

IN THE SUPREME COURT OF THE STATE OF KANSAS

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

**RULE 8.03(i)**

SUPREME COURT REVIEW OF COURT OF APPEALS DECISION

Supreme Court Rule 8.03(i) is hereby amended, effective the date of this order:

(i) EFFECT OF COURT OF APPEALS' DECISION PENDING REVIEW. The timely filing of a petition for review shall stay the issuance of the mandate of the Court of Appeals. Pending the determination of the Supreme Court on the petition for review or during the time in which to file a petition for review, the opinion of the Court of Appeals is not binding on the parties, ~~may not be cited as precedent, and is not binding or~~ on the district courts. Any interested person who wishes to cite a Court of Appeals opinion for persuasive authority before the mandate has issued shall note in the citation that the case is not final and may be subject to review or rehearing. If a petition for review is granted, the decision or opinion of the Court of Appeals has no force or effect, and the mandate shall not issue. If a petition for review is granted in part, a combined mandate shall issue when appellate review is concluded, unless otherwise specifically directed by the Supreme Court. If review is refused, the decision of the Court of Appeals shall be final as of the date of the refusal, and the mandate of the Court of Appeals shall be issued by the Clerk forthwith.

By order of the Court, this 6<sup>th</sup> day of September, 2005.

FOR THE COURT

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Kay McFarland, Chief Justice