



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: My brother got a theft charge and he took a diversion of the charge to keep it off his record. What is a diversion?

A: A diversion agreement often referred to as "a diversion" is a contract between you and the prosecutor. When someone has committed a crime sometimes the prosecutor will offer the offender a way to divert the charge; by using a diversion agreement. Basically, if you do everything that the agreement requires you to do and don't violate any of the conditions of the agreement the prosecutor will not move forward with the case. Additionally, you will usually have to stipulate to the facts you are accused of committing. If you break the agreement the prosecutor will proceed with the case, along with the facts that you stipulated to, making their case much easier to prove. Diversions can work great if you don't make any more mistakes.

Q I received a notice in the mail from the court saying I have to come to court for a motion to revoke and impose sentence. What does this mean? I got a DUI awhile back in this same court but I thought everything was handled.

A: You need to contact a criminal defense attorney. A motion to revoke or impose sentence can have some serious implications for you staying out of jail. A motion to impose sentence is usually filed if you pled guilty to a DUI and were given an underlying sentence but failed to keep up the conditions to your probation. The prosecutor is now asking that the judge make you go to jail by filing that motion. If the motion is to revoke, it may be because you entered into a diversion agreement and didn't keep up your end of the agreement. Now the prosecutor is filing the motion to proceed on with the case. You need to take the motion to an attorney that practices DUI law and get some help. Don't blow it off and don't miss your court date.

Q: I was at a local restaurant eating with my family. There was a piece of a fork in my food and it caused me to break a tooth. The manager said they were sorry and paid for my family's meal. Do they have to pay for my tooth?

A: I would immediately consult with an attorney as you only have a small window of time to seek damages. The restaurant is probably liable for damages to your tooth and any pain and suffering you endured. It is good that the manager accepted fault for the foreign object in the food, it bolsters your claim. Seek out a personal injury lawyer for more help. The restaurant probably has insurance to pay for these types of accidents.

Q: What does the term "Tenants in common" mean in a will?

A: Tenants in common is a term of art. It means that more than one party has rights to the entire property. Example, if Bob and Jane are tenants in common in a farm, they both have rights to the entire farm. Tenants in common is often paired with the term "with rights of survivorship" meaning more than one person has rights to a piece of property but the last person alive gets the absolute title to the property. Language in Wills have specific meaning; consult with an attorney that specializes in Wills for more information.