

IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO SUPREME COURT, COURT OF APPEALS,
AND APPELLATE PRACTICE

RULE 7.041a

SUMMARY DISPOSITION OF SENTENCING APPEALS

Supreme Court Rule 7.041a is hereby amended, effective the date of this order:

(a) Pursuant to K.S.A. 21-4721(g) and (h), any party may move for summary disposition of a sentencing appeal when no substantial question is presented by the appeal. Any facts stated therein shall be keyed to the record on appeal so as to make verification reasonably convenient. The motion shall be served on opposing counsel, who may respond within ten (10) days.

(b) If the appellate court grants the motion for summary disposition, review shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court.

(c) Any sentencing appeal scheduled for summary disposition under this rule shall be handled in an expedited manner without oral argument. The court may summarily affirm or reverse, citing this rule, or may affirm or reverse by issuing a written opinion.

By order of the Court, this 6th day of September, 2005.

FOR THE COURT

Kay McFarland, Chief Justice