

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES DAVID OFELDT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

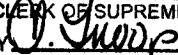
No. 56820

JAMES DAVID OFELDT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56822

**FILED**

**FEB 09 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying motions to vacate convictions.<sup>1</sup> Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. We elect to consolidate these appeals for disposition. NRAP 3(b).

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

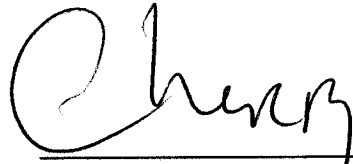
In his motions filed on April 2, 2010, and on April 12, 2010, appellant claimed that the district court failed to conduct competency proceedings prior to sentencing when a doubt arose from the mental health history related in the presentence investigation reports and trial counsel was ineffective for failing to raise the competency issue to the district court.


The district court concluded that appellant sought relief in the wrong type of motion. We agree. A motion to vacate conviction does not exist in Nevada law as a means to attack the validity of a judgment of conviction. NRS 34.724(2)(b) provides that a post-conviction petition for a writ of habeas corpus “[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them.” Appellant’s motions did not comply with the procedural requirements of NRS chapter 34. NRS 34.730(1); NRS 34.735. Appellant’s motions would also be procedurally barred, and appellant failed to allege or demonstrate good cause to excuse his procedural defects. NRS 34.726(1); NRS 34.810(2). Thus, we conclude that the district court did not err in denying the motions.

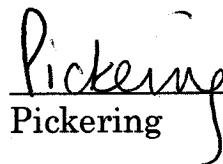
Moreover, to the extent that appellant sought correction of illegal sentences, as a separate and independent ground to deny relief, appellant failed to demonstrate that the sentences were illegal or that the

district court was not a competent court of jurisdiction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Steven P. Elliott, District Judge  
James David Ofeldt  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in these matters, 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.