

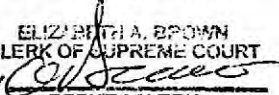
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KRISTEL KAY GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81647-COA

FILED

MAY 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Kristel Kay Green appeals from a judgment of conviction, entered pursuant to a guilty plea, of conspiracy to violate the Uniform Controlled Substances Act. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

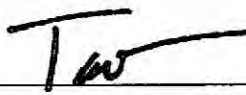
Green argues the district court erred by sentencing her to four years of probation when a change in the law occurred, prior to her being sentenced, that set the maximum probationary period at two years. See NRS 176A.500(1)(c). The State concedes this issue and requests that this court reverse and remand the judgment of conviction for a new sentencing hearing.

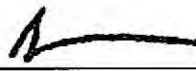
We agree with the parties because, although normally the penalty imposed at sentence “is the penalty in effect at the time of the commission of the offense,” when “the Legislature clearly expresses its intent to apply a law retroactively,” the district court must apply the new law. *State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008). Shortly after Green was sentenced, the Legislature passed a bill that stated the new law regarding probation would apply to those who were sentenced on or after the effective date of the new law. See

2020 Nev. Stat., ch. 4, § 10. Therefore, the Legislature clearly expressed that this law should apply retroactively, and Green is entitled to a new sentencing hearing. Accordingly, we

ORDER the judgment of conviction REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Ronald J. Israel, District Judge
Lipp Law LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk