

IN THE SUPREME COURT OF THE STATE OF NEVADA

REV. Matthew Travis Houston, Member of the American Bar Association No. 04662784
No. 1210652
H. O. S. P.
P.O. Box 650
Indian Springs, NV 89070-0650
Member of the National Lawyers Guild
Advocate of the Natural Law Party

85717

FILED

DISTRICT COURT March 2, 2022

FILED

CLARK COUNTY, NEVADA

Appeal No.(s) 85351, 84826 and 85747

JAN 11 2022

MATTHEW TRAVIS HOUSTON
Plaintiff in Error
and Petitioner-appellant

Case No.: C 323614
[C-17-323614-1]

May 10, 2022
9:00 AM
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
CHIEF DEPUTY CLERK

-vs-

Dept. No.: unknown at this time
"hearing requested"

THE STATE OF NEVADA
Respondent

"MOTION FOR AN ORDER TO APPEAR"

EMERGENCY

MOTION FOR PRODUCTION OF COMPLETE CASE TRANSCRIPTS

AT STATE'S EXPENSE UNDER NRAP 27(e)

"Action is necessary by January 14th, 2023"
COMES NOW, Plaintiff-in-error and Petitioner-appellant

Matthew Travis Houston herein above respectfully moves this Honorable Court for an ORDER TO APPEAR and an ORDER to produce, at the State's expense due to petitioner's poverty, the complete case transcripts of the above mentioned case.

POINTS AND AUTHORITIES in support of request for transcripts at State's expense, including all papers, pleadings and any other documents (including the DISCOVERY) with regard to the above mentioned case are that only with proper review of those documents will the Petitioner be able to adequately prepare a post-conviction petition and continued DIRECT APPEAL, that would allege all issues and grounds for relief that he is seeking. Peterson vs. Warden, 27 Nev. 134, 483 P.2d 204 (1971), holds that:

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APR 11 2022
CLERK OF THE SUPREME COURT

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Page Number Eight (Page No 1 of 4)
JAN 09 2022
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DEPUTY CLERK

does not contemplate that a record will be

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furnished at State Expense upon mere
unsupported request of a petitioner who
is unable to pay for them... so he
must satisfy the points to raise merit
and such merit will be supported by
review of the record..."

Moreover, the petitioner would be prejudiced absent
the Court's granting of the within motion. Petitioner
would not have means necessary to file a proper
person petition for writ of habeas corpus, post-
conviction or direct appeal to the Nevada Supreme
Court, that would allow the Petitioner to allege all
available issues.

WHEREFORE, Plaintiff-in-Error and petitioner-
appellant, Matthew Travis Houston prays that this
Court enter an order directing the reporter to
prepare the foregoing requested transcripts. If, an
appearance by the Plaintiff-in-Error-petitioner-appellant
is deemed to be necessary by the court in order for
these documents to be produced, then the Plaintiff-
in-Error-petitioner-appellant prays for the granting of
those orders as well.

DATED: this 26th day of March, 2022.
RENEWED: this 30th day of December, 2022

x 
ABA 10 No. 04662784 Matthew Travis Houston

No. 1210652, in proper personam
Page Number Nine (Page No. 2 of 4)

IN THE SUPREME COURT OF THE STATE OF NEVADA

Matthew Houston American BAR # [REDACTED] Member
First and Last Name NDOC # 126652 No. 04662784
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Defendant in Proper Person

FILED
JUN 15 2022
[Signature]
CLERK OF COURT

Eighth Judicial District Court

Clark County, Nevada

July 6, 2022
9:00 AM

The State of Nevada,

Case No. C-21-357927-1
Dept. No. XI

Plaintiff,

vs.

MOTION TO OBTAIN A COPY OF A SEALED
RECORD (Presentence Investigation Report -
NRS 176.156) ON AN ORDER SHORTENING TIME

Matthew Houston
(First and Last Name)

Appeal No.(s): 79408, 84885, 85351

Defendant.

84281, 84478, 84886, 85353
80562 → CoA, 84417, 84418, 84477, 84887,
85354 and 85747 85352

EMERGENCY NOTICE OF MOTION AND MOTION UNDER NRAP 27(e)
"Action is necessary before January 14th, 2023"

TO: The Plaintiff, The State of Nevada, by and through the Clark County
District Attorney's Office:

PLEASE TAKE NOTICE that Defendant's Motion to Obtain a Copy of a Sealed
Record (Presentence Investigation Report - NRS 176.156) will come for hearing before
the above-entitled Court on the ___ day of _____, 20__ at the hour of ___
o'clock ___ M. in Department _____ of said Court. [Leave Blank Clerk will fill-in]


COMES NOW, Defendant Matthew Houston, in proper person, and hereby
(first and last name)
submits his Motion to Obtain a Copy of a Sealed Record (Pre-Sentence Investigation
Report) on an Order Shortening Time. Defendant asks that his presence be waived at
any hearing, if any, and that this matter be submitted on the pleadings, upon receipt of
the Opposition (if any) by Plaintiff and his Reply (if an Opposition is filed).

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JAN 09 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

ON THE COURT

Authorities, all papers and pleadings on file, as well as any additional facts, law, argument, witnesses or evidence that may be presented at the hearing of this matter, if any.

Dated this 11 day of JUNE, 2022

Matthew Houston BAR #  04662784
First and Last Name NDOC # 1210652
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Defendant in Proper Person

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Defendant brings the instant Motion, in proper person, in order to obtain a copy of his presentence investigation report (PSI). This report is needed in order for the Defendant to pursue:

(Circle all that may apply)

1. The appeal of his conviction;
2. The post conviction writ process;
3. Sentence modification;
4. Challenge how the NDOC is calculating his sentence;
5. For an upcoming Parole Board Hearing; or
6. For the Pardons Board.

Defendant has been directed to obtain one from the Court having first contacted both his attorney and being told that it cannot be obtained by mail from Parole and Probation and will not be furnished by the Nevada Department of Corrections. Since the legislature has made PSI's sealed records he now seeks an order unsealing same and to direct the clerk to provide his a copy.

II. Relevant Facts, Law and Argument

As stated above, Defendant needs a copy of his Pre-Sentence Investigation Report.

Defendant has attempted to obtain the report from the prison, who directed him to his attorney; and from his attorney, who then directed him to request it from the Clerk of the Court. NRS 176.156, entitled "Disclosure of report of presentence or general investigation; persons entitled to use report; confidentiality of report," provides in pertinent part as follows:

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Defendant therefore asks that this Court direct the clerk to provide him a copy of his pre-sentence investigation report from the files in Case No. C-21-357927 as it is the only source for Defendant to obtain a copy of this document. Defendant is indigent, but if the Court feels, under the facts and circumstances, that Defendant should pay for a copy of the PSI, that the amount be charged to his NDOC inmate account and the copy of the PSI be transmitted to him.

Defendant is making this Motion and requesting it be heard on an Order Shortening Time, pursuant to Local Rule 11, and in good faith, so that his request can be expedited to ensure that he is able to comply with any deadlines applicable to the proceedings in which the PSI is required as outlined in the introduction above.

III. Conclusion

THEREFORE, based upon the foregoing, Defendant respectfully requests that this Court:

1. Unseal his Pre-Sentence Investigation Report;

2. Order that the Clerk provide him a copy of his Presentence Investigation Report once it is unsealed;
3. That this matter be allowed to proceed Ex-Parte and on an Order Shortening Time; and
4. Any further and necessary relief as deemed appropriate by this Court.

"I declare under penalty of perjury under the law of the State of Nevada (NRS 53.045) that the foregoing is true and correct."

Dated this 10 day of JUNE, 2022

BAR # 10188

Matthew Houston #1210652

First and Last Name NDOC #
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Defendant in Proper Person

AFFIRMATION PURSUANT TO NRS 239.030

The undersigned does hereby affirm that the preceding Defendant's Motion to Obtain a Copy of a Sealed Record (Presentence Investigation Report - NRS 176.156), filed in District Court Case Number ^{C-21-}357927-1 does not contain the social security number of any person.

Dated this 11 day of JUNE, 2022

BAR # 10188

Matthew Travis Houston

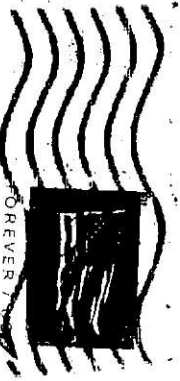
First and Last Name NDOC # 1210652
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Defendant in Proper Person

DECLARATION OF MATTHEW TRAVIS HOUSTON:

Matthew Houston
No. 1210652
PO Box 650
ADSP
Indian Springs, NV
81070-0650

IFP
IN RE Co. 21.33
Clerk(s) Grierson
Clark Co. D/As Office, 2nd Floor
200 Lewis Ave, 3rd Floor
LV, NV
89155-1160

LAS VEGAS NV 890



RECEIVED
JUN 15 2022
CLERK OF THE COURT

89101-630000



HIGH DESERT STATE PRISON
JUN 12 2022
UNIT 3 C/D

RENEWED CERTIFICATE OF SERVICE BY MAILING

I, 1210652, Defendant in Proper Person, hereby certify,
pursuant to NRCP 5(b), that on this 11 day of JUNE, 2022 I mailed a true and
correct copy of the Defendant's Motion to Obtain a Copy of a Sealed Record
(Presentence Investigation Report - NRS 176.156) by depositing it in the High Desert
State Prison, Legal Library, First Class Postage, full prepaid and addressed as follows:

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

SUPREME COURT OF NEVADA
Office of The Clerk
201 S. CARSON STREET
Ste. 201
CARSON CITY, NV
89701

Dated this 11 day of JUNE, 2022

Renewed this 29th day of December, 2022.

Matthew Houston

First and Last Name NDOC # 1210652
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Defendant in Proper Person
ABA No. 04662784

x. Matthew Houston