

NOT DESIGNATED FOR PUBLICATION

No. 115,161

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

JOHNATHAN HAIMA,
Appellant.

MEMORANDUM OPINION

Appeal from Jefferson District Court; GARY L. NAFZIGER, judge. Opinion filed June 3, 2016.
Appeal dismissed.

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

Before MALONE, C.J., BUSER and BRUNS, JJ.

Per Curiam: Johnathan Haima appeals his sentence following his convictions of rape and aggravated criminal sodomy. We granted Haima's motion for summary disposition in lieu of briefs pursuant to Supreme Court Rule 7.041A (2015 Kan. Ct. R. Annot. 67). The State has filed no response. We dismiss Haima's appeal for lack of jurisdiction.

On August 28, 2015, Haima pled no contest to one count of rape and one count of aggravated criminal sodomy, severity level 1 person felonies. On October 8, 2015, based on Haima's criminal history score of I, the district court imposed the standard presumptive sentence of 155 months for the rape conviction and 155 months for the

aggravated criminal sodomy conviction and ordered the sentences to run consecutive. Haima timely appealed.

On appeal, Haima argues that "the district court erred in sentencing him." But as Haima acknowledges, an appellate court lacks jurisdiction to review any sentence that is within the presumptive sentence for the crime. See K.S.A. 2015 Supp. 21-6820(c)(1); *State v. Myers*, 20 Kan. App. 2d 401, Syl. ¶ 1, 888 P.2d 866 (1995). Even with the order that the sentences run consecutive, Haima received presumptive sentences for his convictions of rape and aggravated criminal sodomy, and he makes no attempt to argue otherwise. Thus, we lack jurisdiction to review Haima's presumptive sentence for any claimed error.

Appeal dismissed.