



# Kansas Courts News Release

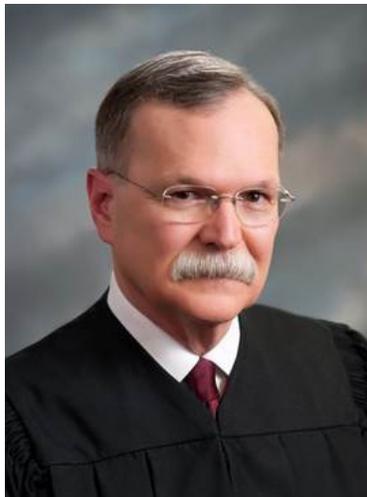
## *Office of Judicial Administration*

### FOR IMMEDIATE RELEASE

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*Chief Justice Lawton Nuss*

### **Supreme Court announces cases for April 9 special session at Colby High School**

TOPEKA — The Kansas Supreme Court announced the two cases it will hear in a special session Monday, April 9, at Colby High School, the next destination in the court's ongoing outreach to familiarize Kansans with the high court, its work, and the overall role of the Kansas judiciary.

The court will be in session from 6:30 p.m. to about 8 p.m. CDT in the Colby High School Auditorium, 1890 S. Franklin Ave., Colby.

After the session concludes, the justices will greet the public in an informal reception in the commons area outside the auditorium.

“The Supreme Court extends a personal invitation to the people of Colby and surrounding communities to come see your state's highest court in action,” said Chief Justice Lawton Nuss. “It’s a much more personal experience than watching the online broadcasts we’ve provided of all our court sessions since 2012. Plus, we get the pleasure of visiting with you afterward.”

The April 9 docket includes the following cases:

**Appeal No. 112,573: *State of Kansas* (plaintiff – appellee) v. *Daniel Barlett* (defendant – appellant)** Barlett’s cousin shot and killed Chad Ford. Barlett was charged with aiding and abetting a felony murder and criminal discharge of a firearm. A Wyandotte County District Court jury convicted Barlett of the latter offense. Barlett later pleaded guilty to voluntary manslaughter. The Court of Appeals affirmed the convictions. Issues center on whether various jury instructions were proper, the district court’s refusal to declare a mistrial, and whether Barlett received a fair trial.

**Appeal No. 115,434: *LCL LLC* (plaintiffs) v. *James W. Falen, in his capacity as sole trustee of the James W. Falen Living Trust U/A dated April 30, 2007; Julie D. Falen; Gregory A. Falen; and Maryl M. Wesolowski* (defendants/third-party plaintiffs – appellants) v. *Rice County Abstract and Title Co. Inc.* (third-party defendants – appellee)** The Falens sold real estate in 2008 but retained the mineral interests. The contract reflected the retained interest, but the deed did not. When the property was sold in 2014 to LCL, the deed again did not reflect mineral rights ownership. When it was discovered, Rice County Abstract and Title asked LCL to deed the mineral rights to the Falens. Instead, LCL claimed ownership. The Falens sued RCAT for breach of implied contract and fiduciary duty. Rice County District Court ruled for RCAT because the statute of limitations had expired. The Court of Appeals ruled the Falens could pursue claims of negligence and breach of fiduciary duty but not breach of implied contract. Issues focus on the application of the statutes of limitations.

Summaries of the cases and briefs filed by the attorneys involved are available online by following the Colby Special Session link under *What’s New* on the Kansas judicial branch website at [www.kscourts.org](http://www.kscourts.org).

Anyone who wants to attend the special session should plan to arrive early to allow time to get through security screening. The doors open at 6 p.m. CDT. Court security offers these guidelines to ease the process:

- Do not bring food or drink.
- Do not bring large bags, large purses, backpacks, computer cases, or briefcases.
- Do not bring knives, pepper spray, firearms, or weapons.
- Do not bring electronic devices like laptop computers, handheld games, personal digital assistants, or tablets. If you must carry a cell phone, turn it off and store it out of sight while court is in session.

Audience members are prohibited from talking during oral arguments because it interferes with the attorneys’ remarks and questions asked by the justices. If someone arrives after proceedings start, or must leave the auditorium before it ends, he or she should be as quiet as possible entering and exiting the auditorium. Talking immediately outside the auditorium is also discouraged.

The special session will also be broadcast live over the Internet. The livestream may be accessed selecting the *Watch Supreme Court Live!* link on the judicial branch home page at [www.kscourts.org](http://www.kscourts.org).

Colby is the court’s 15th destination since 2011, when it first convened outside of the Kansas Judicial Center to mark the state 150th anniversary.

Stops in 2011 included the historic Supreme Court courtroom in the Capitol, and locations in Salina, Greensburg, and Wichita. The court visited Overland Park in 2012; Pittsburg in 2013; Kansas City in

2014; Hays and Garden City in 2015; Topeka, Hiawatha, and Hutchinson in 2016; and Winfield and Emporia in 2017.

The court started conducting evening sessions when it visited Fort Hays State University in April 2015. That event drew a crowd of nearly 700 people. Subsequent evening sessions have also drawn crowds numbering in the hundreds.

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