

CORRECTED OPINION

NOT DESIGNATED FOR PUBLICATION

No. 114,551

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

GABRIEL GARRETT,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; DAVID J. KAUFMAN, judge. Opinion filed June 3, 2016.
Appeal dismissed.

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

Before BRUNS, P.J., POWELL and GARDNER, JJ.

Per Curiam: Gabriel Garrett appeals the district court's order imposing a 37 month presumptive prison sentence for his conviction of one count of conspiracy to commit aggravated battery. We granted Garrett's motion for summary disposition in lieu of briefs pursuant to Supreme Court Rule 7.041A (2015 Kan. Ct. R. Annot. 67). We dismiss the appeal.

In 2015, Garrett pled guilty to one count of conspiracy to commit aggravated battery a severity level 6 person felony. He was ordered to serve a controlling presumptive sentence of 37 months in prison.

On appeal Garrett argues that the district court erred in imposing a 37-month sentence. He does not elaborate on why the sentence was error or cite any authority to support his claim. Failure to support a point "with pertinent authority or to show why [it] is sound despite a lack of supporting authority or in the face of contrary authority is akin to failing to brief the issue." *State v. Tague*, 296 Kan. 993, 1001, 298 P.3d 273 (2013). "An issue not briefed by an appellant is deemed waived and abandoned." *State v. Boleyn*, 297 Kan. 610, 633, 303 P.3d 680 (2013). Further, it is clear that this court does not have jurisdiction to review the imposition of a presumptive sentence for the offense. See K.S.A. 2015 Supp. 21-6820(c)(1); *State v. Huerta*, 291 Kan. 831, 837, 247 P.3d 1043 (2011).

Appeal dismissed.