

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAROLD DEAN LEVENTRY, JR. A/K/A  
HAROLD DEAN LEVENTRY A/K/A  
TODD BOWEN RAISSEAU A/K/A  
HAROLD LANGANTEY A/K/A DONALD  
DEAN PARISH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47504

**FILED**

**SEP 14 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of ex-felon in possession of a firearm. Fourth Judicial District Court, Elko County; Andrew J. Puccinelli, Judge. The district court sentenced appellant Harold Leventry to a prison term of 24-60 months and imposed the sentence to run consecutively to Leventry's sentence in another case.

Leventry's sole issue on appeal is that the district court relied on highly suspect or impalpable information when it imposed sentence. The detective described Leventry as a major drug dealer. Leventry argues that he was prejudiced at sentencing by the district court's consideration of the detective's testimony. We disagree.

This court has consistently afforded the district court wide discretion in its sentencing decision.<sup>1</sup> This court will refrain from interfering with the sentence imposed "[s]o long as the record does not

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<sup>1</sup>See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."<sup>2</sup>

The opinion of the detective is not highly suspect or impalpable evidence. The detective's opinion was based upon his experience as a narcotics officer and involvement with Leventry.<sup>3</sup>

Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.<sup>4</sup> Moreover, it is within the district court's discretion to impose consecutive sentences.<sup>5</sup> Therefore we,

ORDER the judgment of conviction AFFIRMED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

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<sup>2</sup>Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

<sup>3</sup>The detective recommended the maximum sentence based upon "the volume of evidence that was collected, the amount of controlled substances and his direct involvement in the distribution of controlled substances in the Elko area."

<sup>4</sup>See NRS 202.360(1).

<sup>5</sup>See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

cc: Hon. Andrew J. Puccinelli, District Judge  
Lockie & Macfarlan, Ltd.  
Attorney General George Chanos/Carson City  
Elko County District Attorney  
Elko County Clerk