

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. 47505

FILED

SEP 12 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 trafficking in a controlled substance, one count of possession of a controlled substance and 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 72-180 months for trafficking, a concurrent prison term of 12-34 months for possession of a controlled substance, and a consecutive prison term of 24-60 months, for being an ex-felon in possession of a firearm.

Leventry's sole issue on appeal is that the district court relied on highly suspect or impalpable information when it imposed sentence. At sentencing, one of the detectives 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.¹ This court will refrain from interfering with the sentence imposed "[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence."²

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.³

Further, we note that the sentence imposed is within the parameters provided by the relevant statutes.⁴ Moreover, it is within the

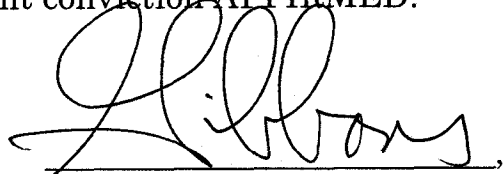
¹See Houk v. State, 103 Nev. 659, 747 P.2d 1376 (1987).

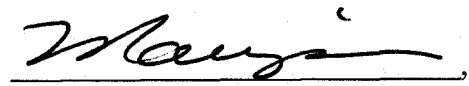
²Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

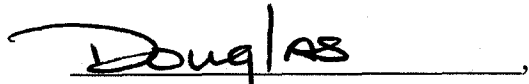
³The detective recommended the maximum sentence based upon "the volume of evidence that was collected, the amount of controlled substances and his direct involvement in the distribution of controlled substances in the Elko area."

⁴See NRS 453.3385(2); NRS 453.336(2)(a); NRS 202.360(1); NRS 193.130(2)(e).

district court's discretion to impose consecutive sentences.⁵ Therefore we,
ORDER the judgment conviction AFFIRMED.


Gibbons J.


Maupin J.


Douglas J.

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

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