

Trial Rescheduled for Burglary & Sex Case

(KAIR) -- A jury trial for a 42-year-old Atchison man facing multiple sex and burglary related charges have been pushed back at the request of the state.

Prosecution will now present their case against Kevin Simmons on October 9th.

It was originally scheduled for September 18th.

Simmons attorney, Andrew Werring, presented several motions during their pre-trial conference Monday in Atchison County District Court.

The motions included a motion in limine, to not use the phrase "victim," but "alleged victim," in prosecution, which was granted by County Judge Martin Asher.

Others included a motion for voir dire of potential jurors, which was denied, motion for discovery, which was granted and motion for potential mental health counseling records of the alleged victim, in which Asher said must be properly subpoenaed to the court for filmed examination.

The pre-trial conference for any further motions was continued until September 28th.

Simmons was arrested in late January by Atchison Police for allegedly breaking into a then 39-year-old woman's home in northwest Atchison on September 17th and October 6th of 2011 and allegedly committed unlawful touching in a sexual manner by force to the woman.

Originally charged with two counts each of aggravated burglary and aggravated sexual battery, Simmons was given two additional counts of rape in late May by the courts after testimony of multiple witnesses, including the alleged victim in a preliminary hearing.

Simmons pled not guilty to the charges on June 8th.

He remains free on 75 thousand dollars bond.

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