

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES MANLEY A/K/A CHARLES  
STEPHEN MANLEY, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57348

**FILED**

**JUN 08 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for county jail time.<sup>1</sup> Eighth Judicial District Court, Clark County; Doug Smith, Judge.

In his motion filed on October 15, 2010, appellant claimed that he was entitled to 110 days of credit for time served in county jail from his arrest until sentencing. 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 should have been 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 nearly six years after entry of the judgment of conviction on December 27,

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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).

2004.<sup>2</sup> NRS 34.726(1). Appellant's motion was also successive as he had previously filed a motion for county jail time credits and a post-conviction petition for a writ of habeas corpus.<sup>3</sup> NRS 34.810(2). Appellant's motion was therefore procedurally barred absent a demonstration of good cause and actual prejudice. NRS 34.726(1); NRS 34.810(3). Appellant did not allege cause or actual prejudice, and we therefore conclude that the district court did not err in denying his motion.<sup>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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<sup>2</sup>No direct appeal was taken.

<sup>3</sup>Appellant did not appeal the denial of his motion for jail time credits or his post-conviction petition for a writ of habeas corpus.

<sup>4</sup>While the district court denied the motion on the merits, we conclude that the district court erred in reaching the merits of the claims as the claims were procedurally barred. Nevertheless, we conclude that the district court reached the correct result in denying the petition. Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963) (holding that a correct result will not be reversed simply because it is based on the wrong reason).

cc: Hon. Doug Smith, District Judge  
Charles Stephen Manley, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk