



Kansas Courts News Release

Office of Judicial Administration

FOR IMMEDIATE RELEASE

September 17, 2018

Contact:

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



Judge Stephen Hill



Judge G. Joseph Pierron Jr.



Judge Anthony Powell

Fort Hays State University to host Court of Appeals hearings marking Constitution Day

TOPEKA—A three-judge panel of the Kansas Court of Appeals will hear five cases September 20 and 21 at Fort Hays State University in Hays as part of the court's observance of Constitution Day.

The court will hear cases in two sessions beginning at 9 a.m. both days in the Black and Gold Room, 2nd Floor, Memorial Union, 700 College Drive.

Judges Stephen Hill, G. Joseph Pierron Jr., and Anthony Powell will hear the cases. Hill is the presiding judge.

Hill said, "Holding our oral arguments at our state's universities is beneficial not only to students but to the court and to the parties as well."

In addition to students learning how the appellate court works, they will have the opportunity to meet with the judges afterward, Hill said.

And the parties in the cases also benefit, the judge added.

"By hearing both sides of the case, the parties can see their cause is taken seriously and their cases are handled with respect," he said.

During the panel's sessions, attorneys for each side will have an opportunity to present arguments to the judges, and the judges will have a chance to ask questions. After the hearings, the court will take each case under consideration and will issue a written decision at a later date.

When the oral arguments are complete, the judges will be available to talk with students.

These hearings are part of Constitution Day observance activities this year at Fort Hays State University, the University of Kansas, and Wichita State University. Congress directed federally funded educational institutions to host educational events about the U.S. Constitution on or about September 17 each year. The Constitution was signed September 17, 1787, by a majority of delegates to the Constitutional Convention.

Following are summaries of the cases to be heard by the Court of Appeals panel in Hays:

9 a.m. ♦ Thursday, September 20, 2018

Appeal No. 117,515: *Mario Perez v. Lorraine Ramos*

Finney County: While Perez was stopped at a red light, Ramos' car rammed into the rear end of Perez' car. At trial, after Ramos admitted 100 percent fault, the district court limited the issue to damages from the collision, including the nature and extent of those damages and whether Ramos' admitted negligence caused the damages Perez alleged. The jury returned an award of medical expenses and noneconomic damages. Perez appealed. Issues on appeal are whether the district court: 1) erred in allowing Ramos to stipulate she was 100 percent at fault; 2) abused its discretion in prohibiting Perez from presenting proof of Ramos' negligence; and 3) abused its discretion in limiting inquiries of possible jurors to issues only affecting damages.

Appeal No. 117,783: *State of Kansas v. Robert Joe Barnes*

Finney County: In 2011, Barnes pleaded no contest to distribution of methamphetamine and possession of a controlled substance without a drug tax stamp. His criminal history was based in part on a 1978 Texas conviction for burglary of a habitat scored as a person felony. The court sentenced Barnes to 44 months' imprisonment and 24 months' post-release supervision. In 2014, Barnes asked the court to correct an illegal sentence, arguing the court erred in scoring his Texas conviction as a person felony. The court denied the motion, and Barnes appealed. In 2016, a Court of Appeals panel remanded the case to district court to determine how Barnes' Texas conviction should be scored in compliance with Kansas Supreme Court precedent, *State v. Dickey*, 301 Kan. 1018 (2015). The district court determined the Texas conviction was correctly scored. Barnes appealed. Issues on appeal include whether: 1) the appeal is moot because Barnes served the prison portion of his sentence; 2) the doctrines of *res judicata* or *law of the*

case preclude Barnes' arguments; and 3) Barnes' Texas conviction should have been scored as a nonperson felony.

Appeal No. 117,781: *State of Kansas v. Christopher Soto*

Saline County: Based on an outstanding municipal court warrant, Salina police officers apprehended Soto. As officers were handcuffing him, Soto told them he had been arrested on the warrant and posted bond, so the warrant was not outstanding. Without confirming the warrant's validity, officers searched Soto and discovered cocaine. Soto moved to suppress the evidence, alleging his arrest was illegal. The court denied Soto's motion and convicted him of possession of cocaine, possession of tetrahydrocannabinol, and possession of drug paraphernalia. He appealed. Issue on appeal is whether the district court should have suppressed evidence obtained after Soto's arrest because he was arrested based on an inactive warrant.

9 a.m. ♦ Friday, September 21, 2018

Appeal No. 118,195: *State of Kansas v. Michael Dean Haynes*

Ellis County: Based on stipulated facts at trial, Haynes was convicted of possession of methamphetamine, possession of drug paraphernalia, and transporting an open container of alcohol. Haynes contends his two drug convictions should be overturned because his statements to law enforcement officers and the subsequent search of his vehicle were illegal and violated his constitutional rights. Issue on appeal is whether the district court erred in denying his motion to suppress his statements and the physical evidence found during the search of his vehicle.

Appeal No. 118,751: *State of Kansas v. Daniel James Boutin*

Lincoln County: In October 2017, a Kansas Highway Patrol trooper tried to stop a vehicle driven by Boutin. This led to a high-speed chase that ended in Boutin's arrest and damage to the patrol car. Boutin was charged with several crimes and entered into a plea agreement that did not address restitution. At his plea hearing, Boutin's attorney told the court the patrol planned to accept a bid to repair the damage to the patrol car for \$3,977.25. After accepting Boutin's no contest pleas, the court convicted him of possession of marijuana, possession of drug paraphernalia, fleeing or attempting to elude a police officer, failure to provide proof of liability insurance, and driving on a suspended license. At sentencing, the court ordered Boutin to pay \$3,977.25 in restitution. Boutin appealed. Issue on appeal is whether the district court erred in ordering Boutin to pay restitution because no evidence was admitted that would establish the restitution amount.

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