

NOT DESIGNATED FOR PUBLICATION

No. 112,555

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

JAMES R. LONG, II,
Appellant.

MEMORANDUM OPINION

Appeal from Saline District Court; PATRICK H. THOMPSON, judge. Opinion filed July 22, 2016.
Affirmed.

Gerald E. Wells, of Jerry Wells Attorney-at-Law, of Lawrence, for appellant.

Christina Trocheck, assistant county attorney, *Ellen Mitchell*, county attorney, and *Derek Schmidt*, attorney general, for appellee.

Before POWELL, P.J., PIERRON and ATCHESON, JJ.

Per Curiam: James R. Long, II, appeals the district court's denial of his motion to reconsider his motion to correct an illegal sentence. Long contends the district court had jurisdiction because an illegal sentence based on constitutional challenges may be filed at any time under K.S.A. 22-3504, and that his sentence was unconstitutional because the district court failed to sentence him according to K.S.A. 2013 Supp. 22-3717(d)(1)(D). Long's arguments fail.

Both issues are quickly disposed of by the recent case of *State v. Warrior*, 303 Kan. 1008, Syl., 368 P.3d 1111 (2016). Our Supreme Court ruled that a motion to correct an illegal sentence under K.S.A. 22-3504(1) is an improper vehicle for a constitutional claim. The *Warrior* decision resolves both of Long's arguments because they are based on claims of unconstitutionality. 303 Kan. at 1010.

We affirm the district court's denial of Long's motion to reconsider his motion to correct an illegal sentence.

Affirmed.