

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFREDO HERNANDEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73026

FILED

DEC 14 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Alfredo Hernandez appeals from an order of the district court denying the motion for amended judgment of conviction to include jail time credits he filed on February 7, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

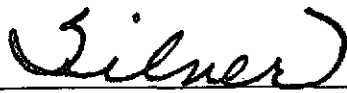
In his motion, Hernandez sought 181 days of presentence credit for time served. Preliminarily, we note Hernandez sought presentence credit in the wrong vehicle. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence that must be raised on appeal from the judgment of conviction or 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 Hernandez' use of the wrong vehicle could be overlooked, Hernandez' claim for presentence credit lacked merit because he was on probation at the time he

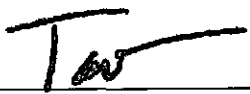
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

committed his offense. See NRS 176.055(2)(b). Therefore, the district court did not err by denying the motion, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. William D. Kephart, District Judge  
Alfredo Hernandez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk