

NOT DESIGNATED FOR PUBLICATION

No. 125,176

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

MARTEZ R. RICKS,
Appellant.

MEMORANDUM OPINION

Appeal from Clark District Court; ANDREW M. STEIN, judge. Opinion filed February 17, 2023.
Affirmed.

Michelle A. Davis, of Kansas Appellate Defender Office, for appellant.

Steven J. Obermeier, assistant solicitor general, and *Derek Schmidt*, attorney general, for appellee.

Before SCHROEDER, P.J., WARNER and CLINE, JJ.

PER CURIAM: Martez R. Ricks appeals the district court's denial of his motion for dispositional departure to probation. Our standard of review is abuse of discretion. *State v. Spencer*, 291 Kan. 796, 807-08, 248 P.3d 256 (2011). Ricks does not claim the district court committed a factual or legal error; he simply claims it acted unreasonably in ordering incarceration instead of probation.

After hearing Ricks' request for a departure sentence, the district court substantially reduced the amount of prison time Ricks was required to serve from the sentence that would presumptively apply to Ricks under the Kansas Sentencing Guidelines. But the court found, given the nature of Ricks' offenses and his noncompliance with the terms of his bond, that probation was not appropriate.

We have carefully reviewed the entire record on appeal and conclude the district court did not abuse its discretion in denying Ricks' motion for dispositional departure to probation.

Affirmed under Rule 7.042(b)(6) (2022 Kan. S. Ct. R. at 49).