

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

STATE OF MISSOURI,	)	
	)	
	)	
vs.	)	
	)	
TERRELL WATKINS,	)	CASE NO. 1916-CR04434-01
	)	DIVISION 8
	)	
DEFENDANT.	)	

STATE’S SENTENCING MEMORANDUM

COMES NOW the State of Missouri and submits the following Sentencing Memorandum setting forth the facts of this case for the Court’s consideration.

I. SENTENCING PARAMETERS

1. On June 2, 2010, pursuant to the terms of a plea agreement with the State, the Defendant entered a plea of guilty to Involuntary Manslaughter (1st Degree) in Count 1, Assault (2nd Degree) in Count 2, Assault (2nd Degree) in Count 3 and Careless and Imprudent Driving in Count 4.

2. Pursuant to the parameters of the agreed upon plea, the parties agree that the Defendant be sentenced to ten years in the Department of Corrections on Count 1 and seven years in the Department of Corrections on Count 2. The parties further agree that these sentences should be run consecutively for a total of 17 years and that the execution of these sentences should be suspended and that thereafter the Defendant be placed on three years

of probation with the Missouri Department of Probation and Parole and applying all the usual terms of probation.

3. Additionally, the parties also agree that the Defendant be sentenced to 120 days on Count 3 and 120 days in Count 4. Per agreement, these sentences should be run concurrently for a total of 120 days and the Defendant is to serve the 120-day sentence at the Caldwell County Jail. Finally, the parties agree that the Defendant is to bear all costs of incarceration including costs of any medical care that he may require during his term of incarceration.

4. The victims and the immediate family members of the victims were advised of the plea agreement prior to the Defendant's plea of guilty and those individuals have authorized the State to report to the Court that they are in agreement with the terms of plea agreement reached in this matter.

5. This agreement is in the best interest of the parties and, as more fully discussed herein, is consistent with the disposition and resolution of similar cases. Accordingly, the State requests that the Court enter a sentence and judgment in accordance with the above stated terms.

II. LEGAL AUTHORITY

6. In judicial sentencing "the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render

judgment accordingly.” § 557.036.1 RSMo. “The trial court has a duty to undertake a case by case, defendant by defendant, evaluation in determining an appropriate punishment fashioned to both the crime and the criminal.” *State v. Lindsey*, 996 S.W.2d 577, 579-80 (Mo. App. W.D. 1999).

7. “[A] judge may appropriately conduct an inquiry, broad in scope, largely unlimited in nature either as to the kind of information he may consider, or the source from which it may come.” *Figgins v. State*, 858 S.W.2d 853, 856 (Mo. App. W.D. 1993). “During the penalty phase, both the state and the defense may introduce any evidence pertaining to the defendant’s character.” *State v. Ervin*, 979 S.W.2d 149, 158 (Mo. banc 1998); *see also Mann v. State*, 245 S.W.3d 897, 908 (Mo. App. S.D. 2008) (“[A]t sentencing the State was well within the law to introduce additional evidence relating to . . . the general character of [the defendant]”). “[T]he trial court’s experience and expertise enable the judge to consider appropriate sentencing factors and to disregard improper matters.” *Lindsey*, 996 S.W.2d at 579.

II. UNDERLYING CRIME

8. On October 21, 2018, the Defendant, a former Kansas City, Missouri police officer, was scheduled to work security for the Sunday night National Football League game between the Kansas City Chiefs and the Cincinnati Bengals. Although he was scheduled to be inside the stadium and on the field at 4pm, the Defendant was running late.

At 4:04:17, the Defendant notified the KCPD dispatch that he had just been involved in crash south of the exit for the Stadium.

9. The criminal investigation that followed that initial call would reveal that the Defendant was operating a Ford E350 van in excess of 76 miles per hour within a second of that van impacting the rear of the victims' Mitsubishi Lancer. The Mitsubishi was virtually stationary at the time of impact and was waiting with other traffic that had backed up on the Stadium Drive exit ramp from I-435 North. The force of collision killed Chandan Rajanna, the 17-year-old driver of the Mitsubshi and seriously injured his sister, Lisa Allen, who was the front seat passenger, and his father, Dr. Krishana Rajanna, who was in the rear of the car.

10. The investigation showed that in addition to traveling at a high rate of speed, the Defendant was operating his cellular phone regularly while on the roadway and, more specifically, he sent a text message just prior to the fatal collision.

III. History and Character of the Defendant

11. The Court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances considering the history and character of the Defendant.

12. The Defendant, prior to this underlying case, has no criminal history convictions.

13. As evidenced by his plea of guilty and the lack of issues related to his bond supervision, the Defendant has shown by his conduct and actions a willingness to accept responsibility and to abide by the conditions placed upon him.

14. Likewise, an internal review of case dispositions for similar crimes, *i.e.* driving fatalities that involve a defendant with no criminal history, shows that the parameters of the plea agreement reached in this case is similar to other cases. An internal search was conducted to identify case dispositions in which involuntary manslaughter was the lead charge for a driving-related incident within the last 10 years. An examination of those cases revealed that a resolution of some term of incarceration (usually a sentence of less than 10 years), and 120 day term of incarceration with a “call back,” and a term of probation thereafter, was the most frequent outcome for cases involving a defendant with little to no criminal history. *See e.g., State v. Lasala*, Case No. 1716-CR02047-01, *State v. State v. Mills*, Case No. 1716-CR04338-01, *State v. Petet*, Case No. 1816-CR02259-01, and *State v. Wilson*, Case No. 1816-CR00899-01.

Accordingly, the State respectfully requests that the Court accept the terms of the agreed-upon plea and sentence the Defendant in accordance with those terms.

Respectfully Submitted,

JEAN PETERS BAKER

Prosecuting Attorney

Jackson County, Missouri

by,

/s/ Dion Sankar

Dion Sankar (#64333)

Assistant Prosecuting Attorney

415 E. 12th St., 11th Floor

Kansas City, MO 64106

dsankar@jacksongov.org

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was transmitted electronically through the Missouri e-Filing System on 7/6/2020 to all attorneys of record.

/s/ Dion Sankar

Dion Sankar (#64333)

Assistant Prosecuting Attorney