

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 111,302

STATE OF KANSAS,
Appellee,

v.

ALEXANDER LONGMIRE,
Appellant.

ORDER OF SUMMARY REVERSAL UNDER RULE 7.041(a)

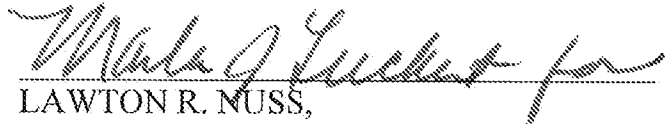
The two issues raised by Appellant in this direct appeal challenge only his conviction and sentence for refusing to submit to a test to determine the presence of alcohol or drugs in violation of K.S.A. 2016 Supp. 8-1025.

On January 10, 2018, the court ordered the parties to show cause why Appellant's challenged conviction should not be summarily reversed under Supreme Court Rule 7.041(a) (2018 Kan. S. Ct. R. 47) based on our controlling decisions in *State v. Ryce*, 306 Kan. 682, 396 P.3d 711 (2017), and *State v. Ryce*, 303 Kan. 899, 368 P.3d 342 (2016), which held that K.S.A. 2016 Supp. 8-1025 is facially unconstitutional. The parties responded that these decisions do control and require reversal of Appellant's conviction.

Based on our controlling decisions in *Ryce I* and *Ryce II*, we summarily reverse Appellant's conviction for violating K.S.A. 2016 Supp. 8-1025 and remand to the district court with directions to vacate his corresponding sentence.

The responses are noted. This appeal is closed.

BY ORDER OF THE COURT this 12th day of January 2018.



LAWTON R. NUSS,
Chief Justice