

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT WAYNE JOHNSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 66292

**FILED**

FEB 12 2015

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

*ORDER OF REVERSAL AND REMAND*

This is a proper person appeal from an order of the district court denying a “motion for amended judgment to include jail time credits.”<sup>1</sup> Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

In his motion filed on May 28, 2014, appellant claimed that he should have received 34 days of presentence credit for time served because he was in the county jail from April 13, 2013, to May 12, 2013. Because a claim for additional presentence credit should be raised on direct appeal or 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 should have been construed as a post-conviction petition for a writ of habeas corpus. *See* NRS 34.724(2)(c). Therefore, we reverse the decision

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<sup>1</sup>This 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).

of the district court and remand with instructions to construe the motion as a post-conviction petition for a writ of habeas corpus. The claim also is not belied by the record that was before the district court. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Kenneth C. Cory, District Judge  
Robert Wayne Johnson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk