

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREW TIMMONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68821

FILED

FEB 17 2016

RACHEL LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order denying a motion for amended judgment of conviction to include jail time credits.¹ Eighth Judicial District Court, Clark County; Valerie Adair, Judge.


In his motion filed on July 30, 2015, Andrew Timmons sought 105 days of presentence credit for time served.

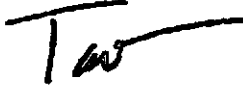
Preliminarily, we note Timmons sought presentence credit in the wrong vehicle. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence that must be raised in a postconviction petition for a writ of habeas corpus in compliance with the procedural requirements set forth in NRS chapter 34. See *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Even assuming Timmons' use of the wrong vehicle could be overlooked, Timmons' claim for presentence credits lacked merit because he was


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

credited with the time he sought in district court case number C297857 and, therefore, he was not entitled to receive the credit in this case. See NRS 176.055(1) (providing that a defendant will be given credit for the amount of time actually spent in confinement before the conviction, "unless the defendant's confinement was pursuant to a judgment of conviction for another offense"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Valerie Adair, District Judge
Andrew Timmons
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk