



Kansas Courts News Release

Office of Judicial Administration

FOR IMMEDIATE RELEASE

September 4, 2019

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Judge Anthony Powell



Judge Stephen Hill



Judge Sarah Warner

Bethany College to host Kansas Court of Appeals

TOPEKA—A three-judge panel of the Kansas Court of Appeals will hear three cases September 17 at Bethany College in Lindsborg as part of the court's observance of Constitution Day.

The court will hear cases beginning at 9 a.m. at Wallerstedt Learning Center, 235 E Swensson Ave.

Judges Anthony Powell, Stephen Hill, and Sarah Warner will hear the cases. Powell is the presiding judge.

Powell said, "The Court of Appeals is a traveling court, frequently visiting many parts of the state, and we are very excited to give students at Bethany College and the public the chance to see a

panel of our court conduct oral arguments concerning real cases involving real people."

In addition to learning how the appellate court works, those attending will have the opportunity to meet with the judges afterward.

"We are looking forward to getting to meet the faculty, staff, and students of Bethany College," Powell said.

During oral arguments, attorneys for each side will have an opportunity to present arguments to the judges, and the judges will have a chance to ask questions. After the hearings, the court will take each case under consideration and will issue a written decision at a later date.

The hearings are part of Constitution Day observance activities this year at Bethany, Kansas State University, and Fort Scott Community College. Congress directed federally funded educational institutions to host educational events about the U.S. Constitution on or about September 17 each year. The Constitution was signed September 17, 1787, by a majority of delegates to the Constitutional Convention.

Following are summaries of the cases to be heard by the Court of Appeals panel in Lindsborg:

9 a.m. ♦ Tuesday, September 17, 2019

Appeal No. 120,046: *State of Kansas v. Shelbie Ellis*

Lyon County: Ellis was found guilty of possession of methamphetamine and possession of drug paraphernalia. Ellis appealed, arguing the district court erred in denying her motion to suppress. Ellis argues the arresting officer impermissibly exceeded the scope of a welfare, or community safety, stop by retaining her driver's license and conducting a warrant check after concluding she was not in need of assistance. The State argues the district court rightly found the welfare check was proper, Ellis voluntarily gave the officer her license, and, even if the officer's actions were unconstitutional, the attenuation doctrine applies.

Appeal No. 120,016: *State of Kansas v. Ross Hammerschmidt*

Ellis County: In October 2016, Hammerschmidt was charged with driving under the influence. He filed a motion to suppress the evidence derived from the stop, in which he argued he was not given proper notices prior to the breath test. The district court granted a series of continuances in anticipation of the Kansas Supreme Court's decisions after rehearing in *State v. Nece*, 303 Kan. 888, 367 P.3d 1260 (2016), *aff'd on reh.* 306 Kan. 679, 396 P.3d 709 (2017), and *State v. Ryce*, 303 Kan. 899, 368 P.3d 342 (2016), *aff'd on reh.* 306 Kan. 682, 396 P.3d 771 (2017). After those decisions were issued in June 2017, the district court denied Hammerschmidt's motion to suppress. However, the denial of Hammerschmidt's motion did not occur until August 2018. Hammerschmidt then filed a motion to dismiss the complaint based on statutory speedy trial grounds. The district court granted this motion, holding there was no indication Hammerschmidt personally acquiesced to the delay in trial. The State appealed.

Appeal No. 120,111: *Bridget James v. Dodge City Community College*

Ford County: James filed a lawsuit in Ford County District Court against Dodge City Community College alleging the college violated the Kansas Consumer Protection Act, K.S.A. 50-623, et seq. James claimed DCCC charged her fees, tantamount to tuition, which the school then misused to fund scholarships. After hearing oral arguments, the district court granted DCCC's motion to dismiss but denied its request for attorneys' fees. James appeals, and DCCC cross-appeals.

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