

NOT DESIGNATED FOR PUBLICATION

No. 112,881

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,  
*Appellee,*

v.

JONATHAN MANGOLD,  
*Appellant.*

MEMORANDUM OPINION

Appeal from Dickinson District Court; BENJAMIN J. SEXTON, judge. Opinion filed June 3, 2016.  
Affirmed.

Submitted for summary disposition pursuant to K.S.A. 2015 Supp. 21-6820(g) and (h).

Before GREEN, P.J., MCANANY and ATCHESON, JJ.

*Per Curiam:* Jonathan Mangold appeals his sentence following his conviction of felony stalking. We granted Mangold's motion for summary disposition in lieu of briefs pursuant to Supreme Court Rule 7.041A (2015 Kan. Ct. R. Annot. 67).

After accepting Mangold's plea, the district court sentenced him to 12 months' imprisonment with a postrelease supervision period of 12 months. On appeal, Mangold argues the district court violated his constitutional rights under *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d (2000), by using his prior criminal history to increase his sentence without proving the criminal history to a jury beyond a reasonable doubt. This argument was rejected by our Supreme Court in *State v. Ivory*, 273 Kan. 44, 41 P.3d 781 (2002). We are duty bound to follow this Kansas Supreme Court precedent, absent some indication the Supreme Court is departing from its position

in *Ivory*. *State v. Belone*, 51 Kan. App. 2d 179, 211, 343 P.3d 128, *rev. denied* 302 Kan. \_\_\_ (2015). We see no such indication. See *State v. Tahah*, 302 Kan. 783, 796, 358 P.3d 819 (2015). *Ivory* controls.

Affirmed.