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NEWS RELEASE

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**Chief Judge Wurst of 25th judicial district
to sit with Kansas Supreme Court March 15**

TOPEKA — Chief Judge Wendel W. Wurst of the 25th judicial district has been appointed to sit with the Kansas Supreme Court to hear oral arguments in one case on the court's 9 a.m. docket Wednesday, March 15.

After hearing oral arguments, Wurst will join Supreme Court justices in their deliberations and opinion drafting.

"I am pleased that Chief Judge Wurst is taking time from his duties in the 25th judicial district to sit with the Supreme Court," said Chief Justice Lawton R. Nuss. "It's a great help to our court, and we look forward to his contributions deliberating this case."

Wurst is a native of Sterling, and graduated from Kansas State University and Kansas University School of Law. He enjoyed a diverse, general law practice in Garden City for 29 years before becoming a judge.



"Every case that reaches the Kansas Supreme Court is critically important not only to the litigants directly involved, but also to every Kansan statewide," Wurst said. "What an honor and what a responsibility to be able to join our Supreme Court justices in deciding one of those cases."

All Supreme Court oral arguments are webcast live through the *Watch Supreme Court Live!* link in the right-hand column of the Kansas Judicial Branch website at www.kscourts.org.

The case Wurst will hear is the first one scheduled on the Supreme Court's 9 a.m. docket Wednesday, March 15:

Appeal No. 114,373: *State of Kansas v. Martin K. Miller*

Douglas County: (Criminal Appeal) The Kansas Supreme Court affirmed the reversal of Miller's original conviction of first-degree murder of his wife due to ineffective assistance of counsel and the reasonable doubt instruction. This appeal follows Miller's conviction on retrial. Issues on appeal are whether the district court erred by: 1) denying a change of venue; 2) denying the right to use peremptory strikes after the district court denied his challenges for cause; 3) denying his motion in limine regarding evidence of his extramarital affair; 4) admitting photographs of Miller in bondage; 5) refusing to instruct the jury that it could not consider evidence of the affair as proof of his wife's death as a homicide; 6) not disqualifying the Douglas County District Attorney's office; 7) offering its own view on the evidence; 8) not granting a mistrial after the prosecutor referenced pornography and when the state's witness exceeded the limitations on his testimony; and 9) admitting Miller's prior testimony from his previous trial. Also consider whether the state proved beyond a reasonable doubt that the death was a homicide, and whether cumulative error denied Miller a fair trial.

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