

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT OF SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

STATE OF KANSAS,)	
)	
)	
Plaintiff,)	Case No. 2020-CR-879
)	
v.)	
)	
KYLE D. YOUNG,)	
Defendant.)	
)	
)	

EXHIBIT J to

**DEFENDANT’S MOTION CHALLENGING DEATH QUALIFICATION AND
CAPITAL PUNISHMENT AS APPLIED IN KANSAS AS UNCONSTITUTIONAL
UNDER THE STATE AND FEDERAL CONSTITUTIONS**

Report of Floyd Bledsoe

February 4, 2022

I. INTRODUCTION

I have been asked by legal counsel for Defendant Cornell McNeal to provide expert testimony in the matter of *State v. McNeal*, Case No. 14-CR-3129, with respect to the destructive impact of wrongful convictions. The opinions contained within this report are my own opinions, supported by my unique experience. I am not being compensated for my work or my testimony in this matter.

II. BACKGROUND.

I have lived my entire life in the state of Kansas. I was born in Oskaloosa, Kansas and am a current resident of Hutchinson, Kansas. I have four sons and a daughter, and I care a great deal about their future and the future of this state.

In November 1999, I was 23 years old and married with two sons, a two-year-old and a nine-month old. But on November 5, 1999, my then-wife's sister Camille Arfmann was raped and murdered. Three days later, my brother confessed to the crime, gave the murder weapon to the police, and led them to where her body was hidden.

My brother recanted his confession while in jail. In doing so, he implicated me, telling the police that I had killed Camille. My parents provided an alibi for my brother, and I was eventually arrested and charged with first degree murder, aggravated kidnapping, and aggravated indecent liberties. My trial lasted four days. I maintained my innocence, but I was found guilty on all counts and sentenced to life in prison.

I spent sixteen years in prison for a crime that I did not commit. I had to forfeit my parental rights to my two sons while I was incarcerated. I lost the 40 acres of farmland that I had previously used to support myself and my family, as well as the all of the livestock, vehicles, and tools on that land. I also lost an additional \$28,000 in court costs and restitution.

In 2015, the Paul E. Wilson Project for Innocence at the University of Kansas School of Law and the Midwest Innocence Project took my case. DNA testing was performed on the rape kit from the original investigation; the results excluded me and matched to my brother. The results of the testing were released publicly, and my brother committed suicide shortly thereafter. He left notes confessing to the crime and stating that I was innocent. On December 8, 2015, Kansas 2nd District Chief Judge Gary Nafziger vacated my conviction.

Since my release, I have given numerous interviews and testimony with respect to the Kansas criminal justice system, specifically with respect to false convictions. I have testified before the Kansas House Committee on Corrections and Juvenile Justice, the Kansas House Judiciary Committee, and the Kansas State Senate regarding these issues, including successful advocacy for the passage of Kansas House Bill 2579 in 2018.

III. EXPERT OPINIONS

My wrongful imprisonment had severe, harmful, and lasting impacts on my mental, physical, and financial health. My work within the actual innocence advocacy space, and with other exonerees, has demonstrated that these consequences are not unique to my own experience being wrongfully incarcerated.

A. Incarceration and wrongful conviction have a deep and severe negative impact on exonerees' mental health.

Prior to my wrongful conviction, I—like many wrongfully convicted—lived a happy and fulfilling life. I was happily married with two sons, owned 40 acres to support my dairy farming, and had strong relationships with my community and family. In four short days of trial, that security and sense of belonging was taken away from me. I did nothing wrong. I did nothing to deserve my arrest or my imprisonment.

The mental toll of prison was excruciating. Although I participated in programs and activities as I was able, the reality of my incarceration did not change. My then-wife would not visit me, and she eventually divorced me. I did not see my sons the entire time I was in prison. I will never get back the years I missed as they grew up. While wrongfully imprisoned, I became depressed. I quickly learned that the Kansas prison system does not encourage mental health treatment and witnessed those seeking treatment get penalized. Only after prisoners reached an absolute breaking point would the prison force them to seek treatment, oftentimes when the individual was so far gone that they feared or rejected treatment. I lived in constant fear of the chaos and violence inside the prison. At one point, I was beaten so violently by five other prisoners that I had a concussion, and my teeth bit completely through my lip. I was constantly anxious, a symptom of incarceration that I still struggle with, and to this day I have post-traumatic stress disorder that triggers flashbacks to the time I spent in prison. At times I feel like a completely different person than I was before I was wrongfully convicted.

The intense toll prison took on my mental health was exacerbated by the fact that I knew, without question, that I did not kill Camille. Worse, I knew that my brother had falsely accused me, and that the police believed that false accusation and targeted me in their investigation, even when a wealth of evidence and my brother's own original confession indicated I was innocent. Because twelve jurors and a district attorney made a mistake, I spent sixteen years in a fog of violence, anxiety, and depression.

B. Prison takes an immense toll on prisoners' physical health.

In addition to the negative impact it imposes on prisoners' psychological well-being, prison has an undeniably harmful effect on prisoners' physical health. Life expectancy for prisoners decreases with each month spent in prison,¹ meaning that individuals who are exonerated and released not only lose the years they were wrongfully incarcerated, but that the years they are given back when they are released are cut short as well.

¹ Patterson, Evelyn J., *The Dose—Response of Time Served in Prison on Mortality: New York State, 1989–2003*, *Am. J. of Public Health*, 103(3) (2003) (finding 15.6 percent increase in the odds of death for parolees compared to people who had never been to prison, equivalent to a two-year decline in life expectancy for every year served inside prison).

I saw friends of mine sicken and die within a year while in prison. I, like others who are or have been incarcerated, have experienced poor dental care services. Additionally, I received inadequate treatment for my scoliosis. The prison would not allow me to possess or use my back brace because it contained metal. I was told by prison officials that the prison was seeking an alternative brace—one that did not contain metal—but they could not find one and as a result my spine was left untreated and began to deteriorate. Prison exacerbates existing health problems of, and increases the risks of new ailments on, prisoners, and I and other exonerees have suffered physically as a result of our wrongful convictions.

C. The financial burden of incarceration is overwhelming, even after release.

I personally lost \$28,000.00 in court costs and restitution; sixteen years of income from my dairy farm (approximately \$28,000.00 annually) and additional jobs for other farmers (approximately \$3,000.00 annually); my 40 acres of land sold to pay for legal fees and a wrongful death settlement with Camille's family; and all of my personal property on my farm, such as livestock, vehicles, and tools.

While I have been fortunate to have legal advocates to represent me in a wrongful incarceration lawsuit against the state of Kansas, which allowed me to recover some of these economic losses, other exonerees have not been as fortunate. Even exonerees who have received restitution from the state miss out on years of contributing to their retirement accounts, in addition to missing out on years of advancing their skills to move upward in their jobs and increase their annual income. I have witnessed individuals who were hesitant, or refused, to hire me because of my conviction, regardless of my exoneration. I know other exonerees have experienced the same.

IV. CONCLUSION


It is difficult to overstate the devastating and lasting impacts that wrongful conviction has had on my and others exonerees' mental, physical, and financial well-being. Incarceration has been proven time and again to have an overwhelmingly deteriorative effect on prisoners' mental health. That mental and emotion toll on the wrongfully convicted is exacerbated by the knowledge that the conviction itself should never have happened.

Likewise, the physical impact that incarceration has on prisoners is proven to increase health risks and decrease life expectancy. To impose these physical and mental hardships on a person who had done nothing to warrant incarceration is wrong and causes irreparable damage.

Finally, on top of the mental and physical costs of wrongful convictions, the financial hardship caused by wrongful conviction can be devastating.

I am lucky to have received a life sentence and not a death sentence. Regardless of a sentence of life or death, however, the destructive effects of wrongful incarceration are undeniable.

Dated February 4, 2022



Floyd S. Bledsoe