



State of Kansas

Office of Judicial Administration

Kansas Judicial Center

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Wichita Case Summaries

August 30, 2011

Appeal No. 103,245: *State v. Shannon E. Bogguss*

This is an appeal of the defendant's Sedgwick County convictions of first-degree murder, aggravated kidnapping, aggravated robbery, aggravated assault, and criminal possession of a firearm, for which he was sentenced to a prison term of 631 months, plus a hard-25 sentence for the murder. The charges arose from the robbery-kidnapping-murder of James G. Collins, who was kidnapped from a Wichita business he owned and forced into a car the defendant and a second assailant, Kedrin Littlejohn, took from the business. Collins was killed on a Wichita street after he jumped from the car and then was shot and run over by the car. Bogguss was convicted following a trial to the court without a jury. On appeal, he contends the district court erred in denying his motion to suppress the defendant's statements to police, his motion to exclude evidence relating to drug use, and in denying his motion to not allow a detective on the case to sit at the prosecutor's table. He also cites four alleged errors in his sentencing, including that his attorney had a conflict of interest, that he should have been afforded a jury to determine the aggravating circumstances used to arrive at the sentence, that a jury should have been used to determine whether the sentence should be increased based on prior criminal history, and in refusing to modify the defendant's underlying 33-month prison sentence for which he had been placed on probation until the new charges were lodged.

Appeal No. 102,282: *State v. Michael Phillips*

This is an appeal of the defendant's Sedgwick County convictions following a jury trial of first-degree murder, two counts of attempted aggravated robbery, and criminal possession of a firearm for which he received a sentence of life imprisonment. The charges arose from a shooting at a Wichita residence that had been used for drugs and other illicit activities. Phillips was convicted of robbing two persons in the house and separately killing Miguel Moya. On appeal, the defendant contends the trial court should have given a jury instruction on lesser included offenses and self-defense; that the state's closing argument regarding felony murder misstated the law; that the state failed to prove all possible aggravated robberies that the jury could have relied upon to support a felony murder conviction; that the court erred in admitting evidence of the defendant's criminal acts at the time of his arrest to show "flight" and use of an alias; and that the trial court erred in ordering post-release supervision because the statute requires parole-eligibility for an off-grid offense.

Appeal No. 101,812: *Waste Connections of Kansas, Inc. v. Ritchie Corporation*

This is a Petition for Review of a Court of Appeals decision reversing a Sedgwick County ruling awarding summary judgment in favor of Ritchie Corporation concerning the amount of the purchase price owed when Waste Connections purchased a waste transfer station. The Court of Appeals remanded the case to the District Court to enter a judgment in favor of Waste Connections for \$550,000, and for a reconsideration of the trial court's award of \$108,972 in attorneys' fees and expenses to Ritchie. The dispute centers on whether Ritchie correctly refused to sell a non-hazardous waste transfer station north of the Wichita city limits for \$1.45 million, instead of \$2 million he seeks, or whether a previous agreement with a provision granting Solid Waste first right of refusal in an escrow agreement to purchase the tract locks in the lower sale price. Issues raised by the appellant include whether the district court should have granted summary judgment to the plaintiff, not the defendant; whether the district court erred when it made its ruling that the transfer station was valued at \$2 million; and whether the defendant breached the right of refusal and engaged in bad faith and unfair dealing. Ritchie counters that the district court determinations were correct and that Ritchie was properly awarded attorneys' fees and costs.

Appeal No. 101,667: *State v. Karmaronte Jones*

Karmaronte Jones, a/k/a Squeek, appeals his Sedgwick County convictions of first-degree murder and criminal possession of a firearm which arose from a gang-related shooting at a Wichita residence. The gang violence resulted from an ongoing dispute between the Crips and the Bloods street gang in Wichita, which led to the shooting death of Keith Peters, who was serving as a security guard at his neighbor's party. Police found Peters unresponsive in the yard after responding to the scene. They also found a rubber revolver grip from the weapon the assailant had been using. The weapon contained DNA that matched the defendant's. There also were witnesses to the shooting. On appeal, the defendant contends an instruction limiting the jury's consideration of gang evidence should have been given on the judge's own volition even though one was not requested; that an outdated instruction on eyewitness identification was given; and that the judge erred in granting the defense attorney's request not to give lesser-included offense instructions, something the state contends was invited error by the defense because the defendant personally informed the trial court he did not want the lesser included instruction on second-degree murder be given.

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