

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT EUGENE KINTERKNECHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59436

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

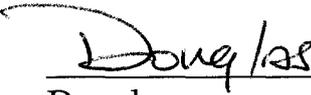
ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of ex-felon in possession of a firearm and assault with a deadly weapon. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

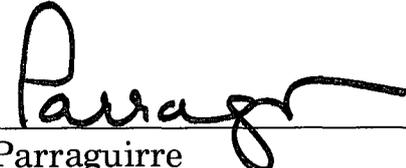
Appellant's sole issue on appeal is whether the district court relied on highly suspect or impalpable evidence in imposing its sentence, specifically a reference in the presentence investigation report indicating that appellant was in possession of a stolen weapon at the time of the offenses. Appellant argues that no evidence was introduced proving he knew or should have known that the subject weapon was stolen. Even accepting appellant's argument, the record shows that in sentencing appellant, the district court focused primarily on his four prior felony convictions and the circumstances of the current offenses. The record does not suggest that the district court's reference to the stolen weapon was a significant factor in its sentencing decision. Based on the record, we conclude that the sentence was not based on highly suspect or impalpable evidence and therefore the district court did not abuse its discretion. See Silks v. State, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976) (stating that this court will not interfere 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"). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Dan L. Papez, District Judge
State Public Defender/Ely
State Public Defender/Carson City
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk