

NOT DESIGNATED FOR PUBLICATION

No. 125,683

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

CLETIS O'QUINN,
Appellant,

v.

STATE OF KANSAS,
Appellee.

MEMORANDUM OPINION

Appeal from Sedgwick District Court, CHRISTOPHER M. MAGANA, judge. Submitted without oral argument. Opinion filed December 1, 2023. Affirmed.

Sam S. Kepfield, of Hutchinson, for appellant.

Kristi D. Allen, assistant district attorney, *Marc Bennett*, district attorney, and *Kris W. Kobach*, attorney general, for appellee.

Before ARNOLD-BURGER, C.J., SCHROEDER and COBLE, JJ.

PER CURIAM: Cletis O'Quinn appeals the district court's order summarily denying his K.S.A. 60-1507 motion following the direct appeal of his 2017 convictions for aggravated kidnapping, aggravated sexual battery, and aggravated battery. See *State v. O'Quinn*, No. 118,977, 2019 WL 5850291 (Kan. App. 2019) (unpublished opinion). In his K.S.A. 60-1507 motion, O'Quinn argued for the first time he was illegally arrested in his home, the State used false evidence at trial, the State failed to correct false testimony at trial, and the victim was not entitled to protection under the law because of her illegal alien status. The district court found the motions, files, and records of the case

conclusively established O'Quinn was not entitled to relief and summarily denied each issue on the merits.

When the district court summarily dismisses a K.S.A. 60-1507 motion, an appellate court conducts a de novo review to determine whether the motion, files, and records of the case conclusively establish that the movant is not entitled to relief. *Beauclair v. State*, 308 Kan. 284, 293, 419 P.3d 1180 (2018). After a thorough de novo review of the record and briefs in this case, we find that the district court's findings of fact and conclusions of law adequately explain its decision and we independently agree with those findings.

Affirmed under Supreme Court Rule 7.042(b)(5) and (6) (2023 Kan. S. Ct. R. at 49).