

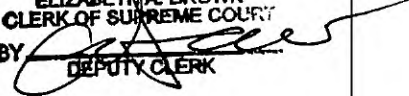
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BILLY RAY RILEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88253-COA

FILED

OCT 09 2024


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Billy Ray Riley appeals from a district court order denying a motion to modify or correct an illegal sentence filed on November 13, 2023. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Riley's sole argument on appeal is that the district court lacked authority to sentence him under the habitual criminal statute because the district court erroneously allowed the State to amend the information to add a count of habitual criminality after a verdict had been reached in his case. Riley did not raise this claim in his motion below, and we decline to consider it on appeal in the first instance. *See State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
Billy Ray Riley
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk