



STATE OF KANSAS

**Office of the Attorney General**

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**Curt T. Schneider**  
Attorney General

October 23, 1975

ATTORNEY GENERAL OPINION NO. 75-397

Mr. Nick A. Tomasic  
District Attorney  
Twenty-Ninth Judicial District  
Wyandotte County Courthouse  
Kansas City, Kansas 66101

Re: Coroners--Inquests

Synopsis: A coroner's inquest may be convened under K.S.A. 19-1030 when death has been caused by unlawful means or when the cause of death is unknown.

\* \* \*

Dear Mr. Tomasic:

You advise that several weeks ago, a shooting occurred in Johnson County, Kansas. The victim was removed to the University of Kansas Medical Center in Wyandotte County, Kansas, where he died two hours later.

You understand that Johnson County, Kansas, authorities have investigated the matter in detail, having identified the person allegedly responsible therefor, have recovered the weapon used, and have taken statements from witnesses. The Wyandotte County Coroner examined the body, caused an autopsy to be performed, and determined that the cause of death was from gunshot wounds. Now, you advise, the Johnson County District Attorney has asked that an inquest be conducted by the Wyandotte County Coroner, apparently with the expectation that it would disclose that the shooting was justifiable.

K.S.A. 19-1030 commences thus:

"The coroner shall hold an inquest  
upon the dead bodies of such persons whose

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death has been caused by unlawful means  
or the cause of whose death is unknown."

The verdict which the jury is entitled to return is prescribed by K.S.A. 19-1008. The jury must determine "when, how, by what person, means, weapon or accident he or she came to his or her death, and whether feloniously."

Thus, at least on the face of K.S.A. 19-1030, the coroner may call an inquest either when "death has been caused [or is believed to have been caused] by unlawful means," or when "the cause of . . . death is unknown." In this instance, the cause of death is known, but it is apparently not known whether it was caused unlawfully. Whether the death was caused feloniously would be a determination the jury would be entitled to make in returning its verdict whether death was caused feloniously.

Thus, on the face of the applicable statutes, the calling of a coroner's inquest appears to be authorized in this instance by the cited statutory authority.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj