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High Court Considers Dead Killer's Appeal

(KNZA)--The Kansas Supreme Court Friday heard arguments in an appeal seeking to reverse the conviction of deceased convicted killer Roger Hollister and get a new trial.

The 61-year-old Hollister, who was serving a life sentence for the murder of 58-year-old rural Horton resident Patricia Kimmi, died on March 20th of last year at the El Dorado Correctional Facility.

Sarah Johnson with the state appellate defender's office filed the appeal in February 2012 before Hollister's death.

The appeal brief states five issues. Among those it contends the Atchison County District Court erred by refusing to instruct the jury on second-degree murder as requested by the defense and erred by offering the jury an instruction on capital murder that eliminated an essential element of the crime.

Atchison County Attorney Jerry Kuckelman argued the state's case before the high court.

The Topeka Capital Journal reports the Supreme Court justices questioned Johnson on whether the case should be appealed if the defendant is dead.

Chief Justice Lawton Nuss said the Supreme Court would take the matter under advisement and issue a ruling later.

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