

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAREAL EDWARDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72555

FILED

FEB 14 2018

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

ORDER OF AFFIRMANCE

Jareal Edwards appeals from an order of the district court denying his December 6, 2016, postconviction petition for a writ of habeas corpus and his December 6, 2016 motion to modify his sentence.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

In his postconviction petition for a writ of habeas corpus, Edwards sought additional presentence credit for time served. Edwards filed his petition more than three years after entry of the judgment of conviction on August 13, 2013.² Edwards' petition was therefore untimely filed. *See* NRS 34.726(1). His petition was also an abuse of the writ as he raised a claim not raised in his prior petitions.³ *See* NRS 34.810(2). Edwards' petition was therefore procedurally barred absent a

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).

²No direct appeal was filed.


³*See Edwards v. State*, Docket No. 66491 (Order of Affirmance, March 11, 2015). Edwards did not appeal the denial of his June 16, 2014, postconviction petition for a writ of habeas corpus.


demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3).


Edwards claimed he had good cause to excuse the procedural bars because he only recently learned from a caseworker he was entitled to additional credit. This claim has always been available, and Edwards failed to demonstrate an impediment external to the defense prevented him from raising it earlier. See *Hathaway v. State*, 119 Nev. 248, 252-53, 71 P.3d 503, 506 (2003). We therefore conclude the district court did not err by denying Edwards' petition as procedurally barred.

In his motion to modify his sentence, Edwards sought to apply his presentence credits to more than one sentence and to reduce one of his sentences based upon counsel's alleged misunderstanding as to the recommended sentence in Edwards' presentence investigation report. Edwards' claims fell outside the narrow scope of claims permissible in a motion to modify an illegal sentence. See *Edwards v. 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 by denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Jareal Edwards
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk