



The Law Office of Brandan Davies LLC is a firm based in Shawnee, KS. Mr. Davies is an attorney licensed in the State of Kansas and practices solely in the State of Kansas. If you have a legal issue and want to speak with an attorney please call our Shawnee office at 913-732-3014.

The advice of a good attorney can be expensive but an attorney's knowledge can be priceless. Do you have a question about a legal matter? Go to NewspaperAttorney.com and ask a licensed Kansas attorney your question free of charge. Your question may just end up getting answered in the newspaper! Remember the Law Office of Brandan Davies LLC does not represent you in any matter until a formal representation agreement has been executed. The following information is not legal advice: it is for entertainment purposes only. If you have a legal question please consult an attorney.

Q: I had a criminal case that I pled guilty to. I was on probation then I moved away. I never went back to the court or paid the fines, am I in trouble?

A: You very well might be. You need to consult a criminal defense lawyer in your area. Often when a person pleads guilty to a criminal charge and is given probation as a punishment there are conditions to that probation and an underlying sentence if the person doesn't go through with all the conditions. Nearly always, a condition to probation is that you pay your fines. If you don't go through with the conditions the prosecutor can file a motion to revoke your probation and impose the underlying sentence. If you don't go to the motion hearing then the judge will issue a warrant for your arrest. In short, depending what charge you pled to, you may be facing some jail time.

Q: I rented an apartment in college and had another girl stay with me and pay half the rent. Everything was going great then she decided to leave. Now I can't afford to pay the rent. Can I make her pay even if she doesn't live in the apartment anymore ?

A: I would need to know more facts. I assume that you signed a lease with a landlord. If she signed the lease then you both would be bound by the terms of the lease. Review the lease to determine your rights. If she did not sign the lease then you are most likely on the hook for the whole rent, unless she made some sort of personal contract with you. If you have a contract with her and she broke it by leaving you could take her to small claims for a remedy.

Q: I have a house I inherited from my parents. I don't live there and it is vacant. People keep breaking in and taking things. Can I set a trap or something to get them next time they break in?

A: Do Not Set A Trap! You should contact the police and inform them of the repeated break-ins, or hire a private security firm to look after the house. You should never set a trap from a legal perspective. You would be opening yourself up to serious liability if someone was to be injured or killed. You also might inadvertently injure yourself or someone you care about. Unless you are being threatened you can't use deadly force to protect property.

Q: My grandson was given a citation for Minor in Possession or Consumption of alcohol in Arkansas City. The police did not test him. Can he get out of the ticket ?

A: Your grandson needs to speak with a criminal defense attorney. In Kansas, the police do not have to administer tests for MIP. The prosecutor will not have to prove your grandson was under the influence of alcohol, only that he possessed it or consumed it. Under Kansas law, possession means knowledge, intent and control or ability to control. MIP can have some serious consequences like a mandatory driver's license suspension. If your grandson did in fact drink alcohol remember, part of the crime requires that he consumed alcohol in Kansas. Since you're in a border town a possible defense may be that he consumed alcohol but in Oklahoma, not Kansas.