

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ANTHONY RICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60064

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

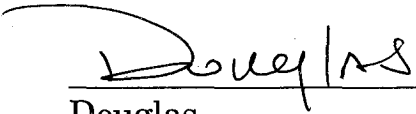
This is an appeal under NRAP 4(c) from a judgment of conviction, pursuant to a guilty plea, of battery causing substantial bodily harm, possession of a controlled substance, and four counts of felon in possession of a firearm. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge.


Appellant Paul Rice argues that the district court erred by considering highly suspect or impalpable information at sentencing. Specifically, Rice argues that the district court should not have considered that he and his friends had a reputation in the community for being more violent than other drug dealers or that his friends attempted to intimidate witnesses.

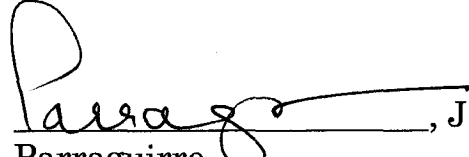
The district court is privileged to consider facts and circumstances at sentencing which clearly would not be admissible at trial so long as they have some indicia of reliability. See Silks v. State, 92 Nev. 91, 93-94, 545 P.2d 1159, 1161 (1976); United States v. Weston, 448 F.2d 626, 633 (9th Cir. 1971). "So 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, this court will refrain from interfering with the sentence imposed." Silks,

92 Nev. at 94, 545 P.2d at 1161. In this case, the district court based its sentence upon Rice's criminal history, the nature of the crimes to which he pleaded guilty, and his role in furthering the drug trade in Winnemucca's rural community rather than allegations of violence and intimidation. We also note that the sentence imposed was within the parameters provided by the relevant statutes. See NRS 200.481(2)(b); NRS 202.360; NRS 453.336. Therefore, we conclude that Rice has not demonstrated that the district court's sentencing decision was based solely on impalpable or highly suspect evidence and that it did not abuse its discretion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Richard Wagner, District Judge
Lockie & Macfarlan, Ltd.
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk