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NEWS RELEASE

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Supreme Court issues decision in Gleason case
Appeal No. 97,296: *State of Kansas v. Sidney J. Gleason*

TOPEKA—A divided Kansas Supreme Court today upheld by a vote of 4-3 the death sentence of Sidney J. Gleason in a capital murder case involving a 2004 double homicide in Barton County.

Gleason was convicted of killing Darren Wornkey and his girlfriend, Mikiala "Miki" Martinez, in what prosecutors charged was an attempt to threaten Martinez to keep her from telling police about an earlier armed robbery.

An accomplice in the killings, Damien Thompson, agreed to plead guilty to the first-degree murder of Martinez and testify against Gleason in exchange for a life sentence with no possibility of parole for 25 years. A jury convicted Gleason in 2006 of capital murder, premeditated first-degree murder for killing Wornkey, aggravated kidnapping, aggravated robbery, and criminal possession of a firearm. The same jury sentenced Gleason to death following a separate penalty-phase trial.

In 2014, a majority of the Kansas Supreme Court upheld Gleason's convictions, but ordered a new penalty-phase trial after it concluded the jury was not properly instructed about how to decide whether to recommend the death penalty. The Kansas court's decision was overturned by the U.S. Supreme Court in 2016 and the case was returned for consideration of unresolved penalty-phase issues. Those remaining eight questions were decided against Gleason in the [majority opinion](#) written by Justice Dan Biles. The court did not hold additional oral arguments in the case and considered the issues based on written briefs and its own research.

The issues decided include whether Gleason's death sentence violates the Kansas Constitution when comparing it with his accomplice's hard-25 life sentence, and whether a jury instruction error was harmless in light of the evidence against Gleason.

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Justice Caleb Stegall agreed with the decision to uphold Gleason's death sentence, but disagreed with some of the majority's rationale in arriving at that conclusion. Justices Marla Luckert and Carol Beier dissented because they believed trial errors occurred after Thompson, Gleason's accomplice, refused to testify at Gleason's trial and that this required reversing Gleason's murder convictions and holding a new trial.

In a separate dissenting opinion, Justice Lee Johnson criticized the majority for upholding Gleason's death sentence, and said the ruling fails to meet what Johnson described as "the constitutionally required heightened reliability standard" for death penalty cases.

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