

## KS Court: Constitutional Rights Violated Locally

(KAIR)--The City of Atchison exceeded its authority and violated due process in a past case involving nuisance violations.

That's the finding of the Kansas Court of Appeals regarding a lawsuit filed in 2013 by resident Jerome Bratton, following the outcome of an Atchison County District Court case.

According to online court documents, Bratton's petition claimed, in part, the City violated his constitutional rights to due process and equal protection under the law.

The case arose from nuisance violations, dating back to 2010, issued against Bratton under the city's Habitual Violator Ordinance.

The ruling handed down last month by the Court of Appeals finds that the ordinance “exceeded the authority of the state” and reverses the district court's findings on the issue.

Although the ruling from the Court of Appeals affirms the district court's findings that the ordinance itself is not unconstitutional, it was unconstitutional as applied to Bratton.

That's due to what the Court says was the city's failure “to provide adequate due process prior to entering Bratton's land and removing or destroying his property” and reverses the district court's findings on those issues.”

The Court's ruling states the City may be held liable for the violation of Bratton's procedural due process rights.

Atchison City Manager Trey Cocking tells MSC News the ruling is being reviewed and an appeal to the Kansas Supreme Court is being considered.

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