

Kansas
Judicial Branch

Kansas Supreme Court

Special Session in Dodge City



6:30 p.m.
NOVEMBER
14

**Dodge City
High School**
2201 W Ross Blvd.
Informal public reception to follow

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Supreme Court invites community to special session in Dodge City

The Kansas Supreme Court will hear two cases in a special session at Dodge City High School, 2201 W Ross Blvd., as part of its ongoing outreach to familiarize Kansans with the high court, its work, and the overall role of the Kansas judiciary.

It will be the Supreme Court's first visit to Dodge City in the court's 162-year history, and it will be only the 15th time the court will hear case in the evening.

Summaries of the cases and briefs filed by the attorneys are available online at www.kscourts.org/travel-docket.

The court will be in session from 6:30 p.m. to about 8 p.m. Tuesday, November 14. The justices will greet the public in an informal reception following the session.

Cases to be heard

Appeal No. 124,998: *American Warrior, Inc., and Brian F. Price v. Board of County Commissioners of Finney County, Kansas, and Huber Sand, Inc.*

Finney County: (Petition for Review) This case involves an appeal from a Finney County District Court decision validating a conditional use permit issued by the Finney County Board of Zoning Appeals to Huber Sand, Inc., to operate a sand and gravel quarry. American Warrior argued the procedures for reviewing and issuing a conditional use permit adopted by Finney County impermissibly vary from the procedures mandated by the Legislature. As a result, American Warrior claims the permit issued is void and unenforceable. A majority of a Court of Appeals panel agreed with American Warrior and held governing bodies must follow the procedures laid out in K.S.A. 2022 Supp. 12-757 when issuing conditional use permits.

Issues on review are whether: 1) the Court of Appeals majority improperly held K.S.A. 2022 Supp. 12-757 applies to the issuance of conditional use permits; and 2) caselaw interpreting the statute held it is applicable to conditional use permits.

Appeal No. 124,607: *State of Kansas v. Miles Martin*

Geary County: (Petition for Review) Martin appeals his convictions for possession of methamphetamine and possession of methamphetamine with no drug tax stamp. He claims police conducted an illegal search, and the district court erroneously admitted evidence from that search at his trial. He also argues the offense of possession of methamphetamine is included within the offense of possession of methamphetamine with no drug tax stamp, so he cannot be convicted of both offenses without violating

the Double Jeopardy Clauses of the United States and Kansas Constitutions and a Kansas statute, K.S.A. 21-5109(b), that prohibits a defendant from being convicted of both a crime and a lesser-included crime base on the same conduct. The district court sentenced Martin to 20 months in prison for possession of methamphetamine and six months for no drug tax stamp, to be served concurrently. The Court of Appeals affirmed Martin's convictions.

Issues on review are whether the: 1) Court of Appeals incorrectly analyzed Martin's argument that possession of methamphetamine is an included offense of possession of methamphetamine with no drug tax stamp; and 2) district court erred in refusing to suppress evidence discovered in the search.

Attending the special session

Arrive early to allow time to get through security. Doors open at 5:30 p.m. To ease your check-in, do not bring:

- food or drink;
- large bags, large purses, backpacks, computer cases, or briefcases;
- knives, pepper spray, firearms, or weapons; and
- laptop computers, handheld games, personal digital assistants, or tablets.

Cellphones must be turned off and stored out of sight while court is in session.

Quiet, please

The audience is prohibited from talking during oral arguments because it interferes with the attorneys' remarks and justices' questions. Talking immediately outside the auditorium is also discouraged. If you arrive after the session starts or must leave before it ends, be as quiet as possible entering and exiting the auditorium.

Informal reception

After the session concludes, the justices will greet the public in an informal reception.

Live video stream

The special session will also be broadcast live online at www.YouTube.com/KansasSupremeCourt.

Supreme Court outreach

The Supreme Court has conducted 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.