

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUDY M. BARRAZA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58448

FILED

MAR 07 2012

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

ORDER OF AFFIRMANCE

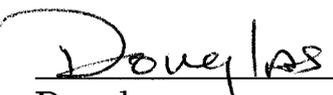
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of stop required on signal of peace officer.¹ Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Appellant Rudy Barraza contends that the district court abused its discretion by granting the State's request for a continuance of the sentencing hearing so that it could file an amended information seeking to adjudicate him pursuant to NRS 207.010(1)(b) rather than NRS 207.010(1)(a) as indicated in the original information. Barraza, however, does not support this contention with cogent argument and we therefore decline to address it. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

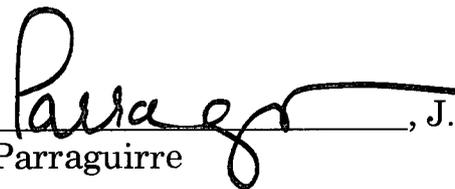
¹The judgment of conviction erroneously states that Barraza was convicted pursuant to a guilty plea. Following this court's issuance of its remittitur, the district court shall enter a corrected judgment of conviction. See NRS 176.565 (providing that clerical errors in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that the district court does not regain jurisdiction following an appeal until the supreme court issues its remittitur).

Barraza also contends that the district court abused its discretion by adjudicating him as a habitual criminal.² The district court has broad discretion to dismiss a count of habitual criminality. See NRS 207.010(2); O'Neill v. State, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). Our review of the record reveals that the district court understood its sentencing authority and exercised its discretion not to dismiss the count. See Hughes v. State, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000); see also Arajakis v. State, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) (“NRS 207.010 makes no special allowance for non-violent crimes or for the remoteness of convictions.”). We conclude that the district court did not abuse its discretion by adjudicating Barraza as a habitual criminal, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Robert W. Lane, District Judge
Carl M. Joerger
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk

²Barraza alleges the district court adjudicated him as a habitual felon. The district court, however, adjudicated Barraza a habitual criminal, not a habitual felon. Compare NRS 207.010, with NRS 207.012.