

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL JOSEPH ZELLIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73342

FILED

DEC 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Joseph Zellis appeals from a district court order denying his motion to modify sentence to include presentence confinement credit.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Zellis claims the district court erred by denying the motion to modify sentence he filed on May 10, 2017. He asserts the district court failed to comply with NRS 176.055 and with the Nevada Supreme Court's decisions in *Johnson v. State*, 120 Nev. 296, 89 P.3d 669 (2004), and *Kuykendall v. State*, 112 Nev. 1285, 926 P.2d 781 (1996). And he argues he is entitled to approximately eight months of presentence confinement credit.

Zellis' claim fell outside the narrow scope of claims permissible in a motion to modify sentence.² See *Edwards v. State*, 112 Nev. 704, 708,

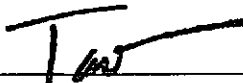
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²A claim for presentence credit is a challenge to the validity of the judgment of conviction and sentence that must be raised either on direct

918 P.2d 321, 324 (1996). Accordingly, we conclude the district court did not err by summarily denying his motion to modify sentence to include presentence confinement credit, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Susan Johnson, District Judge
Michael Joseph Zellis
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

appeal or in a postconviction petition for a writ of habeas corpus. *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006).