

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARGARET DELFINO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89676-COA

FILED

JUN 03 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Margaret Delfino appeals from a judgment of conviction, entered pursuant to a guilty plea, of burglary. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Delfino argues the district court abused its discretion at sentencing by imposing a term of imprisonment instead of probation. Citing Justice Rose's dissent in *Tanksley v. State*, 113 Nev. 844, 852, 944 P.2d 240, 245 (1997) (Rose, J., dissenting), and the sentencing considerations set forth in 18 U.S.C. § 3553(a)(2), she insists that appellate courts should afford lower courts less deference when reviewing sentencing decisions.

In this matter, the granting of probation was discretionary. See NRS 176A.100(1)(c); *Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) ("The sentencing judge has wide discretion in imposing a sentence . . ."). Generally, this court will not interfere with a sentence imposed by the district court that falls within the parameters of relevant sentencing statutes "[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." *Silks v. State*, 92

Nev. 91, 94, 545 P.2d 1159, 1161 (1976); *see Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998).

Delfino's 2-to-8-year prison sentence is within the parameters provided by the relevant statute,<sup>1</sup> *see* NRS 205.060 (2013), and Delfino does not allege that the district court relied on impalpable or highly suspect evidence. The district court's findings regarding Delfino's failure to appear, disregard of the warrants issued, and continued criminal activity after pleading guilty are supported by the record. And we decline Delfino's invitation to review sentencing decisions consistent with 18 U.S.C. § 3553(a). Having considered the sentence and the crime, we conclude the district court did not abuse its discretion in imposing Delfino's sentence, and we

ORDER the judgment of conviction AFFIRMED.



\_\_\_\_\_, C.J.  
Bulla



\_\_\_\_\_, J.  
Gibbons



\_\_\_\_\_, J.  
Westbrook

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<sup>1</sup>Delfino pleaded guilty to a burglary which occurred at a business on or about February 22, 2020. The 2019 amendments to NRS 205.060 provide that burglary of a business is a category C felony punishable by 1 to 5 years' imprisonment; these changes were not effective until July 1, 2020. 2019 Nev. Stat., ch. 633, §§ 55, 137, at 4425-27, 4488; *see also* NRS 193.130(2)(c). The version of NRS 205.060 in effect at the time of Delfino's crime allowed for a sentence of 1 to 10 years in prison. 2013 Nev. Stat., ch. 488, § 1, at 2987.

cc: Hon. Connie J. Steinheimer, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk