



Judge Karen Arnold-Burger



Judge Amy Fellows Cline



Judge Kathryn Gardner

**9:30 a.m. Tuesday, April 8**

Emporia State University  
Memorial Union, Web Room  
1331 Market Street  
Emporia

**Appeal No. 127,343: *Richard A. Gould v. Patricia D. Crawley, M.D., Michael F. Lloyd, D.O., and Newman Memorial County Hospital d/b/a Newman Regional Health***

Lyon: (Civil Appeal) This appeal started as a medical negligence case after Gould inadvertently received much more radiation than intended during a heart procedure. During settlement negotiations, Gould claimed Lloyd and the hospital did not fully comply with discovery requests. He asked the district court to award him the fees his attorney charged plus other costs associated with the litigation as a punishment. The district court agreed in theory, but did not award a definite amount, finding it could be decided later. Eventually, the parties settled. After the settlement, the district court refused to award any discovery sanctions, finding that Gould should have considered those amounts when settling the case. Gould appeals, arguing the settlement only covered his personal injury claims.

**Appeal No. 126,734: *State of Kansas v. Jesse Lydell Hicks***

Shawnee: (Criminal Appeal) A law enforcement officer saw a Jeep driving with invalid registration information and initiated a traffic stop. The driver took longer to stop than expected, so the officer ordered the driver, Hicks, out of the Jeep. After Hicks admitted to drinking a few beers, the officer did field sobriety testing and administered a preliminary breath test, which Hicks failed. The officer saw a child in the back seat who was not in a car seat or wearing a seat belt. Hicks was charged with several offenses, including driving under the influence and endangering a child. He sought to have all evidence from the traffic stop suppressed, arguing the officer made the traffic stop last longer than warranted and the evidence was wrongly obtained because he was never given a *Miranda* warning. The district court disagreed, and Hicks was convicted after a

jury trial. Hicks appeals, again arguing the evidence should have been suppressed. The State filed a cross-appeal in which it claimed that Hicks' sentence is illegal because it does not contain a statutorily required term of house arrest.

## **About the Kansas Court of Appeals**

The 14-member Kansas Court of Appeals is our state's intermediate appellate court. The court's jurisdiction, which is established by statute, includes criminal, civil, and administrative cases.

The Court of Appeals normally sits in three-judge panels and travels to locations throughout the state. Each panel reviews decisions from lower courts to evaluate whether mistakes were made that would require a new trial.

Panels read briefs submitted by the parties and examine a record of what happened in the lower court. If they think it would be helpful, the judges have the parties present oral arguments so they can ask questions. Some of these oral arguments are livestreamed on the court's YouTube channel. Even if they are not livestreamed, oral arguments are public proceedings.

After reviewing case materials, and possibly hearing oral argument, the judges research case law and statutes before writing decisions that explain how the panel reached its conclusion. All Court of Appeals decisions are subject to review by the Kansas Supreme Court.

### **More online**

Meet the Court of Appeals  
[kscourts.gov/About-the-Courts/Court-of-Appeals](https://kscourts.gov/About-the-Courts/Court-of-Appeals)

Court of Appeals judge biographies  
[kscourts.gov/About-the-Courts/Court-of-Appeals/Court-of-Appeals-Judges](https://kscourts.gov/About-the-Courts/Court-of-Appeals/Court-of-Appeals-Judges)

Guide to oral argument  
[kscourts.gov/About-the-Courts/Court-of-Appeals/Guide-to-Oral-Arguments-in-the-Court-of-Appeals](https://kscourts.gov/About-the-Courts/Court-of-Appeals/Guide-to-Oral-Arguments-in-the-Court-of-Appeals)

Court of Appeals oral argument livestream  
[kscourts.gov/About-the-Courts/Court-of-Appeals/Oral-Argument-Livestream](https://kscourts.gov/About-the-Courts/Court-of-Appeals/Oral-Argument-Livestream)

Search Court of Appeals decisions  
[searchdro.kscourts.gov](https://searchdro.kscourts.gov)