

IN THE SUPREME COURT OF THE STATE OF NEVADA

GABRIEL MAGDALENO-CORTES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50812

FILED

DEC 05 2008

TRACIE N. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

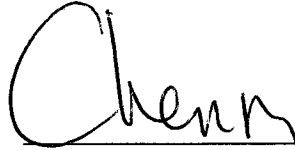
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a firearm. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant Gabriel Magdaleno-Cortes to serve a prison term of 24 to 60 months, with an equal and consecutive term for the use of a firearm.


The sole issue raised in this appeal is whether the district court erred in refusing to apply the ameliorative amendments to the deadly weapon enhancement statute that took effect after Magdaleno-Cortes committed the underlying offense but before he was sentenced. We recently considered this issue in State v. Dist. Ct. (Pullin) and held that the 2007 amendments to NRS 193.165 do not apply to offenses committed before the effective date of the amendments.¹ Consistent with our decision


¹124 Nev. ___, 188 P.3d 1079 (2008).

in Pullin, we conclude that Magdaleno-Cortes' argument lacks merit. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Saitta

cc: Hon. Janet J. Berry, District Judge
Washoe County Alternate Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk