



Kansas Courts News Release

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Chief Justice Lawton Nuss

Supreme Court announces cases for April 1 special session in Lawrence

TOPEKA—The Kansas Supreme Court announced the two cases it will hear in a special session Monday, April 1, in Lawrence, the next destination in the court's ongoing outreach to familiarize Kansans with the high court, its work, and the overall role of the Kansas judiciary.

The court will be in session from 6:30 p.m. to about 8 p.m. at the Lied Center, 1600 Stewart Drive, on the University of Kansas campus. After the session concludes, the justices will greet the public in an informal reception in the Lied Center lobby.

“The Supreme Court extends a personal invitation to the people of Lawrence and surrounding communities to come see your state's highest court in action,” said Chief Justice Lawton Nuss. “It’s a much more personal experience than watching the online broadcasts we’ve provided of all our court sessions since 2012. Plus, we get the pleasure of visiting with you afterward.”

The April 1 docket includes the following cases:

Appeal No. 119,269: *Dwagfy's Manufacturing Inc., d/b/a The Vapebar Topeka and Puffs 'n' Stuff LLC v. City of Topeka, Kansas, a Municipal Corporation and the Governing Body of the City*

Shawnee County: (Civil Appeal) This case was filed as an action for declaratory judgment and quowarranto concerning a challenge to City of Topeka Ordinance No. 20099. On December 5, 2017, the City of Topeka governing body passed Ordinance No. 20099, making it unlawful for any person to sell, furnish, or distribute cigarettes, electronic cigarettes, tobacco products, or liquid nicotine to any person under age 21, or to buy any of these products for a person under age 21. Dwagfy's sought a temporary restraining order and permanent injunction of the ordinance. The district court granted the temporary restraining order and later permanently enjoined the City from enforcing the ordinance. The City appealed and the case was transferred to the Kansas Supreme Court. Issues on appeal are whether: 1) the Kansas Cigarette and Tobacco Products Act, K.S.A. 79-3301 et seq., pre-empts the City of Topeka from prohibiting the sale, furnishing, or distribution of cigarettes, electronic cigarettes, tobacco products, or liquid nicotine to persons under age 21 and the purchase of these items for a person under age 21; and 2) Ordinance No. 20099 conflicts with the Kansas Cigarette and Tobacco Products Act, which prohibits the same activity but only for persons under age 18.

Appeal No. 117,143: *State of Kansas v. Jason L. Rucker*

Wyandotte County: (Criminal Appeal) In 1997, Vicky Ernst was found murdered in her home, which had been ransacked. The case went cold until 2006, when a DNA match identified Torry Johnson as a suspect. Johnson told investigators it had been a failed drugs-for-sex deal and implicated Rucker and someone else in the murder. A jury convicted Rucker of felony murder. Issues on appeal are whether: 1) there is sufficient evidence to support Rucker's felony murder conviction, specifically the underlying felonies of aggravated burglary, robbery, rape, and aggravated kidnaping; and 2) the trial court erred in admitting photographs of the victim.

Summaries of the cases and briefs filed by the attorneys involved are available online by following the *Lawrence Special Session* link under *What's New* on the Kansas judicial branch website at www.kscourts.org. A [flyer](#) also includes the case summaries and other important details for people attending or watching online.

Anyone who wants to attend the special session should plan to arrive early at the Lied Center to allow time to get through security screening. The doors open at 5:30 p.m. Court security offers these guidelines to ease the process:

- Do not bring food or drink.
- Do not bring large bags, large purses, backpacks, computer cases, or briefcases. Small handbags are permitted.
- Do not bring knives, pepper spray, firearms, or weapons.

- Do not bring electronic devices like laptop computers, handheld games, personal digital assistants, or tablets. If you must carry a cell phone, turn it off and store it out of sight while court is in session.

Audience members are prohibited from talking during oral arguments because it interferes with the attorneys' remarks and justices' questions. Those arriving after proceedings start or leaving before they end should be as quiet as possible entering and exiting the auditorium. Talking immediately outside the auditorium also is discouraged.

The special session will be broadcast live over the Internet. The livestream may be accessed selecting the *Watch Supreme Court Live!* link on the judicial branch home page at www.kscourts.org.

The Supreme Court has conducted 16 special sessions outside its Topeka courtroom since 2011, when it marked the state's 150th anniversary by convening in the historic Supreme Court courtroom in the Kansas Statehouse. From there, and through the end of 2011, the court conducted special sessions in Salina, Greensburg, and Wichita. The court visited Overland Park in 2012; Pittsburg in 2013; Kansas City, Kansas, in 2014; Hays and Garden City in 2015; Topeka, Hiawatha, and Hutchinson in 2016; Winfield and Emporia in 2017; and Colby and Manhattan in 2018.

The court started conducting evening sessions when it visited Fort Hays State University in April 2015. That event drew a crowd of nearly 700 people. Subsequent evening sessions also have drawn crowds numbering in the hundreds.

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