

§ 12.33 Notice of Additional Authority

IN THE (SUPREME COURT)(COURT OF APPEALS) OF THE STATE OF KANSAS

[Insert Name],

Plaintiffs-Appellants,

vs.

[Insert Appellate Court Case Number]

[Insert Name],

Defendants-Appellees.

NOTICE OF ADDITIONAL AUTHORITY

To the Court:

This letter is notice of additional (persuasive/controlling) authority that has come to the appellee's attention after our brief has been filed.

In our brief, on page 22 in our discussion of the requirements to obtain a search warrant, we criticize *State v. Smith*, 123 Kan. App. 2d 123, 456, 789 P.3d 123 (2015). The Kansas Supreme Court, in its opinion *State v. Smith*, 456 Kan. 789, 79, has recently expressly *overturned* the ruling of the Court of Appeals.

In our view, this is controlling authority that supports our argument that the appellant has failed to show any legal authority for its position on this issue.

Attorney's Signature

/s/

Attorney's Name (typed or printed)

Kansas Attorney Registration Number

Address

Telephone Number

Fax Number

E-mail Address

Name of the Party Represented

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Notice of Additional Authority was sent by [Insert Method] on [Insert Date] to:

[Insert names and addresses of those on whom service is made.]

/s/

Attorney's Name and Registration Number

PRACTICE NOTE: Supreme Court Rule 6.09 sets out how and when additional authority may be cited to an appellate court. Attorneys should pay close attention to the timing, service, and content restrictions found in the rule. The notice may not exceed 350 words.