

NOT DESIGNATED FOR PUBLICATION

No. 114,045

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

JESSICA HODINA,
Appellant.

MEMORANDUM OPINION

Appeal from Johnson District Court; THOMAS KELLY RYAN, judge. Opinion filed April 29, 2016.
Appeal dismissed.

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

Before POWELL, P.J., ARNOLD-BURGER, J., and BURGESS, S.J.

Per Curiam: Jessica Hodina appeals her sentence following her conviction for possession of heroin. Pursuant to Supreme Court Rule 7.041A (2015 Kan. Ct. R. Annot. 67), we granted Hodina's motion for summary disposition in lieu of briefing. The State filed a response and did not object to summary disposition of Hodina's appeal.

Pursuant to a plea agreement, Hodina pled guilty to a single count of possession of heroin. Based on her agreement with the State and her criminal history score of H, the district court imposed a presumptive sentence of 12 months' probation with an underlying sentence of 13 months' imprisonment.

Hodina timely appeals her sentence, arguing the district court abused its discretion when sentencing her. However, she also acknowledges we lack jurisdiction to review a felony sentence that is within the presumptive sentence for that crime. See K.S.A. 2015 Supp. 21-6820(c)(1); *State v. Ross*, 295 Kan. 1126, Syl. ¶ 10, 289 P.3d 76 (2012). Moreover, we also lack jurisdiction to review a felony sentence resulting from a plea agreement between the State and a defendant that the district court approved on the record. See K.S.A. 2015 Supp. 21-6820(c)(2); *State v. Williams*, 37 Kan. App. 2d 404, 407-08, 153 P.3d 566, *rev. denied* 284 Kan. 951 (2007). Accordingly, we are without jurisdiction to review her presumptive sentence.

Appeal dismissed.