

Court declines Bratton case review

(KAIR)--Pleased with the outcome.

That's the word from the attorney for an Atchison man who, through a ruling of the Kansas Court of Appeals, was found to have had his constitutional rights to due process and equal protection under the law violated by the City of Atchison.

Ronald Schneider, a Lawrence-based attorney who represents Atchison resident Jerome Bratton, told MSC News both he and his client are pleased with the Kansas Supreme Court's decision to not review the decision of the Kansas Court of Appeals that Bratton's constitutional rights were violated through the use of the City's Good Neighbor Program.

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

The Court of Appeals ruled in favor of Bratton last year, following a lawsuit he ha filed in 2013.

Schneider told MSC News he and his client had been waiting a long time for the decision to be affirmed, adding that he believes this brings the case to a close.

He said what remains is determining the extent of damages owed to his client.

The Court of Appeals last year did affirm that while the the Atchison County District Court's decision that the City of Atchison's Good Neighbor Ordinance itself is not unconstitutional, the ordinance was unconstitutional as applied to Bratton, 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.”

The City of Atchison, through the Topeka-based law firm Fisher Patterson Sayler and Smith, had petitioned the Kansas Supreme Court to review the decision, but was denied that request on October 6.

Interim City Manager Becky Berger, in an emailed response to an inquiry made by MSC News, said she is unable to comment on the decision at this time.

An email sent by MSC News to lead attorney David Cooper has not yet been returned, likely due to Cooper's current trial schedule.

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