

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM ALAN HAPPY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58701

FILED

DEC 07 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, coercion, and battery with substantial bodily harm. Sixth Judicial District Court, Pershing County; Michael Montero, Judge. Appellant Adam Alan Happy was sentenced to consecutive sentences of 48 to 120 months, 24 to 60 months, and 24 to 60 months, respectively.

Happy contends that the district court relied on impalpable evidence at sentencing and erred by sentencing him to consecutive sentences. This court will only reverse a sentence if it is supported solely by impalpable and highly suspect evidence. Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976). Further, the district court is free to consider information from a variety of sources with very few limitations and is encouraged to obtain the "fullest information possible" concerning a defendant. See Denson v. State, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996). At sentencing, the State presented palpable testimony from two police officers and the victim. These witnesses testified that Happy punched, kicked, and pistol whipped the victim. He beat the victim with a chain and fired a pistol mere inches from his head. Happy then

threatened the victim that if he reported the attack, Happy would return and kill him. We conclude that Happy's sentence withstands the Silks test because the district court's sentencing decision was not founded solely upon impalpable and highly suspect evidence.

As to Happy's claim that the district court abused its discretion by imposing consecutive sentences, we disagree. Imposing consecutive sentences is within the district court's discretion, see NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 303, 429 P.2d 549, 552 (1967) (holding that consecutive sentences are within the district courts discretion), and nothing in our review of the record demonstrates that the district court abused its discretion in this regard.

Having considered Happy's contention and concluding that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Michael Montero, District Judge
Pershing County Public Defender
Attorney General/Carson City
Pershing County District Attorney
Pershing County Clerk