

IN THE SUPREME COURT OF THE STATE OF NEVADA

GORDON MICHAEL CAREY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51947

**FILED**

AUG 25 2009

TRACIE L. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

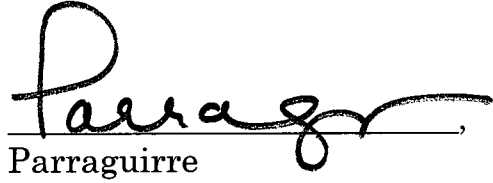
ORDER OF AFFIRMANCE

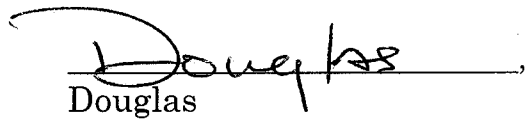
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of second-degree murder with the use of a firearm. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Gordon Michael Carey to serve two consecutive prison terms of 10 to 25 years.

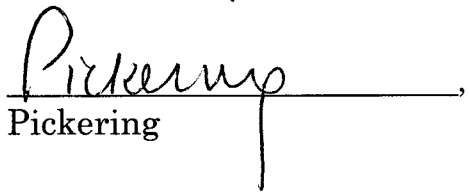
The sole issue raised in this appeal is whether the district court erred in refusing to apply the ameliorative amendments to the deadly weapon enhancement statute that took effect after Carey committed the underlying offense but before he was sentenced. Although Carey recognizes that this court recently considered this issue in State v. Dist. Ct. (Pullin), 124 Nev. \_\_\_, 188 P.3d 1079 (2008), and held that the 2007 amendments to NRS 193.165 do not apply to offenses committed before the effective date of the amendments, Carey argues that federal constitutional law requires retroactive application of the amendments and urges this court to reconsider our decision in Pullin. We disagree with Carey's assertion that federal constitutional law requires retroactive application of the 2007 amendments to NRS 193.165, and we decline to

reconsider our decision in Pullin. Consistent with our decision in Pullin, we conclude that Carey's argument lacks merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Steven P. Elliott, District Judge  
Richard F. Cornell  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk