

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON BLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51857

FILED

JAN 14 2009

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of two counts of robbery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge. The district court sentenced appellant Brandon Bland to serve a prison term of 72 to 180 months and an equal and consecutive prison term of 72 to 180 months for each count. The district court imposed the counts to run concurrently.

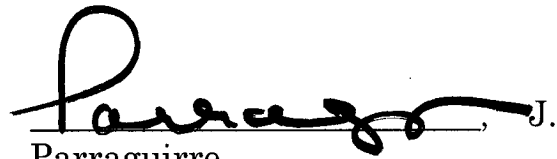
Bland contends that the district court abused its discretion by not giving him a more lenient sentence as is permissible under the ameliorative amendments to NRS 193.165 (the deadly weapons enhancement statute).

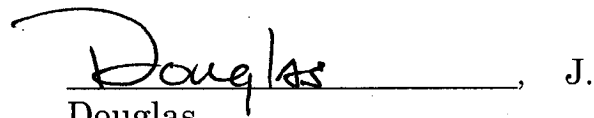
In State v. District Court (Pullin), 124 Nev. ___, ___, 188 P.3d 1079, 1081 (2008), we noted that the Legislature listed the effective date of the amendments to NRS 193.165 as July 1, 2007; we observed that there was "no indication that the Legislature intended the amendments to apply retroactively;" and we reaffirmed our prior decisions by holding "that unless the Legislature clearly expresses its intent to apply a law

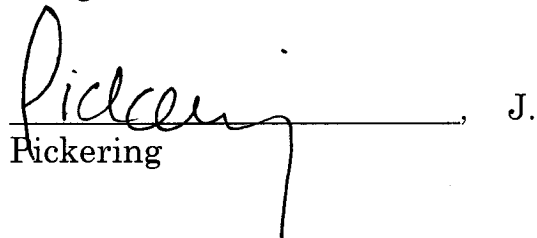
retroactively, Nevada law requires the application of the law in effect at the time of the commission of a crime.”

Because Bland committed his offenses on September 22, 2006, and the district court properly applied the law that was in effect on that date, we conclude that Bland has failed to demonstrate that the district court abused its discretion at sentencing. See id. (observing that prior to the enactment of the ameliorative amendments, “NRS 193.165 mandated that a defendant serve an equal and consecutive sentence for the use of a deadly weapon in the commission of the primary offense”). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


Parraguirre J.


Douglas J.


Pickering J.

cc: Hon. Sally L. Loehrer, District Judge
Joseph S. Sciscento
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk