

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 67406

FILED

JUN 17 2015

TRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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."¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

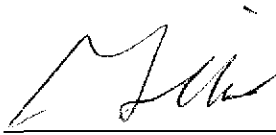
In appellant Daniel Cameron Scott's motion filed on December 8, 2014, Scott claimed he was entitled to additional presentence credits. A claim for additional presentence credits must be raised in a post-conviction petition for a writ of habeas corpus filed in compliance with the procedural requirements of NRS Chapter 34 and therefore, it was proper to construe the motion as a post-conviction petition. See NRS 34.724(2)(b); *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169-70 (2006).


Scott failed to demonstrate he was entitled to additional presentence credits. The district court found that Scott was in custody pursuant to an Arizona conviction during the time period for which he

¹This 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 *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

seeks additional credits. As Scott was not in custody pursuant to his Nevada charges, the district court properly concluded that Scott was not entitled to credit against his Nevada sentence for that time period. See NRS 176.055(1). Therefore, the district court did not err in denying relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

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