


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NICHOLAS L. SHAULEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87359-COA

FILED

MAY 16 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nicholas L. Shauley appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on May 17, 2023. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

The district court found that at the time Shauley filed his petition, he had already expired his sentence and was not in custody pursuant to the judgment of conviction at issue in this case. A postconviction petition for a writ of habeas corpus is not available to prisoners who have completed the sentence imposed by the judgment of conviction and are no longer in custody pursuant to that judgment. Nev. Const. art. 6, § 6(1); NRS 34.724(1); *Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999).


The district court based its decision on an internet inmate search on the Nevada Department of Corrections' (NDOC) website. We conclude that the district court erred by relying on the internet search. A court may take judicial notice of facts that are "[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably

be questioned.” *See* NRS 47.130(2)(b). Here, the website relied upon by the district court states that it is based on raw data, “the Nevada Department of Corrections makes no warranty or guarantee that the data is error free,” and that it “should not be used as an official record by any law enforcement agency or any other entity.” NDOC Inmate Search, <https://ofdsearch.doc.nv.gov> (last visited May 8, 2024). Thus, because this is not an official record, we cannot say that the accuracy of the website cannot be reasonably questioned. However, we conclude that the record supports the district court’s ultimate conclusion that Shauley was no longer under a sentence of imprisonment on the judgment of conviction he is challenging. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).

Shauley’s judgment of conviction was entered in 2005, and he was sentenced to a term of 36 to 120 months in prison with a concurrent term of 18 to 48 months in prison. Further, the judgment of conviction does not state that Shauley’s sentence was to be served consecutively to any other case. *See* NRS 176.035 (providing that, with limited exceptions, when the judgment of conviction is silent, the sentence runs concurrently with any other sentences). Even assuming Shauley did not earn any presentence, good time, or statutory credits, the latest he would have expired his sentence was in 2015. Further, Shauley did not claim in his petition that he is currently imprisoned under the judgment of conviction he is challenging. Instead, he alleged he is incarcerated in Colorado under a Colorado judgment of conviction. Therefore, we conclude that Shauley

expired his sentence and Shauley's petition was properly denied.  
Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Monica Trujillo, District Judge  
Nicholas L. Shauley  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk