

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD EUGENE MIDBY A/K/A  
RONALD E. COURY A/K/A RONALD E.  
MIDBY,  
Appellants,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61313

**FILED**

APR 09 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Angelou  
DEPUTY CLERK

RONALD EUGENE MIDBY A/K/A  
RONALD E. COURY,  
Appellants,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61314

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying a motion for presentence credits.<sup>1</sup> Eighth Judicial District Court, Clark County; Doug Smith, Judge.

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<sup>1</sup>These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the records are sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). We elect to consolidate these appeals for disposition. NRAP 3(b).

Docket No. 61313

In his motion filed on June 4, 2012, appellant sought presentence credit in case C254735. Appellant's claim for 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 two years after entry of the judgment of conviction on January 14, 2010. Appellant did not attempt to demonstrate cause for the delay. Therefore, we affirm the order of the district court denying the motion in this case.

Docket No. 61314

In his motion filed on June 4, 2012, appellant sought 405 days of presentence credit in case C261607. Appellant's claim for presentence credit should have been filed in a post-conviction petition for a writ of habeas corpus. Id. However, the motion was timely as it was filed within one-year from entry of the judgment of conviction on July 21, 2011, in C261607. NRS 34.726(1). The motion, nevertheless, lacked merit as appellant sought credit for time served in other cases.<sup>2</sup> See NRS


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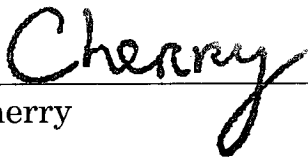
<sup>2</sup>Appellant's reliance upon Johnson v. State, 120 Nev. 296, 89 P.3d 669 (2004) is misplaced as Johnson relates to concurrent sentences within a single judgment of conviction and not concurrent sentences between separate judgments of conviction. Id. at 298, 89 P.3d at 670.

176.055(1). Therefore, we affirm the order of the district court denying the motion in this case. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Doug Smith, District Judge  
Ronald Eugene Midby  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk