

By Mary Pierce

Keith County News

Another 12-person jury will hear the theft by unlawful taking case against former Keith County Attorney Blake Edwards after a judge set a new trial date for the case.

On Aug. 20, District Judge James E. Doyle set Oct. 8, 9 and 10 for the jury trial, with Oct. 1 as the deadline for the parties

to have submitted “a full and complete set of proposed jury instructions” to the court.

On June 22, 2012, a 12-person jury found Edwards guilty on one count of theft by unlawful taking, \$1,500 or more, and not guilty on two additional theft by unlawful taking charges.

Edwards, who was the Keith County attorney from 2007 through 2010, was arrested in January 2011, on three counts of theft by unlawful taking.

The charges stemmed from Edwards allegedly mishandling money from the Diversion Fund, of which he was in sole control from March 2007 until January 2009.

The charge of theft by unlawful taking that the jury found him guilty of involved a check for \$3,681 to the Ogallala Trap Team, which Edwards had written.

On Aug. 15, 2012, Edwards was sentenced to three years of probation, and ordered to perform 1,200 hours of community service.

Subsequently, the State Bar Association barred him from practicing law. In August of 2012, an appeal on Edwards’ behalf was filed with the State Supreme Court, claiming several errors with the district court case.

That same month, the Attorney General’s Office filed a cross-appeal claiming the sentence was excessively lenient.

Nine months later on May 28, the Supreme Court heard the case and on Aug. 2, it reversed the Keith County District Court decision.

In its decision, the Supreme

Court wrote, “The error in instruction No. 4 implicates both the presumption of innocence and the state’s burden to prove guilt beyond a reasonable doubt.

“The state carries the burden to prove all elements of the crime charged.

“At worst, the jury could have concluded that if Edwards failed to prove his affirmative defense, it was required to find him guilty. We conclude that the last sentence of instruction No. 4 resulted in plain error which necessitates reversal.”