

NOT DESIGNATED FOR PUBLICATION
IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 114,658

STATE OF KANSAS,
Appellee,

v.

NICHOLAS TOLAND,
Appellant.

MEMORANDUM OPINION

Review of the judgment of the Court of Appeals in an unpublished opinion filed February 17, 2017. Appeal from Ford District Court; G. LEIGH HOOD, judge. Opinion filed September 14, 2018. Petition for review improvidently granted.

Randall L. Hodgkinson, of Kansas Appellate Defender Office, was on the brief for appellant.

David Belling, assistant county attorney, *Natalie Randall*, county attorney, and *Derek Schmidt*, attorney general, were on the brief for appellee.

The opinion of the court was delivered by

PER CURIAM: We determine that the petition for review in this case was improvidently granted. This decision is identical in effect to a denial of the petition for review in the first instance, and a "denial of a petition for review imports no opinion on the merit of the case." *State v. Eisenhour*, 305 Kan. 409, 411, 384 P.3d 426 (2016) (quoting Supreme Court Rule 8.03[g] [2018 Kan. S. Ct. R. 56]).

Petition for review improvidently granted.