

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER MICHAEL
LIPPINCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67484

FILED

JAN 21 2016

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 jail time credits. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

On appeal from the denial of his motion for jail time credits filed on December 1, 2014, appellant Christopher Lippincott claims the district court erred by treating his motion as a postconviction petition rather than treating it as a motion to correct an illegal sentence.

A claim for presentence credits is a claim challenging the validity of the judgment of conviction and sentence that must be raised on direct appeal or in a postconviction petition for a writ of habeas corpus in compliance with NRS chapter 34. *See Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1166 (2006). Thus, the district court did not err in treating the motion as a postconviction petition and Lippincott's motion was procedurally defective as it was untimely filed more than one year from the entry of the judgment of conviction on November 4, 2009.¹ *See NRS*

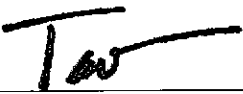
¹No direct appeal was taken.

34.726(1). Lippincott has not attempted to demonstrate good cause to excuse his procedural defects; therefore, the district court reached the correct result in denying the motion as procedurally barred. *Id.*

To the extent Lippincott claims the district court should have construed his motion to be a motion to correct an illegal sentence, Lippincott provides no authority that the district court should have sua sponte construed his motion as such. "It's appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court." *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Further, Lippincott fails to demonstrate he would be entitled to relief were this court to construe the motion as a motion to correct an illegal sentence. His claim regarding presentence credit falls outside the narrow scope of claims permissible in a motion to correct an illegal sentence. *See Edwards v. State*, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). 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. Jennifer P. Togliatti, District Judge
Law Offices of Gamage & Gamage
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk