

Man Guilty of Three Charges, Hung Jury on Rape

(KAIR) -- An Atchison man could face prison after being found guilty in a jury trial of three mid-level felonies Thursday afternoon in Atchison County District Court.

The verdict was handed down shortly before three for Kevin Simmons.

The jury found him guilty of one count of aggravated sexual battery and two counts of aggravated burglary.

On two counts of rape and one count of aggravated sexual battery, the nine woman and three man jury was deadlocked with 11 to convict and one to acquit.

Those counts that Simmons was convicted on say he unlawfully entered a 40-year-old neighbor's residence on September 17th and October 6th of 2011 and committed unlawful touching in a sexual manner by force to the woman on September 17th, while she was eight months pregnant.

Jurors deliberated for several hours over the course of two days, with two requests for read back of testimony by the jury in between.

Simmons attorney, Andrew Werring reacts to the decision and says they plan to explore appeal options.

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County Attorney Gerald Kuckelman says the convictions are "border box" offenses based on him having no prior history, meaning that Simmons could be eligible for probation at sentencing, but could also get prison.

Simmons could face a minimum of 31 months in prison on each count.

He could also face deportation, as he's a British citizen, here on a visa through marriage as he was ordered by District Judge Martin Asher to surrender his passport Thursday.

Kuckelman says Simmons could be re-tried on the rape charges, but there are many factors remaining in that scenario.

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Sentencing for Simmons is scheduled for December 3rd.

He is currently free on 75 thousand dollars bond.

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