

Bond Case Briefs

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MUNICIPAL ORDINANCE - KANSAS

City of Wichita v. Trotter

Court of Appeals of Kansas - September 25, 2020 - P.3d - 2020 WL 5740895

Defendant was convicted in the District Court of operating a club without an entertainment-establishment license. Defendant appealed.

The Court of Appeals held that:

- License ordinance constituted a permissible prior restraint on the time, place, and manner of expression, and thus ordinance did not infringe upon defendant's free expression under the First Amendment;
- License ordinance was not unconstitutionally vague, either on its face or as applied;
- License ordinance was not an unconstitutionally overbroad infringement on First Amendment protected expression;
- Defendant lacked standing to contest ordinance's inspection requirement;
- Sufficient evidence supported finding that night club was open to the public;
- Sufficient evidence supported finding that person operating sound equipment at night club was a disc jockey (DJ);
- Prosecutor's comments in closing argument were within permissible scope of argument, thus, did not constitute prosecutorial-error;
- Prosecutor's comments in rebuttal argument were within permissible scope of argument, thus, did not constitute prosecutorial-error; and
- Trial court's response to jury's mid-deliberation question was not an abuse of discretion.