

IN THE SUPREME COURT OF THE STATE OF NEVADA

KARTER SINGH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58421

FILED

NOV 17 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ince*
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; Valerie Adair, Judge.

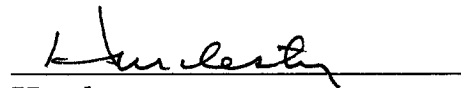
In his motion filed on March 21, 2011, appellant claimed that he was entitled to 140 days of credit for time served in county jail from his arrest until sentencing. This court has recognized that a claim for presentence credits should be raised on direct appeal or in a timely post-conviction petition 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).

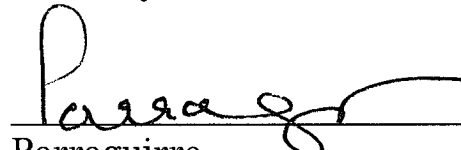
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant's motion was untimely because it was filed nearly two years after entry of the judgment of conviction on June 3, 2009.² NRS 34.726(1). Appellant's motion was therefore procedurally barred absent a demonstration of cause and undue prejudice. *Id.* 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

cc: Hon. Valerie Adair, District Judge
Karter Singh
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²No direct appeal was taken.