

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 109,124

STATE OF KANSAS,
Appellee,

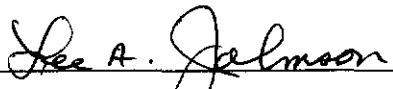
v.

RANDALL L. CAPONE,
Appellant.

ORDER

Appellant's petition for review is granted as to Issue II only. The portion of the Court of Appeals' opinion finding that K.S.A. 2011 Supp. 8-1567(j)(3) does not apply retroactively is vacated based on this court's holding in *State v. Reese*, 300 Kan. ___, Syl. ¶ 1, 333 P.3d 149 (2014) ("[T]he provisions of K.S.A. 2011 Supp. 8-1567(j)(3) apply to all persons who are sentenced for DUI on or after the July 1, 2011, effective date of the amended statute."). This case is remanded to the Court of Appeals for reconsideration of Appellant's challenge to his sentence in light of *Reese*, 333 P.3d 149.

BY ORDER OF THE COURT this 20th day of January 2015.



LEE A. JOHNSON,
Justice