



Kansas Courts News Release

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*Chief Judge
Karen Arnold-Burger*



Judge Henry Green Jr.



Judge Michael Buser

Kansas State University to host Kansas Court of Appeals

TOPEKA—A three-judge panel of the Kansas Court of Appeals will hear four cases September 17 at Kansas State University in Manhattan as part of the court's observance of Constitution Day.

The court will hear cases beginning at 9:30 a.m. in Forum Hall in the Student Union.

Judges Karen Arnold-Burger, Henry Green Jr., and Michael Buser will hear the cases. Arnold-Burger is chief judge of the Court of Appeals and is the presiding judge for this panel.

"The Court of Appeals is a traveling court, so we hear cases across the state," Arnold-Burger said. "In September, however, we make a point of sitting at various high schools, colleges, and universities in an effort to bring the U.S. Constitution alive for the students."

Several of the appeals to be heard in Manhattan involve constitutional questions, she 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 K-State, Bethany College and Fort Scott Community College. 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 Manhattan:

9:30 a.m. ♦ Tuesday, September 17, 2019

Appeal No. 120,545: *City of Manhattan v. Joel W. Laub*

Riley County: (Criminal Appeal) A City of Manhattan police officer stopped Laub after Laub drove over a curb while turning right. The officer concluded Laub was driving under the influence and arrested him. A municipal court judge found Laub guilty of DUI, but Laub appealed to the district court. Laub argued before the district court the police officer lacked reasonable suspicion to stop him because driving over the curb was not a traffic violation. The officer testified he believed Laub committed either an improper right turn or lane violation. The district court upheld Laub's DUI conviction, finding Laub committed a lane violation when he drove over the curb.

Appeal No. 120,325: *State of Kansas, ex rel. Geary County Sheriff's Department v. \$81,957 in U.S. Currency, More or Less, and Alexis Milla*

Geary County: (Civil Appeal) An officer stopped Milla for driving in the passing lane for too long. During the stop, the officer became suspicious of drug activity based on Milla's implausible travel plans and several items he observed in his car. After a police dog alerted to the scent of narcotics, officers searched the vehicle and found \$81,957 in currency bundled and wrapped in dryer sheets and duct tape. Officers arrested Milla for transportation of drug proceeds and seized the currency. The State later began this civil forfeiture proceeding. At trial, Milla claimed he acquired the currency from various legal sources over the years. He argued the court should suppress the currency evidence because officers violated his Fourth Amendment rights to be free from unreasonable searches and seizures by unlawfully extending the traffic stop beyond its initial lawful scope when his car was searched. The district court ruled officers had reasonable suspicion to search Milla's vehicle and, on the merits of the civil forfeiture, found Milla could not prove by a preponderance of evidence he acquired the currency through legal means.

Appeal No. 119,266: *State of Kansas v. Erika Yazmin Arceo-Rojas*

Geary County: (Criminal Appeal) A sheriff's department officer stopped Arceo-Rojas for driving in the passing lane too long and making an unsafe lane change. The officer began to suspect Arceo-Rojas and her passenger were involved in criminal activity based on the pair's nervousness, a strong fragrance in the car, and the pair's inconsistent travel plans. Arceo-Rojas

refused permission for the officer to search the car. The officer detained them until a police dog could be brought to the scene. The dog alerted to the scent of narcotics. The officer searched the car and found marijuana. In district court, Arceo-Rojas moved to suppress the evidence found during the search, but the court denied her motion and convicted her of two felonies. Arceo-Rojas argues the Geary County Sheriff's Department violated her Fourth Amendment rights to be free from unreasonable searches and seizures.

1:30 p.m. ♦ Tuesday, September 17, 2019

Appeal No. 120,122: *Dustin Delehanty, William E. Gies Jr., and Junction City Education Association v. Board of Education of Unified School District No. 475, Geary County*

Geary County: (Civil Appeal) The administration at Junction City High School assigned Delehanty and other teachers to teach a remedial reading class during their seminar periods. Because of the new assignments, Delehanty and the other teachers believed they were entitled to additional compensation under their contracts. Delehanty began grievance procedures, which led to a hearing before the school board. The board found Delehanty had no right to additional compensation under his contract. He appealed to the district court and brought two new claims: breach of contract and declaratory judgment. The Junction City Education Association joined Delehanty in asserting the new claims. The parties filed opposing motions for summary judgment. The district court ruled for the school district and against Delehanty and JCEA.

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