

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SCOTT CONWAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64637

FILED

JUN 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion for amended judgment of conviction to include jail time credits.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

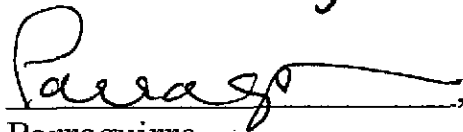
In his motion filed on October 31, 2013, appellant sought an additional 191 days of presentence credit for time served. Preliminarily, we note that appellant sought presentence credit in the wrong vehicle. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction 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, *see* NRS 34.726(1), as it was filed more than one year after entry of the judgment of conviction on June 11, 2012, more than one year after the order revoking probation entered on September 11, 2012, and

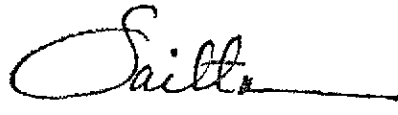
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

more than one year after entry of the second amended judgment of conviction (which imposed a sentence for count 2 and provided appellant with 210 credits for time served) on October 1, 2012. Appellant did not attempt to demonstrate 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.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Michelle Leavitt, District Judge
David Scott Conway
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk