

NOT DESIGNATED FOR PUBLICATION

No. 113,188

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

TERRON DAWAYNE SHELTON,
Appellant.

MEMORANDUM OPINION

Appeal from Johnson District Court; THOMAS KELLY RYAN, judge. Opinion filed October 30, 2015. Appeal dismissed.

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

Before MALONE, C.J., PIERRON and SCHROEDER, JJ.

Per Curiam: Terron Dawayne Shelton appeals his sentence following his convictions of identity theft and interference with law enforcement. We granted Shelton's motion for summary disposition in lieu of briefs pursuant to Supreme Court Rule 7.041A (2014 Kan. Ct. R. Annot. 66). The State filed a response and requested that the district court's judgment be affirmed.

On August 1, 2014, pursuant to a plea agreement, Shelton pled guilty to one count of identity theft and one count of interference with law enforcement. On November 20, 2014, the district court imposed a presumptive controlling sentence of 24 months' imprisonment and placed Shelton on probation with community corrections for 18

months, exactly as had been requested by the parties in the plea negotiations. On November 25, 2014, the public defender filed a notice of appeal on Shelton's behalf.

On appeal, Shelton argues that "the district court erred in sentencing him." But as Shelton acknowledges, under K.S.A. 2014 Supp. 21-6820(c)(1), an appellate court shall not review any sentence that is within the presumptive sentence for the crime. Also, under K.S.A. 2014 Supp. 21-6820(c)(2), an appellate court shall not review any sentence resulting from an agreement between the parties which the sentencing court approves on the record. For these reasons, and as Shelton acknowledges in his motion, this court is without jurisdiction to review his sentence.

Appeal dismissed.