

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC JAMAR GOODALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58300

FILED

NOV 18 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 amended judgment of conviction to include jail time credits.¹ Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

In his motion filed on March 3, 2011, appellant claimed that he was entitled to 118 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

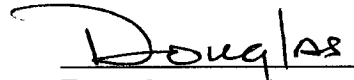
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

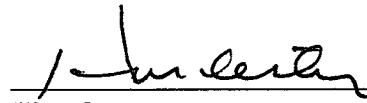
Appellant's motion was also captioned "judicial notice of attached documents. FRE 201, NRS 47.130-47.170 – Double Jeopardy Violation USCA 5.14." Appellant provided no argument in the body of the motion in regards to these claims, and therefore these claims were bare and naked claims, see Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984), and the district court did not err in denying them.

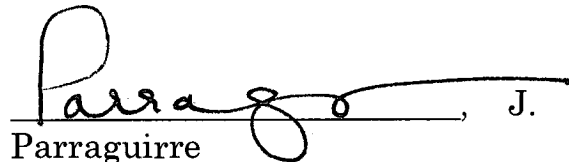
have been construed as a post-conviction petition for a writ of habeas corpus. NRS 34.724(2)(c).

Appellant's motion was untimely because it was filed more than two years after entry of the judgment of conviction on September 25, 2008.² NRS 34.726(1). Appellant's motion was also successive and abusive because he had previously filed two post-conviction petitions for writs of habeas corpus.³ 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. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

²No direct appeal was taken.

³Appellant appealed the denial of his first petition and this court affirmed the district court in Goodall v. State, Docket No. 53701 (Order of Affirmance, September 21, 2009). Appellant's second petition, filed on May 15, 2009, is still pending in the district court.

cc: Hon. Donald M. Mosley, District Judge
Eric Jamar Goodall
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk