

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDWARD E. SEELY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69008

FILED

FEB 17 2016

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to correct illegal sentence to include presentence jail time credits.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant Edward Seely claims the district court abused its discretion by denying his motion to correct illegal sentence filed on August 24, 2015. Seely asserts the district court failed to comply with the holding in *Johnson v. State*, 120 Nev. 296, 89 P.3d 669 (2004), at sentencing and apply his 557 days of credit to each of his 17 concurrent sentences. Seely asserts he is entitled to 9,469 days of presentence jail time credit.

Seely's claims fell outside the narrow scope of claims permissible in a motion to correct an illegal sentence.² See *Edwards v.*


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

²A claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence that must be raised either on direct appeal or in a postconviction petition for a writ of habeas corpus filed in compliance with the procedural requirements set forth in NRS chapter 34. *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). See also *Edwards*, 112 Nev. at 708, 918 P.2d at 324.

State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Therefore, without considering the merits of any of the claims raised in the motion, we conclude the district court did not err in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elissa F. Cadish, District Judge
Edward E. Seely
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We deny Seely's motion for the appointment of counsel.