

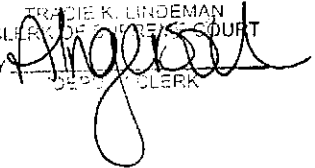
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ROBERT HAIRE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63665

FILED

JAN 16 2014

TRACIE K. LINDEMAN
CLERK OF THE SUPREME COURT
BY: 
CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for amended judgment of conviction to include jail-time credits.¹ Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

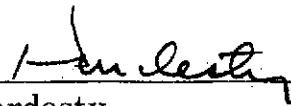
In his motion filed on June 12, 2013, appellant sought an additional 346 days of presentence credit for time served. Preliminarily, we note that appellant sought presentence credit in the wrong vehicle. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction 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). Appellant's motion was untimely filed, because it was filed four years after issuance of the remittitur from his direct appeal on June 9, 2009. NRS 34.726(1).

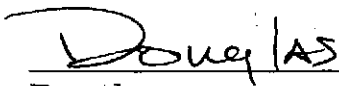
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

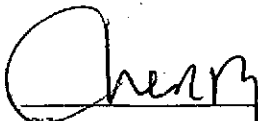
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Appellant's motion was also successive because it raised the same claim in a substantially similar motion, filed on August 17, 2009.² NRS 34.810(2). Appellant's motion was therefore procedurally barred absent a demonstration of good cause and actual prejudice, NRS 34.726(1); NRS 34.810(3), which appellant did not attempt to demonstrate. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Kimberly A. Wanker, District Judge
James Robert Haire
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk

²No appeal was taken from the denial of that motion.

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.