

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELDER ZACARIAS-LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60725

FILED

MAY 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

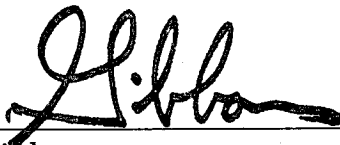
ORDER OF AFFIRMANCE

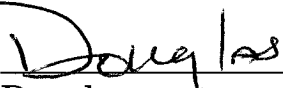
This is an appeal from an amended judgment of conviction, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

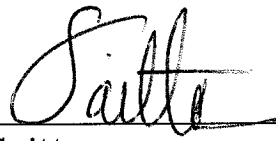
Appellant claims that the district court erred by imposing sentence for the deadly weapon enhancement pursuant to the version of NRS 193.165 in effect at the time he committed his crime rather than pursuant to the version in effect at the time of his resentencing. Because “the proper penalty is the penalty in effect at the time of the commission of the offense and not the penalty in effect at the time of sentencing,” *State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008), the district court did not err by imposing an equal and consecutive prison term of 20 to 50 years for the deadly weapon enhancement, *see* 2007 Nev. Stat., ch. 525, § 13, at 3188. We decline

appellant's invitation to reconsider our decision in *Pullin*, and we

ORDER the amended judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jessie Elizabeth Walsh, District Judge
Ornoz & Ericsson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk