

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL CAMERON SCOTT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67399

**FILED**

JUN 16 2015

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

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a motion for amended judgment of conviction to include jail time credits.<sup>1</sup> Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

In his motion filed on December 18, 2014, appellant Daniel Scott sought an additional 110 days of presentence credit for time served. Preliminarily, we conclude Scott 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). Initially, it appeared Scott'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 December 18, 2013. However, after reviewing the motion, it appears it


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

was received by the district court clerk on December 4, 2014, well within the one-year time period. Therefore, the motion was timely pursuant to NRS 34.726(1).

Turning to the merits of Scott's claim for additional credits, we conclude the claim lacked merit. Scott was serving time for an unrelated conviction in Arizona during the time period he claimed he should receive additional credits. See NRS 176.055(1). Because Scott was not incarcerated for his Nevada conviction at this time, he was not entitled to these additional credits. See NRS 176.055(2). Therefore, the district court did not err in denying the motion, and we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Kerry Louise Earley, District Judge  
Daniel Cameron Scott  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk