

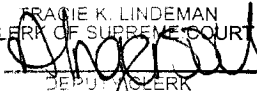
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROCKY ALTON JAMES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63072

FILED

NOV 13 2013

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion for presentence credits.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.


In his motion filed on March 14, 2013, appellant claimed that he should receive an additional 6 days of credit for the time from the sentencing date to the date the judgment of conviction was entered. The district court concluded that appellant was not entitled to additional credit.

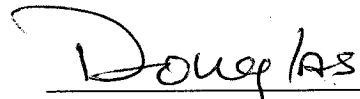
Preliminarily, we note that appellant sought presentence credit in the wrong vehicle. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence that must be raised in a post-conviction petition for a writ of habeas corpus in compliance with the procedural requirements set forth in NRS chapter 34. *See Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006).

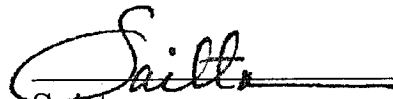
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant's motion was untimely filed, *see* NRS 34.726(1), as it was filed more than six years after entry of the judgment of conviction on December 13, 2006. Appellant did not attempt to demonstrate cause for the delay. *See id.* Thus, the petition was procedurally barred, and we affirm the denial on this basis. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Valerie Adair, District Judge
Rocky Alton James
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk