

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES FISHER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59645

FILED

MAY 09 2012

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for credit for time served.¹ Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

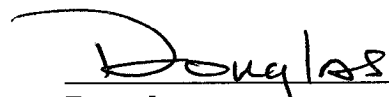
In his motion filed on September 21, 2011, appellant sought 30 days of additional credit for time served. Appellant's claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence and such a claim must be raised in a post-conviction petition for a writ of habeas corpus and is subject to the procedural time bar set forth in NRS 34.726(1). Griffin v. State, 122 Nev. 737, 744, 137 P.3d 1165, 1169-70 (2006). Appellant's motion was untimely as it was filed more than eight years after issuance of the remittitur on direct appeal.² NRS 34.726(1). The motion was procedurally barred

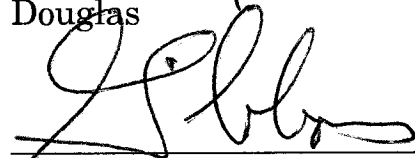
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

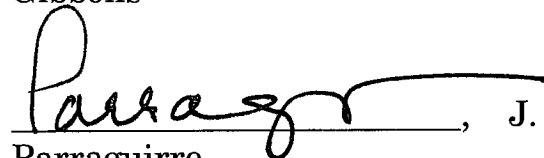
²Fisher v. State, Docket No. 38166 (Order of Affirmance, April 9, 2003).

absent a demonstration of good cause—cause for the delay and undue prejudice. Id. Appellant did not attempt to demonstrate cause for the delay. Consequently, appellant's motion was procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Chief Judge, Eighth Judicial District Court
James Fisher
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.