

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEITH PAUL BIRD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78640-COA

**FILED**

JAN 30 2020

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

*ORDER OF AFFIRMANCE*

Keith Paul Bird appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 25, 2019. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

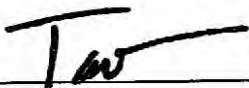
In his petition below, Bird claimed he was actually innocent of the crimes he was convicted of. Although Bird filed his petition after he had expired his sentence for the conviction he is challenging, he argued his petition was still properly before the court because he is subject to lifetime supervision and new evidence shows he is actually innocent. Because Bird had already expired his sentence, the district court found the petition was not properly before the court and denied the petition.

NRS 34.724(1) limits the right to file a postconviction petition for a writ of habeas corpus to persons who are "convicted of a crime and under a sentence of imprisonment." *See also Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999) (concluding a petitioner was not entitled to file a postconviction petition for a writ of habeas corpus when he was no longer incarcerated pursuant to the judgment of conviction contested). Bird expired his sentence for the conviction he is challenging in March of 2012,

and “a person who is subject only to lifetime supervision is not under a sentence of imprisonment.” *Coleman v. State*, 130 Nev. 190, 195, 321 P.3d 863, 867 (2014). Therefore, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michelle Leavitt, District Judge  
Keith Paul Bird  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk