

NOT DESIGNATED FOR PUBLICATION

No. 114,112

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

RAUDEL MORALES, JR.,
Appellant.

MEMORANDUM OPINION

Appeal from Lyon District Court; JEFFRY J. LARSON, judge. Opinion filed November 20, 2015.
Appeal dismissed.

Submitted for summary disposition pursuant to K.S.A. 2014 Supp. 21-6820(g) and (h).

Before MALONE, C.J., GREEN and HILL, JJ.

Per Curiam: Raudel Morales, Jr., appeals his sentence following his conviction of distribution of marijuana within 1,000 feet of a school. We granted Morales' motion for summary disposition in lieu of briefs pursuant to Supreme Court Rule 7.041A (2014 Kan. Ct. R. Annot. 66). The State has filed no response.

On March 20, 2015, Morales pled no contest to one count of distribution of marijuana within 1,000 feet of a school, a severity level 3 drug felony, committed on or about January 5, 2015. Based on Morales' criminal history score of I, the district court imposed a presumptive mitigated sentence of 46 months' imprisonment. Morales timely appealed his sentence.

On appeal, Morales argues that the district court "abused its discretion in sentencing him to prison." But as Morales acknowledges, under K.S.A. 2014 Supp. 21-6820(c)(1), on appeal from a judgment or conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review any sentence that is within the presumptive sentence for the crime. Thus, this court is without jurisdiction to review Morales' sentence.

Appeal dismissed.