



Kansas Courts News Release

Office of Judicial Administration

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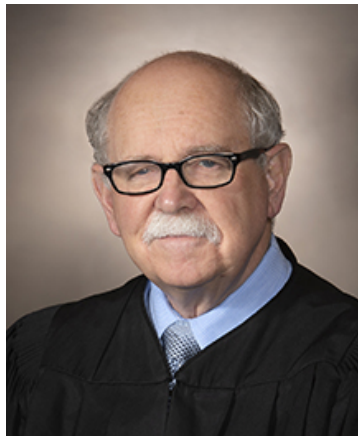
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Judge Kim R. Schroeder



Judge G. Joseph Pierron Jr.



*Judge Melissa Taylor
Standridge*

Fort Scott Community 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 Fort Scott Community College in Fort Scott as part of the court's observance of Constitution Day.

The court will hear cases beginning at 9 a.m. in the Ellis Fine Arts Center, 2108 S Horton.

Judges Kim R. Schroeder, G. Joseph Pierron Jr., and Melissa Taylor Standridge will hear the cases. Schroeder is the presiding judge.

"One or more of the cases we will hear will have issues involving the application of the U.S. Constitution," Schroeder said. "The Constitution has served as the backbone of our government and continues to serve and support the concept of 'we the people.' Those attending will have the opportunity to see how the attorneys apply the Constitution to the facts of their cases."

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.

When the oral arguments are complete, the judges will be available to talk with those in attendance.

These hearings are part of Constitution Day observance activities this year at Fort Scott, Bethany College, and Kansas State University. 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 Fort Scott:

9 a.m. ♦ Tuesday, September 17, 2019

Appeal No. 119,048: *State of Kansas v. Becky E. Bunce*

Douglas County: (Criminal Appeal) Bunce was arrested for driving with a suspended license, and she asked that her purse be left in the truck she had been driving. An officer called the truck's registered owner to retrieve it, warning him there might be illegal contraband in the truck. The owner's wife and an acquaintance arrived. The acquaintance searched Bunce's purse, finding methamphetamine and a pipe. Bunce filed a motion to suppress this evidence. The district court denied the motion and convicted Bunce of possession of methamphetamine, possession of drug paraphernalia, and driving with a suspended license. On appeal, Bunce argues the district court erred in denying her motion because the person who searched her purse was acting as a government agent.

Appeal No. 120,110: *Hugh C. Jenkins, Patricia English, and M. Earlene Jenkins v Green Valley Farms LLC, Karl M. Jenkins, Robert E. Jenkins, and Roberta Kris Jenkins*

Bourbon County: (Civil Appeal) M. Earlene Jenkins is mother to Hugh, Patricia, Karl, and Robert Jenkins. Roberta is Robert's spouse. The family owned Green Acres Inc., a farm company with land in Bourbon County. Bourbon County District Court awarded a coal company the right to foreclose on the land. Before the sheriff's auction, Karl and Robert paid the company to obtain that right. In 2003, Karl, Robert, and Roberta bought the land at auction using their company Green Valley Farms LLC. They sold the land in 2016. In 2017, Hugh, Patricia, and M. Earlene Jenkins sued. They claimed Green Valley Farms LLC and its owners bought the land on behalf of Green Acres Inc. but breached a duty to Green Acres Inc. when they sold the land. The district court disagreed. It found the plaintiffs knew in 2006 that Green Valley Farms LLC owned the land but the plaintiffs waited too long—11 years—to sue. On appeal, the plaintiffs argue the district court erred because their claims arose when Green Valley LLC sold the land, not when they discovered Green Valley LLC bought the land.

Appeal No. 119,212: *State of Kansas v. Luiz Saul Gonzalez*

Coffey County: (Criminal Appeal) Gonzalez was stopped in February 2017 for speeding. The Kansas Highway trooper issued him a warning, took two steps back toward his vehicle, then

immediately turned around and called out to Gonzalez through the open passenger window for permission to ask a few more questions. Gonzalez agreed and consented to the trooper's subsequent request to search the vehicle. The trooper found 183 pounds of bulk-packaged marijuana in the pickup bed. Gonzalez was convicted of one count of possession with intent to distribute more than 30 kilograms of marijuana and one count of possession with intent to distribute drug paraphernalia. Gonzalez appeals, questioning whether the continuation of the stop after the trooper issued the warning for speeding was constitutionally valid and whether the district court applied the correct legal test to Gonzalez's claim the initial stop violated Kansas' biased-based policing statutes.

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