

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KAMEDULA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58030

FILED

SEP 14 2011

TRACIEK LINDEMAN
CLERK OF SUPREME COURT
BY A. Andersen
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to amend a judgment of conviction.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion, filed on February 5, 2011, appellant claimed that he was entitled to 133 days of credit for time served. 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 because it was filed more than 23 years after entry of the judgment of conviction on August 4, 1987.²

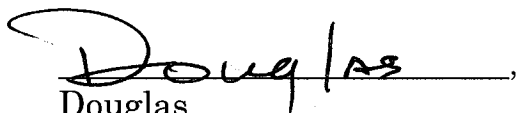
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

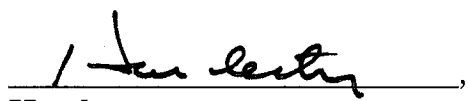
²No direct appeal was taken.

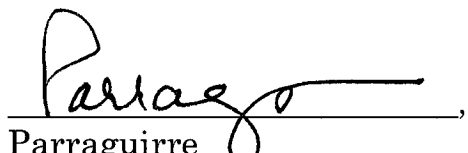
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NRS 34.726(1). Thus, appellant's motion was procedurally barred absent a demonstration of cause for the delay and undue prejudice. Id. Appellant did not attempt to demonstrate cause for the delay. We therefore conclude that the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Douglas

 J.
Hardesty

 J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Brian Kamedula
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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Appellant's petition was also filed more than 17 years after the effective date of NRS 34.726. See 1991 Nev. Stat., ch. 44, § 33, at 92.