

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEE HALL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56175

FILED

SEP 29 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for credits.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

In his motion filed on May 6, 2010, appellant claimed that he was entitled to 320 days of credit for time served because his waiver of credits was the product of coercion and a lack of understanding.

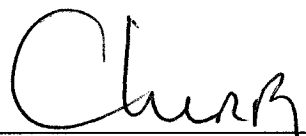
This court has recognized that a claim for presentence credits should be raised on direct appeal or in a timely post-conviction petition for a writ of habeas corpus. Griffin v. State, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Thus, appellant's motion is properly construed as a post-conviction petition for a writ of habeas corpus. NRS 34.724(2)(c). Appellant's motion was untimely filed because it was filed more than four


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

years after entry of the judgment of conviction on March 10, 2006. NRS 34.726(1). Thus, appellant's motion was procedurally barred absent a demonstration of cause for the delay and undue prejudice. *Id.* Appellant did not attempt to demonstrate cause for the delay. Therefore, the petition was procedurally barred, and the district court reached the correct decision in denying the motion.<sup>2</sup> Accordingly, we

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

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

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

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<sup>2</sup>We further note that appellant raised his credits claim previously in a motion to amend the judgment of conviction. On appeal, this court affirmed the denial of the petition as procedurally barred, but also noted as a separate and independent ground to deny relief, the claim lacked merit. *Hall v. State*, Docket No. 51357 (Order of Affirmance, September 25, 2008). The doctrine of the law of the case prevents further litigation of this issue. *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975).

<sup>3</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Douglas W. Herndon, District Judge  
Clark Co. Clerk  
Lee Hall  
Attorney General/Carson City  
Clark County District Attorney