by the Task Force. This is where I cut my teeth as a trial lawyer.

I further developed as a trial attorney after I became the trial team leader for the Domestic Violence Unit in the Jackson County Prosecutor's Office. In this position, I supervised other assistant prosecutors and was responsible for the prosecution of all crimes involving domestic abuse in the County. Shortly after my assignment to the Domestic Violence Unit, I was appointed to serve on the Homicide Committee. I worked with a committee of seasoned assistant prosecutors to review, file and try homicide cases. My work on the homicide committee brought me invaluable experience in determining when and how homicide cases should be filed and as lead counsel and second chair on numerous trials.

I continued to serve on the Homicide Committee while working in other positions within the Jackson County Prosecutor's Office, including Trial Team Leader for the

Independence Drug Unit and Chief Warrant Officer for Eastern Jackson County. In these positions, I continued trying cases while supervising other assistant prosecutors and staff responsible for reviewing, filing and prosecuting criminal cases. In 1999, I was named one of four Chief Trial Assistants for the Jackson County Prosecutor. As a Chief Trial Assistant, I served as lead counsel in many high profile cases while supervising and training other assistant prosecutors. I received the Louis Lombardo Prosecutor of the Year Award at this time.

In an effort to expand my trial knowledge and skills, I accepted a position as an associate with Armstrong Teasdale, LLP in their Litigation Department. While at Armstrong Teasdale, I practiced in the State and Federal courts in metropolitan Kansas City. I handled cases in areas such as personal injury, premises liability, securities fraud, commercial contracts, real estate, bankruptcy, collections, consumer fraud and criminal law.

After practicing in the civil arena for a time, I accepted the position of Deputy Prosecutor for Jackson County, Missouri in the hope I would eventually become the Jackson County Prosecutor. I attained that goal in 2007. As Prosecutor, I have made it a priority to continue to appear in trial and appellate courts representing the State of Missouri. I have maintained a docket of cases, trying many of our area's most recent high profile cases, including Precious Doe and Lorenzo Gilyard.

Over the course of my career I have made hundreds of filing decisions, taken and defended depositions, briefed and argued various motions both as plaintiff and defense counsel, tried cases to the bench and juries, briefed and argued post conviction motions and hearings in the trial courts, and briefed and argued direct appeals and extraordinary writs in the Missouri Court of Appeals. Throughout this time, I have gained an extensive amount of experience as a trial attorney, facing a wide array of issues I expect to face again if given the opportunity to serve on the bench.

The quality of my legal work is best demonstrated by the success I have enjoyed in my practice in the trial and appellate courts. Like many attorneys, I received the opportunity to participate in litigation after first earning the trust of others. I earned this trust by building a record of excellent legal work resulting in success in the majority of cases I litigated. In my experience, quality legal work comes from hard work, careful preparation and an extreme attention to detail. I have been fortunate to have been given

opportunities to practice in the courts on many different cases. These opportunities would not have been possible without my record and reputation of quality legal work.

14. 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.

State v. Kirk Fincher, 0916-CR00037. Murder First Degree, Armed Criminal Action. Represented the State of Missouri. Jury Trial, September 13, 2010. Division 10, Judge Charles Atwell. Guilty all counts, life without parole and 10 years. Defendant shot an unarmed victim in the back of his head.

State v. Justin Bennet, 0816-CR05557. Murder First Degree, Armed Criminal Action. Represented the State of Missouri. Jury Trial, November 9, 2009, Division 2, Judge Michael Manners. Guilty all counts, life without parole and life. Domestic violence case where defendant stabbed his estranged girlfriend 116 times.

State v. Harrell Johnson, 0576-CR02893. Murder First Degree. Represented the State of Missouri. Jury Trial, October 6, 2008, Division 14, Judge John Torrence. Guilty, life without parole. Child abuse case where the defendant kicked the victim Erica Green, formerly known to the community as Precious Doe, causing her death. Defendant allowed her condition to deteriorate and she died without obtaining medical care. After the victim died the defendant severed her head to hide her identity.

State v. Dwayne Jones, 0716-CR00897. Forcible Sodomy, Statutory Sodomy, Forcible Rape. Represented the State of Missouri. Jury trial, April 14, 2008, Division 70, Judge William Kramer. Guilty all counts, 20 years. Defendant abducted and raped a nine year old girl who was walking alone.

State v. Lorenzo Gilyard, 16CR-04002567. Six Counts of Murder First Degree. Represented the State of Missouri. Bench trial, March 5, 2007, Division 6, Judge John O'Malley. Guilty on five counts, life without parole on each count. Defendant was a serial murderer who killed five women.

State v. Adrian Washington, 0516-CR02421. Murder Second Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, October 9, 2007, Division 18, Judge Brian Wimes. Guilty all counts, life and 10 years. Defendant shot the victim in a gang related dispute over drug trafficking.

State v. Dejuan Thompson, 16CR-99005925. Robbery First Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, November 22, 2000, Division 6, Judge John O'Malley. Guilty on all counts, 30 years and 15 years. Defendant stalked and robbed the victim while she was attempting to enter her home.

State v. Derrick Jones, CR 99-04843. Murder Second Degree, Attempted Robbery, six counts of Kidnapping, eight counts of Armed Criminal Action. Represented the State of Missouri. Jury trial, Division 17, Judge C. William Kramer. Guilty, life on all counts. The defendant and two accomplices shot and killed the manager of a grocery store during the course of a robbery. The defendant took several employees hostage before being captured by the police.

State v. David W. White, CR98-05235. Murder Second Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, Division 17, Judge C. William Kramer. Guilty all counts, 30 years. Domestic violence case. The defendant shot his 18 year old girlfriend in a park in unincorporated Jackson County.

State v. James F. Whitfield, CR98-05533. Burglary First Degree, Armed Criminal Action, Robbery First Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, Division 16, Judge John I. Moran. Guilty on all counts, 15 years and 20 years. This case was a residential robbery while the victim was home with his six year old son.

State v. Randy Danikas, CR 97-02734. Murder First Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, Division 28, Judge Vernon Scoville. Guilty on all counts, life without parole and life. Domestic violence case where the defendant shot his wife. The case involved a great deal of forensic evidence to rebut the defense of accidental shooting.

State v. Billy G. Haddock, CR97-09017. Murder Second Degree. Represented the State of Missouri. Bench trial, Division 17, Judge C. William Kramer. Sentence 15 years for Voluntary Manslaughter. Domestic violence case where defendant strangled his wife. The only witness to the crime was the victim's three year old daughter.

State v. Antwain Washington, CR96-6036. Robbery First Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, Division 5, Judge Jack Gant. Guilty 30 years and life. This case involved an armed robbery of a Service Merchandise Store during business hours. The defendant and three co-defendants took \$120,000 worth of jewelry from the clerks at gunpoint and led police on a chase through residential areas.

State v. Jeremy Henke, CR96-6077B. Assault First. Represented State of Missouri. Jury trial January 6, 1997, Division 2, Judge Ely. Guilty, 13 years. Defendant attacked 88 year old man without any provocation.

State v. Angel Dequesne, CR95-6047. Murder Second Degree, Armed Criminal Action. Represented the State of Missouri. Jury trial, September 30, 1996, Division 1, Judge Shinn. Guilty on all counts, life and life. Defendant stabbed the victim during an argument.

State v. Michael Duncan, CR95-2185. Receiving Stolen Property, Possession of Auto Parts with Altered Identification Numbers. Represented the State of Missouri. Jury Trial, August 26, 1996, Division 16, Judge John I. Moran. Guilty all counts, 3 years and 2 years. Defendant operated large scale methamphetamine labs throughout Kansas City area. This

case was defendant's first conviction ending his criminal enterprise. He was subsequently convicted in Federal Court of drug charges.

State v. Lyonel Hardin, CR95-7552. Assault Third Degree. Represented the State of Missouri. Jury trial, Div. 10, July 29, 1996. Guilty, 90 Days. Domestic violence case where the victim testified against her long time abuser ending her cycle of violence.

State v. Brian S. Kelley, CR94-2826. Assault First Degree. Represented the State of Missouri. Jury trial, Division 16, Judge John I. Moran. Guilty, 25 years. The defendant's claim to fame was his ability to knock someone out with one punch. The defendant struck the victim, a stranger to him, on a dare and placed the victim in a coma for two weeks. The victim suffered severe brain damage requiring daily medical assistance for remainder of his life.

State v. Henry Rollie, CR94-5635. Trafficking Drugs First Degree. Represented the State of Missouri. Jury trial, December 12, 1995, Division 13, Judge Jay Daugherty. Guilty, 15 years. After receiving parole for the murder of a police officer, defendant sold cocaine.

State v. Larry L. Smith. CR93-1601. Sale of a Controlled Substance within 1000 feet of a School. Represented the State of Missouri. Jury trial, Division 16, Judge John I Moran. Guilty 10 years. Defendant sold drugs across the street from an elementary school.

15. 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.

State of Missouri v. Marcus D. Lee, WD71924, Western District Court of Appeals, disposition pending.

State of Missouri v. Scott J. Barnhart, WD66786, Western District Court of Appeals, affirmed February 13, 2007.

Jack Barr v. Michael Sanders et al, WD66091, Western District Court of Appeals, reversed November 21, 2006.

State of Missouri ex rel. Michael Sanders v. C. William Kramer, WD64732, Western District Court of Appeals, writ quashed April 26, 2005.

Jack Barr v. Michael Sanders et al, WD64875, Western District Court of Appeals, dismissed March 21, 2005.

16. 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.

Not applicable.

17. 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.

18. 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.

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

Missouri Bar Association, 1993 to present. Board of Governors.

Kansas Bar Association, 2002 to present.

Missouri Association of Prosecuting Attorneys, 2007 to present.

Kansas City Metropolitan Bar Association, 2002 to present.

20. 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, Domestic Violence Continuing Legal Education Seminar.

Black Agenda Caucus, presentation on filing homicide charges in Jackson County.

St. Luke's Hospital Forensic Investigations Conference.

Attorney General's Task Force on Domestic Violence.

VictimNet Annual Event, Victim's Rights Week.

Independence Chamber of Commerce, meeting on crime trends in Eastern Jackson County.

University of Missouri-Kansas City, guest lecturer on the death penalty for the Criminal Justice Department.

Mentoring for a Better America, Juvenile and Adult Crime.

Blue Springs Chamber of Commerce, annual presentation on status of crime in Jackson County.

Christ the King Church, Community Policing and Prosecution.

Greater Independence Neighborhood Association, public forum on community policing and prosecution.

City of Independence, community meeting on clandestine methamphetamine laboratories moderated by Fox 4 News.

Independence Police Department, Clandestine Methamphetamine Laboratories.

Retailers Association of Greater Kansas City, Felony Stealing in Missouri.

21. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

I was appointed to the position of Prosecuting Attorney for Jackson County, Missouri in January, 2007. I was elected to the position of Prosecuting Attorney for Jackson County, Missouri in 2008.

I was appointed by the Missouri Supreme Court to serve on its Regional Disciplinary Committee for Region IV. I work in conjunction with the Office of Chief Disciplinary Counsel reviewing complaints against attorneys licensed by the Missouri Bar. My committee conducts hearings and recommends appropriate disciplinary action.

22. 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.

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

Boys and Girls Club of Kansas City; Member of the Steering Committee for the J.D. Wagner Dreams to Reality Campaign. Assisted in raising resources and coordinating the opening of a new facility to serve the children of Kansas City's Eastside community.

Second Chance Program. Member of the Board of Directors. Coalition to provide a crime prevention strategy through research, advocacy and funding of programs to find employment and improve opportunities for ex-offenders.

Neighborhood Justice Center-St. Therese Little Flower Church (past). Provided free legal advice and services to inner city residents who did not have the financial ability to obtain the services of an attorney.

Rockhurst High School, Moot Court Coach (past). Served as a guest lecturer for the Speech and Debate course. Coached and advised students competing in an area wide moot court competition.

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

Louis Lombardo Award-Prosecutor of the Year

U.S Department of Defense, Employer Support of the Guard and Reserve-Patriotic Employer Award.

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

No.

26. 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.

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

No.

28. 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.

State of Missouri, ex rel. Rachel Townsend v. James Kanatzar, et al; Circuit Court of Jackson County, Missouri, 1016-CV37600. I am a named defendant in this action. Petitioner challenges the election cycle results of 2010. Petitioner claims she was a write-in candidate for the Office of Prosecuting Attorney and seeks judicial recognition of her claimed status.

29. 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.

30. 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.

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

There are many similarities between the responsibilities and duties of a Circuit Court Judge and my current position as Jackson County Prosecutor. The most significant of these similarities is prosecutors, like judges, are called upon to make extremely difficult decisions that will have a profound impact on people in our community.

Like judges, the role of the prosecutor goes beyond the role of advocating for an individual person or entity. Rather, we are charged with advocating for the best interests of our State and the community as a whole. We often see the worst side of our society and the pain and suffering people go through when both internal and external forces result in tragedy. We are unable to erase the past and are charged with the task of seeking justice by taking into consideration each individual case's evidence and the impact of each case on all people involved. I have often faced decisions in which I could take the easy route to satisfy some. However, my duty as prosecutor is to insure the integrity of our legal system for everyone.

One of the most serious examples is when I have been called upon to make the decision on when to seek the death penalty. When I first took office there were two capital murder cases pending. I reviewed both of those cases and decided to withdraw the death penalty as an option on both. I did so after careful consideration of the evidence and the impact on our community. Since taking office, I have also had to make this difficult decision in other cases. I have sought and received the death penalty in one case, declining to seek it in other cases. The decisions I was called upon to make in these cases involved both professional and personal reflection at the deepest level. I met with much advice during the process from various sources, but at the end of the day, the decisions were mine alone to make. These decisions were met with both extreme criticism and praise, reinforcing the adage that difficult decisions never satisfy everyone.

As prosecutor, I have had to make other very difficult decisions on a myriad

of cases. Each one was unique and affected the people involved in different ways. My experience as Prosecutor in making these types of decisions has been an excellent preparation for assuming the role as a judge. I know the process for making these decisions must transcend any concept that justice is about winning and losing. Rather these decisions are an immense responsibility that must take into account everyone who will be affected by the outcome, and the impact they may have on our community.

32. 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.

Alvin Brooks
Ad Hoc Group Against Crime
3116 Prospect Avenue
Kansas City, Missouri 64128
816-861-5500

Reverend John Modest Miles
Morningstar Missionary Baptist Church
2411 East 27th Street
Kansas City, Missouri 64127
816-923-3559

Beth Phillips
United States Attorney, Western District of Missouri
400 East 9th Street, Fifth Floor
Kansas City, Missouri 64106
816-426-4210

Sister Berta Sailer
Co-Founder
Operation Breakthrough
3039 Troost Avenue
Kansas City, Missouri 64109
816-756-3511

John S. Johnston
President of the Missouri Bar
Shook Hardy & Bacon, L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
816-474-6550

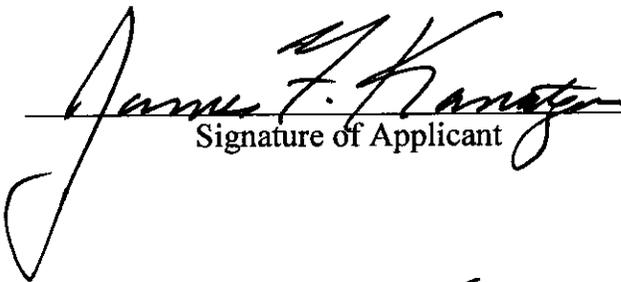
**CERTIFICATION OF ACCURACY AND
AUTHORIZATION FOR RELEASE OF INFORMATION**

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

Feb. 17, 2011
Date

JAMES FRANCIS KANATZAR
Printed Full Name of Applicant