

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARRELL CONNERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68023

FILED

SEP 15 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 post-conviction motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

We conclude the district court properly construed appellant Darrell Connors' March 3, 2015, motion to be a post-conviction petition for a writ of habeas corpus. *See Harris v. State*, 130 Nev. ___, ___, 329 P.3d 619, 628 (2014) (holding motions to withdraw a guilty plea should be construed as post-conviction petitions for writs of habeas corpus because a post-conviction petition for a writ of habeas corpus is the exclusive remedy to challenge the validity of a guilty plea after sentencing). Connors'

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


motion was filed more than one year after entry of the judgment of conviction on March 21, 2013. Thus, Conners' motion was untimely filed and procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See NRS 34.726(1).


Conners first claimed he had good cause due to a lack of access to the prison law library. Conners failed to demonstrate an inadequate law library deprived him of meaningful access to the courts. See *Bounds v. Smith*, 430 U.S. 817, 828 (1977), limited by *Lewis v. Casey*, 518 U.S. 343, 354-56 (1996). Conners did not present any factual basis to support this claim or explain why access to the library was necessary for him to comply with the procedural time bar. Bare claims, such as this one, are insufficient to demonstrate a petitioner is entitled to relief. See *Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984). Accordingly, Conners failed to demonstrate official interference caused him to be unable to comply with the procedural time bar. See *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003).


Next, Conners claimed he recently learned he is not serving his state sentence concurrently with his federal sentence despite the order of the district court. This claim challenged the computation of time served and cannot be raised in a post-conviction petition for a writ of habeas corpus challenging the validity of the judgment of conviction. See NRS 34.738(3). However, the denial of this claim would be without prejudice, allowing Conners to properly and separately file a post-conviction petition

for a writ of habeas corpus challenging the computation of time served in the county in which he is incarcerated. See NRS 34.724(1); NRS 34.738(1). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michelle Leavitt, District Judge
Darrell Conners
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk