

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY LEIGH BECKMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67158

FILED

SEP 11 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

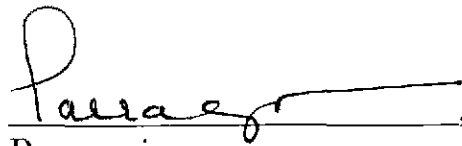
ORDER AFFIRMING IN PART AND DISMISSING APPEAL IN PART

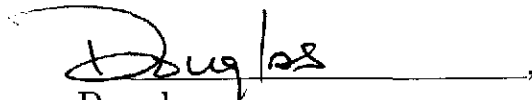
This is a pro se appeal from an order denying a motion to amend judgment of conviction for credits and a decision of the district court denying a presentence motion to withdraw a guilty plea and postpone presentence investigation report. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

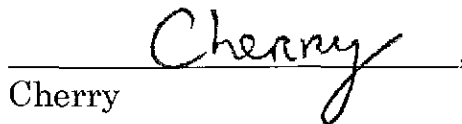
In his motion to amend the judgment of conviction, appellant claimed that he should receive 150 days of presentence credit for time spent on house arrest. A claim for additional presentence credit is a challenge to the validity of the judgment of conviction and sentence and therefore must be raised in a post-conviction 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 that appellant's failure to file such a petition could be overlooked, appellant's claim for additional presentence credit lacked merit as house arrest is not actual confinement under NRS 176.055(1) and therefore appellant was not entitled to credit for time spent on house arrest. *See State v. Dist. Ct. (Jackson)*, 121 Nev. 413, 418-19, 116 P.3d 834, 837 (2005). Accordingly, we affirm the district court's order denying this motion.

To the extent that appellant attempted to appeal from the denial of a presentence motion to withdraw a guilty plea and a motion to stay presentence investigation report, we dismiss the appeal in part because no statute or court rule permits an appeal from an order denying the aforementioned motions. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND DISMISS the appeal in part.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Eighth Judicial District Court Dept. 20
Jeremy Leigh Beckman
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk