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NEWS RELEASE

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**Kansas Court of Appeals to hear oral arguments March 21
at Dwight D. Eisenhower Presidential Library**

TOPEKA—A three-judge panel of the Kansas Court of Appeals will [hear oral arguments March 21](#) at Dwight D. Eisenhower Presidential Library in Abilene.

[Chief Judge Karen Arnold-Burger](#) will be joined by Judges [Michael B. Buser](#) and [Anthony J. Powell](#) to hear oral arguments in six cases starting with the first at 9 a.m. The remaining five cases are scheduled at regular intervals throughout the day, with arguments starting at 3 p.m. for the final case.

Arnold-Burger said she is grateful to [Chief Judge Michael Powers](#) of the 8th judicial district for inviting the Court of Appeals panel to hear cases in Abilene.



*Chief Judge
Karen Arnold-Burger
Kansas Court of Appeals*

"This is a wonderful opportunity for our court to convene in an impressive historic venue. It's also a great opportunity for the residents of Dickinson County and neighboring counties, who we invite to come observe our court in action," Arnold-Burger said. "We have a variety of cases set for oral argument, and people are free to come for just one case that seems interesting, or to stay all day."

Arnold-Burger said the judges will talk to residents and students in between each case and answer questions about Kansas' system of fair and impartial courts.

Powers said his district is honored to host the court.

"I speak for the entire 8th judicial district when I say we are honored to have this Court of Appeals panel visit our district," said Powers. "I'm



*Chief Judge
Michael F. Powers
8th Judicial District*

proud that our appellate courts make consistent effort to be accessible to the people of Kansas. Judge Ben Sexton and I have worked together on this, and we are delighted we could help make this happen. We also appreciate the great support and cooperation shown to us by Eisenhower Library staff. They have gone out of their way to be helpful.”

Nearly every month, panels of Court of Appeals judges hear cases in Wichita, Topeka and Kansas City. On occasion, panels visit other parts of the state, like Abilene, to make the court accessible to people of Kansas.

Arnold-Burger said that in addition to making the court accessible, hearing cases around the state saves money for the parties because they don't have to travel as far.

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. The court will then take each case under consideration and will issue a written decision at a later date, usually within 60 days.

The appeals to be heard in Abilene arose in Jefferson, Riley, Saline, Shawnee, and Wallace counties. In addition to the Court of Appeals panel hearing cases this week in Abilene, other three-judge panels of the Court of Appeals will be hearing cases in Kansas City and Wichita. All hearings are open to the public.

There are 14 judges on the Court of Appeals, and the judges sit in three-judge panels to decide cases. In fiscal year 2016, the Court of Appeals resolved appeals in 1,932 cases, including 1,304 in which the court issued a formal written opinion.

The six cases to be heard Tuesday, March 21, in Abilene are summarized as follows:

9 a.m. —

Appeal No. 115,177: *State of Kansas, Salina Police Department v. One 2007 Ford Mustang*
(originating in Saline County)

After a brief chase, George Meinhardt eluded the Salina police in his 2007 Ford Mustang Roush. When the police arrested Meinhardt several days later, they found a small quantify of methamphetamine in his pocket. The state seized the 2007 Ford Mustang on the basis that

Meinhardt had used it to commit the crime of fleeing and eluding and to commit a drug crime. Meinhardt had purchased the Mustang two months earlier for \$32,500. Meinhardt acknowledged that the Mustang was subject to forfeiture, but argued that the forfeiture was grossly disproportionate to his conduct. The district court held that the forfeiture was not grossly disproportionate to Meinhardt's conduct and forfeited the Mustang to the state. Meinhardt appealed.

9:45 a.m. —

Appeal No. 116,316: *City of Topeka v. Nyla S. Lauck* (originating in Shawnee County)

Law enforcement officers arrested Nyla Lauck for driving under the influence of alcohol and other traffic violations. Prior to trial, the City of Topeka requested a hearing to examine an expert witness who would testify on Lauck's behalf. At the hearing, Lauck asserted that the expert would testify that Lauck's asthma condition caused the intoxilyzer to produce a breath-alcohol reading greater than her actual blood-alcohol level. The Shawnee County District Court disqualified Lauck's expert, and a jury subsequently convicted her of the crimes charged. Lauck now appeals the district court's decision to exclude her expert witness.

10:30 a.m. —

Appeal No. 114,849 and 115,246: *Queen's Park Oval Asset Holding Trust v. Jason & Carrie Belveal* (originating in Jefferson County)

When the Belveals stopped making payments on their house, Flagstar Bank, the owner of both the Belveals' promissory note and mortgage, filed a foreclosure action. The Belveals had filed a counterclaim against Flagstar alleging Flagstar violated the Kansas Consumer Protection Act and committed negligence and breach of contract. Flagstar later transferred its interest in the note and mortgage to Queen's Park. Queen's Park proceeded with seeking foreclosure. Ultimately, the district court entered a foreclosure judgment against the Belveals, denied their counterclaims, and imposed sanctions against them for the submission of improper affidavits. The Belveals' appeal.

1:30 p.m. —

Appeal No. 115,184: *Ziad Khalil-Alsalaami v. State of Kansas* (originating in Riley County)

Ziad Khalil-Alsalaami was convicted by a jury of two counts of aggravated criminal sodomy in 2010. He was sentenced to 25 years to life in prison. He later filed a motion with the district court to have his convictions set aside because his attorney at trial and his attorney on appeal were both ineffective. Among other items, he contends that his attorneys should have requested an interpreter at trial, should have filed a motion to suppress certain evidence and challenged the admission at trial of Khalil-Alsalaami's confession, should have objected to certain statements

and arguments made by the prosecutor, and should have objected to the testimony of the nurse who examined the victim at the hospital. The district judge found that Khalil-Alsalaami's attorneys were not ineffective and he appeals.

2:30 p.m. —

Appeal No. 116,450: *In the Matter of the Marriage of Clark & Daniels* (originating in Jefferson County)

Following their divorce, Mother and Father disagreed on the interpretation of their parenting plan regarding how each parent was to spend time on their daughter's birthday. Father accepted the time Mother offered to him under protest and later asked that she be found in contempt of court for not allowing him time with his daughter on her birthday. The district court held Mother in contempt of court for failing to comply with the parenting plan, ordered her to pay Father's attorney's fees, and ordered her to serve a 48-hour term in jail. Mother appeals the district court's order.

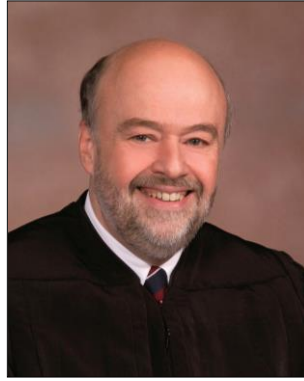
3 p.m. —

Appeal No. 114,970: *G and B Mining, LLC, et al, v. Vernon Schemm, et al* (originating in Wallace County)

In 2008, G and B Mining filed suit against Vernon and Dixie Schemm, their trusts, and a number of other trusts, requesting partition of the parties' mineral rights and damages for defamation and tortious interference with a prospective contract. In 2014, the suit was dismissed with prejudice as to all claims except partition. G and B Mining refiled the lawsuit requesting partition. The district court dismissed the case because G and B Mining's 20 year term mineral interest expired in 2011 so there was nothing to partition. G and B Mining appealed.

The court will also consider 12 other cases that are not set for oral argument. To learn more about the Court of Appeals, visit www.kscourts.org.

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*Judge Michael Buser
Kansas Court of Appeals*



*Judge Anthony Powell
Kansas Court of Appeals*

***Note:** Reporters who want to cover the oral arguments using video, photo, or audio recording devices, as spelled out in [Supreme Court Rule 1001](#), should contact Lisa Taylor at taylorl@kscourts.org, no later than noon Friday, March 17.*