

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ALLEN LANCASTER,  
Appellant,  
vs.  
ROBERT LEGRAND, WARDEN,  
Respondent.

No. 60619

**FILED**

NOV 15 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 post-conviction petition for a writ of habeas corpus and a motion for credit against sentence and amended judgment of conviction.<sup>1</sup> Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Appellant filed his post-conviction petition on September 19, 2011, more than a year after the entry of his judgment of conviction on March 26, 2010.<sup>2</sup> Thus, appellant's petition was untimely filed.<sup>3</sup> See NRS

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<sup>1</sup>This 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).

<sup>2</sup>No direct appeal was taken.

<sup>3</sup>A corrected judgment of conviction was entered on April 20, 2010. To the extent that appellant's petition challenged the corrected judgment  
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34.726(1). Appellant's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See id. As cause for the delay, appellant appeared to claim that the law library was closed, other inmates were not available to assist him with legal matters, he did not have a typewriter, and his ability to conduct research was limited. Appellant failed to provide specific facts relating to his alleged deprivation of access to the law library, law clerks, and legal materials, and thus failed to demonstrate that prison officials interfered with his ability to file a timely petition. We therefore conclude that the district court did not err in denying the petition as procedurally barred.

Appellant filed his motion for credit against sentence and amended judgment of conviction on January 23, 2012. In his motion, he requested additional presentence credit for time served between the entry of the judgment of conviction and the entry of the corrected judgment of conviction. A claim for presentence credits is a challenge to the validity of the judgment of conviction and sentence 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 one year after the entry of both the judgment of conviction on March 26, 2010, and the amended judgment of conviction on April 20,

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*... continued*

of conviction, the petition was still untimely, as it was filed more than a year after the entry of the corrected judgment of conviction.

