

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,  
Appellant,  
vs.  
CALVIN JOHNSON, WARDEN; AND  
THE STATE OF NEVADA,  
Respondents.

No. 87884-COA

FILED

JUL 26 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Matthew Travis Houston appeals from a district court order denying a motion to modify and/or correct an illegal sentence.<sup>1</sup> Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.

In his motion, Houston appeared to allege that his sentence was illegal because he is factually innocent and his conviction and sentence were the result of false allegations. Houston's claims fell outside the narrow scope of claims permissible in a motion to modify or correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude the district court did not err by denying the motion.<sup>2</sup>

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<sup>1</sup>Houston filed identical motions on November 7, 2023, and November 19, 2023, titled "emergency motion to modify and/or correct illegal sentence under NRCP 59 and NRCP 60." The district court appeared to deny one motion on the merits and take the other motion off calendar.

<sup>2</sup>The district court improperly addressed Houston's claims on the merits. *See Edwards*, 112 Nev. at 708 n.2, 918 P.2d at 325 n.2. We nevertheless affirm the district court's decision for the reasons stated above.

Houston also appears to argue several claims for the first time on appeal, and we decline to consider these claims in the first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

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

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

cc: Hon. Jennifer L. Schwartz, District Judge  
Matthew Travis Houston  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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*See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

<sup>3</sup>We have reviewed all documents Houston has filed in this matter, and we conclude no relief from the district court's order is warranted based upon those submissions.