



Kansas Courts News Release

Office of Judicial Administration

FOR IMMEDIATE RELEASE

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Judge Anthony Powell



Judge G. Gordon Atcheson



Judge Kathryn Gardner

Kansas Court of Appeals panel to hear oral arguments in Dodge City

TOPEKA—A three-judge panel of the Kansas Court of Appeals will hear [oral arguments](#) Tuesday, November 13, at Ford County Courthouse, 101 W Spruce St., Dodge City.

Judges Anthony Powell, G. Gordon Atcheson, and Kathryn Gardner will hear oral arguments in two cases starting at 9:30 a.m.

"Traveling to Dodge City to hear cases is part of the commitment of the Kansas Court of Appeals to bring the court to the people," said Chief Judge Karen Arnold-Burger of the Court of Appeals. "It also reduces the costs to the litigants to have their cases heard closer to home."

The Court of Appeals is a traveling court and regularly hears cases at the federal courthouses in Wichita and Kansas City, Kansas, in addition to the Judicial Center in Topeka. However, it also travels to other locales to make the court's work more accessible to the public and to accommodate parties in appealed cases.

"Chief Judge Van Hampton invited us to hear cases in Dodge City, and we eagerly accepted," Arnold-Burger said.

Hampton is chief judge of the 16th Judicial District, composed of Clark, Comanche, Ford, Gray, Kiowa, and Meade counties.

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.

There are 14 judges on the Court of Appeals, and the judges sit in three-judge panels to decide cases. In addition to the Court of Appeals panel hearing cases in Dodge City, other three-judge panels of the Court of Appeals will be [hearing cases November 13](#) in Wichita, Topeka, and Kansas City, Kansas. All hearings are open to the public.

In fiscal year 2017, the Court of Appeals resolved appeals in 1,833 cases, including 1,265 in which the court issued a formal written opinion.

The two cases to be heard at the Ford County Courthouse are summarized below. They arise from Finney and Haskell counties.

9:30 a.m. ♦ Tuesday, November 13, 2018

Appeal No. 118,672: *State of Kansas v. Robert Kenton Pollman Jr.*

Finney County: Pollman entered a no-contest plea to attempted possession of methamphetamine. At sentencing, the Finney County District Court used a criminal history score of C to calculate Pollman's sentence, based primarily on a 2011 conviction the court classified as a person felony. For the first time on appeal, Pollman argues the district court misclassified the 2011 conviction. The State responds Pollman should be judicially estopped from challenging the classification of the 2011 conviction.

Appeal No. 117,404: *Garetson Brothers and Foreland Real Estate LLC v. American Warrior Inc., successor in interest to Kelly and Diana Unruh and Rick Koehn*

Haskell County: Garetson Brothers and Foreland Real Estate LLC own a senior water right in Haskell County. Garetson filed a petition in Haskell County District Court seeking an injunction to prevent the nearest junior water rights from impairing its senior water right. American Warrior Inc. and Koehn control the junior water rights at issue. After a trial, the district court found the junior water rights were impairing the senior water right and issued a permanent injunction prohibiting American Warrior from exercising its junior water rights. American Warrior appeals the district court's order that it stop using its wells.

Note: Reporters who want to cover the oral arguments should become familiar with [Supreme Court Rule 1001: Media Coverage of Judicial Proceedings](#), To request permission to use video, photo, or audio recording devices during the proceedings, the reporter must submit his or her request to Lisa Taylor at taylorl@kscourts.org, no later than noon Friday, November 9.

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