

IN THE SUPREME COURT OF THE STATE OF NEVADA

GILBERTO RAMOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62384

FILED

SEP 18 2013

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 “motion for credit against sentence and amended judgment of conviction.”¹ Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

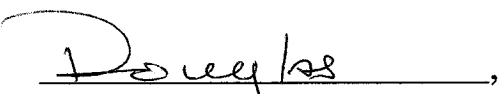
In his motion, appellant claimed that he was entitled to additional presentence credits. A claim for presentence credits must be raised in a post-conviction petition for a writ of habeas corpus filed in compliance with the procedural requirements of NRS Chapter 34 and therefore, it was proper to construe the motion as a post-conviction petition. *See* NRS 34.724(2)(b); *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169-70 (2006).

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 October 19, 2012, motion was filed more than two years after entry of the judgment of conviction on April 16, 2010.² Thus, the motion was untimely and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1). Appellant did not attempt to provide cause for the delay. Therefore, the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jennifer P. Togliatti, District Judge
Gilberto Ramos
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²No direct appeal was taken.