



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IZABELLA JEAN BALDINGER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 91898-COA

ORDER OF AFFIRMANCE

Izabella Jean Baldinger appeals from a judgment of conviction, entered pursuant to a guilty plea, of two counts of battery with the use of a deadly weapon. Second Judicial District Court, Washoe County; Hon. Egan K. Walker, Chief Judge.

Baldinger claims the district court abused its discretion in sentencing her to two consecutive prison terms of 24 to 96 months because it failed to consider mitigating evidence that she was a victim of domestic violence, that she had post-traumatic stress disorder and had previously attempted to commit suicide, and that her abuser was awaiting sentencing for crimes committed against her and her children. The district court has wide discretion in its sentencing decision. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). 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).

The sentence imposed is within the parameters provided by the relevant statute. *See* NRS 200.481(2)(e)(1). And Baldinger does not allege that the district court relied on impalpable or highly suspect evidence. As to Baldinger's argument that the district court failed to consider her mitigating evidence at the sentencing hearing, she has not included a copy of the transcript of that hearing in the record on appeal. Thus, we presume this documentation supports the district court's decision. *Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) ("The burden to make a proper appellate record rests on appellant."); *see also Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision."). Baldinger therefore has not shown that the district court failed to consider her mitigating evidence. Having considered the sentence and the crime, we conclude based on the record before us that the district court did not abuse its discretion in sentencing Baldinger. Accordingly, we

ORDER the judgment of conviction AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Egan K. Walker, Chief Judge
Attorney General/Carson City
Neidert Law
Washoe County District Attorney
Second District Court Clerk