

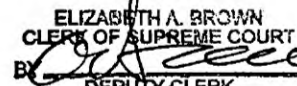
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND GASPER, A/K/A RAYMOND  
BENNIE GLASPER, II,  
Appellants,  
vs.  
THE STATE OF NEVADA; BINU  
PALAL; AND REUBART, WARDEN  
Respondents.

No. 88083-COA

**FILED**

**AUG 08 2024**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Raymond Gasper appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 13, 2023. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Gasper argues the district court erred by denying his petition to establish his factual innocence pursuant to NRS 34.900-.990 without first conducting an evidentiary hearing. Gasper did not file a petition to establish factual innocence pursuant to NRS 34.900-.990 in the district court. Rather, Gasper filed a petition for writ of habeas corpus (post-conviction), and the petition alleged that Gasper received ineffective assistance of counsel and that his plea was involuntarily and unknowingly entered. Because the claim Gasper argues on appeal was not raised and considered below, we decline to consider it on appeal in the first instance.

See *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jacqueline M. Bluth, District Judge  
Raymond Gasper  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk