

NOT DESIGNATED FOR PUBLICATION

No. 125,953

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

REX A. RATZLAFF,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; TYLER J. ROUSH, judge. Opinion filed October 6, 2023.
Affirmed.

Submitted by the parties for summary disposition under K.S.A. 2022 Supp. 21-6820(g) and (h).

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

PER CURIAM: After pleading no contest to four charges, Rex A. Ratzlaff now appeals the sentence imposed by the district court after it found him guilty. Ratzlaff argues the district court erred in determining his length of sentence, relying on his criminal history to calculate his sentence, and denying his departure motion. We granted Ratzlaff's motion for summary disposition in lieu of briefs under Kansas Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48).

We find no error. As Ratzlaff admits, Kansas statutes and caselaw do not jurisdictionally permit our review of the district court's imposition of the presumptive sentences he received for each of the four charges or the district court's denial of his departure motion. See K.S.A. 2022 Supp. 21-6820(c)(1); *State v. Johnson*, 286 Kan. 824,

841-53, 190 P.3d 207 (2008). As for the district court's use of his criminal history to calculate his sentence, Ratzlaff's argument has been directly rejected by the Kansas Supreme Court in *State v. Ivory*, 273 Kan. 44, 46-48, 41 P.3d 781 (2002).

Affirmed.