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Contact:

Lisa Taylor
Public Information Director
785-296-4872
taylorl@kscourts.org



Chief Justice Lawton Nuss

Supreme Court announces cases for September special session in Manhattan

TOPEKA—The Kansas Supreme Court announced the two cases it will hear in a special session Monday, September 24, at Manhattan 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. in the auditorium at Manhattan High School, 2100 Poyntz Ave.

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

“The Supreme Court extends a personal invitation to the people of Manhattan 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 docket for the September 24 special session includes two cases:

Appeal No. 116,690: *State of Kansas v. Lee Edward Williams*

Wyandotte County: (Criminal Appeal) Williams was charged and convicted of first-degree murder and criminal possession of a firearm in the 2013 killing of his child’s mother. Witnesses testified he shot the victim multiple times, then fled. In 2016, the district court sentenced Williams to life imprisonment with a minimum of 25 years served before parole eligibility for the first-degree murder conviction and a consecutive term of 20 months for criminal possession of a firearm. Issues on appeal include whether: 1) the State committed prosecutorial error in closing argument by stating Williams had lied; 2) the trial court erred in denying Williams’ Batson challenge; 3) the trial court erred in admitting autopsy photographs of the victim; and 4) the cumulative error denied Williams a fair trial.

Appeal No. 113,933: *Carl B. Davis, Bankruptcy Trustee, in the Matter of Cheryl A. Harrell v. Mark A. Judd, O.D., and Mark A. Judd, O.D., P.A.*

Barton County: (Petition for Review) Harrell, as administrator of her late husband’s estate, sold his optometry practice to Judd in 2006. The agreement obligated Judd to pay Harrell a percentage of the practice’s yearly gross revenues through 2015, provided those revenues exceeded a certain amount. Later, Judd decided the payments violated Kansas optometry law and stopped payment. Harrell sued Judd for breach of contract; she later declared bankruptcy. The district court entered summary judgment in favor of the bankruptcy trustee in 2015, one month after Harrell’s death. In 2016, the Court of Appeals held the purchase agreement was enforceable but reversed the district court’s denial of the bankruptcy trustee’s request for prejudgment interest and remanded with directions to award prejudgment interest. Issues on review are whether: 1) the payments made to Harrell were legal under Kansas optometry law; and 2) prejudgment interest should be awarded.

Summaries of the cases and briefs filed by the attorneys involved are available online by following the *Manhattan Special Session* link under *What’s New* on the Kansas judicial branch website at www.kscourts.org.

Anyone who wants to attend the special session should plan to arrive early to allow time to get through security screening. Doors open at 6 p.m. 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.

Manhattan High School is the court's 15th destination since 2011, when it first convened outside of the Kansas Judicial Center to mark the state's 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, Kan., in 2014; Hays and Garden City in 2015; Topeka, Hiawatha, and Hutchinson in 2016; Winfield and Emporia in 2017; and Colby in 2018.

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.

State of Kansas
Office of Judicial Administration
Kansas Judicial Center
301 SW 10th Avenue
Topeka, KS 66612-1507
785-296-2256
www.kscourts.org