

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC JAMAR GOODALL A/K/A ERIC J.
GOODALL-BALLARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58119

FILED

FEB 24 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a “motion for amended judgment of conviction to include jail time credits.”¹ Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

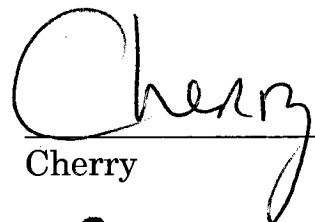
In his motion, filed on March 3, 2011, appellant claimed that he was entitled to additional presentence credit for the time served between the date of sentencing on September 18, 2008, and the date the district court entered the judgment of conviction on September 25, 2008. A claim for presentence credits 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).

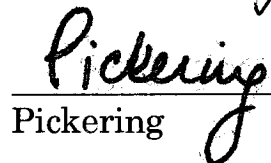
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

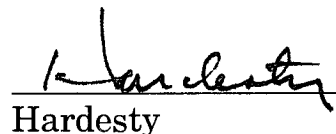
Appellant's motion was untimely because it was filed more than two years after entry of the judgment of conviction and sentence on September 25, 2008.² NRS 34.726(1). Appellant's motion was therefore procedurally barred absent a demonstration of cause for the delay and undue prejudice. NRS 34.726(1).

Appellant made no attempt to excuse his procedural defects, indicating that his motion was properly denied, as it was procedurally barred. Further, as a separate and independent ground to deny relief, appellant's underlying claim lacked merit. Despite appellant's contention that he was deprived of presentence credit between the date of sentencing on September 18, 2008, and the date the judgment of conviction was entered on September 25, 2008, the judgment of conviction clearly indicates that appellant's sentence originated on September 18, 2008. Accordingly, the district court did not err in denying appellant's claim. Therefore, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Cherry

 _____, J.
Pickering

 _____, J.
Hardesty

²No direct appeal was taken.

cc: Hon. Jerome T. Tao, District Judge
Eric Jamar Goodall
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk