

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

MATTHEW TRAVIS HOUSTON,
Appellant(s),

vs.

DANIEL L. SCHWARTZ, ESQ., AN
INDIVIDUAL,
Respondent(s),

Case No: A-22-858580-C

Docket No: 87670

RECORD ON APPEAL VOLUME 5

ATTORNEY FOR APPELLANT
MATTHEW HOUSTON #120652,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
DANIEL L. SCHWARTZ, ESQ.
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LAS VEGAS, NV 89102

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RENEWED.

CERTIFICATE OF SERVICE BY MAILING

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I, Matthew Travis Houston, hereby certify, pursuant to NRCPC 5(b), that on this 5th day of March, 2022, I mailed a true and correct copy of the foregoing, "NOTICE OF MOTION AND MOTION FOR TRANSCRIPTS AT STATES EXPENCE" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows; ON JANUARY 10TH, 2023, I AGAIN MAILED THIS CERT. AS EVIDENCE IN CIVIL COMPLAINT(S)

Deputy-Clerk Heather Ungermann
and Clerk Steven Erickson
Regional Justice Center
2500 Lewis Ave., 3rd Floor
Las Vegas, NV 89155-1160

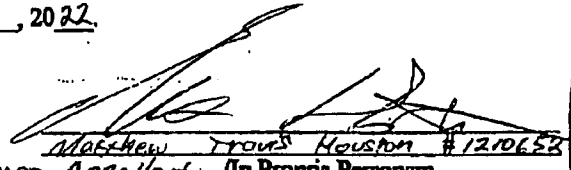
JUSTICE COURT
LAS VEGAS TOWNSHIP
RJC - 200 LEWIS AVENUE

(RETROACTIVELY)
SUPREME COURT OF NEVADA
241 CARSON STREET
#201
CARSON CITY, NV
89701

EJDC
Department # 7
May 12, 2023

CC:FILE

DATED: this 5th day of March, 2022.



Matthew Travis Houston #1210652
Plaintiff - Petitioner - Appellant / In Propria Persona
Post Office box 650 (HDSP)
Indian Springs, Nevada 89018
IN FORMA PAUPERIS: ABA ID# 04662784

DECLARATION OF MATTHEW TRAVIS HOUSTON

Renewed May 12, 2023

Please take notice, that the record will reflect the numerous requests for transcripts then what has been presented in this complaint, which is a component of the "JOINDER OF APPEAL" in all cases of the Plaintiff, whom will be adding SUPREME COURT OF NEVADA as defendants in this case, as well as all offices of the individuals as they are being sued in OFFICIAL CAPACITY & via multidistrict litigation.

NOTICE

REV. MATTHEW TRAVIS HOUSTON ID NO. 1210652

HIGH DESERT STATE PRISON

22010 COLD CREEK RD

P.O. BOX 650

INDIAN SPRINGS, NV. 89070

ABA No. 04662784

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA FOR THE COUNTY OF CLARK

MATTHEW TRAVIS HOUSTON, Case No. A-22-853203-W

Plaintiff, (Defendant(s)) Department No. 17

CALVIN JOHNSON ET AL, Case No.: A-22-862155-C

State of Nevada dba STATE BAR OF NEVADA, Plaintiff, (Defendant(s)) Dept. No.: 27

vs.

Case No. C-21-357927-1

Matthew Travis Houston, Defendant (Plaintiff -in- Error) Dept. No. 17

Case No. C-17-323614-1

Dept. No. 19

Case No. A-17-758861-C

Dept. No. 29

NOTICE OF MOTION AND

EMERGENCY MOTION FOR MODIFICATION OF SENTENCE UNDER NRCP 59,

NRCP 60 AND NRAP 27-E "HEARING REQUESTED"

Comes now, Defendant, Matthew Houston, pro per, and respectfully moves this Honorable

Court for a Modification of Sentence, as he is in fact the Plaintiff - in- Error:

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,

NRS 176.555, as well as all papers, pleadings, and documents on file herein. SEE STATEMENT OF FACTS:

POINTS AND AUTHORITIES

I. STANDARD OF REVIEW

The Nevada Supreme Court has long recognized that Court's have the power and jurisdiction to

Modify a sentence, see, Staley v. State, 787 P2d 396, 106 Nev. 75 (1990):

"that if a sentencing court pronounces sentence within statutory limits, the court will have jurisdiction to MODIFY, suspend or otherwise correct that sentence if it is based upon materially untrue assumptions or mistakes which work to the extreme detriment of the defendant"

CLERK OF THE COURT

RECEIVED MAY 17 2023

RECEIVED

SEP 06 2023

MOTION TO MODIFY SENTENCE - 1

CLERK OF THE COURT

1 Defendant believes that this court has, based upon Staley, the jurisdiction to MODIFY his
2 sentence, due to that sentence being pronounced based upon a Pre-Sentence Investigation Report which
3 did have several material facts in error, which will be discussed below in the statement of facts.

4 Respondent may argue that laches apply due to the fact that three [3] years have passed since
5 sentence was pronounced. However, the Nevada Supreme Court held that such time requirement does not
6 apply to a request for Modification of Sentence, see, *Passanisi v. State*, 831 P2d 1371, 108 Nev. 318
7 (1995):
8

9 ...we note that the trial court has inherent authority to correct a sentence at any time if such
10 sentence based on mistake of material fact that worked to the extreme detriment of the defendant.
11 (Citations Omitted). If the trial court has inherent authority to correct a sentence, a Fortiori, it has
12 the power to entertain a motion requesting it to exercise that inherent authority.... Thus, the time
13 limits and other restrictions with respect to a post-conviction relief do not apply to a Motion to
14 Modify a Sentence based on a claim that the sentence was illegal or was based on an untrue
15 assumption of the fact that amounted to denial of due process (Emphasis added) Id. 831 P2d at
16 1372n. 1. See also, *Edwards v. State*, 918 P2d 321, 324, 112 Nev. 704 (1996).

17 Defendant, as stated above, is alleging that his sentence by this Court was based upon
18 assumptions founded upon his Pre-Sentence Investigation Report (PSI) that had several factors in error,
19 and as such, his constitutional right to due process was violated. See, *State v. District Court*, 677 P2d
20 1044, 100 Nev. 90 (1984):

21 The district court's inherent authority to correct a judgment or sentence founded on mistake is in
22 accord with the constitutional considerations underlying the sentencing process. The United
23 States Supreme Court has expressly held that where a defendant is sentenced on the basis of
24 materially untrue assumptions concerning his criminal record, "(the) result whether caused by
25 carelessness or design, is inconsistent with due process of law". *Townsend v. Burke*, 736, 741,
26 68 S. Ct. 12552, 1255, 92 L. Ed. 1690 (1948). Further, the cases clearly established that
27 constitutionally Violate "materially untrue assumptions" concerning a criminal record may arise
28 either as a result of a sentencing judge's correct perception of misapprehension. (Emphasis in
29 original). Id. 677 P2d at 1048 n. 3.

30 Defendant would asks that this Court not perceive this request to be pointing the finger at the
31 Court and saying 'you were wrong' as that is not the case. Defendant is merely requesting that the Court
32 reconsider the sentence that was pronounced based upon mistakes of fact in the PSI report and at

33 sentencing. Plaintiff-in-Error in fact NEVER completed any sort
of PSI interview, the alleged PSI in question was NOT
filed and is sealed: MOTION TO MODIFY SENTENCE - 2: This was at NO
fault of the Plaintiff-in-Error and contributed to his
current wrongful conviction, miscarriage of justice, etc.

As Mr. Houston is a victim of crimes including but NOT limited to perjury and the deprivation of his rights under color of law, he was NEVER credited the 70 days of time served in double-jeopardy #C1248384A + #C1237802A.

NOW SEE STATEMENT OF FACTS: Kidnapped from his home in

¹ Iowa City, Iowa, On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter ^{"Plaintiff-in-Error/.."} Petitioner-Appellant) was abducted from his hotel room at the Best Western located at [REDACTED] 3041 St. Rose Parkway in Henderson, Nevada, as he was not served with any sort of SUMMONS or WARRANT, nor was told or read that he had any kind of rights. This false arrest prevented Petitioner-Appellant from attending his appointment the very next day at Nevada Retina Specialists, with Dr. Tyson Ward on July 15, 2021, while this continued imprisonment of his person also prevented him from attending his medical disability rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments of which had been scheduled by the abductors, SEDAWICK's Dianne Ferrante, and her alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.

The Petitioner-Appellant's attempt at release from CCDC was intended so that he could search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood and Bernard Little, provided misinformation regarding the lack of a directly related "City Jail Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a potential release from custody, that he "did not see a detainer hold" - when, in fact, there was. This coercion of the client by his previous representation created a second double-jeopardy - in LAS VEGAS MUNICIPAL COURT #1248384A + #C1237802A; with the first being by J. Wood

19. in the EIGHTH JUDICIAL DISTRICT COURT Z1-CR-019840 + Z1-CR-035713. A. Goldstein NEVER visited Mr. Houston. ^{- LAS VEGAS JUSTICE COURT - LAS VEGAS TOWNSHIP -} These traumatic events are a cruel and unusual punishment being inflicted upon an abused and innocent man, who was forced into an involuntary relocation, with unnecessary hardships causing the eviction of his law office located at 435 South Linn Street #927, in Iowa City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).

Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie McMorris-Alexander and Dianne Ferrante, SEDAWICK and the prosecutions' most unlawful use of overreaching tactics ~~in~~ their exploitation of the innocent man has put the Petitioner-Appellant into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any time/did Mr. Houston harass, extort, threaten, or "aggravated, stalking" any of the parties in any of his (3) cases, neither did he act aggressively towards any other individual, business or entity. (3)

31. Mr. Houston is a victim of crime.

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CONCLUSION

WHEREFORE, all of the above stated reasons, Defendant respectfully requests this Honorable
(Being prima facie)
Court to Modify his/her Sentence in accordance with this Court's fair and just consideration of the facts
of the case. Pursuant to Assembly Bill 271, the wrongfully
convicted Defendant, now Plaintiff-in-Error, Matthew Travis
Houston, should be credited a total of 292 days (40%)
against the 2-5 years (24-60 month) of extensive incarceration.

Dated this 13~~14~~ day of May, 2023.

By: Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON # ^{CMTD} 1210652
High Desert State Prison
22010 Cold Creek Rd.
P.O. Box 650
Indian Springs, NV. 89070
ABA No. 04662784

REV. MATTHEW TRAVIS HOUSTON, CHTD
NDOC # 1210652
HDSP
PO BOX 650

Indian Springs, NV
89070-0650

RECEIVED

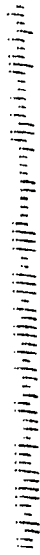
SEP 06 2023

CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT
CHAMBERS OF THE HON. JACOB A. REYNOLDS,
CRYSTAL ELLER, JENNIFER L-G. SCHWARTZ,
AND NANCY L. ALLF
Law Clerks of Depts. 17, 19, 27 and 29
200 Lewis Avenue
Las Vegas, NV
89155

METOO # RETURN STRONG
American Bar Association Member
ABA 10 No. 04662784

89101-890000



LAS VEGAS NV 890
5 SEP 2023 19 3 L



Thinking

1 I, Matthew Travis Houston, certify that the foregoing "Motion For
2 Modification of Sentence", was served upon the Respondent pursuant to NRCP 5 (b), by placing same in
3 the United States Postal Service, postage being fully pre-paid, and addressed as follows:


4
5 PO Box 551601
6 EJDC Clerk of Courts, Dept. 17
7 19 and 27
8 200 Lewis Avenue
9 Las Vegas, NV 89155-
10 1601

PO Box 552212
District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89155-2212

11 CHAMBERS OF THE HON.
12 JENNIFER L.G. SCHWARTZ +
13 NANCY L. ALLE +

CHAMBERS OF THE HON.
CRYSTAL ELLER +
JACOB A. REYNOLDS

14 Dated this 13 day of May, 2023.

15
16
17 By: 
18 CHTO
REV. MATTHEW TRAVIS HOUSTON, # 1210652
19 High Desert State Prison
20 22010 Cold Creek Rd.
21 P.O. Box 650
22 Indian Springs, NV. 89070
23 ABA No. 04662784
24 Defendant, In Proper Person

EMERGENCY LETTER OF MOTION TO THE HON. JENNIFER L. SCHWARTZ
NEVADA DEPARTMENT OF CORRECTIONS

GRIEVANT'S STATEMENT CONTINUATION FORM

"HEARING REQUESTED" Case No. A-22-853203-W
Department No. 17

NAME: Matthew Travis Johnson I.D. NUMBER: 1210652

INSTITUTION: NDSP UNIT #: 4-D-39

ESDC Case # A-17-75884-C GRIEVANCE LEVEL: EXHAUSTED
Now @ 4-C-9

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

Hello, (RENEWED OCT-02, 2023, FROM Julie De Wilde)

My hearing with NEVADA BOARD OF PAROLE
COMMISSIONERS was held on June 29, 2023 due
to our litigation. I am requesting your intervention
in an expeditious and non-oral order and letter of
reference in order that my parole is granted in
absentia. This request is being put forth only
as a result of the presence of BRITNEY MCMORRIS-
ALEXANDER ET AL; my parole is necessary to
further affirm to our SUPREME COURT OF NEVADA
that the vexatious conspiracy against my person is
DISCONTINUED. As I am both factually and
actually innocent, I and the People of the State
of Nevada sincerely appreciate your most honorable
interests in justice.

SEE ALSO ESDC
#A-22-862155-C. Cordially yours,

Rev. Matthew Travis Johnson

Original: Attached to Grievance - WHITE COPY EXEMPTION
Pink: Inmate's Copy - ORIGINAL IN EX PARTE -

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
10/18/2023 11:34 AM
Steven D. Grierson
CLERK OF THE COURT



Matthew Houston, Plaintiff(s)
vs.
Daniel Schwartz, Defendant(s)

Case No.: A-22-858580-C
Department 4

NOTICE OF HEARING

Please be advised that the Motion for New Trials Under NRCP 60 Emergency Opposition and Emergency Motion and Order for Transportation (in All Cases for Mr. Matthew Travis Houston) of Inmate for Court Appearance NRCP 24, NRAP 3 C/NRAP 27(e)/ 9TH CIR. 27.3, or in the Alternative for Appearance by Telephone or Video Conference in the above-entitled matter is set for hearing as follows:

Date: November 29, 2023
Time: 9:00 AM
Location: RJC Courtroom 03C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

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ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

MATTHEW HOUSTON,
Plaintiff,

v.

DANIEL SCHWARTZ,
Defendant.

CASE NO.: A-22-858580-C
DEPT NO.: IV

**ORDER DENYING PLAINTIFF'S
EMERGENCY MOTION TO VACATE
DISMISSAL FROM JULY 11, 2023
(ORDER ENTERED JULY 13, 2023),
MOTION FOR RECONSIDERATION,
REHEARING DE NOVO AUGUST 28,
2023 AND NOTICE OF MOTION
UNDER NRAP 27-E NRCP 59 AND
NRCP 60**

Plaintiff's Emergency Motion to Vacate Dismissal from July 11,2023 (Order Entered July 13, 2023) , Motion for Reconsideration, Rehearing De Novo August 28., 2023) and Notice of Motion Under NRAP 27-E NRCP 59 and NRCP 60 and the Court having examined and reviewed all documents, Orders as follows:

IT IS HEREBY ORDERED that Plaintiff's Emergency Motion to Vacate Dismissal from July 11,2023 (Order Entered July 13, 2023) , Motion for Reconsideration, Rehearing De Novo August 28., 2023) and Notice of Motion Under NRAP 27-E NRCP 59 and NRCP 60 shall be DENIED pursuant to EDCR 2.24 ; (a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.(b) A

1 party seeking reconsideration of a ruling of the court, other than any order that may be
2 addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such
3 relief within 14 days after service of written notice of the order or judgment unless the time
4 is shortened or enlarged by order. A motion for rehearing or reconsideration must be served,
5 noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the
6 30 period for filing a notice of appeal from a final order or judgment.

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IT IS HEREBY ORDERED the hearing date of November 7, 2023 shall be VACATED.

Dated this 31st day of October, 2023



**3E2 CC6 E0FD 3247
Nadia Krall
District Court Judge**

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Matthew Houston, Plaintiff(s)	CASE NO: A-22-858580-C
7 vs.	DEPT. NO. Department 4
8 Daniel Schwartz, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 **Service Date: 10/31/2023**

15 Daniel Schwartz	daniel.schwartz@lewisbrisbois.com
16 Josh Aicklen	josh.aicklen@lewisbrisbois.com
17 Misty Pettiford	misty.pettiford@lewisbrisbois.com
18 Nancy Alarcon	nancy.alarcon@lewisbrisbois.com

19
20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 11/1/2023

22 Matthew Houston	#1210652
23	HDSP
24	P.O. Box 650
25	Indian Springs, NV, 89070

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ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

MATTHEW HOUSTON,
Plaintiff,

v.

DANIEL SCHWARTZ,
Defendant.

CASE NO.: A-22-858580-C
DEPT NO.: IV

**ORDER DENYING PLAINTIFF'S
MOTION FOR NEW TRIAL UNDER
NRCP 60 EMERGENCY OPPOSITION
AND EMERGENCY MOTION AND
ORDER FOR TRANSPORTATION (N
ALL CASES FOR MR. MATTHRE
TRAVIS HOUSTON) OF INAMTE FOR
COURT APPEARANCE NRCP 24,
NRAP 3 C/NRAP 27(E)/9TH CIR.27.3, OR
IN THE ALTERNATIVE, FOR
APPEARANCE BY TELEPHONE OF
VIDEO CONFERENCE**

Plaintiff's Motion for New Trials Under NRCP 60 Emergency Opposition and Emergency Motion and Order for Transportation (in All Cases for Mr. Matthew Travis Houston) of Inmate for Court Appearance NRCP 24, NRAP 3 C/NRAP 27(e)/ 9TH CIR. 27.3, or in the Alternative for Appearance by Telephone or Video Conference and the Court having examined and reviewed all documents, Orders as follows:

IT IS HEREBY ORDERED that Plaintiff's Motion for New Trials Under NRCP 60 Emergency Opposition and Emergency Motion and Order for Transportation (in All Cases for Mr. Matthew Travis Houston) of Inmate for Court Appearance NRCP 24, NRAP 3 C/NRAP 27(e)/ 9TH CIR.

1 27.3, or in the Alternative for Appearance by Telephone or Video Conference shall be DENIED;
2 Plaintiff seeks relief for a new trial under NRCP 60 and has failed to support any of the following;

- 3 (1) mistake, inadvertence, surprise, or excusable neglect;
4 (2) newly discovered evidence that, with reasonable diligence, could not have been
5 discovered in time to move for a new trial under Rule 59(b);
6 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
7 misconduct by an opposing party;
8 (4) the judgment is void;
9 (5) the judgment has been satisfied, released, or discharged; it is based on an earlier
10 judgment that has been reversed or vacated; or applying it prospectively is no longer
11 equitable; or
12 (6) Any other reason that justifies relief.

13
14 **IT IS HEREBY ORDERED** Plaintiff's Request for transport and/or appearance via telephone
15 of video conference shall be DENIED as MOOT.

16
17 **IT IS HEREBY ORDERED** the hearing date of November 29, 2023 shall be VACATED.

18 Dated this 31st day of October, 2023

19 

20 _____
21 C21 438 EEB1 2D41
22 Nadia Krall
23 District Court Judge
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1 **CSERV**

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3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Matthew Houston, Plaintiff(s)	CASE NO: A-22-858580-C
7 vs.	DEPT. NO. Department 4
8 Daniel Schwartz, Defendant(s)	
9	

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18 Nancy Alarcon	nancy.alarcon@lewisbrisbois.com

19
20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 11/1/2023

22 Matthew Houston	#1210652
23	HDSP
24	P.O. Box 650
25	Indian Springs, NV, 89070

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DISTRICT COURT,
CLARK COUNTY, NEVADA

MATTHEW HOUSTON,
Plaintiff(s)

vs.

DANIEL SCHWARTZ,
Defendant(s)

CASE NO: A-22-858580-C

DEPT NO: IV

NOTICE OF ENTRY OF ORDER

TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that an Order has been entered on the 31ST day of October, 2023,
in the above-captioned matter. A copy of said Order is attached hereto as Exhibit A.

Dated this 31st day of October, 2023

Nadia Krall

576 F69 8317 6741
Nadia Krall
District Court Judge

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EXHIBIT "A"

1 party seeking reconsideration of a ruling of the court, other than any order that may be
2 addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such
3 relief within 14 days after service of written notice of the order or judgment unless the time
4 is shortened or enlarged by order. A motion for rehearing or reconsideration must be served,
5 noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the
6 30 period for filing a notice of appeal from a final order or judgment.

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IT IS HEREBY ORDERED the hearing date of November 7, 2023 shall be VACATED.

Dated this 31st day of October, 2023



3E2 CC6 E0FD 3247
Nadia Krall
District Court Judge

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5	
6 Matthew Houston, Plaintiff(s)	CASE NO: A-22-858580-C
7 vs.	DEPT. NO. Department 4
8 Daniel Schwartz, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Notice of Entry of Order was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 **Service Date: 10/31/2023**

15 Daniel Schwartz	daniel.schwartz@lewisbrisbois.com
16 Josh Aicklen	josh.aicklen@lewisbrisbois.com
17 Misty Pettiford	misty.pettiford@lewisbrisbois.com
18 Nancy Alarcon	nancy.alarcon@lewisbrisbois.com

19
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21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 11/1/2023

22 Matthew Houston	#1210652
23	HDSP
24	P.O. Box 650
25	Indian Springs, NV, 89070

1 **NEOJ**

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DISTRICT COURT,
CLARK COUNTY, NEVADA

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MATTHEW HOUSTON,

CASE NO: A-22-858580-C

8

Plaintiff(s)

DEPT NO: IV

9

vs.

10

DANIEL SCHWARTZ,

NOTICE OF ENTRY OF ORDER

11

Defendant(s)

12

TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

13

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15

PLEASE TAKE NOTICE that an Order has been entered on the 31ST day of October, 2023,
in the above-captioned matter. A copy of said Order is attached hereto as Exhibit A.

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Dated this 1st day of November, 2023

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Nadia Krall

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672 11E 6E2D B54A
Nadia Krall
District Court Judge

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EXHIBIT "A"

1 27.3, or in the Alternative for Appearance by Telephone or Video Conference shall be DENIED;
2 Plaintiff seeks relief for a new trial under NRCP 60 and has failed to support any of the following;

- 3 (1) mistake, inadvertence, surprise, or excusable neglect;
4 (2) newly discovered evidence that, with reasonable diligence, could not have been
5 discovered in time to move for a new trial under Rule 59(b);
6 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
7 misconduct by an opposing party;
8 (4) the judgment is void;
9 (5) the judgment has been satisfied, released, or discharged; it is based on an earlier
10 judgment that has been reversed or vacated; or applying it prospectively is no longer
11 equitable; or
12 (6) Any other reason that justifies relief.

13
14 **IT IS HEREBY ORDERED** Plaintiff's Request for transport and/or appearance via telephone
15 of video conference shall be DENIED as MOOT.

16
17 **IT IS HEREBY ORDERED** the hearing date of November 29, 2023 shall be VACATED.

18
19 Dated this 31st day of October, 2023

20 

21 **C21 438 EEB1 2D41**
22 **Nadia Krall**
23 **District Court Judge**

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 **Matthew Houston, Plaintiff(s)** | **CASE NO: A-22-858580-C**
7 **vs.** | **DEPT. NO. Department 4**
8 **Daniel Schwartz, Defendant(s)**

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Notice of Entry of Order was served via the court's electronic eFile
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14 **Service Date: 11/1/2023**

15 **Daniel Schwartz** **daniel.schwartz@lewisbrisbois.com**
16 **Josh Aicklen** **josh.aicklen@lewisbrisbois.com**
17 **Misty Pettiford** **misty.pettiford@lewisbrisbois.com**
18 **Nancy Alarcon** **nancy.alarcon@lewisbrisbois.com**

19
20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 11/2/2023

23 **Matthew Houston** **#1210652**
24 **HDSP**
25 **P.O. Box 650**
26 **Indian Springs, NV, 89070**

Andrew J. Linn
CLERK OF THE COURT

1 DMND

2 REV. MATTHEW TRAVIS HOUSTON, CHTD
3 ABA Member ID No. 04662784, NDOC No. 1210652
4 HDSP - Po Box 650
5 22010 Cold Creek Road
6 Indian Springs, NV
7 89070-0650

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 MATTHEW TRAVIS HOUSTON,
11 Plaintiff/Plaintiff-in-Error
12 and Petitioner-Appellant,
13 v.

14 MANDALAY BAY CORP. ET AL,
15 THE STATE OF NEVADA ET AL,
16 THE STATE OF NEVADA ET AL,
17 CALVIN JOHNSON ET AL,
18 BRIAN P. CLARK,
19 DANIEL L. SCHWARTZ,
20 DIANE FERRANTE ET AL,
21 BERNSTEIN & POISSON, LLP,
22 STATE BAR OF NEVADA ET AL,
23 JOSEPH M. LOMBARDO ET AL,
24 ALEXIS M. DUECKER ET AL,
25 Defendants / Respondents /
26 Appellees.

Case No. A-17-758861-C
Dept. 29
Case No. A-19-800219-W
Dept. 19
Case No. A-19-800402-W
Dept. 19
Case No. A-22-853203-W
Dept. 17
Case No. A-22-856372-C
Dept. 20
Case No. A-22-858580-C
Dept. 4
Case No. A-22-859815-C
Dept. 24
Case No. A-22-859817-C
Dept. 14
Case No. A-22-862155-C
Dept. 27
Case No. A-23-865442-C
Dept. 7
Case No. A-23-875418-C
Dept. 6

"JURY TRIALS DEMANDED"

*Please take notice that the RENEWED LIST
OF PARTIES shall suffice as a LIST OF WITNESSES

EMERGENCY MOTION AND EX PARTE

DEMAND FOR APPOINTMENT OF DISCOVERY COMMISSIONERS IN ALL
CASES OF THE PLAINTIFF: HEARING REQUESTED"
MATTHEW TRAVIS HOUSTON
"ORAL ARGUMENT REQUESTED"

Plaintiff moves this Honorable Court for the expeditious appointments
pursuant to NRCP Rule 16.3 Discovery Commissioners; See Exhibit(s):

RECEIVED
OCT 31 2023
CLERK OF THE COURT

STATEMENT OF FACTS: Kidnapped from his home in

1. Iowa City, Iowa -

2 On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter "Petitioner-Appellant")
3 was abducted from his hotel room at the Best Western located at [REDACTED] 3041
4 St. Rose Parkway in Henderson, Nevada, as he was not served with any sort of
5 SUMMONS or WARRANT, nor was told or read that he had any kind of rights. This
6 false arrest prevented Petitioner-Appellant from attending his appointment the very
7 next day at Nevada Retina Specialists, with Dr. Tyson Ward on July 15, 2021, while
8 this continued imprisonment of his person also prevented him from attending his medical
9 disability rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
10 of which had been scheduled by the abductors, SEDAWICK's Dianne Ferrante, and her
11 alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.

12 The Petitioner-Appellant's attempt at release from CDSL was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J.
14 Wood aka Bernard Little, provided misinformation regarding the lack of a directly related "City Jail
15 Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a
16 potential release from custody, that he "did not see a detainer hold" - when, in fact, there was.
17 This coercion of the client by his previous representation created a second double-jeopardy -
18 in LAS VEGAS MUNICIPAL COURT #1248384A + #C1237802A; with the first being by J. Wood

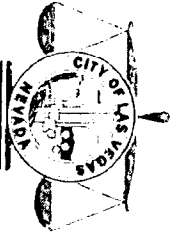
19. in the EIGHTH JUDICIAL DISTRICT COURT Z1-CR-019840 + Z1-CR-033713. A. Goldstein ^{Both APOD LAW, PLLC and} NEVER visited
20. Mr. Houston. These traumatic events are a cruel and unusual punishment being inflicted upon an abused
21 and innocent man, who was forced into an involuntary relocation, with unnecessary hardships

22 causing the eviction of his law office located at 435 South Linn Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).

24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDAWICK and the prosecutions' most unlawful use
26 of overreaching tactics in their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration.

28 ///

NEWLY DISCOVERED EVIDENCE
RECEIVED SEPTEMBER 26TH, 2023!



CITY OF LAS VEGAS
MUNICIPAL COURT

PRE-TRIAL SERVICES

P.O. Box 3920
Las Vegas, NV 89127-3920
702.258.0047

149 000000 69070 [Barcode]

409

Physical Location:

Las Vegas Municipal Court
100 E. Clark Ave.
Las Vegas, NV 89101

Mailing Address:

Las Vegas Municipal Court
P.O. Box 3950
Las Vegas, NV 89127

September 20, 2023

HOUSTON, MATTHEW T. / Prisoner ID #: 1210652
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

DEFENDANT NAME: «HOUSTON, MATTHEW T.» / PRISONER ID #: «» SCOPE ID NUMBER: 1210652
HISTORY NUMBER: 100359231
CASE NUMBER(S): C1237802 Open | C1177330 Closed | C1248384 Open

PLEASE READ THE CHECKED ITEMS BELOW IN RESPONSE TO YOUR CORRESPONDENCE.

This office is in receipt of correspondence from the defendant listed above and:

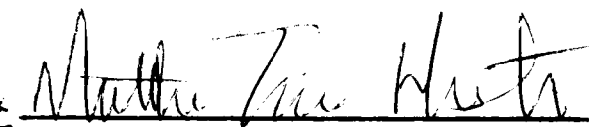
- There are no active charges within the City of Las Vegas. However, charges may be pending with the Clark County Justice Court, Clark County District Court, or with other agencies such as Parole and Probation, North Las Vegas, or Henderson.
- Per Judicial Review, you have been granted *Credit Time Served* on case numbers _____
- This office is in receipt of your duplicate request. Please allow 30-60 days for processing. You will be notified once a Judge has made a decision on your case. Thank you for your patience.
- Due to legislative changes, your case(s) have been converted to a Civil infraction and are no longer a criminal matter. All warrants for the following case(s) have been cleared. Please see attached document for resolution options.
- The court has received your NOT GUILTY PLEA. Unfortunately, the court cannot proceed with your case until you are either in custody with the City of Las Vegas or out of custody. Your plea(s) will be accepted once those criteria are met. If you decide to change your plea to nolo contendere or guilty, please send a letter requesting plea forms. If you choose to maintain your NOT GUILTY PLEA the court will see you as outlined above.
- There are active misdemeanor charges in our jurisdiction, however, extradition has been declined. Our warrant(s) will remain active in Clark County, Nevada only. You may wish to resolve your warrants upon release from custody.
- REQUEST DENIED. You may resubmit your request when the following requirements have been met:
 1. You have been sentenced
 2. You have been in custody for at least 30 days
- REQUEST DENIED. No hearing date is available before your release date.
- REQUEST DENIED. Your request has been denied per Judicial Review.

1 Not at any time did Mr. Houston harass, threaten,
2 extort, or "aggravated stalking" any of the parties
3 involved with any of his cases, neither did he
4 act aggressively towards any other individual,
5 business or entity. It is in fact Mr. Houston
6 who is the victim of crime, and his suffering from *BATTERED
7 PERSONS SYNDROME* is the causation-in-fact of his disjointed pleadings.

8 CONCLUSION OF LAW

9 WHEREFORE, the Plaintiff / Petitioner - Appellant /
10 Plaintiff-in-Error, Matthew Travis Houston, should
11 be granted expeditious relief in his meritorious
12 intervention and joinder of appeal and other
13 extraordinary writs including but not limited to his
14 amended complaint(s), his supplemental complaints and
15 this Motion For Injunctive Relief. Appointment of the
16 Discovery Commissioners in all cases of the Plaintiff is
17 necessary to prevent further manifest justice.

18
19 DATED: October 21, 2023.

20 
21 REV. MATTHEW TRAVIS HOUSTON, LTD
22 ABA Member ID No. 04662784

23 ADA DISCLAIMER IS AS FOLLOWS:

24 *Due to the fact that Mr. Houston is in fact
25 legally-blind / visually impaired, he respectfully requests
26 that this Court honor his accommodations for that of
27 communication via PICTURES AND/OR ILLUSTRATIONS
28 in an elaboration of accuracy towards the manifestation
of justice and reparations in his BRANDEIS BRIEF:

EXHIBIT "A"

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Rev. Matthew Travis Houston, ^{Contd.} I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT #: 4C9

EJOC Case No. #
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

To: JOSUA G. GRAINER, October 09, 2023

Looks like I want be getting out until 2025-2026.

They didn't grant me parole because they're being

manipulated. My next court dates are for 2023:

October 10, 2023 - Case # A-23-865442-C dept. #7 Danielle Chio

October 11, 2023 A-22-862155-C dept. #27 Nancy Allif

October 12, 2023 A-17-758861-C dept. #29 Jacob A. Reynolds

October 24, 2023 habeas A-22-853203-W dept #17 Jennifer L.G. Schwartz

October 26, 2023 A-22-862155-C dept #27 Nancy Allif

November 01, 2023 A-22-862155-C dept #27 Nancy Allif

I need you to find me a POWER OF ATTORNEY here in Nevada, and from my account, retain LISA BASMUSSEN, ESQ

P: (702) 222-0007 550 E. Charleston Blvd. Las Vegas, NV 89104 for her to

do work on my habeas and appeals. She should do the P.O.A.

too. Or try ESPERANZA & GARCIA @ (702) 868-7849.

Or please try Ozzy Fumo & Pitarro, C/ld 1130 E. Desert Inn Rd. P. (702) -474-7554 601 S. Lv Blvd. Lv. NV 89109 LV, NV 89101

Original: Attached to Grievance

Pink: Inmate's Copy → Mailed to LIST of witnesses, as of 10.17.

2023, additional hearings have been scheduled for November 06, 2023, November 07, 2023, and November 14, 2023.

this is the important case I need Lisa for

EXHIBIT "B"

EMERGENCY LETTER OF MOTION FOR INJUNCTIVE RELIEF,
EXPEDITIOUS COMRADERY, REINFORCEMENTS OF STANDBY COUNSEL AND
EX PARTE NEVADA DEPARTMENT OF CORRECTIONS

GRIEVANT'S STATEMENT CONTINUATION FORM PURSUANT TO
NRCF 59B + NRCF 60B " HEARING REQUESTED "

NAME: REV. MATTHEW TRAVIS HOUSTON, ^{Chrch} I.D. NUMBER: 1210652

INSTITUTION: HIGH DESERT STATE PRISON UNIT #: 4C9

EJDC Case No A-17-758861-C

GRIEVANCE #: A-22-862155-C GRIEVANCE LEVEL: exhausted

FOR MS. LISA R.: A-22-253203-W

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

TO: JOSHUA G. GRAINER + LIST OF EXPERT WITNESSES

CC.: DISCOVERY COMMISSIONER + COURT ADMINISTRATION

- BLESSED ON THIS 15TH DAY OF OCTOBER, 2023 -

Thank you Your Honor Nancy Alf for your unbiased
and courteous continuance to Nov. 08, 2023, from this
last Oct. 11, 2023. As I am actually innocent, the pain
and suffering of my situation is unberable, especially as
the slanderous libel committed by the defendants at the
last hearing was premature and unprofessional to say the
least. I have been permanently totally disabled for over
7 years now; and if we could please obtain intervention
from the DISCOVERY COMMISSIONER, and also STANDBY
COUNSEL; LISA RASMUSSEN, ESQ @ 702-222-0007
550 E. Charleston Blvd. Suite A - Las Vegas, NV - 89104 -
than the damages inflicted upon your plaintiff shall be
lessened and the expeditious manifestation of justice will

renew, to benefit not only Mr. Houston, but our town
Original: Attached to Grievance - as well. See y'all soon.

Pink: Inmate's Copy (mailed to LIST of witnesses,
J. Grainer, G. Wassum et al) As of today our

next court dates are 10.24.2023 w/ THE HON. JENNIFER
LG SCHWARTZ, and also 10.24.2023 + 10.26.2023 + 11.01.2023 +
11.08.2023 here in Depart ⁹⁷⁶ + 27. \$300.00 DOC-3097 (01/02)
is due to the office of LISA RASMUSSEN, ESQ.

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EX PARTE EMERGENCY DECLARATION OF THE INNOCENT MAN +
NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

Upon this 20th day of October, 2023, I am asking that the Law Clerks double check to make sure that my previous supplement is/was also assigned its own # because it's a SUPPLEMENT MANDAMUS. The only proof that I have is my DOC-509 Pink Inmate copy No. 2676536, as I've not yet received my DOC-3012 from the HOSP MAILROOM. Also I did not have my additional case numbers. So the SUPP. PET. MAND. should also be entered as a supplement in all cases: Houston v. Ferrante et al #87444, Houston v. ~~State~~ Lombardo et al # 86624, # 87446, Houston v. Mandalay et al # 86764-COA, Houston v. Johnson et al # 87402, # 87443, Houston v. Schwartz # 87003, Houston v. Bernstein et al # 87005, # 87445. And somehow we need to get this entered into #84281, 84886, 86041, and 86103. Thanks again, -M.T.H.

Original: Attached to Grievance
Pink: Inmate's Copy

EX PARTE EMERGENCY DECLARATION OF THE INNOCENT MAN AND
NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 4

Upon this most blessed day of October 19, 2023,

To: Law clerks of the SUPREME COURT OF NEVADA

and the NEVADA COURT OF APPEALS

How is this actually and factually innocent person

supposed to be able to properly file his PETITION

FOR REHEARING EN BANC without being provided the

transcripts for his cases? The erroneous closing of

No. 84886-COA and No. 85747-COA can only be

attributed to the continued abuse of discretion and

other dereliction in the duties of the judiciary of the

STATE OF NEVADA ET AL. Please include this page

into the new and ALL open cases of MATTHEW TRAVIS

HOUSTON (and I would appreciate a file-stamped copy

returned so that I may properly "serve" the criminals

who put me here, and aren't letting me out for no

other reason than their continued committing of crime, x.

Original: Attached to Grievance

Pink: Inmate's Copy



Fiore will be Nye's new JP

How the controversial appointment to the bench came to be

By Robin Hebrock
Pahrump Valley Times

More than four months after the death of Pahrump Justice of the Peace Kent Jasperson, his vacant seat has finally been filled, with Nye County commissioners opting this week to appoint

former Nevada Assemblywoman and former Las Vegas Councilwoman Michele Fiore to the position.

While the decision may have been a unanimous one for commissioners, it split the community.

Some members of the public applauded the choice

as others questioned why commissioners appointed the controversial figure.

Fiore is a fervent supporter of former President Donald Trump, and was involved in multiple scandals throughout her tenure on the Las Vegas council. Her



Screenshot

New JP Michele Fiore addresses the county commission Dec. 20.

APPOINTMENT | A5

MATTHEW TRAVIS HOUSTON
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV 89070

#1210652

Matthew Houston #1210652
PO Box 650
Indian Springs, NV 89070

PAHRUMP VALLEY TIMES Friday, December 23, 2022

pvtimes.com

Appointment

Continued from Page A1

home was raided by the FBI last year as part of a campaign finance violation investigation, although she has said the claims were "made up" and that she cooperated with investigators.

A 2019 Review-Journal investigation found that Fiore had a history of unreported taxes and business problems. She has denied wrongdoing. Fiore also registered to vote in Nye County just weeks ago and says she purchased land here this summer.

Fiore will assume the bench and preside over cases in Pahrump Justice Court, Department B for the next two years.

How it happened

The process of her appointment was a lengthy one, taking nearly four hours during the Nye County Commission's Dec. 20 meeting but stretching back for more than a month before that.

A pool of 18 applicants were up for consideration following the withdrawal of commissioner Leo Blundo and former Inyo County Sheriff William Lutze and with so many to choose from, the commission utilized a scoring matrix to assist with determining who would ultimately earn the appointment.

All of the applicants were given a chance to speak for two minutes before undertaking a series of questions from the board, during which commissioners recorded their scores. After each applicant had their say, the scores were tallied and the top three contenders were announced.

Making it to the final three were Fiore, current Nye County Republican Central Committee Chair Bill



Special to the Pahrump Valley Times

The Nye County Commission voted 5-0 to appoint former Nevada Assemblywoman and Las Vegas City Councilwoman Michele Fiore as a Pahrump justice of the peace.

Carns and current pro-tem judge Michael Foley, who had been acting as justice of the peace in Judge Jaspersen's old courtroom for the past month.

The trio were then requested by the board, after which commissioner Donna Cox made the motion to appoint Fiore, whom, Cox noted, had received a personal endorsement from former president Trump.

"Michele Fiore is an outstanding and wonderful woman whom I have known for a long while and she would make an absolutely fantastic justice of the peace," Cox quoted from Trump's letter of endorsement. "That speaks very loudly and it was an honor to receive this," she added.

Nye County Commissioner Debra Strickland offered a second on the motion and brief round of discussion was had before commission chair Frank Carbone, who remarked that he would have preferred to appoint Foley, called for the question. The motion passed 5-0.

"I'm a former assemblywoman for two terms and four special sessions. I sat on the judiciary (committee) for both terms. I wrote 119 pieces of legislation that are now in the NRSs (Nevada Revised Statutes)," Fiore told the board dur-

ing her two-minute presentation. "I have sat on the Las Vegas City Council for the past five years and the experience that I have sitting there, listening to folks that come before us, is the experience of a servant leader."

As to her eligibility to hold the Pahrump justice of the peace seat, which was questioned by certain members of the public, Fiore remarked that she had purchased land locally in June and she was currently renting a home from another former Nevada Assembly member, Ed Goedhart.

"So I am a qualified elector as of mid-November, the exact date was Nov. 15," Fiore explained. "And I am very excited to be a Pahrump girl."

Another controversial topic was broached during Fiore's interview before the board, that of guns in facilities housing the courts.

The Nye County Commission has been at loggerheads with the Fifth Judicial District Court over the issue of weapons being carried in the county government complexes, where the district court's courtrooms are located. Commissioner

Neighbors caring for neighbors.

Matthew Houston #1210652
PO Box 650
Indian Springs, NV 89070

MATTHEW TRAVIS HOUSTON #1210652
P.O. BOX 650
INDIAN SPRINGS, NV 89070

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Bruce Jabbour, who brought that argument to a head last year, made it clear that the battle was not about carrying guns in the actual courtrooms, but within other areas of the county-owned buildings.

Fiore said she was a firm backer of Second Amendment rights and she didn't see an issue with having firearms in the government complexes, or even in the courtrooms themselves. "I believe an armed society is a polite society. So I think firearms should be anywhere a person is... If I'm sitting on that bench and I have my firearm, as I have it with me today, and someone is stupid enough to pull theirs, if we do have a gun battle, I will probably win. So I am cool with you bringing a gun into the courtroom," Fiore asserted. "If you're silly enough to challenge me, then you are just plain silly."

Fiore also noted that she is currently studying law, with the intention of taking the bar examination by the end of her term of appointment.

"I'm very excited to go forth with the process and actually get to work to get our backlog cleaned up and to work with our pro-tem Mike Foley," she stated.

Fiore's appointment will expire in January, 2025 when the winner of the 2024 general election takes office. Fiore said she absolutely intends to run for formal election to the justice of the peace seat during the next election cycle.

Anyone interested in viewing the meeting can do so by visiting www.NyeCountyNV.gov

Contact reporter Robin Hebrock at rhebrock@pvtimes.com

Matthew Houston #1210652
PO Box 650
Indian Springs, NV 89070

27 inmates on hunger strike at state

'Abusive, violent conditions' cited as cause

By Brett Clarkson
Special to the Pahrump Valley Times

More than two dozen prisoners are on a hunger strike at a Nevada state prison over what they say are abusive and violent conditions there, among other complaints.

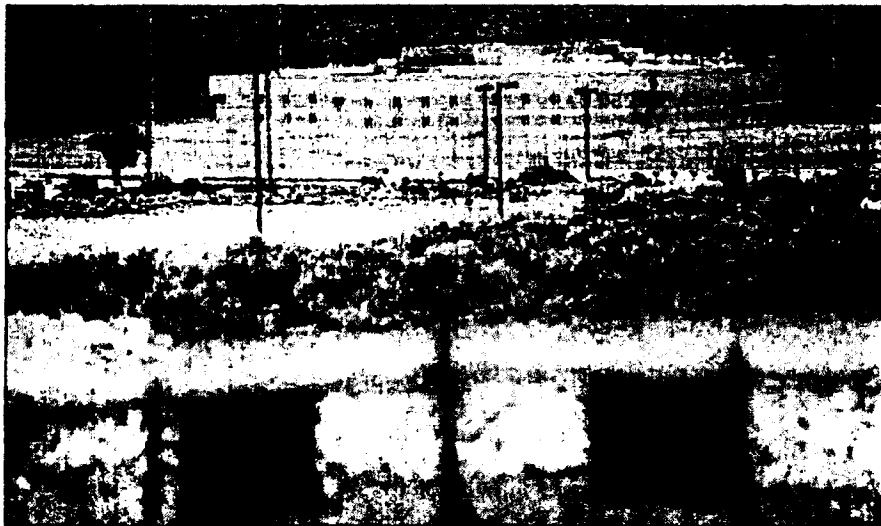
Twenty-seven inmates at Ely State Prison were hunger striking as of Monday, according to a statement issued that afternoon by the department's acting spokesperson, W.C. "Bill" Quenga.

The hunger strike began last Thursday and originally included 39 prisoners, Quenga said.

Ely, about 250 miles north of Las Vegas, is home to Nevada's men's death row. The Department of Corrections' website says it is the state's "designated maximum-security prison" and has "406 employee positions" with a capacity of 1,183 inmates.

"They are currently participating in a peaceful protest regarding the conditions of their confinement," said the statement from Return Strong and its executive director, Jodi Hocking.

"I think people are just really at their breaking point," Hocking said in an interview. "Ely's always



Chase Stevens/Las Vegas Review-Journal file photo

Ely State Prison is a maximum security facility located about 250 miles north of Las Vegas, and is home to Nevada's men's death row.

been bad."

A hunger strike refers to the practice of refusing food in protest, and has been used throughout history by women demanding the right to vote, Mahatma Gandhi, and Irish Republican Army members in Northern Ireland, among others.

List of demands

Return Strong listed the prisoners' demands:

- End solitary confinement and lockdowns.

- End what prisoners allege is violence by correctional staff at Ely and other state prisons against inmates.

- End what they say is group punishment including indefinite lockdowns.

- Stop interfering with prisoners' abilities to file grievances in connection with their prison experiences.

- Give prisoners nutritious food.

- Address safety concerns like mold, heating and air conditioning issues, and rodent infestations, among other things.

- Convene a group of stakeholders to "provide immediate oversight into the conditions in all Nevada prisons, correctional centers and camps."

According to Return Strong, the inmates are "participating in a peaceful protest" to get their demands met.

They say that since the pandemic, prisoners have been subjected to a variety of lockdowns for reasons both legitimate and not. The extended isolation, which deprives the prisoners of socialization and religious services, had led to an "increase in mental health issues, aggression, violence, and suicides," Return Strong said.

"What's happening at Ely and

Oct 7, 2022 PAHRUMP VALLEY TIMES

prison

what's been initiated at Ely is the tip of the iceberg," Hocking said, adding that other state facilities like Florence McClure Women's Correctional Center and High Desert State Prison are "absolutely horrendous."

As well, the group alleged that inmates at Ely are assaulted by corrections workers in a room that operates outside of oversight.

"For years, there have been reports of physical attacks by staff on prisoners that take place in a room that does not have cameras available," Return Strong said in its statement. "This 'beat up room' has been common knowledge."

Acknowledging issues

For its part, the Department of Corrections acknowledged some of the reasons why the prisoners are hunger striking.

"The strike began Dec. 1, 2022, mostly in protest of the food portions being served but also includes conditions of confinement, property issues and disciplinary sanctions," Quenga's statement said.

Quenga added that the number of hunger strikers changes daily because some of the strikers will refuse food one day and then eat the next.

Food is made available every day to the hunger strikers, Quenga said.

But he added that Nevada prison officials are looking at the portion sizes distributed to the inmates for their daily meals.

"The NDOC is auditing portion sizes at all facilities throughout the state and reviewing the contract with the current food vendor. Additional complaints are also under review," Quenga said.

The hunger striking prisoners are "being monitored for weight and other health-related statistics," he said.

History of problems

A recent series of high-profile crises has roiled Nevada's Department of Corrections.

In September, convicted 2007 Luxor bomber Porfirio Duarte-Herrera, 42, escaped and was lining up at a Las Vegas shuttle bus company for a trip to the Mexican border when Metro officers, acting on a tip, took him back into custody.

In the fallout, Gov. Steve Sisolak issued a statement blasting prison officials for what he said was their "unacceptable" handling of the escape. The department's director at the time, Charles Daniels, resigned a week later. Daniels later demanded \$1 million from the state and said he'd filed a whistleblower complaint.

Also in September, the department's medical director resigned less than a week after two inmates died by suicide at High Desert State Prison.

In October, High Desert inmate Andrew Hilford pleaded guilty and was sentenced to life for stabbing his cellmate, Isaiah Sharp, 21, in March 2021, less than a month before Sharp was to be released. Sharp's family had filed a lawsuit in July 2022 accusing the department of placing the two men in a cell together after Hilford "previously threatened harm against anyone placed in his cell."

In his statement, Quenga said the department "takes seriously the health and welfare of the offenders in its custody and is working to resolve this matter," he said.

Asked if she believes the Department of Corrections' statement, Hocking said she doesn't.

"That's a publicity response," Hocking said. "I don't think that is the case at all."

Contact Brett Clarkson at bclarkson@reviewjournal.com. Follow @BrettClarkson on Twitter.

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KILLING MACHINE

DID NEVADA'S INNOVATIVE
GAS CHAMBER INSPIRE HITLER?

BY SCOTT CHRISTIANSON

On February 8, 1924, in a stone-and-concrete shack that for 40 years had served as the Nevada state prison's barbershop, a Chinese immigrant and convicted killer named Gee Jon became the first person ever executed in a gas chamber. Inside the sealed room two wooden chairs with armrests had been positioned a few feet apart—Gee's accomplice had also been scheduled to die but received a commutation. In front of and between the chairs stood a small metal device that would spray hydrocyanic acid, commercially known as cyanogen. A state spokesman insisted one deep breath by the condemned man would paralyze his lungs, displace the oxygen in his body and cause instant and painless death. Witnesses would be spared any painful outcries.

Prior to the execution, the warden staged a rehearsal with a stray white cat and two kittens. He estimated the cats died within 15 seconds. The test revealed a small leak, which was quickly patched to avert the poisoning of witnesses or staff.

It appeared Gee needed about six minutes to die, though the gas clouding the windows made it difficult to see inside. The warden pronounced the method "a wonderful and humane way of execution." Unlike hanging (by which an inmate might suffer for up to 15 minutes), electrocution (which could take three or four jolts) or a firing squad (which sometimes didn't cause instant death), gas first produced unconsciousness. The state's largest newspaper, the *Nevada State Journal*, began its coverage by pronouncing, "Nevada's novel death law is upheld by the highest court—humanity."

Eighteen days after Gee's death, in Munich, a right-wing radical named Adolf Hitler went on trial for his role in the failed Beer Hall Putsch. The previous year U.S. newspapers had reported on Hitler's extraordinary ability to sway crowds and his deep hatred of Jews, Communists, Bolsheviks and liberals, as well as his embrace of the trappings of fascism that had been introduced in 1922 by Italy's Benito Mussolini.

One of Hitler's friends who visited

him in jail and kept him abreast of developments in the U.S. was Ernst "Putzi" Hanfstaengl, a six-foot-four German American patrician graduate of Harvard and descendent of a Union army general who had helped carry Abraham Lincoln's coffin. When Hanfstaengl wasn't entertaining his friend with his piano playing, he stimulated Hitler's imagination with stirring accounts of skyscrapers, gangsters and college football chants. He also translated and read aloud from British and U.S. newspapers. Hitler had been gassed

and temporarily blinded while serving on the front during World War I, so he already knew gas was an ugly, painful and unpredictable weapon, and he disdained its use in battle. He would have been interested to learn about what the Americans had done in Nevada.

After being convicted and receiving a five-year sentence, Hitler began composing his own political creed, which he first titled *Eine Abrechnung* (Settling Accounts) but later changed to *Mein Kampf* (My Struggle). He wrote, "If at the beginning of the war and during the war, 12 or 15,000 of these Hebrew corrupters of the people had been held under poison gas, as happened to



Gee Jon

hundreds of thousands of our very best German workers in the field, the sacrifice of millions at the front would not have been in vain." Decades later Lucy Dawidowicz, a historian of the Holocaust, wrote, "Did the idea of the final solution originate in this passage, germinating in Hitler's subconscious for some 15 years before it was to sprout into practical reality?"

Another biographer observed, "Hitler's concept of concentration camps as well as the practicality of genocide owed, so he claimed, to his studies of English and U.S. history. He admired the camps for Boer prisoners in South Africa and for the Indians in the Wild West, and he often praised to his inner circle the efficiency of America's extermination—by starvation and uneven combat—of the red savages who could not be tamed by captivity." Hitler learned about the American enslavement

of blacks and Jim Crow laws enforcing racial segregation, about the shipment of Native Americans to faraway prisons via boxcars and recent court rulings

National Origins Act, which called for eugenic quotas."

Historians have not yet turned up direct evidence that Hitler's thinking was influenced by the first successful use of the gas chamber, but the event was in the headlines during his trial, imprisonment and the writing of *Mein Kampf*. At the same time, delegations of German officials, criminologists and legal scholars were touring the American penal system, inspecting prison conditions and methods of punishment. These visits were also widely reported in Germany and most certainly read by executives at certain chemical companies. After all, cyanide was their business.

The Nevada gas chamber.



upholding the involuntary sterilization of the unfit. Yet another historian noted that *Mein Kampf* displayed Hitler's "keen familiarity with the recently passed U.S.

Scott Christianson is author of *The Last Gasp: The Rise and Fall of the American Gas Chamber*, published this month by the University of California Press.

DOES THE FIRST AMENDMENT PROTECT LAST WORDS?

That is the question posed in a 2001 law review article by Kevin Francis O'Neill, who was the lead counsel in a suit filed by the ACLU to prevent Ohio wardens from removing "offensive" language from the final statements of condemned prisoners. O'Neill notes that the Anglo-Saxon tradition of last words dates back to at least 1388; even accused witches and slaves were given the opportunity. Today, some states allow last words to be uttered only out of earshot of witnesses, while Texas gives its condemned an open microphone. Here are memorable examples of inmates exercising their right to free speech one final time. For more, see Robert Elder's new book, *Last Words of the Executed* (University of Chicago Press).

"You motherfuckers haven't paid any attention to anything I've said in the last 22 and a half years; why would anyone pay any attention to anything I've had to say now?"—Richard Cooney II (Ohio, 2008), when asked if he'd like to make a statement

"Give my apologies to the families of the victims."—Arthur Bishop (Utah, 1988)

"Let Mama know I still love her."—Cornelius Singleton (Alabama, 1992)

"Being born black was against me."—John Young (Georgia, 1985)

"I am innocent of this crime."—Eugene Perry (Arkansas, 1997)

"I forgive all who have taken part in any way in my death."—Ronald O'Bryan (Texas, 1984)

"The act I committed to put me here was not just

heinous, it was senseless. But the person that committed that act is no longer here."—Napoleon Beazley (Texas, 2002)

"I'd rather be fishing."—Jimmy Glass (Louisiana, 1987)

Silently flipped off witnesses as gas billowed around him.—Donald Harding (Arizona, 1992)

"I can't imagine losing two children. If I was y'all, I would have killed me."—Dennis Dowthitt (Texas, 2001)

"You are about to witness the damaging effect electricity has on Wood."—Frederick Wood (New York, 1963)

"Living has been hard, and now it's time to die."—Johnny Taylor Jr (Louisiana, 1984)

"Freedom at last, man."—John Rook (North Carolina, 1985)

"You doing that right?"—Stanley "Tookie" Williams (California, 2005), founder of the Crips street gang, after a nurse took 10 minutes to insert the needle

"Hurrah for anarchy!"—the Haymarket defendants (Chicago, 1887), in unison

"God, you're a dirty son of a bitch, because I'm innocent."—Robert Pierce (California, 1956)

"I'm human! I'm human!"—David Lawson (North Carolina, 1994), screaming to be heard through the thick glass separating him from witnesses. Lawson had asked that his execution be televised.

Exhibit "G"

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 4

GREETINGS TO THE CLERKS ON THIS OCTOBER 19, 2023:

The attached motion title is to be filed as,
"EMERGENCY MOTION AND EX PARTE DEMAND FOR
APPOINTMENT OF DISCOVERY COMMISSIONERS IN ALL
CASES OF THE PLAINTIFF, MATTHEW TRAVIS HOUSTON"

Def: Obviously, it is imperative that this is filed into ALL :
Mandalay Bay Corp. et al Case No: A-17-758861-C

The State of Nevada et al A-19-800214-W

The State of Nevada et al A-19-800402-W

Calvin Johnson et al A-22-853203-W

Brian P. Clark A-22-856372-C

Daniel L. Schwartz A-22-858580-C

Diane Ferrante et al A-22-859815-C

Bernstein & Poisson, LLP et al A-22-859817-C

State Bar of Nevada et al A-22-862155-C

Joseph M. Lombardo et al A-23-865442-C

Alexis M. Duecker et al A-23-875418-C:

Original: Attached to Grievance
Pink: Inmate's Copy

P.S. Con the Clerks)

please retain the pink copy to
provide to the bailiff? I would like to use
that copy for my speech. Next hearing
on 10.24.2023. ⁹⁸⁷ Thank y'all-

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 4

So, I hate to bring politics into our relationship, but the
LV REVIEW JOURNAL on October 05, 2023, says TRUMP got
mad and talked smack to a clerk or something? Well
I'm just using the example, because I am an actually
innocent human being, and I LOVE YOU. Whomever is
doing a fantastic job at filing my stuff for me, thank
y'all very mucho (oo). So far my next physical date is
for October 24, 2023, and I can't hit on THE Hon.
JENNIFER L.G. SCHWARTZ because she's married. Look y'all,
I'm retired and I'm a simple guy from Iowa, Seattle,
and Louisiana, and I've been in solitary confinement
for over 2 years now for no good reason. Really I've
been in solitary since September 30, 2016, when I fell
45' feet and died. This letter of motion is to be
filed as Exhibit "G" for GOOD, because I am a good
person, I'm innocent, and I'm not an aggravated stalker.

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 4

I have never stalked anybody in my life, especially not an African American who calls herself ROSEMARIE MC MORRIS-ALEXANDER, or whatever. Proof that she is doing nothing but making more false police reports is that she is doing just that... Her lies are the causation-in-fact for the denial of my parole. So, I am not even aggravated anymore and if the Court can do anything to help accommodate my disability for the EVIDENTIARY HEARING on October 24, 2023, they could please contact the Court's disability advocate. I have about 2,500 witnesses, and a million affidavits from my music biz to get filed. Could y'all please let me know, in the whole history of the ESDC have they ever overturned a fraudulent conviction like mine? Has the Governor here ever actually pardoned anybody? We need to know these things, for the times they are a changin', plus I can't be wasting

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 4C9

GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: exhausted

GRIEVANT'S STATEMENT CONTINUATION: PG. 4 OF 4

my own or the courts time on October 24, 2023. And what up with Michael Cherry? He didn't know that he's a defendant in my cases? why's he think that the ACLU gonna help me? For one, I'm white. The ACLU doesn't advocate for white people anymore, which is extremely unfortunate to this America place, or whatever Clark's county has become. Judge Schwartz has to at least contact LISA RASMUSSEN to authorize a POWER OF ATTORNEY so I can get commissary, if nothing else gets accomplished. I'm asking you, my most awesome clerk, could you help me with that? As I've been kidnapped from Iowa, my out of state people are slacking. Please help this framed citizen... please help this innocent man. If you are single, than I'm asking you out. If this clerk is a single man, than I'll find you a date lol. See y'all soon.

Original: Attached to Grievance
Pink: Inmate's Copy

MATTHEW TRAVIS HOUSTON,
Plaintiff-Petitioner
V.
BRIAN E. WILLIAMS ET AL,
Defendants.

Case No. 2:23-cv-01349-JAD-BNW
Emergency Interpleadings To The
Supreme Court of the United States, Motion For
Reconsideration, And Notice of Exhaustion of
State Remedies

1 REV. MATTHEW TRAVIS HOUSTON, CHTD
2 ABA No. 04662784 - NDOC No. 1210652
3 22010 Cold Creek Rd - Po Box 650
4 Indian Springs, NV 89070
P: (702) 874-6789 C HO SP
C: (714) 916-7431
P: (610) 762-4143

5. SEE ALL CASES OF PLAINTIFF IN UNITED STATES DISTRICT COURT, DISTRICT OF IOWA,
6. DISTRICT OF COLORADO AND DISTRICT OF NEVADA. Case No. ~~2:22-cv-01607-DWA-CSD~~

SEE Case No. ~~2:23-cv-00031-RFB-DJA~~
SEE

8 MATTHEW TRAVIS HOUSTON,
Plaintiff -
9 Petitioner - Appellant
10 V. JOSEPH M. LAMBARA;
"ACTING WARDEN" JEREMY BEAN;
11 CALVIN JOHNSON, ET AL
Defendant(s) -
Respondant(s) - Appellee(s)

Case No. ~~2:22-cv-01285-MMD-VCF~~
→ RENEWED
EMERGENCY SUPPLEMENT AND
EX PARTE MOTION TO
REINSTATE
SCREENING / BRIEFING

12 Plaintiff moves this Court to apply the Statement of Facts
13 so that the Court will take notice of the ^{Filed} attached 'EXHIBITS'
14 i.e., interpleading(s) and enter judgement pursuant to law
15 after this 29th day of December, 2022, and May 12, 2023.
16 SEE EXHIBIT A- Appellant's Opening Brief Part III
17 EXHIBIT B- Notice of Appearance For Respondents and Response
18 EXHIBIT C- Supreme Court of Nevada interpleadings
19 EXHIBIT D- Discovery Material

20 FILED
21 (SEE ATTACHED INTERPLEADINGS) v. Matthew Travis Houston
22 REV. MATTHEW TRAVIS HOUSTON, CHTD
ABA No - 04662784

23 PLEASE TAKE NOTICE OF THE ATTACHED INTERPLEADINGS:

24 This "Honorable" Court will PLEASE TAKE NOTICE
25 that an exhaustion of state remedies is NOT necessary
26 to prevent further injustice, manifest injustice, and
27 further damages to the innocent (both factually and
28 actually) man, the Plaintiff-in-Error / Petitioner-Appellant:

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

May 17, 2022

Matthew Travis Houston
#1210652
PO Box 650
Indian Springs, NV 89070-0650

RE: Matthew Travis Houston

Dear Mr. Houston:

The above-entitled petition for writ of certiorari was postmarked May 5, 2022 and received May 16, 2022. The papers are returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended.

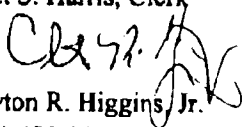
It is impossible to determine the timeliness of the petition without the lower court opinions.

No affidavit or declaration of service, specifying the names and addresses of those served, was received. Rule 29.5.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

Matthew Travis Houston

No. 1210652

H. D. S. P.

P.O. Box 650

Indian Springs, NV

89070-0650

3-D-42

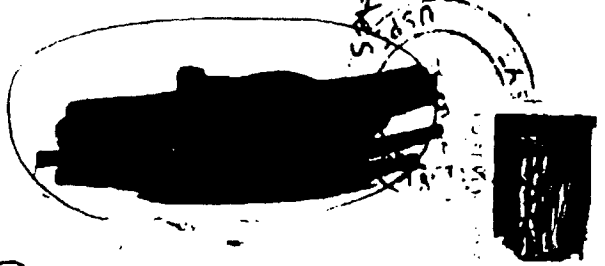


ATTN: Clerk of the Court
Supreme Court of the United States
U.S. Supreme Court Building

1 First Street N.E.
Washington, D.C.

20543

3762



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NV Bar No. 2131 (in honor of Uncle David, R.I.P bro 😊)
MATTHEW TRAVIS HOUSTON, CHFD.
No. 1210652

Supreme Court of Nevada

HOUSTON plaintiff
-v-

MGM, State of
Nevada, et al

SUPREME
COURT

FOR A WRIT OF CERTIORARI
comes now, plaintiff HOUSTON, petitioning this court
to get its heads out from under the cookoo's nest!

Supreme Court No. 84418
District Court Case No. A758861

"MOTION TO STAY THE REMITTER
PENDING APPLICATION TO THE
SUPREME COURT OF THE UNITED STATES

USPS TIME STAMPED MAY 5-2022
SUPREME COURT OF UNITED STATES STAMPED MAY 16-2022

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28

From: Matthew Travis Houston, pro se
No. 1210652
H.D.S.P.
P.O. Box 650
Indian Springs, NV 89070-0650

To: Supreme Court of the
United States
U.S. Supreme Court Building
1 First Street, N.E.
Washington, D.C. 20543
April 7th, 2022

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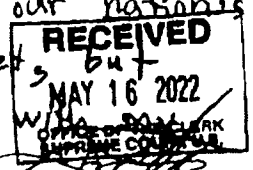
LETTER OF MOTION AND
PETITION FOR A WRIT OF ~~EXTRAORDINARY~~ CERTIORARI
IN RE CASE NUMBER A-17-758861-C OUT OF
TO THE CLERK: CLARK COUNTY, NEVADA

Could you please help me file the attached motion?

My apologies for the informality of my initial petition, but in addition to being indigent and wrongfully convicted, I became permanently totally disabled on September 30th, 2016 when I fell 40' feet and was clinically dead for days, surviving from 3 month coma and enough surgeries. I'm missing too many case numbers.

My name is Matthew Travis Houston and if I had my news article(s) from Las Vegas Review Journal they would be attached, but just google "worker falls at Mandalay Bay Resort September 30th, 2016" and something should be on youtube, or check my social media.

I just want my service dog Johnny Cash back who was stolen from me before my doctor's appointment on July 14th, 2021 by L.V.M.P.D.; and justice obviously. For any further questions in re \$; Please contact my power-of-attorney / caretaker, Lucreca Lavonna Schoenherr at (563) 321-3084 as advocacy has one direction: forward. In our nation's court, I do not have a case number yet, but anything your office can ~~do~~ to assist proceedings is appreciated.



Page One of Eight Matthew Travis Houston

EX PARTE LETTER OF MOTION

ROM ABA MEMBER No. 04662784

SEPTEMBER 17TH, 2022

1
2
3 Dearest Justice Clarence Thomas,
4 cc. Scott S. Harris & Clayton R. Higgins, Jr.
5 Sir, (s)

6
7 My name is Matthew Travis Houston,
8 and I am a fan of your writing... There
9 is only one problem and is that due to my
10 current and wrongful conviction I am currently
11 deprived of resources. Not only that but
12 I did not introduce myself as "Reverend
13 Matthew" as sir, we are in troubled times,
14 well at least I am what with my being beyond
15 over burdoned, as is the USA. Sir I am now
16 retired US Navy, and retired from other careers
17 and I feel embarrassed having to mail this
18 Petition: premature, because its not going to
19 make any sense due to the catastrophic
20 nature of my surroundings and having somehow
21 survived so much chaos of these modern
22 times of consumerism, despair and revelations...

23 Justice is never to be consumed however,
24 and during this attempt at an introduction
25 I, Reverend Matthew Travis Houston am
26 praying for your intervention sir, Mr. Justice
27 Clarence Thomas. I will greatly benefit from your
28 mentorship and leadership in rediscovering my character

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

September 28, 2022

Matthew Travis Houston
#1210652
PO Box 650
Indian Springs, NV 89070-0650

RE: Matthew Travis Houston v. Nevada, et al.

Dear Mr. Houston:

The above-entitled petition for writ of certiorari was postmarked September 18, 2022 and received September 27, 2022. The papers are returned for the following reason(s):

The notarized affidavit or declaration of indigency does not comply with Rule 39 in that question 10 is not answered.

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended.

It is impossible to determine the timeliness of the petition without the lower court opinions.

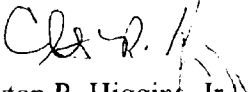
No affidavit or declaration of service, specifying the names and addresses of those served, was received. Rule 29.5.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk

By: 
Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Matthew Travis Houston — PETITIONER
(Your Name)

VS.

MANDALAY BAY CORP, ET AL — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NV
UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

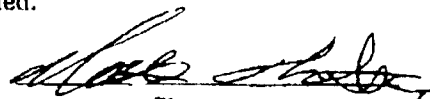
Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or

a copy of the order of appointment is appended.


(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Matthew Travis Houston, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____

Page Four of Eight

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
I haven't been able to work without suffering from L.P.T.S.P. (let alone work) since the accident on September 30, 2016. (See Mandalay Bay Resort, et al)			\$ 0
			\$ 0
			\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
n/a			\$ 0
			\$ 0
			\$ 0

4. How much cash do you and your spouse have? \$ 0
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
none	n/a	\$ 0	\$ n/a
		\$	\$
		\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

- Home Value _____
- Other real estate Value _____
- Motor Vehicle #1 Year, make & model _____ Value _____
- Motor Vehicle #2 Year, make & model _____ Value _____
- Other assets Description _____ Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>SEOGWICK</u>	<u>\$ 1 million plus</u>	\$ _____
<u>SCOTT POISSON</u>	<u>\$ 3 million plus</u>	\$ _____
<u>EMORE EVENTS SERVICES</u>	<u>\$ 1 million plus</u>	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ _____ 0	\$ <u>n/a</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ _____ 0	\$ _____
Food	\$ _____ 0	\$ _____
Clothing	\$ _____ 0	\$ _____
Laundry and dry-cleaning	\$ _____ 0	\$ _____
Medical and dental expenses	\$ _____ 0	\$ _____

Page Six of Eight

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ n/a
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 0	\$
Other: _____	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$
Installment payments		
Motor Vehicle	\$ 0	\$
Credit card(s)	\$ 0	\$
Department store(s)	\$ 0	\$
Other: _____	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify): _____	\$ 0	\$
Total monthly expenses:	\$ 0	\$

Page Seven of Eight

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? * please see

If yes, state the attorney's name, address, and telephone number:

* I will never pay an attorney again after becoming victim of legal malpractices of the State of Nevada.

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

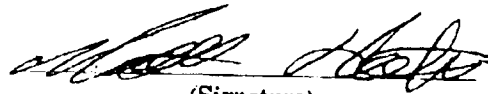
My mom and many other my friends and family will have to be compensated: Lucrecia Lavanna Schoenherr Her phone #: (563) 321-3084 1009 Cardinal Dr. Aguokete, IA 52060

12. Provide any other information that will help explain why you cannot pay the costs of this case.

The State of Nevada and events not limited to September 30th, 2016 ruined my life. If I ever prevail, the courts will be compensated pursuant to law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 7th, 2022


(Signature)

Page Eight of Eight

No.

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW TRAVIS HOUSTON -- PETITIONER
(Your Name)

VS.

THE STATE OF NEVADA -- RESPONDENT(S)
ET AL.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Supreme Court of Nevada and its Court
of Appeals and also ^{its} (the) Eighth Judicial District Court

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or

a copy of the order of appointment is appended.

Matthew Travis Houston
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Matthew Travis Houston, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Gifts	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Alimony	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Child Support	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0

4. How much cash do you and your spouse have? \$ 0
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of account	Amount you have	Amount your spouse has
n/a	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0
N/A	N/A	\$ 0	\$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

- Home
Value n/a
- Other real estate
Value N/A
- Motor Vehicle #1
Year, make & model N/A
Value N/A
- Motor Vehicle #2
Year, make & model N/A
Value N/A
- Other assets
Description _____
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
n/a	\$ n/a	\$ n/a
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
n/a	N/A	NA
N/A	N/A	N/A
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ n/a	\$ n/a
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 0	\$ 0
Clothing	\$ 0	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 0	\$ 0

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ _____ 0	\$ _____ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ _____ 0	\$ _____ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ _____ 0	\$ _____ 0
Life	\$ _____ 0	\$ _____ 0
Health - -	\$ _____ 0	\$ _____ 0
Motor Vehicle	\$ _____ 0	\$ _____ 0
Other:	\$ _____ 0	\$ _____ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____ 0	\$ _____ 0
Installment payments		
Motor Vehicle	\$ _____ 0	\$ _____ 0
Credit card(s)	\$ _____ 0	\$ _____ 0
Department store(s)	\$ _____ 0	\$ _____ 0
Other: _____	\$ _____ 0	\$ _____ 0
Alimony, maintenance, and support paid to others	\$ _____ 0	\$ _____ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____ 0	\$ _____ 0
Other (specify): _____	\$ _____ 0	\$ _____ 0
Total monthly expenses:	\$ _____ 0	\$ _____ na

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? ~~Yes~~ No

If yes, how much? ~~\$ 10,000.00~~

If yes, state the attorney's name, address, and telephone number:

~~Craig Muetter and Associates ATTN: Larry Phillips
808 South 7th Street
Las Vegas, NV 89101
P: (702) 382-1200~~

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

See cases in Clark County, NV:
C-17-323614-1 A-17-758861-C
C-21-357927-1

If yes, how much? as much money as it takes because I, Matthew Travis Houston am NOT GUILTY.

If yes, state the person's name, address, and telephone number:

Gary Wassum
3641 Windy Road
Orefield, PA 18069
P: (610) 762-4143
~~Loreca Laronna Schaeffer
1009 Cardinal Dr.
Magnoketa, IA 52060
P: (563) 321-3084~~

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I was kidnapped by unknown individuals before my doctor's appointment with Dr. Tyson Ward on July 15th, 2021 at Nevada Petina Specialists from Best Western @ 3041 Saint Rose Parkway in Henderson, Nevada and denied mental health court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 10th, 2022

Reviewed by: [Signature]

[Signature]
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW TRAVIS HOUSTON — PETITIONER
(Your Name)

VS.

THE STATE OF NEVADA — RESPONDENT(S)
ET AL.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Supreme Court of Nevada and its Court
of Appeals and also (the) Eighth Judicial District Court

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____, or

a copy of the order of appointment is appended.

Matthew Travis Houston
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Matthew Travis Houston, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Self-employment	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Gifts	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Alimony	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Child Support	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>0</u>	\$ <u>n/a</u>	\$ <u>0</u>	\$ <u>n/a</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0
n/a			\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0
n/a	n/a	n/a	\$ 0

4. How much cash do you and your spouse have? \$ 0
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of account	Amount you have	Amount your spouse has
n/a	n/a	\$ 0	\$ 0
n/a	n/a	\$ 0	\$ 0
n/a	n/a	\$ 0	\$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home Value n/a Other real estate Value n/a

Motor Vehicle #1 Year, make & model _____ Value n/a Motor Vehicle #2 Year, make & model _____ Value _____

Other assets Description n/a Value n/a

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>n/a</u>	\$ <u>0</u> <u>n/a</u>	\$ <u>0</u> <u>n/a</u>
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>n/a</u>	<u>n/a</u>	
<u>n/a</u>		
<u>n/a</u>		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u> <u>n/a</u>	\$ <u>0</u> <u>n/a</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <i>n/a</i>	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <i>n/a</i>	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <i>n/a</i>	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <i>n/a</i>	\$ 0	\$ 0
Total monthly expenses:	\$ 0	0 \$ 0 n/a

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? \$ 10,000.00

If yes, state the attorney's name, address, and telephone number:

Craig Mueller and Associates ATTN: Larry Phillips
808 SOUTH 7TH STREET
Las Vegas, NV 89101
P: (702) 382-1200

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

See cases in Clark County, NV:
C-17-323614-1 A-17-758861-C
C-21-357927-1

If yes, how much? as much money as it takes because I, Matthew Travis Houston am NOT GUILTY.

If yes, state the person's name, address, and telephone number:

Gary Wassum
3641 Windy Road
Orefield, PA 18069
P: (610) 762-4143
Lucrecia Lavonna Schoenherr
1009 Cardinal Dr.
Magnoketa, IA 52060
P: (563) 321-3084

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I was kidnapped by unknown individuals before my doctor's appointment with Dr. Tyson Ward on July 15th, 2021 at Nevada Petina Specialists from Best Western @ 3041 Saint Rose Parkway in Henderson, Nevada and denied mental health court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 10th, 2022


(Signature)

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84281
District Court Case No. C357927

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: May 02, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc (without enclosures):

Matthew Travis Houston
Clark County District Attorney \ Alexander G. Chen
Hon. Tierra Danielle Jones, District Judge

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on _____

District Court Clerk

Reverend Matthew Travis Houston, Chartered
NDOC No. 1210652 ABA No. 04662784

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
Case No. ~~2:23-cv-01210-APG-DJA~~
Case No. ~~2:23-cv-01210-APG-DJA~~

MATTHEW TRAVIS HOUSTON,
Petitioner-Plaintiff.
Appellante.
V. NEVADA ATTORNEY GENERAL ARON P. FORD;
JOE LOMBARDO D/B/A JOSEPH M. LOMBARDO;
"ACTING WARDEN" JEREMY BEAN,
WARDEN BRIAN WILLIAMS, ET AL.
Defendant(s).

~~DECLARATION AND
EMERGENCY MOTION TO ADD
MOTION FOR RECONSIDERATION UNDER
DEFENDANT WARDEN BRIAN
FRCP 59 AS A NOTICE OF EXHAUSTION
OF STATE REMEDIES
OF STATE REMEDIES
27 3. NRAP 36 AND NRAP 27E AND
BRANDEIS BRIEF~~

~~██████████~~ RESPONSE TO ORDER TO SHOW CAUSE ~~██████████~~ ~~██████████~~
AND MOTION TO EXCEED PAGE LIMIT:
XXX Plaintiff moves this court to see attachments;
after taking notice of the STATEMENT OF FACTS; XXX AND
RESPONSE TO ECF No. 19 AS A RENEWED MOTION FOR
EXTENSION OF TIME TO FILE AN AMENDED COMPLAINT/RESPONS


13. To ORDER TO SHOW CAUSE* ~~██████████~~
14 Plaintiff, Matthew Travis Houston, moves this Honorable
15 Court to allocate additional time to allow him to more
16 properly file an amended ^{petition} complaint, and response to ORDER TO
17 SHOW CAUSE. This motion is made based off of history NOT

18 limited to the attached STATEMENT OF FACTS;
19 WHEREFORE, Plaintiff prays for relief retroactively
20 from his industrial work accident during which he died
21 on September 30, 2016. This most unholy world is
22 in existence via language on April 18, 2023 / May 10, 2023
23 SEE ATTACHED; most especially Mr. Houston's PETITION FOR WRITS
24 OF MANDAMUS in the
25 SUPREME COURT OF NEVADA x. ~~██████████~~ ~~██████████~~ ~~██████████~~

26 NO 86041 AND NO 86103. REV. MATTHEW TRAVIS HOUSTON, CHTD
27 ABA No. 04662784

28 * = This meritorious interpleading shall also suffice as a valid to
"NOTICE OF EXHAUSTION OF STATE'S REMEDIES"

ORIGINAL PETITION FOR
A WRIT OF MANDAMUS

1494
SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

Address Service Requested

MATTHEW TRAVIS HOUSTON
INMATE ID: 1210652
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS NV 89070

3A-14

BARBARA BEETS

BARBARA BEETS

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

MATTHEW TRAVIS HOUSTON,
Petitioner,

Supreme Court No. 86041
District Court Case No. C357927

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE TIERRA DANIELLE JONES,
DISTRICT JUDGE,

Respondents,

and,

THE STATE OF NEVADA,
Real Party in Interest.

RECEIPT FOR DOCUMENTS

TO: Matthew Travis Houston
Steven D. Grierson, Eighth District Court Clerk
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District Attorney

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

01/31/2023 Petition Filing Fee Waived. Criminal. (SC)

01/31/2023 Filed Proper Person Petition for Writ. (SC)

DATE: January 31, 2023

Elizabeth A. Brown, Clerk of Court
ds

Nevada Supreme Court Docket Sheet

Docket: 86041

HOUSTON (MATTHEW) VS. DIST. CT. (STATE)

Page 1

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.

Case No. 86041

Consolidated with:

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND THE HONORABLE TIERRA
DANIELLE JONES, DISTRICT JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

Counsel

Matthew Travis Houston, Indian Springs, NV, Petitioner, in proper person

Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Respondents, Tierra Danielle Jone
and The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark

Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, as counsel for Respondents, Tierra Danielle
Jones and The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark

Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Real Party in Interest, The State of
Nevada

Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, as counsel for Real Party in Interest, The Stat
of Nevada

Eighth Judicial District Court, Chief Judge, Las Vegas, NV, Notice Only

Case Information

Panel: Panel

Panel Members: Unassigned

Disqualifications:

Case Status: Petition Filed

Category: Original Proceeding **Type:** Criminal

Subtype: Proper Person Writ Petition

Submitted:

Date Submitted:

Oral Argument:

Sett. Notice Issued:

Sett. Judge:

Sett. Status:

Related Court Cases:

84281, 84478, 84886, 85353

District Court Case Information

Case Number: C357927

Case Title: STATE VS. MATTHEW TRAVIS HOUSTON

Judicial District: Eighth

Division:

County: Clark Co.

Sitting Judge:

Replaced By:

Notice of Appeal Filed:

Judgment Appealed From Filed:

Docket Entries

Date Docket Entries

Tuesday, January 31, 2023 08:41 AM

Nevada Supreme Court Docket Sheet

Docket: 86041

HOUSTON (MATTHEW) VS. DIST. CT. (STATE)

Page 2

01/31/23 Petition Filing Fee Waived. Criminal. (SC)

01/31/23 Filed Proper Person Petition for Writ. (SC)

23-002948

Tuesday, January 31, 2023 08:41 AM

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON;
 Petitioner,
 vs.
 THE EIGHTH JUDICIAL DISTRICT
 COURT OF THE STATE OF NEVADA,
 IN AND FOR THE COUNTY OF
 CLARK; AND THE HONORABLE
 TIERRA DANIELLE JONES, DISTRICT
 JUDGE,
 Respondents,
 and,
 THE STATE OF NEVADA,
 Real Party in Interest.

No. 86041

FILED

FEB 01 2023

ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 BY: *[Signature]*
 DEPUTY CLERK

ORDER

Petitioner has filed a document that appears to request that this court order real party in interest to file an answer to petitioner's writ petition. The decision whether to order an answer to petitioner's writ petition is discretionary, and this court has not yet made a determination in this regard. See NRAP 21(b). Accordingly, petitioner's request is denied at this time. Any other relief requested in the document filed by petitioner on January 31, 2023, is denied.

It is so ORDERED.

[Signature] C.J.

cc: Matthew Travis Houston
 Attorney General/Carson City
 Clark County District Attorney
 Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIERRA DANIELLE JONES, DISTRICT
JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86041

FILED

FEB 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is a pro se original petition for a writ of mandamus seeking to compel the district court to vacate a judgment of conviction.

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIERRA DANIELLE JONES, DISTRICT
JUDGE.
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86041

FILED
MAR 02 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER

An order denying petition was entered in this matter on February 24, 2023. Accordingly, this court takes no action in regard to the pro se documents filed on February 24, 2023.

It is so ORDERED.

[Signature], C.J.

cc: Hon. Tierra Danielle Jones, District Judge
Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIERRA DANIELLE JONES, DISTRICT
JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86041

FILED

MAR 29 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CLERK

ORDER

An order denying petition was entered in this matter on February 24, 2023. Accordingly, this court takes no action in regard to the pro se documents filed on March 20, 2023. The clerk of this court shall issue the notice in lieu of remittitur.

It is so ORDERED.

[Signature], C.J.

cc: Hon. Tierra Danielle Jones, District Judge
Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE TIERRA DANIELLE JONES,
DISTRICT JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

Supreme Court No. 86041
District Court Case No. C357927

NOTICE IN LIEU OF REMITTITUR

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on February 24th, 2023, and the period for the filing of a petition for rehearing having expired and no petition having been filed, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: March 29, 2023

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc:
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District Attorney
Steven D. Grierson, Eighth District Court Clerk
Matthew Travis Houston

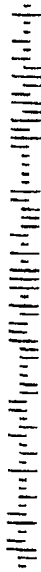
1494
SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. Carson Street, Suite 207
Carson City, Nevada 89701
Address Service Requested

PETITION FOR A WRIT
OF MANDAMUS + JOINDER

MATTHEW TRAVIS HOUGHTON
INMATE ID: 1210652
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS NV 89070

30.14

BA0JSA8 89070



**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK,

Respondent,

and,

THE STATE OF NEVADA,

Real Party in Interest.

Supreme Court No. 86103

District Court Case No.

A853203;C323614;C357927

RECEIPT FOR DOCUMENTS

TO: Matthew Travis Houston
Steven D. Grierson, Eighth District Court Clerk
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District Attorney

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

02/14/2023 Petition Filing Fee Waived. Criminal. (SC)

02/14/2023 Filed Proper Person Emergency Petition for Writ. (SC)

DATE: February 14, 2023

Elizabeth A. Brown, Clerk of Court
ds

Nevada Supreme Court Docket Sheet

Docket: 86103

HOUSTON (MATTHEW) VS. DIST. CT. (STATE)

Page 1

MATTHEW TRAVIS HOUSTON,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK,

Respondent,

and,

THE STATE OF NEVADA,

Real Party in Interest.

Case No. 86103

Consolidated with:

Counsel

Matthew Travis Houston, Indian Springs, NV, Petitioner, in proper person

Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Respondent, The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark

Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, as counsel for Respondent, The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark

Attorney General/Carson City, Carson City, NV \ Aaron D. Ford, as counsel for Real Party in Interest, The State of Nevada

Clark County District Attorney, Las Vegas, NV \ Alexander G. Chen, as counsel for Real Party in Interest, The State of Nevada

Case Information

Panel: Panel

Panel Members: Unassigned

Disqualifications:

Case Status: Petition Filed

Category: Original Proceeding **Type:** Criminal

Subtype: Proper Person Writ Petition

Submitted:

Date Submitted:

Oral Argument:

Sett. Notice Issued:

Sett. Judge:

Sett. Status:

Related Court Cases:

79408, 84281, 84478, 84885, 84886, 85351, 85353, 86041

District Court Case Information

Case Number: C357927

Case Title: STATE VS. MATTHEW TRAVIS HOUSTON

Judicial District: Eighth

Division:

County: Clark Co.

Sitting Judge:

Replaced By:

Notice of Appeal Filed:

Judgment Appealed From Filed:

Case Number: C323614

Case Title: STATE VS. MATTHEW TRAVIS HOUSTON

Judicial District: Eighth

Division:

County: Clark Co.

Tuesday, February 14, 2023 09:04 AM

Nevada Supreme Court Docket Sheet

Docket: 86103

HOUSTON (MATTHEW) VS. DIST. CT. (STATE)

Page 2

Sitting Judge:

Replaced By:

Notice of Appeal Filed:

Judgment Appealed From Filed:

Case Number: A853203

Case Title: MATTHEW TRAVIS HOUSTON VS. CALVIN JOHNSON

Judicial District: Eighth

Division:

County: Clark Co.

Sitting Judge:

Replaced By:

Notice of Appeal Filed:

Judgment Appealed From Filed:

Docket Entries

Date **Docket Entries**

02/14/23 Petition Filing Fee Waived. Criminal. (SC)

02/14/23 Filed Proper Person Emergency Petition for Writ. (SC)

23-004457

Tuesday, February 14, 2023 09:04 AM

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86103

FILED

FEB 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

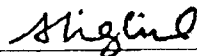
Pro se petitioner has filed a document entitled "Petition for a writ of mandamus, emergency intervention and interpleading of joinder to A-22-853203-W in Dept. 17 (originally filed in Department XI) in re motion to retax as a motion for rehearing under NRAP 40 and NRAP 27(e)."


The petition contains no discernable request for relief. See NRAP 21(a)(3) (explaining that a petition must state, among other things, the relief sought, the issues presented, the facts necessary to understand the issues presented, and the reasons why writ relief should issue); see also NRAP 21(a)(4) (providing that it is petitioner's responsibility to provide this court with all documents essential to understand the matters set forth in

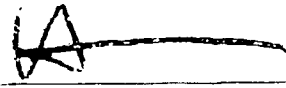
23-05680

the petition). Accordingly, we are unable to proceed with consideration of the petition, and we thus

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

cc: Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86103

FILED

MAR 06 2023

ELIZABETH A. SPORN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER

This court denied petitioner's "Emergency Petition for Writ" on February 24, 2023. Accordingly, this court takes no action in regard to the pro se documents filed on February 24, 2023.

It is so ORDERED.

[Signature], C.J.

cc: Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86103

FILED

MAR 29 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER

This court denied petitioner's "Emergency Petition for Writ" on February 24, 2023. Accordingly, this court takes no action in regard to the pro se documents filed on March 20, 2023. The clerk of this court shall issue the notice in lieu of remittitur.

It is so ORDERED.

[Signature], C.J.

cc: Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK,
Respondent,
and,
THE STATE OF NEVADA,
Real Party in Interest.

Supreme Court No. 86103
District Court Case No.
A853203;C323614;C357927

NOTICE IN LIEU OF REMITTITUR

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on February 24th, 2023, and the period for the filing of a petition for rehearing having expired and no petition having been filed, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: March 29, 2023

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc:
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District Attorney
Steven D. Grierson, Eighth District Court Clerk
Matthew Travis Houston

1 UNITED STATES DISTRICT COURT
2 DISTRICTS OF COLORADO, IOWA AND NEVADA

3 Case No. 2:23-CV-01423-APG-EJY
ALSO SEE

4 MATTHEW TRAVIS HOUSTON,
5 vs - AARON D. FORD ^{Plaintiff} D/B/A
6 JOSEPH M. LOMBARDO ET AL,
7 Defendant(s).

Case No. 2:22-CV-01607-DWM-CSD

"BURY TRAILS DEMANDED"

8 SEE ALSO
Case No 2:23-CV-01210-APG-DJA and
Case No 2:23-CV-01349-JAD-BNW

8 CONCLUSION TO "EMERGENCY MOTION FOR INJUNCTIVE RELIEF AND
STATEMENT OF FACTS" AND RENEWED

9 EMERGENCY MOTION FOR ACCOUNTABILITY OF HDSP
10 MAILROOM, LAW LIBRARY AND CHAPEL AS A CONTINUED OPPOSITION
11 TO ALL DEFENDANTS "MOTION TO DISMISS"
"DE NOVO HEARINGS" REQUESTED IN EN BANC"

12 Plaintiff moves this Honorable Court to examine the
13 intentional gross negligence of the Law Library as
14 demonstrated by Document 47, filed July 06, 2023,
15 pages 5-15. Obviously, as the pages are incomplete and
16 haphazardly thrown together, they're not taking their
17 job(s) seriously. Their unnecessary roughness has
18 further blocked, thwarted and hindered the factually
19 and actually innocent Plaintiff, causing misinterpretation
20 and vexatious abuse of the court's resources. As filed
21 in EJC Case No. A-23-865442-C by the plaintiff,
22 the court will PLEASE TAKE NOTICE, that according
23 to the attached 'NOT FOUND AFFIDAVIT' that the
24 defendant REDENTA BLACIC IS NOT employed at the
25 OFFICE OF CONSUMER ASSISTANCE, neither do they
26 know her. SEE LVMPD SHERIFF CIVIL No. 23003198

27 PLEASE SEE ATTACHED:
28

Electronically Filed
08/16/2023

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

Alameda Garcia
CLERK OF THE COURT

MATTHEW TRAVIS HOUSTON)
)
PLAINTIFF)
)
)
DIANNE FERRANTE, JONATHAN SHOCKLEY,)
SEGWICK LMS, DANIEL L SCHWARTZ,)
BRIAN P CLARK, CLARK MCCOURT, L.L.C.)
LEWIS BRISBOIS, BINGAARD & SMITH, L.L.P.)
ET AL, JASON LEWIS, REDENTA BLACIC,)
ROSEMARIE MCMORRIS-ALEXANDER)
DEFENDANT)

CASE No. A-23-865442-C
SHERIFF CIVIL NO: 23003198

NOT FOUND AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

ISRAEL CRUZ CAMACHO, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS - CIVIL, CIVIL RIGHTS COMPLAINT BY AN INMATE on 6/20/2023 at the hour of 2:16 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **REDETA BLACIC** Defendant within Clark County, Nevada.

ATTEMPTS TO LOCATE:

Date: 6/21/2023 @ 2:25 PM - OFFICE OF CONSUMER ASSISTANCE 332 W SAHARA AVENUE STE 100
LAS VEGAS, NV 89102

Attempted By: ISRAEL CRUZ CAMACHO

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS

Notes: SUBJECT IS NOT AN EMPLOYED AT BUSINESS NOR THEY KNOW HER. BWC 097397

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

Dated: June 22, 2023

Kevin M. [Signature] Sheriff
By: *Israel Cruz Camacho*
ISRAEL CRUZ CAMACHO
Deputy Sheriff

RECEIVED
AUG 17 2023
CLERK OF THE COURT

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400



Fiore will be Nye's new JP

How the controversial appointment to the bench came to be

by Robln Hebrock
Pahrump Valley Times

More than four months after the death of Pahrump Justice of the Peace Kent Casperson, his vacant seat was finally been filled, with Nye County commissioners opting this week to appoint

former Nevada Assemblywoman and former Las Vegas Councilwoman Michele Fiore to the position.

While the decision may have been a unanimous one for commissioners, it split the community.

Some members of the public applauded the choice

as others questioned why commissioners appointed the controversial figure.

Fiore is a fervent supporter of former President Donald Trump, and was involved in multiple scandals throughout her tenure on the Las Vegas council. Her



Screenshot

New JP Michele Fiore addresses the county commission Dec. 20.

APPOINTMENT | A5

MATTHEW TRAVIS HOUSTON
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV 89070

#1210652

Matthew Houston #1210652
 PO Box 650
 Indian Springs, NV 89070

PAHRUMP VALLEY TIMES Friday, December 23, 2022

pvtimes.com

Appointment

Continued from Page A1

home was raided by the FBI last year as part of a campaign finance violation investigation, although she has said the claims were "made up" and that she cooperated with investigators.

A 2019 Review-Journal investigation found that Fiore had a history of unreported taxes and business problems. She has denied wrongdoing. Fiore also registered to vote in Nye County just weeks ago and says she purchased land here this summer.

Fiore will assume the bench and preside over cases in Pahrump Justice Court, Department B for the next two years.

How it happened

The process of her appointment was a lengthy one, taking nearly four hours during the Nye County Commission's Dec. 20 meeting but stretching back for more than a month before that.

A pool of 18 applicants were up for consideration following the withdrawal of commissioner Leo Blundo and former Inyo County Sheriff William Lutze and with so many to choose from, the commission utilized a scoring matrix to assist with determining who would ultimately earn the appointment.

All of the applicants were given a chance to speak for two minutes before undertaking a series of questions from the board, during which commissioners recorded their scores. After each applicant had their say, the scores were tallied and the top three contenders were announced.

Making it to the final three were Fiore, current Nye County Republican Central Committee Chair Bill



Special to the Pahrump Valley Times

The Nye County Commission voted 5-0 to appoint former Nevada Assemblywoman and Las Vegas City Councilwoman Michele Fiore as a Pahrump justice of the peace.

Carns and current pro-tem judge Michael Foley, who had been acting as justice of the peace in Judge Jaspersen's old courtroom for the past month.

The trio were then requested by the board, after which commissioner Donna Cox made the motion to appoint Fiore, whom, Cox noted, had received a personal endorsement from former president Trump.

"Michele Fiore is an outstanding and wonderful woman whom I have known for a long while and she would make an absolutely fantastic justice of the peace," Cox quoted from Trump's letter of endorsement. "That speaks very loudly and it was an honor to receive this," she added.

Nye County Commissioner Debra Strickland offered a second on the motion and brief round of discussion was had before commission chair Frank Carbone, who remarked that he would have preferred to appoint Foley, called for the question. The motion passed 5-0.

"I'm a former assemblywoman for two terms and four special sessions. I sat on the judiciary (committee) for both terms. I wrote 119 pieces of legislation that are now in the NRSs (Nevada Revised Statutes)," Fiore told the board dur-

ing her two-minute presentation. "I have sat on the Las Vegas City Council for the past five years and the experience that I have sitting there, listening to folks that come before us, is the experience of a servant leader."

As to her eligibility to hold the Pahrump justice of the peace seat, which was questioned by certain members of the public, Fiore remarked that she had purchased land locally in June and she was currently renting a home from another former Nevada Assembly member, Ed Goedhart.

"So I am a qualified elector as of mid-November, the exact date was Nov. 15," Fiore explained. "And I am very excited to be a Pahrump girl."

Another controversial topic was broached during Fiore's interview before the board, that of guns in facilities housing the courts.

The Nye County Commission has been at loggerheads with the Fifth Judicial District Court over the issue of weapons being carried in the county government complexes, where the district court's courtrooms are located. Commissioner

Neighbors caring for neighbors.

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 Indian Springs, NV 89070

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INDIAN SPRINGS, NV 89070

PAGE A5

Bruce Jabbour, who brought that argument to a head last year, made it clear that the battle was not about carrying guns in the actual courtrooms, but within other areas of the county-owned buildings.

Fiore said she was a firm backer of Second Amendment rights and she didn't see an issue with having firearms in the government complexes, or even in the courtrooms themselves. "I believe an armed society is a polite society. So I think firearms should be anywhere a person is... If I'm sitting on that bench and I have my firearm, as I have it with me today, and someone is stupid enough to pull theirs, if we do have a gun battle, I will probably win. So I am cool with you bringing a gun into the courtroom," Fiore asserted. "If you're silly enough to challenge me, then you are just plain silly."

Fiore also noted that she is currently studying law, with the intention of taking the bar examination by the end of her term of appointment.

"I'm very excited to go forth with the process and actually get to work to get our backlog cleaned up and to work with our pro-tem Mike Foley," she stated.

Fiore's appointment will expire in January, 2025 when the winner of the 2024 general election takes office. Fiore said she absolutely intends to run for formal election to the justice of the peace seat during the next election cycle.

Anyone interested in viewing the meeting can do so by visiting www.NyeCountyNV.gov

Contact reporter Robin Hebrock at rhebrock@pvtimes.com

Matthew Houston #1210652
PO Box 650
Indian Springs, NV 89070

27 inmates on hunger strike at state

'Abusive, violent conditions' cited as cause

By Brett Clarkson
Special to the Pahrump Valley Times

More than two dozen prisoners are on a hunger strike at a Nevada state prison over what they say are abusive and violent conditions there, among other complaints.

Twenty-seven inmates at Ely State Prison were hunger striking as of Monday, according to a statement issued that afternoon by the department's acting spokesperson, W.C. "Bill" Quenga.

The hunger strike began last Thursday and originally included 39 prisoners, Quenga said.

Ely, about 250 miles north of Las Vegas, is home to Nevada's men's death row. The Department of Corrections' website says it is the state's "designated maximum-security prison" and has "406 employee positions" with a capacity of 1,183 inmates.

"They are currently participating in a peaceful protest regarding the conditions of their confinement," said the statement from Return Strong and its executive director, Jodi Hocking.

"I think people are just really at their breaking point," Hocking said in an interview. "Ely's always



Chase Stevens/Las Vegas Review-Journal file ©cstevensphoto

Ely State Prison is a maximum security facility located about 250 miles north of Las Vegas, and is home to Nevada's men's death row.

been bad."

A hunger strike refers to the practice of refusing food in protest, and has been used throughout history by women demanding the right to vote, Mahatma Gandhi, and Irish Republican Army members in Northern Ireland, among others.

List of demands

Return Strong listed the prisoners' demands:

- End solitary confinement and lockdowns.

- End what prisoners allege is violence by correctional staff at Ely and other state prisons against inmates.

- End what they say is group punishment including indefinite lockdowns.

- Stop interfering with prisoners' abilities to file grievances in connection with their prison experiences.

- Give prisoners nutritious food.

- Address safety concerns like mold, heating and air conditioning issues, and rodent infestations, among other things.

- Convene a group of stakeholders to "provide immediate oversight into the conditions in all Nevada prisons, correctional centers and camps."

According to Return Strong, the inmates are "participating in a peaceful protest" to get their demands met.

They say that since the pandemic, prisoners have been subjected to a variety of lockdowns for reasons both legitimate and not. The extended isolation, which deprives the prisoners of socialization and religious services, had led to an "increase in mental health issues, aggression, violence, and suicides," Return Strong said.

"What's happening at Ely and

ber 7, 2022 PAHRUMP VALLEY TIMES

prison

what's been initiated at Ely is the tip of the iceberg," Hocking said, adding that other state facilities like Florence McClure Women's Correctional Center and High Desert State Prison are "absolutely horrendous."

As well, the group alleged that inmates at Ely are assaulted by corrections workers in a room that operates outside of oversight.

"For years, there have been reports of physical attacks by staff on prisoners that take place in a room that does not have cameras available," Return Strong said in its statement. "This 'beat up room' has been common knowledge."

Acknowledging issues

For its part, the Department of Corrections acknowledged some of the reasons why the prisoners are hunger striking.

"The strike began Dec. 1, 2022, mostly in protest of the food portions being served but also includes conditions of confinement, property issues and disciplinary sanctions," Quenga's statement said.

Quenga added that the number of hunger strikers changes daily because some of the strikers will refuse food one day and then eat the next.

Food is made available every day to the hunger strikers, Quenga said.

But he added that Nevada prison officials are looking at the portion sizes distributed to the inmates for their daily meals.

"The NDOC is auditing portion sizes at all facilities throughout the state and reviewing the contract with the current food vendor. Additional complaints are also under review," Quenga said.

The hunger striking prisoners are "being monitored for weight and other health-related statistics," he said.

History of problems

A recent series of high-profile crises has roiled Nevada's Department of Corrections.

In September, convicted 2007 Luxor bomber Porfirio Duarte-Herrera, 42, escaped and was lining up at a Las Vegas shuttle bus company for a trip to the Mexican border when Metro officers, acting on a tip, took him back into custody.

In the fallout, Gov. Steve Sisolak issued a statement blasting prison officials for what he said was their "unacceptable" handling of the escape. The department's director at the time, Charles Daniels, resigned a week later. Daniels later demanded \$1 million from the state and said he'd filed a whistleblower complaint.

Also in September, the department's medical director resigned less than a week after two inmates died by suicide at High Desert State Prison.

In October, High Desert inmate Andrew Hilford pleaded guilty and was sentenced to life for stabbing his cellmate, Isaiah Sharp, 21, in March 2021, less than a month before Sharp was to be released. Sharp's family had filed a lawsuit in July 2022 accusing the department of placing the two men in a cell together after Hilford "previously threatened harm against anyone placed in his cell."

In his statement, Quenga said the department "takes seriously the health and welfare of the offenders in its custody and is working to resolve this matter," he said.

Asked if she believes the Department of Corrections' statement, Hocking said she doesn't.

"That's a publicity response," Hocking said. "I don't think that is the case at all."

Contact Brett Clarkson at bclarkson@reviewjournal.com. Follow @BrettClarkson on Twitter.

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KILLING MACHINE

DID NEVADA'S INNOVATIVE
GAS CHAMBER INSPIRE HITLER?

BY SCOTT CHRISTIANSON

On February 8, 1924, in a stone-and-concrete shack that for 40 years had served as the Nevada state prison's barbershop, a Chinese immigrant and convicted killer named Gee Jon became the first person ever executed in a gas chamber. Inside the sealed room two wooden chairs with armrests had been positioned a few feet apart—Gee's accomplice had also been scheduled to die but received a commutation. In front of and between the chairs stood a small metal device that would spray hydrocyanic acid, commercially known as cyanogen. A state spokesman insisted one deep breath by the condemned man would paralyze his lungs, displace the oxygen in his body and cause instant and painless death. Witnesses would be spared any painful outcries.

Prior to the execution, the warden staged a rehearsal with a stray white cat and two kittens. He estimated the cats died within 15 seconds. The test revealed a small leak, which was quickly patched to avert the poisoning of witnesses or staff.

It appeared Gee needed about six minutes to die, though the gas clouding the windows made it difficult to see inside. The warden pronounced the method "a wonderful and humane way of execution." Unlike hanging (by which an inmate might suffer for up to 15 minutes), electrocution (which could take three or four jolts) or a firing squad (which sometimes didn't cause instant death), gas first produced unconsciousness. The state's largest newspaper, the *Nevada State Journal*, began its coverage by pronouncing, "Nevada's novel death law is upheld by the highest court—humanity."

Eighteen days after Gee's death, in Munich, a right-wing radical named Adolf Hitler went on trial for his role in the failed Beer Hall Putsch. The previous year U.S. newspapers had reported on Hitler's extraordinary ability to sway crowds and his deep hatred of Jews, Communists, Bolsheviks and liberals, as well as his embrace of the trappings of fascism that had been introduced in 1922 by Italy's Benito Mussolini.

One of Hitler's friends who visited him in jail and kept him abreast of developments in the U.S. was Ernst "Putzi" Hanfstaengl, a six-foot-four German American patrician graduate of Harvard and descendent of a Union army general who had helped carry Abraham Lincoln's coffin. When Hanfstaengl wasn't entertaining his friend with his piano playing, he stimulated Hitler's imagination with stirring accounts of skyscrapers, gangsters and college football chants. He also translated and read aloud from British and U.S. newspapers. Hitler had been gassed



Gee Jon

and temporarily blinded while serving on the front during World War I, so he already knew gas was an ugly, painful and unpredictable weapon, and he disdained its use in battle. He would have been interested to learn about what the Americans had done in Nevada.

After being convicted and receiving a five-year sentence, Hitler began composing his own political creed, which he first titled *Eine Abrechnung* (Settling Accounts) but later changed to *Mein Kampf* (My Struggle). He wrote, "If at the beginning of the war and during the war, 12 or 15,000 of these Hebrew corrupters of the people had been held under poison gas, as happened to

hundreds of thousands of our very best German workers in the field, the sacrifice of millions at the front would not have been in vain." Decades later Lucy Dawidowicz, a historian of the Holocaust, wrote, "Did the idea of the final solution originate in this passage, germinating in Hitler's subconscious for some 15 years before it was to sprout into practical reality?"

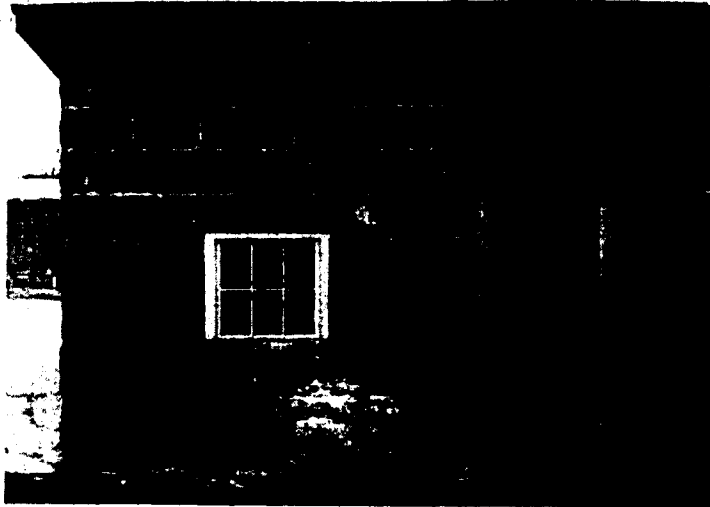
Another biographer observed, "Hitler's concept of concentration camps as well as the practicality of genocide owed, so he claimed, to his studies of English and U.S. history. He admired the camps for Boer prisoners in South Africa and for the Indians in the Wild West, and he often praised to his inner circle the efficiency of America's extermination—by starvation and uneven combat—of the red savages who could not be tamed by captivity." Hitler learned about the American enslavement

of blacks and Jim Crow laws enforcing racial segregation, about the shipment of Native Americans to faraway prisons via boxcars and recent court rulings

National Origins Act, which called for eugenic quotas."

Historians have not yet turned up direct evidence that Hitler's thinking was influenced by the first successful use of the gas chamber, but the event was in the headlines during his trial, imprisonment and the writing of *Mein Kampf*. At the same time, delegations of German officials, criminologists and legal scholars were touring the American penal system, inspecting prison conditions and methods of punishment. These visits were also widely reported in Germany and most certainly read by executives at certain chemical companies. After all, cyanide was their business.

The Nevada gas chamber.



upholding the involuntary sterilization of the unfit. Yet another historian noted that *Mein Kampf* displayed Hitler's "keen familiarity with the recently passed U.S.

Scott Christianson is author of *The Last Gasp: The Rise and Fall of the American Gas Chamber*, published this month by the University of California Press.

DOES THE FIRST AMENDMENT PROTECT LAST WORDS?

What is the question posed in a 2001 law review article by Kevin Francis O'Neill, who was the lead counsel in a suit filed by the ACLU to prevent Ohio wardens from removing "offensive" language from the final statements of condemned prisoners. O'Neill notes that the Anglo-Saxon tradition of last words dates back to at least 1388; even accused witches and slaves were given the opportunity. Today, some states allow last words to be uttered only out of earshot of witnesses, while Texas gives its condemned an open microphone. Here are memorable examples of inmates exercising their right to free speech one final time. For more, see Robert Elder's new book, *Last Words of the Executed* (University of Chicago Press).

"You motherfuckers haven't paid any attention to anything I've said in the last 22 and a half years; why would anyone pay any attention to anything I've had to say now?"—Richard Cooney II (Ohio, 2008), when asked if he'd like to make a statement

"Give my apologies to the families of the victims."—Arthur Bishop (Utah, 1988)

"Let Mama know I still love her."—Cornelius Singleton (Alabama, 1992)

"Being born black was against me."—John Young (Georgia, 1985)

"I am innocent of this crime."—Eugene Perry (Arkansas, 1997)

"I forgive all who have taken part in any way in my death."—Ronald O'Bryan (Texas, 1984)

"The act I committed to put me here was not just

heinous, it was senseless. But the person that committed that act is no longer here."—Napoleon Beazley (Texas, 2002)

"I'd rather be fishing."—Jimmy Glass (Louisiana, 1987)

Silently flipped off witnesses as gas billowed around him.—Donald Harding (Arizona, 1992)

"I can't imagine losing two children. If I was y'all, I would have killed me."—Dennis Dowthitt (Texas, 2001)

"You are about to witness the damaging effect electricity has on Wood."—Frederick Wood (New York, 1963)

"Living has been hard, and now it's time to die."—Johnny Taylor Jr. (Louisiana, 1984)

"Freedom at last, man."—John Rook (North Carolina, 1985)

"You doing that right?"—Stanley "Tookie" Williams (California, 2005), founder of the Crips street gang, after a nurse took 10 minutes to insert the needle

"Hurrah for anarchy!"—the Haymarket defendants (Chicago, 1887), in unison

"God, you're a dirty son of a bitch, because I'm innocent."—Robert Pierce (California, 1956)

"I'm human! I'm human!"—David Lawson (North Carolina, 1994), screaming to be heard through the thick glass separating him from witnesses. Lawson had asked that his execution be televised.

OPPOSITION
TO THE PERJURY AND
CONSPIRACY OF ROSEMARIE MCMORRIS-ALEXANDER ET AL

AS A RESPONSE TO ATTACHED EXHIBIT 1

RETURN SERVICE REQUESTED

STEVEN D. GRIERSON, Clerk of the Court
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS NV 89155-1160

149 GPOFFHP 89070

Matthew T. Houston #1210652
PO Box 650
Indian Springs, NV 89070

Filing Code
→ OPPS + OBO
Houston, Plaintiff
v.
Ferrante et al, Defendants.

DISTRICT COURT
CLARK COUNTY, NEVADA
Case No. A-22-859815-C
Dept. No. 24

MAILED PINK COPY TO
SMS CHARTERED D/B/A SOFOS
340 E. Warm Springs Rd #110
Las Vegas, NV 89119

Electronically Filed
09/21/2023

Andrew Shinn
CLERK OF THE COURT

MOTION
TITLE →

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM
OPPOSITION TO THE PERJURY OF R. MCMORRIS-ALEXANDER ET AL

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

" " INSTITUTION: HDSP UNIT #: 9D6 4-D 39

" " Join Lose/EJDC/
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

Electronically Filed 09/27/2023
"Hearing Requested"
GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 4

To: Alexis M. Duecker, Esq.

DATED: June 15, 2023 AE: C-21-357927-1

FROM AN INNOCENT MAN, BOTH FACTUALLY AND ACTUALLY

Hello Alexis ☺

I was suffering from PTSD panic attack
on May 31, 2023, especially as I noticed BENARD
H. LITTLE coerce another victim right in
front of me. I'm half-blind and half-deaf
but I am NOT dumb. I also noticed somebody
from CRAIG MEYER AND ASSOCIATES, who are
supposed to be part of my legal team also.
My original lawyer was to have been Mr. John Mommot, however he passed in 2017,
and that's when I decided to file my
employment discrimination claim and go to
law school @ CSN - UNLV. C-17-323614-1

Original: Attached to Grievance
Pink: Inmate's Copy

SEE LVJC Case No.
17A003393, LVJC Dept #5
Donald Lowrey,
Cynthia Cruz

Case Number A-22-859815-C

DOC-3097 (01/02)

RECEIVED
AUG 31 2023
CLERK OF THE COURT

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT #: 906 4-D-39

CASE/ EJDC
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 4

In this envelope I've included copy of continued
lies of R. McMorris-Alexander, Daniel L. Schwartz
and reinforcements of counsel, Hooks, MENG &
CLEMENT. Her "AFFIDAVIT" is nothing but
absolute slanderous manipulation and further
defamation of my GOOD character. RESPONSE:
4. Not at any time did I take frustrations out on
anyone at SEDGWICK. 5. The week of July
22, 2020, I never contacted SEDGWICK. 6. On or
about June 09, 2021, I was NOT in the State
of Nevada. 7. I never made any sort of phone
call to any of the defendants on June 11, 2021. 8. I
was NOT charged with any sort of crime on August 03,
2021, especially NOT in WRIT A-22-853203-W. 9.
I have no memory of ever signing any sort of
GPA on August 04, 2021, and did not see the

Original: Attached to Grievance
Pink: Inmate's Copy

DOC - 3097 (01/02)

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652
 INSTITUTION: HDSP UNIT #: 906 ~~4-D-39~~
 CASE/^{EJDC}GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 4

fraudulent document until February 01, 2022,
along with death threats in my legal mail at
HDSP. I did NOT give my "EXPRESS CONCENT"
to the making of any sort of agreement and/or
pleading "guilty" to any crime. 11. I have no
memory of making any telephone calls on ONE OCT,
2021, that was 5 years after the anniversary of
my accident at Mandalay Bay, and this DECLARATION is
supported, and meritoriously VALID according to
numerous witnesses. 12. There never was any
sort of "Motion to Revoke the Plea Agreement"
filed by the District Attorney. 15. LVMPD HOUSE
ARREST UNIT records will prove and show to the
court(s) that I've NEVER been in and around the
area of R. McMorris-Alexander's home. I have NO
clue where "Morningcross Street" is. That info

Original: Attached to Grievance
 Pink: Inmate's Copy

DOC - 3097 (01/02)

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Travis Houston I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT #: 906 ~~4-D-34~~

CASE/ ^{EJDC} GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 4 OF 4

was only provided to me in an expired no contact order that was served to me by AMY CHELINI in October, 2021, well after I was wrongfully convicted and extensively incarcerated due to the negligence and MALICE of SEDGWICK CMS. If my vehicle was parked in that neighborhood, who are these neighbors and why was my vehicles parked in EXCALIBUR DIAMOND MEMBER parking area the entire time between the false arrest of my person on 7.14.2021 to time of imprisonment(s)? If the fraudulent GPA was "thrown out" than how did I become wrongfully convicted? 18. legal malpractice 19. legal malpractice 20. Information provided ONLY from expired and fraudulent TPO 21. I've never intended to, nor ever will I intend to harass R. McMorris-Alexander et al.

Original: Attached to Grievance Thank you for your help
Pink: Inmate's Copy Alexis. I am an innocent man and the victim of SEDGWICK CMS and their intentional malice. See you June 28, 2023.

x- M.T.H.

DOC - 3097 (01/02)

1) NRCP 5(b) Exemption
invoked in "ex parte" in this VALID
CERTIFICATE OF SERVICE VIA USPS

EMERGENCY MOTION
TO VACATE DISMISSAL
2) FROM JULY 7, 2023, AND
MINUTE ORDER ON 8-04-2023
UNDER NRCP 59 AND NRCP 60



CHAMBERS NV 890
16 JUN 2023 PM 5 L

POSTAGE WILL BE PAID BY ADDRESSEE

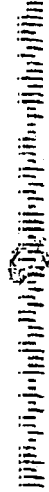
CHAMBERS OF THE HON. ERIKA BALLOU
Fwd. Department 24
Law Clerk

WTA GD

JUN 15 2023

DEPARTMENT PRISON

200 Lewis Avenue
Las Vegas, NV
89155



85101-850000

REV. MATTHEW TRAVIS HOUSTON, CHTD
NDOC # 1A10652
H D SP
Po Box 650
Indian Springs, NV 89070-0650

RECEIVED

JUN 28 2023

CLERK OF THE COURT

Case No. A-22-859815-C

#ME-T00

American Bar Association

Member ID No. 04662784

REV. MATTHEW TRAVIS HOUSTON, CHTD

NOOC # 1210652

HD SP

PO BOX 650

Indian Springs, NV

89070 8945

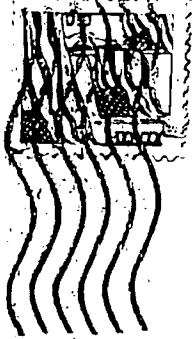
(Handwritten initials)

Case No. A-22-859815-C

METOO # RETURNSTRONG

American Bar Association Member 33101-630000

ABA ID No. 04662784



LAS VEGAS NV 890

25 AUG 2023 PM 5 L

EIGHTH JUDICIAL DISTRICT COURT
CHAMBERS OF THE HON. ERIKA BALLOU
cc - Law Clerk of Department 24

200 Lewis Avenue

Las Vegas, NV

RECEIVED

AUG 31 2023

89155

CLERK OF THE COURT

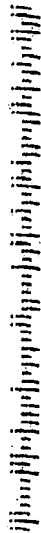


EXHIBIT 1

EXHIBIT 1

AFFIDAVIT

STATE OF NEVADA)
 :SS
COUNTY OF CLARK)

I, ROSEMARIE MCMORRIS-ALEXNADER, being first duly sworn, upon oath, do hereby declare as follows:

1. I am a workers' compensation claims director for Sedgwick, CMS.
2. In that capacity, I handle various aspects of the administration of Nevada workers' compensation claims.
3. I first became familiar with the Plaintiff in this case, Matthew Houston, when on or about 09/30/16, he suffered an industrially related accident and filed a workers' compensation claim.
4. At some point during the administration of his workers' compensation claim, the Plaintiff became dissatisfied with the administration of his claim and began to take his frustrations out on myself and my staff.
5. The week of 07/22/2020, Plaintiff threatened myself and two of my employees, Jonathan Shockley and Diane Ferrante, advising that he would murder us and all Sedgwick employees. After receipt of this threat, I filed a police report.
6. On or about 06/09/21, my next-door neighbor and husband saw a man who fits the description of Plaintiff sitting across the street from my house watching my daughters play in the front yard.
7. On 06/11/21, Plaintiff called me and advised "I know where you live...I will rape and murder you and your 2 daughters." After receipt of this new threat, I filed a second police report.

8. On or about 08/03/21, Plaintiff was charged with Aggravated Stalking in Clark County, Nevada under 8th Judicial District Court case no. A-22-853203-W.
9. On 08/04/21, Plaintiff pled guilty to Aggravated Stalking, was released on his Own Recognizance with low level electronic monitoring, and was Ordered by the Court to have no contact with myself, Redenta Blacic, and/or Jonathan Shockley, and to stay away from 9930 West Cheyenne Avenue, Las Vegas, Nevada pending sentencing which was scheduled for 11/29/21.
10. I applied for a Temporary Protective Order, which was approved for 30 days and expired on 09/30/21.
11. Although Plaintiff abided by the TPO, immediately upon its expiration, on 10/01/21, Plaintiff called Jonathan Shockley in violation of the Court's no contact Order and his plea agreement. Plaintiff left a voicemail threatening Jonathan Shockley and also mentions me by name in that voicemail.
12. Due to the violation of the plea agreement, the District Attorney filed a Motion to Revoke the Plea Agreement. Plaintiff also indicated that he would like to withdraw his guilty plea.
13. A hearing was scheduled for 10/11/21 and Plaintiff did not show up for the hearing. Accordingly, a bench warrant was issued for his arrest.
14. Due to the bench warrant, Plaintiff was arrested on 10/18/21.
15. The Plaintiff's ankle monitor showed that while on electronic monitoring, he was in and around the area of my home. Additionally, my neighbors allege having seen him parked in my neighborhood in violation of the plea agreement and no contact order.

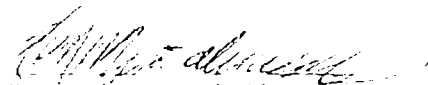
16. Accordingly, on the advice of the District Attorney's Office, I filed for another Temporary Restraining Order and a hearing was set for 10/28/21 and after that hearing the TPA was granted.
17. On 12/06/21, Plaintiff withdrew his Motion to Withdraw his Guilty Plea and was scheduled for sentencing for Aggravated Stalking. I gave a statement at the sentencing hearing. Plaintiff's plea agreement was thrown out and Plaintiff was sentenced to 24 to 96 months in prison for felony aggravated stalking.
18. While in prison, Plaintiff has sued Sedgwick's workers' compensation defense attorney on his claim, Dan Schwartz, Esq, who has requested dismissal of the case.
19. Additionally, Plaintiff has sued numerous other parties for various reasons between 2017 and 2022, including any attorney representing him or an opposing party in any lawsuit he has filed.
20. On 10/26/22, I received notification that the Plaintiff filed a grievance with the Department of Corrections wherein he lists myself, Jonathan Shockley, Diane Ferrante, my children's school, our church, my daughters, and my mother.
21. Although the grievance filed with the Department of Corrections does not seek damages against me personally, it is evidence of the continued harassment from the Plaintiff and shows reason for my concern for the safety of myself and my family.

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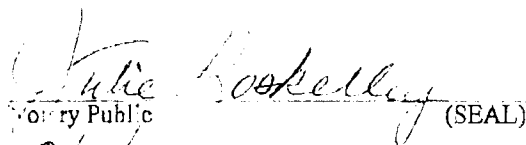
22. On 01/03/23, my husband was served with notification that the Plaintiff was suing me for \$10,001.00.

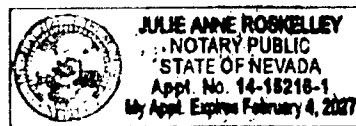
23. I was subsequently notified by my attorney that Plaintiff has sued me in several other court cases, including multiple 8th judicial district court cases and a Federal District Court case in the District of Nevada.

EXECUTED this 27~~th~~ day of MAY, 2023.

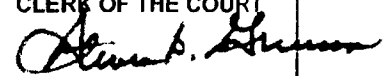

Rosemarie McMorris-Alexander

SUBSCRIBED AND SWORN to before me this 27~~th~~ day of MAY, 2023 by the said Rosemarie McMorris-Alexander.


Notary Public (SEAL)
2/4/2027
Notary Expiration



Electronically Filed
10/5/2021 1:19 PM
Steven D. Grierson
CLERK OF THE COURT



1 0042
2 DARIN F. IMLAY, PUBLIC DEFENDER
3 NEVADA BAR NO. 5674
4 BENARD H. LITTLE, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 12025
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 Benard.Little@clarkcountynv.gov
12 *Attorneys for Defendant*

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,)
10)
11 Plaintiff,)
12)
13 v.)
14 MATTHEW HOUSTON,)
15)
16 Defendant,)

CASE NO. C-21-357927-1
DEPT. NO. X
DATE: October 11, 2021
TIME: 8:30 a.m.

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND APPOINT
ALTERNATE COUNSEL IN ORDER FOR DEFENDANT TO WITHDRAW HIS
GUILTY PLEA**

17 COMES NOW, the Defendant, MATTHEW HOUSTON, by and through
18 BENARD H. LITTLE, Deputy Public Defender, and hereby because Mr. Houston would like to
19 pursue withdrawing his guilty plea.

20 This Motion is based upon all the papers and pleadings on file herein, the attached
21 Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral
22 argument at the time set for hearing this Motion.

23 DATED this 5th of October, 2021.

24 DARIN F. IMLAY
25 CLARK COUNTY PUBLIC DEFENDER

26
27 By: /s/Benard H. Little
28 BENARD H. LITTLE, #12025
Deputy Public Defender

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DECLARATION

BENARD H. LITTLE makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That Mr. Houston would like to pursue a motion to withdraw his guilty plea. Mr. Houston's best claim at achieving that goal may be to claim ineffective assistance of counsel. I cannot claim myself as ineffective.

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

EXECUTED this 5th day of October, 2021.

/s/Benard H. Little
BENARD H. LITTLE

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD will be heard on October 11, 2021, at 8:30 a.m. in District Court, Department X.

DATED this 5th day of October, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Benard H. Little
BENARD H. LITTLE, #12025
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountydc.com on this 5th day of October, 2021.

By: /s/Kayleigh Lopatic
An employee of the
Clark County Public Defender's Office

FILED IN THE EIGHTH
DISTRICT COURT
[Signature]
CLERK OF THE COURT

1 AMD LAW, PLLC
2 ALEXIS M. DUECKER, ESQ.
3 Nevada Bar No. 15212
4 8687 W. Sahara Ave. Ste 201
5 Las Vegas, Nevada 89117
6 Telephone: (702) 743-0107
7 Facsimile: (702) 796-4898
8 Email: alexis@amdlawlv.com
9 *Attorney for Petitioner*

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IN THE EIGHTH JUDICIAL DISTRICT COURT
COUNTY OF CLARK, STATE OF NEVADA

10 MATTHEW HOUSTON,
11 Petitioner
12 v.
13 THE STATE OF NEVADA,
14 Respondent.

Case No: A-22-853203-W
Department: XI

STIPULATION AND ORDER TO SET
BRIEFING SCHEDULE AND TO
CONTINUE

15 WHEREFORE Defense counsel was recently appointed as second chair on a Category A
16 5-day jury trial starting August 29, 2022. However, defense counsel has spoken with and
17 communicated with Petitioner regarding his petition and relevant claims coupled with his filings.
18 At this time, both parties agree to a briefing schedule be set and a hearing date in this be set to
19 allow counsel additional time to prepare and file a supplemental petition.

20 IT IS HEREBY STIPUATED AND AGREED by and between the below-named parties,
21 through their undersigned counsel of record, that the briefing schedule and hearing date in this
22 matter be set to allow defense counsel additional time to prepare and file a supplemental petition.
23 All party representatives agree to a 90-day period for post-conviction counsel to file the
24 supplemental brief, with that deadline being November 28, 2022. The party representatives also
25 agree for a 60-day period for the State to respond after the filing of Petitioner's supplemental
26 petition, with that deadline being January 27, 2023. Also, the party representatives also agree for
27 a 30-day period for post-conviction counsel to reply to the State's response, with that deadline
28

AMD LAW
8687 W. Sahara Ave., Ste. 201
Las Vegas, Nevada 89117
Telephone: (702) 743-0107 Fax: (702) 796-4898

1 being February 27, 2023. Lastly, the party representatives agree to a hearing date on the petition
2 for Wednesday, March 8, 2023 at 9:00am or at the Court's convenience.

3 IT IS FURTHER STIPUATED AND AGREED that the hearing currently set for August
4 31, 2022 for the Emergency Motion to Stay the Remittitur in all Appeals of Matthew Travis
5 Houston be vacated due to the rogue filing or be continued to a time and date convenient to the
6 Court.

7 DATED this August 29, 2022.

8
9 CLARK COUNTY DISTRICT ATTORNEY

10 By: /s/Alexander Chen
11 Deputy District Attorney

By: /s/Alexis M. Duecker
Alexis M. Duecker, Esq.
Attorney for Petitioner

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AMD LAW
8687 W. Sahara Ave., Ste. 201
Las Vegas, Nevada 89117
Telephone: (702) 743-0107 Fax: (702) 796-4898

1 **AMD LAW, PLLC**
 2 **ALEXIS M. DUECKER, ESQ.**
 3 Nevada Bar No. 15212
 4 8687 W. Sahara Ave. Ste 201
 5 Las Vegas, Nevada 89117
 6 Telephone: (702) 743-0107
 7 Facsimile: (702) 796-4898
 8 Email: alexis@amdlawlv.com
 9 *Attorney for Petitioner*

10 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
 11 **COUNTY OF CLARK, STATE OF NEVADA**

12 **MATTHEW HOUSTON,**

Case No: A-22-853203-W

13 Petitioner

Department: XI

14 v.

STIPULATION AND ORDER TO SET

15 **THE STATE OF NEVADA,**

BRIEFING SCHEDULE AND TO

16 Respondent.

CONTINUE

17 Upon stipulation of the parties herein and good cause appearing therefor,

18 **IT IS HEREBY ORDERED** that the briefing schedule and hearing date in this matter be
 19 set to allow defense counsel additional time to prepare and file a supplemental petition. All party
 20 representatives agree to a 90-day period for post-conviction counsel to file the supplemental brief,
 21 with that deadline being November 28, 2022. The party representatives also agree for a 60-day
 22 period for the State to respond after the filing of Petitioner's supplemental petition, with that
 23 deadline being January 27, 2023. Also, the party representatives also agree for a 30-day period for
 24 post-conviction counsel to reply to the State's response, with that deadline being February 27,
 25 2023. Lastly, the party representatives agree to a hearing date on the petition for Wednesday,
 26 March 8, 2023 at 9:00am.

27 ///

28 ///

///

AMD LAW

8687 W. Sahara Ave., Ste. 201

Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

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IT IS FURTHER ORDERED that the hearing currently set for August 31, 2022 at 9:00 am for the Emergency Motion to Stay the Remittitur in all Appeals of Matthew Travis Houston be vacated / continued to **March 8, 2023** , 2022 at **9 am** AM/PM.

Dated this 29th day of August, 2022

Elham Roohani
District Court Judge
919 773 19BE 70E0
Elle Roohani
District Court Judge

AMD LAW

8687 W. Sahara Ave., Ste. 201
Las Vegas, Nevada 89117
Telephone: (702) 743-0107 Fax: (702) 796-4898

1 CSERV

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Matthew Houston, Plaintiff(s)

CASE NO: A-22-853203-W

7 vs.

DEPT. NO. Department 11

8 Calvin Johnson, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.

From: [Alexander Chen](#)
To: [Alexis Duecker](#)
Subject: Re: Proposed SAO - Houston, Mathew; A-22-853203-W
Date: Sunday, August 28, 2022 1:35:43 PM
Attachments: [image001.png](#)
[image001.png](#)
[HOUSTON_PCR_220828_SAO.docx](#)

Sounds good. You can e sign for me ! Thanks

Alex

On Aug 28, 2022, at 1:31 PM, Alexis Duecker <Alexis@amdlawlv.com> wrote:

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Hi Alex,

I represent Matthew Houston in the above referenced writ. I have a 5-day jury trial starting tomorrow, and we have a briefing schedule hearing set for **August 31, 2022**. Would you please review the proposed briefing schedule, and if you find it acceptable, may I affix your electronic signature? I allotted 90 days for opening, 60 for State's response, and 30 for reply.

Thank you for the help!

ALEXIS DUECKER, ESQ.
Licensed in Nevada

8687 W. Sahara Ave. Ste. 201
Las Vegas, Nevada 89117
Ph.(702)743-0107

DISCLAIMER:

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (800) 868-1341, and delete this original message. Thank you.

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Electronically Filed
10/18/2023 10:45 AM

Heather G. ...
CLERK OF THE COURT

1 AMD LAW, PLLC
ALEXIS M. DUECKER, ESQ.
2 Nevada Bar No. 15212
340 E. Warm Springs Rd, Ste. 110
3 Las Vegas, Nevada 89119
Telephone: (702) 743-0107
4 Facsimile: (702) 796-4898
Email: alexis@amdlawlv.com
5 Attorney for Petitioner

6
7 IN THE EIGHTH JUDICIAL DISTRICT COURT
8 COUNTY OF CLARK, STATE OF NEVADA
9

10 MATTHEW HOUSTON,

Case No: A-22-853203-W

11 Petitioner

Department: XI

12 v.

STIPULATION AND ORDER TO RESET

13 THE STATE OF NEVADA,

BRIEFING SCHEDULE

14 Respondent.

15 WHEREFORE Defense counsel is in the process of retaining a neuropsychologist with
16 relation to this matter. At this time, defense counsel requires additional time to have the
17 neuropsychologist visit the Petitioner and prepare her evaluation. Therefore, both parties agree to
18 the following briefing schedule and a hearing date in this be set to allow counsel additional time
19 to prepare and file a supplemental petition.

20 IT IS HEREBY STIPUATED AND AGREED by and between the below-named parties,
21 through their undersigned counsel of record, that the briefing schedule and hearing date in this
22 matter be set to allow defense counsel additional time to prepare and file a supplemental petition.
23 All party representatives agree to a 60-day period for post-conviction counsel to file the
24 supplemental brief, with that deadline being January 27, 2023. The party representatives also agree
25 for a 60-day period for the State to respond after the filing of Petitioner's supplemental petition,
26 with that deadline being March 28, 2023. Also, the party representatives also agree for a 30-day
27 period for post-conviction counsel to reply to the State's response, with that deadline being April
28

AMD LAW

8687 W. Sahara Ave., Ste. 201

Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

1 27, 2023. Lastly, the party representatives agree to a hearing date on the petition for Wednesday,
2 May 3, 2023 at 9:00am or at the Court's convenience.

3 **DATED** this November 28, 2022.

4 **CLARK COUNTY DISTRICT ATTORNEY**

5
6 By: /s/Alexander Chen
7 Deputy District Attorney

By: /s/Alexis M. Duecker
Alexis M. Duecker, Esq.
Attorney for Petitioner

AMD LAW

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AMD LAW

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1 **AMD LAW, PLLC**
2 **ALEXIS M. DUECKER, ESQ.**
3 Nevada Bar No. 15212
4 340 E. Warm Springs Rd. Ste. 110
5 Las Vegas, Nevada 89119
6 Telephone: (702) 743-0107
7 Facsimile: (702) 796-4898
8 Email: alexis@amdlawlv.com
9 *Attorney for Petitioner*

10
11
12 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
13 **COUNTY OF CLARK, STATE OF NEVADA**
14

15 **MATTHEW HOUSTON,**

Case No: A-22-853203-W

16 Petitioner

Department: XI

17 v.

STIPULATION AND ORDER TO RESET

18 **THE STATE OF NEVADA,**

BRIEFING SCHEDULE

19 Respondent.

20 Upon stipulation of the parties herein and good cause appearing therefor,

21 **IT IS HEREBY ORDERED** that the briefing schedule and hearing date in this matter be
22 set to allow defense counsel additional time to prepare and file a supplemental petition. All party
23 representatives agree to a 60-day period for post-conviction counsel to file the supplemental brief,
24 with that deadline being January 27, 2023. The party representatives also agree for a 60-day period
25 for the State to respond after the filing of Petitioner's supplemental petition, with that deadline
26 being March 28, 2023.

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1 Also, the party representatives also agree for a 30-day period for post-conviction counsel
2 to reply to the State's response, with that deadline being April 27, 2023. Lastly, the party
3 representatives agree to a hearing date on the petition for Wednesday, May 3, 2023 at 9:00am or
4 at the Court's convenience.

5 Dated this ____ day of _____, 2022.

Dated this 30th day of November, 2022

Elham Roohani

District Court Judge
97A D32 6C9E 1910
Elham Roohani
District Court Judge

Submitted By:

AMD LAW, PLLC

/s/Alexis M. Duecker, Esq.
ALEXIS M. DUECKER, ESQ.
Nevada Bar No. 15212
340 E. Warm Springs Rd. Ste. 110
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Attorney for Petitioner

AMD LAW

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Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

From: [Alexis Duecker](mailto:Alexis.Duecker@amd.com)
To: [Alexis Duecker](mailto:Alexis.Duecker@amd.com)
Subject: RE: SAO - Matthew Houston A-22-853203-W
Date: Tuesday, November 22, 2022 2:29:51 PM

Yes it is. Have a great thanksgiving.

Alex

From: Alexis Duecker <Alexis@amd.com>
Sent: Tuesday, November 22, 2022 11:45 AM
To: Alexander Chen <Alexander.Chen@clarkcountyda.com>
Subject: RE: SAO - Matthew Houston A-22-853203-W

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Thank you, I really appreciate it! Just to confirm, is it okay if I affix your electronic signature to the Stipulation and Order?

Alexis

From: Alexander Chen <Alexander.Chen@clarkcountyda.com>
Sent: Tuesday, November 22, 2022 11:17 AM
To: Alexis Duecker <Alexis@amd.com>
Subject: RE: SAO - Matthew Houston A-22-853203-W

Absolutely. Thanks for letting me know.

From: Alexis Duecker <Alexis@amd.com>
Sent: Tuesday, November 22, 2022 11:13 AM
To: Alexander Chen <Alexander.Chen@clarkcountyda.com>
Subject: SAO - Matthew Houston A-22-853203-W

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Hi Alex,

I just recently retained a neuropsychologist on this matter and she won't be able to visit Matthew Houston until the first week of December. Is it okay if we push this out 60 days?

Let me know if this works for you!

Thanks!

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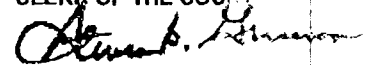
DISTRICT COURT
CLARK COUNTY, NEVADA

Matthew Houston, Plaintiff(s)	CASE NO: A-22-853203-W
vs.	DEPT. NO. Department 11
Calvin Johnson, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
1/10/2023 9:35 AM
Steven D. Grierson
CLERK OF THE COURT



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DISTRICT COURT
CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

CASE NO. C-21-357927-1
DEPT. 10

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vs.

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MATTHEW HOUSTON,

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Defendant.

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BEFORE THE HONORABLE NANCY BECKER, SENIOR DISTRICT COURT JUDGE

14

**MONDAY, OCTOBER 25, 2021
RECORDER'S TRANSCRIPT RE:
BENCH WARRANT RETURN**

15

16

17

APPEARANCES:

18

For the State:

WILLAIM MERBACK, Esq.
Chief Deputy District Attorney

19

20

21

For the Defendant:

BERNARD LITTLE, Esq.
Public Defender

22

23

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RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Monday, October 25, 2021 at 8:50 a.m.

2
3
4 THE COURT: State of Nevada v. Mathew Houston. This is return on a bench
5 warrant. Mr. Houston is present in custody. And for the defense we have?

6 MR. LITTLE: Bernard Little, Bar Number 12025.

7 THE COURT: All right. So - -

8 MR. MERBACK: Your Honor, just for the record. It's William Rowles for the
9 State. He's there on Blue Jeans. Wait. I might have my pages mixed up. Which one
10 is this?

11 MR. MERBACK: I actually do have Houston. Never mind. Sorry.

12 THE COURT: So there are some competing motions but the first motion
13 would be for Mr. Little as to why the defendant was not present on October the 11th.

14 MR. LITTLE: Yes, Your Honor, I do not know and cannot make
15 representations on why he wasn't present. I do not believe the motion to remand
16 has been heard yet. We continued it until we could find him. And I'd be asking to
17 respond orally for motion to remand.

18 THE COURT: That was going to be my next question. So he's in custody on
19 the bench warrant is my understanding, is that correct?

20 MR. LITTLE: That's correct.

21 THE COURT: Very well then. The first motion we'll hear then is the State's
22 motion to remand and to increase bail. Argument by the State.

23 MR. MERBACK: Your Honor, I don't have a lot to add unless the Court has a
24 specific question. I'll submit it on our pleadings.

25 THE COURT: And then your oral opposition, Mr. Little?

1 MR. LITTLE: And, Your Honor, my client unfortunately suffered a traumatic
2 brain injury a while ago which kind of gives rise to this whole case. As Your Honor
3 is familiar with when somebody has a traumatic brain injury their ability to control
4 their thoughts and actions are limited. I also forwarded to the Court proof that his
5 support animals, which he has been legally prescribed as necessary for him to cope,
6 were taken away from him and he lost them and that was absolutely devastating. I
7 tried to talk him about this and counsel him through it but unfortunately I am not a
8 doctor. I am not a therapist. I can't help him with his impulse control issues. It does
9 seem to be that it is difficult for him to control his anger. I think he needs therapy. I
10 think he needs a lot of things. The problem is he's not going to be able to get those
11 while he's in custody. He's not going to be able to get the support he needs while in
12 custody as far controlling his impulses and getting medical assistance with his
13 traumatic brain injury he did suffer. This stems from a worker's comp case where he
14 alleged to have called several people and made various threats. It was resolved
15 and he pled guilty in this case, and as part of that condition was for him to not
16 contact the named victims. He did contact somebody that works - - that is a listed
17 named victim who also works at the worker's comp department. He is trying to get
18 that worker's comp case resolved and so he did have contact with that person.

19 I'm sure he has the Court's full attention. I'm sure he's well aware that he's
20 not supposed to do that. I'd be asking for release with conditions such that he goes
21 to weekly therapy, provides records to me which I can forward to the Court, and as
22 long as he's going to therapy, checking in on intensive supervision or electronic
23 monitoring as the Court deems fit then we can keep him out of custody pending
24 sentencing on this case.

25 MR. MERBACK: And, Your Honor, just if I could orally reply to that in regards

1 to one thing. Referencing the defendant's continued contact in this case is a part of
2 his worker's compensation case is just not accurate. His continued contact in this
3 case in direct violation of the Court's order clearly extends beyond anything that
4 would be necessary for a worker's compensation case and placing the victims in
5 danger. I'll submit it on that.

6 THE COURT: And do you have anything that you'd like to say, Mr. Houston?
7 You don't have to but I want to give you the opportunity if you choose to do so in
8 regard to why you weren't here on October 11th.

9 THE DEFENDANT: I was in the hospital, Your Honor, trying to get new
10 doctors because I was living in the state of Iowa so all my doctors there I can't see.
11 My insurance, I had to reapply for everything like the Medicaid and transfer my
12 Medicare over. Just finding new doctors. And I was hospitalized at UMC. I can't
13 remember the exact dates because I don't have the paperwork in front of me. Also
14 after my release, I think it was September 10th, my wallet was stolen when my truck
15 was broken into so everything has been overwhelming getting new doctors, having
16 to replace an ID and moving back to Nevada because I wasn't living in Nevada
17 before all this. For the last two years I was living in the state of Iowa and relocating
18 without being prepared for it has been difficult.

19 THE COURT: All right. I will not reinstate you on own recognizance release
20 or on the current bail.

21 State, you're seeking to have bail increased to how much?

22 MR. MERBACK: I think we were looking for - - let me check.

23 THE COURT: He'll be remanded into custody on this case. He's already in
24 custody on the bench warrant.

25 MR. MERBACK: What is the current bail on that - - was there a bail on that

1 bench warrant, Your Honor?

2 THE COURT: There was a no bail on the bench warrant.

3 MR. MERBACK: He was originally released with \$5000. I'm going to ask the
4 Court then - - for \$50,000 then because originally it was set at \$5000 when he was
5 released.

6 THE COURT: Argument, Mr. Little, on the amount of bail?

7 MR. LITTLE: And, Your Honor, client is indigent. He's been living out of his
8 car when I spoke to him previously. I don't believe that he can afford a \$50,000 bail
9 so that would be defacto detainer or no bail hold, which I don't think is the aspiration
10 of the Court and the DA, unless I'm wrong so I'd be asking for bail in the amount of
11 \$10,000. It's more that the bail he had before because he did contact the named
12 victim as alleged but it's not something where it's not something where it's
13 completely outside the realm of possibility for him to be able to gather up.

14 THE COURT: All right. Based upon the nature of the case originally and the
15 status and conditions that related to his original release on the \$5000 bail I'm going
16 to increase the bail to \$15,000, which I believe to be a reasonable amount of bail to
17 insure that he understands the seriousness of not contacting the victims and
18 complying with all of his Court appearances as well as so that balanced approach of
19 protecting the community as well as making sure that the bail is reasonable and not
20 punitive pursuant to the most recent case law from Nevada Supreme Court. So the
21 bail will be \$15,000 cash asurity.

22 MR. MERBACK: Your Honor, we also request in our motion that there also
23 be a condition high-level electronic monitoring as part of the release. We're going to
24 continue to request that as well.

25 THE COURT: And I do believe that that is appropriate under the

1 circumstances particularly given the confusion about where he's living and some of
2 the issues that related to the phone calls as well as the medical conditions, so I will
3 order high-level monitoring.

4 Now, Mr. Houston, no more phone calls. That's what you got you back into
5 custody. I know you're having a tough time. I know you got a lot of things to do but
6 is the number one thing, no phone calls and talk to Mr. Little in his office, okay?

7 THE DEFENDANT: All right.

8 THE COURT: If you get out again.

9 MR. MERBACK: We need to set this for sentencing now, Your Honor, or do
10 we already have a sentencing date of November 29th?

11 THE COURT: We have a sentencing date of November 29th.

12 MR. LITTLE: We do. I also filed a motion so somebody could look at his
13 possible - -

14 THE COURT: I'm going to get to that in just a minute.

15 MR. LITTLE: Understood.

16 THE COURT: So that would take care of everything from the State's
17 perspective on the motion.

18 MR. MERBACK: That's correct, Your Honor.

19 THE COURT: Now, Mr. Little, in conversations with Mr. Houston you have
20 indicated that he wishes to investigate and potentially file a motion to withdraw his
21 guilty plea and that in that context he may be claiming ineffective assistance of
22 counsel, is that correct?

23 MR. LITTLE: In my conversations with him he stated that he wanted to
24 withdraw his guilty plea, and I do not know what the best grounds to withdraw his
25 guilty plea would be but one of those could be ineffective assistance of counsel. And

Also See Case 2:23-cv-01210-APG-DJA Document 6 Filed 10/10/23 Page 59 of 144

1 he'd be forfeiting that argument if I was assess {inaudible} withdraw the guilty plea.

2 THE COURT: And I'm going to ask the clerk for the department, does Judge
3 Jones normally at this stage appoint independent counsel to interview the defendant
4 and make a determination about whether or not the defendant wishes to withdraw
5 his guilty plea is the normal course for this department?

6 THE CLERK: Yes.

7 THE COURT: Then that's what we will do. We'll appoint you a separate
8 attorney to talk to you, Mr. Houston, solely for the purpose of determining whether or
9 not you wish to proceed with the negotiations or you wish to withdraw your guilty
10 plea and if so determine if there are any grounds to file such a motion.

11 So what we're going to do is we'll set a status check to confirm counsel. I
12 assume there is a list of the next up for appointment.

13 THE CLERK: That would be Mr. Goldstein.

14 THE COURT: Mr. Goldstein will be the attorney appointed solely for the
15 purpose of the motion to withdraw at this point in time. Mr. Little remains your
16 attorney on the underlying case until such time as Mr. Goldstein has had a chance
17 to talk to you about the guilty plea issue. We'll set this for next week. Is that enough
18 time for confirmation? Is that the normal time that Judge Jones would use? Very
19 well. We'll set a status check for confirmation of counsel on the motion to withdraw
20 next week.

21 THE CLERK: November 1st at 8:30.

22 MR. LITTLE: Thanks, Your Honor.

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(Proceedings concluded at 9:04 a.m.)

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

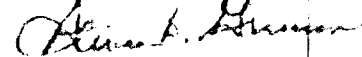
Victoria W. Boyd

1-9-23

Victoria W. Boyd
Court Recorder/Transcriber

Date

Electronically Filed
1/5/2023 3:44 PM
Steven D. Grierson
CLERK OF THE COURT



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DISTRICT COURT
CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

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9 Plaintiff,

CASE NO. C-21-357927-1
DEPT. 10

9

10 vs.

10

11 MATTHEW HOUSTON,

11

12 Defendant.

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13

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

14

**MONDAY, OCTOBER 11, 2021
RECORDER'S TRANSCRIPT RE:
ALL PENDING MOTIONS.**

15

16

17

APPEARANCES:

18

19 For the State:

KRISTINA RHOADES, Esq.
Special Deputy District Attorney

19

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22 For Defendant:

SCOTT RAMSEY, Esq.
Public Defender

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RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Monday, October 11, 2021 at 9:30 a.m.

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3
4 THE COURT: Mr. Houston does not appear to be present. Mr. Ramsey is
5 here on his behalf. Ms. Rhoades is here on behalf of the State. This is on for the
6 State's motion to remand the defendant and increase his bail.

7 Mr. Ramsey, do you know why this motion wasn't - - it wasn't responded to
8 because you also have a motion to withdraw.

9 MR. RAMSEY: Yeah, I believe Mr. {inaudible} filed a motion to - - well, I think
10 Mr. Little filed a motion to withdraw because Mr. Houston wanted to withdraw his
11 plea. I'm not sure what the status is between that and the State's motion to remand.

12 THE COURT: I assume that that's why Mr. Little didn't respond is because he
13 had filed a motion to withdraw. However, the defendant is not here. I don't know - -
14 Mr. Ramsey, do you have any representations on the defendant's whereabouts?

15 MR. RAMSEY: I do not, Your Honor. I think Mr. Little said he wanted to
16 appear but he's stuck in Justice Court 3 right now to address the motion to remand,
17 but if the client is not there not even sure he'd be able to do that.

18 THE COURT: All right. State.

19 MS. RHOADES: We would ask for a bench warrant, Your Honor.

20 THE COURT: Well, it appears that he has violated orders of this Court. I will
21 make a decision as to what's going to happen with his bail. I'm going to issue a
22 bench warrant, no bail. Let Mr. Little know if something changes he can put this
23 back on and I'll readdress it, and I'll readdress your motion to withdraw when the
24 defendant is present.

25 MR. RAMSEY: Understood, Your Honor.

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MR. RHOADES: Thank you.

THE COURT: Thank you.

(Proceedings concluded at 9:31 a.m.)

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Victoria W. Boyd

1-5-2023

Victoria W. Boyd
Court Recorder/Transcriber

Date

Electronically Filed
10/12/2021 3:24 PM

Alvin J. Smith
CLERK OF THE COURT

BNCH

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA

Plaintiff,

-vs-

MATTHEW HOUSTON, aka,
Matthew Travis Houston,
ID# 7035801

Defendant.

CASE NO: C-21-357927-1

DEPT NO: X

BENCH WARRANT

THE STATE OF NEVADA,

TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in any State:

IT APPEARING to the Court that MATTHEW HOUSTON, aka, Matthew Travis Houston was heretofore ordered to appear before the above-entitled Court on the 11th day of October, 2021, on the charge of AGGRAVATED STALKING (Category B Felony - NRS 200.575 - NOC 50333), and having failed to appear at said time, NOW, THEREFORE, YOU ARE COMMANDED to arrest and bring the said person before the Court, or, if the Court has adjourned, to deliver said person into the custody of the Sheriff of Clark County. The Warrant may be served at any hour day or night.

GIVEN under my hand this _____ day of October, 2021.

Dated this 12th day of October, 2021

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY

Kristina A. Rhoades
KRISTINA A. RHOADES
Chief Deputy District Attorney
Nevada Bar #012480

Tierra Jones
DISTRICT JUDGE TIERRA JONES
NO BAIL

DA#21CR019840/erg/L-4
LVMPD EV#210300101590/D. KELLY #7413
07151984; WMA; 481-06-1968
(TK3)

C79 F69 5640 B1BD
Tierra Jones
District Court Judge

Also See Case 2:23-cv-01210-APG-DJA Document 6 Filed 10/10/23 Page 62 of 144

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-21-357927-1
vs	DEPT. NO. Department 10
Matthew Houston	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Bench Warrant was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 10/12/2021

G. Cox	Coxgd@clarkcountynv.gov
Ben Little	Benard.Little@ClarkCountyNV.gov
DA	Motions@ClarkCountyDA.com

PA024

BNCH
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KRISTINA A. RHOADES
Chief Deputy District Attorney
Nevada Bar #012480
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW HOUSTON, aka,
Matthew Travis Houston,
ID#7035801

Defendant.

CASE NO: C-21-357927-1

DEPT NO: X

BENCH WARRANT RETURN

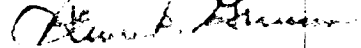
MATTHEW HOUSTON, aka, Matthew Travis Houston, the Defendant above named, was heretofore ordered to appear before the above-entitled Court on the 11th day of October, 2021, on the charge of AGGRAVATED STALKING (Category B Felony - NRS 200.575 - NOC 50333), and having failed to appear at said time the Court issued a Bench Warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Bench Warrant and served the same by arresting the within Defendant on the ____ day of _____, 2021.

JOSEPH LOMBARDO
Sheriff, Clark County, Nevada

BY: _____
Deputy

Electronically Filed
8/1/2023 12:39 PM
Steven D. Grierson
CLERK OF THE COURT



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DISTRICT COURT

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CLARK COUNTY, NEVADA

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MATTHEW HOUSTON,

)

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Petitioner,

)

CASE NO. A-22-853203-W

9

vs.

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DEPT. XVII

10

CALVIN JOHNSON,

)

Transcript of Proceedings

11

Respondent.

)

12

13

BEFORE THE HONORABLE JENNIFER SCHWARTZ, DISTRICT COURT JUDGE

14

WEDNESDAY, JUNE 28, 2023

15

ALL PENDING MOTIONS

16

17

APPEARANCES:

18

19

FOR THE PETITIONER:

ALEXIS M. DUECKER, ESQ.

20

21

FOR THE RESPONDENT:

MARICELA LEON

Deputy District Attorney

22

23

24

25

RECORDED BY: JILL HAWKINS, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, JUNE 28, 2023, 11:09 A.M.

2

3 THE CLERK: A853203, Matthew Houston versus Calvin
4 Johnson.

5 THE COURT: Good morning, sir.

6 THE DEFENDANT: Good morning, Your Honor.

7 THE COURT: I know you've been here all morning and
8 this isn't exactly your favorite place; right?

9 THE DEFENDANT: It's alright. It's better than being
10 in prison.

11 THE COURT: Okay. Ms. Duecker, have you -- I assume
12 there has not been additional communications between you and Mr.
13 Houston.

14 MS. DUECKER: There have been a couple of letters,
15 Your Honor, exchanged. Candidly, I don't think there's
16 competency concerns unless Mr. Houston feels otherwise. He
17 candidly, I think, would know better than me, especially coupled
18 with his medical history. But I feel comfortable to proceed
19 forward.

20 THE COURT: Okay. All right. And I did do some quick
21 research, and I don't know, even if I had competency concerns, I
22 don't know if I could. I don't know if I could refer him to
23 Judge Craig. So we are on the Writ of Habeas Corpus as well as
24 the other motions.

25 And, Mr. Houston, I will say this: whenever you file a

1 motion or petition, I'm always going to take it off calendar
2 because you do have counsel. All right? And so I can't have
3 you filing documents as well as your attorney, so I'm always
4 going to be taking them off calendar and then rule, if
5 appropriate, that Ms. Duecker can file them.

6 So I'm not going to tell you to stop filing them
7 necessarily, but I'm letting you know that since you're here,
8 that every time you do it on your own, I'm just going to take it
9 off calendar because you have counsel. Does that make sense?

10 THE DEFENDANT: Yeah. That makes sense.

11 THE COURT: Okay.

12 THE DEFENDANT: There's just a couple things I want to
13 add to the record.

14 THE COURT: Well, hold on let me -- so that's my
15 concern. Ms. Duecker, he wants to add things. Do you --

16 THE DEFENDANT: Well, to eliminate confusion between
17 her and me and this, you know, that way there's no confusion
18 going forward.

19 THE COURT: Okay. Are you comfortable with him doing
20 this, Ms. Duecker, even though you're not physically here?

21 MS. DUECKER: Absolutely, Your Honor.

22 THE COURT: Okay. Go ahead Mr. Houston.

23 THE DEFENDANT: Well, I'm just wondering about Craig
24 Mueller and Associates and Larry Phillips. They were retained
25 counsel. I have not heard from them. So I'm wondering where

1 they are.

2 THE COURT: Did you retain them for purposes of your
3 post-conviction?

4 THE DEFENDANT: For post-conviction, yes, ma'am.

5 THE COURT: Is that right, Ms. Duecker?

6 THE DEFENDANT: This was before she was appointed.
7 Sorry.

8 THE COURT: So I don't know. I saw that Ms. Duecker
9 was appointed before I even took the bench. So I don't know why
10 Mr. Mueller is not -- I don't know if he should be because she's
11 now your attorney.

12 THE DEFENDANT: I just wanted -- yeah, I just wanted
13 to clarify it, because that's why she's probably confused as
14 well, because -- well, an attorney not doing their job. So I
15 just wanted to put that on the record.

16 THE COURT: Okay. All right.

17 THE DEFENDANT: Because I had filed a claim in small
18 claim -- a complaint in small claims, it got dismissed, because
19 it's not -- it exceeds the value of small claims, whatever. So
20 I just wanted, you know, that's who should be speaking today.
21 And since they were retained and they're not. So I'll let you -

22 -

23 THE COURT: So Ms. Duecker should be the one that's
24 here because she was appointed by the courts.

25 THE DEFENDANT: Yeah.

1 THE COURT: If there's a -- if you retained them
2 that's a contractual issue. They're not attorney of record; Ms.
3 Duecker is the attorney of record.

4 THE DEFENDANT: Sure.

5 THE COURT: So that's why she's -- she's always going
6 to be the one unless or until someone else substitutes in.

7 THE DEFENDANT: Okay.

8 THE COURT: All right?

9 THE DEFENDANT: And then I guess I just had a
10 question, Judge Schwartz. I have to asked -- are you related to
11 attorney Daniel L. Schwartz?

12 THE COURT: I am not.

13 THE DEFENDANT: Okay. Because that could be a
14 conflict. I didn't know if it's [indiscernible] who's this
15 person and what. So, you know. All right.

16 Balls in the both of your courts.

17 THE COURT: All right. So we are here on the post-
18 conviction petition for writ of habeas corpus. Ms. Duecker, is
19 there anything that you'd like to add?

20 MS. DUECKER: No, Your Honor. We'll submit on the
21 briefing.

22 THE COURT: Okay. Ms. Leon, do you have -- you have
23 this file; right?

24 MS. LEON: I do.

25 THE COURT: Okay. Is there anything you'd like to

1 add?

2 MS. LEON: My understanding from our position was that
3 what was filed -- because it was a fugitive document that was
4 -- was our response was.

5 THE COURT: So do you have any response to the one
6 that Ms. Duecker actually filed?

7 There had been responses. Is there anything that
8 you'd like to add?

9 MS. LEON: No, Your Honor. I'd submit on the
10 responses.

11 THE COURT: Okay. So as far as the non-fugitive
12 documents, but rather the petition for writ of habeas corpus,
13 the post-conviction one that has been filed, I understand that
14 the argument is that there is an ineffective assistance because
15 there was no filing of an appeal; ineffective because there was
16 a silence on whether the defendant had -- or Mr. Houston had
17 breached the terms of his guilty plea agreement; the not -- not
18 proceeding with the guilty but mentally ill issue.

19 So I'm going to say that -- I'm going to deny at this
20 point the petition -- or post-conviction relief. As far as --
21 well, I mean, look, Mr. Houston pled guilty to a felony, he
22 picked up new violations, he bench warranted at the time of
23 sentencing, he was a failure to appear. I didn't see anything
24 in the record that indicated that there was an actual request
25 for an appeal, but rather the argument -- so, I'm sorry. I'm

1 jumping.

2 So as far as Count 2, I don't think that the counsel
3 was ineffective for remaining silent because Mr. Houston did, in
4 fact, breach the terms of the guilty plea agreement.

5 As far as the ineffectiveness for not filing an
6 appeal, there was no -- there's nothing in there indicating that
7 there had been an actual request for an appeal, but rather the
8 argument that they should have known because he was upset. I
9 don't think that there was any basis -- there was any specific
10 request to file an appeal. So I'm going to deny ineffectiveness
11 on that.

12 And again, with the ineffectiveness for not proceeding
13 with the guilty but mentally ill, I mean, there had been -- if
14 that was appropriate then that would have -- I didn't see
15 anything in the petition or in the writings or in the exhibits
16 that indicated that there was any reason to proceed with the
17 guilty but mentally ill. I understand the mental health issues
18 and aspects, and that probably could have benefited, but I
19 don't see any -- I don't see how the attorney was ineffective
20 for not proceeding with that one.

21 So based on the documents, that is my ruling. Can the
22 State prepare the order for me, please, on this?

23 MS. LEON: Yes, Your Honor.

24 / / /

25 / / /

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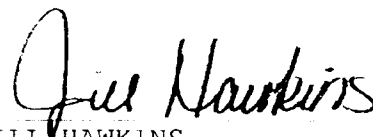
THE COURT: All right. Good luck to you, sir.

MS. DUECKER: Thank you, Your Honor.

THE COURT: All right. Have a good day.

THE PROCEEDINGS CONCLUDED AT 11:17 A.M.

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video proceedings in the above-entitled case to the best of my ability.



JILL HAWKINS
Court Recorder

DODGE A. SLAGLE, DO

1090 Wigwam Parkway, Suite 100
Henderson, Nevada 89074

(702)-454-0201

Bernard Little, Esq.
Deputy Public Defender
Office of the Public Defender
330 S. Third Street
Suite 800
Las Vegas, NV 89155-2316

Client Name: Matthew Houston
Case No. C-21-357927-1
PD File No. CR-2021-09178
Date of Evaluation: November 22, 2021

Dear Mr. Little:

The results of my evaluation of Matthew Houston are summarized in this report. It is my opinion that Mr. Houston is competent to stand trial and assist his attorney in the defense of his case.

PSYCHIATRIC FORENSIC EVALUATION

IDENTIFYING INFORMATION: Matthew Houston is a 37-year-old male who is in the Clark County Detention Center. Mr. Houston is charged with Making Threats or Conveying False Information Concerning Act of Terrorism. This evaluation was requested by Bernard Little, Deputy Public Defender, to determine whether Mr. Houston is competent to stand trial and assist counsel with his defense.

Mr. Houston was evaluated in the Clark County Detention Center on November 22, 2021 for this evaluation. His attorney, Bernard Little, was present for the entirety of the interview. Mr. Houston was advised that his answers to my questions would be summarized in my report and submitted to his attorney, and likely the Court, and that the usual rules of confidentiality would therefore not apply. He agreed to this interview and evaluation.

Other sources of information for this evaluation include:

1. Criminal Complaint.
2. Information.
3. Declaration of Arrest for Event LI.V210700065245.
4. Nevada Pretrial Risk Assessment.
5. Guilty Plea Agreement.
6. Neuropsychological evaluation, 1/13/17, Staci Ross PhD.
7. Reporter's Transcript of Unconditional Waiver.

HISTORY OF CURRENT PROBLEM: Mr. Houston is accused of making threats against persons involved in his disability compensation case. He states his disability case is still

Matthew Houston

Date of Evaluation: November 22, 2021

Case No. C-21-357927-1

not settled, and he is frustrated that the individuals adjudicating his case have not been more fair with him.

He has previously signed a guilty plea agreement for a charge of Aggravated Stalking.

His attorney is concerned that he is evasive, demanding and easily angered. He is focused on those who have wronged him in the past. He speaks of unrelated matters and believes his case should be dismissed. He does not appreciate the severity of his situation.

CURRENT PSYCHIATRIC SYMPTOMS: Mr. Houston reports his mood is currently "terrible." He has problems with mood swings, anger, depression and anxiety. He reports normal appetite, sleeping up to twelve hours per day, and a low energy level. He denies homicide or suicide ideation. He has "visions," but denies that these are actual sensory experiences. He believes the government, as well as society as a whole, are corrupt, and are interfering with his own fair treatment by the system. He thinks people try to kill him whenever he stands up for himself. He has problems with concentration and memory. He has racing thoughts.

PAST PSYCHIATRIC HISTORY: Mr. Houston has a history of two past psychiatric hospitalizations and two past suicide attempts. He has taken Provigil, Adderall, lorazepam, medical marijuana and buspirone in the past. He has been in an alcohol rehabilitation program three times.

His neuropsychological testing revealed mild neurocognitive impairment (mostly scoring in the normal or low average range of functioning) and major depressive disorder. His personality testing revealed him to have a style "that involves a degree of dangerousness, risk taking, and a tendency to be rather impulsive." He demonstrates "a heightened tendency to be rigid and follow his own personal guidelines in an inflexible manner." He was noted to have become agitated at times during the evaluation. The presence or absence of delusions is not described.

PAST MEDICAL HISTORY: Mr. Houston reported he had a fall as a stagehand in 2016 of forty feet, resulting in multiple injuries including a traumatic brain injury. He suffers from no other known acute or chronic medical problems. He is taking buspirone, Tylenol and ibuprofen.

SUBSTANCE USE: He smokes two cigarettes per day. He drinks five to seven beers per week. He denies other recreational drug use.

FAMILY AND SOCIAL HISTORY: Mr. Houston has never been married and has no children. He had one brother, one half-brother and one half-sister in his family of origin. His brother and uncle committed suicide. He graduated from high school, and attended trade school for underwater welding. He states he was a "genius," and was in the Gifted and Talented program during his schooling. He denies a history of hyperactivity. He worked as a welder from 2008 to 2015.

Also See Case 2:23-cv-01210-APG-DJA Document 6 Filed 10/10/23 Page 68 of 144

Matthew Houston

Date of Evaluation: November 22, 2021

Case No. C-21-357927-1

LEGAL HISTORY: He has previously been arrested many times, including DUI's and disturbing the peace.

MENTAL STATUS EXAMINATION: Mr. Houston was alert and oriented to person, place and time during the interview. His speech was normal rate, tone and inflection. He was generally cooperative with the interview. His affect was of full range, stable, and appropriate to content. His mood was mildly irritable. His thoughts were very tangential, and he required frequent redirection. He denied hallucinations during the interview, and none were apparent. He expressed many paranoid delusions. He spoke in dramatic, and at times generally threatening, language. However, he insisted he had not plans or intent to harm anyone, and these remarks were a way to describe the degree of his frustration. His memory for recent and remote events was intact as judged by ability to recount historical information. His intellectual capacity was judged to be average by vocabulary and general fund of knowledge. He named the current President as Biden. He spelled the word "world" in reverse correctly. He was able to recall two of three items at five minutes. His judgment for self-preservation was intact. He denied current homicide or suicide ideation. His insight into the impact of his language and behavior was poor.

Mr. Houston reported he was charged with "Aggravated Stalking." He understood that this charge was a felony, and that he could be sentenced to two to ten years in prison. He reported the role of the Judge was "to provide a impartial dispute resolution." He reported the role of the Prosecuting Attorney was "try to cater to the other guys." He understood the Prosecuting Attorney was working against him. He reported the role of his attorney was "argue so I don't have to be abused by a fraudulent court style." He understood the adversarial nature of the trial process. He understood the plea bargain process. When asked what he would do if someone told a lie about him in court, he said, "I tell my attorney 'that's a lie.'" He felt able to control himself in court. He believes he is competent to stand trial.

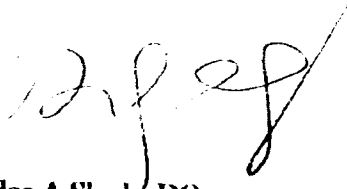
IMPRESSION:

UNSPECIFIED PSYCHOTIC DISORDER
POSSIBLE BIPOLAR DISORDER
ALCOHOL USE DISORDER

FINDINGS:

It is my reasonable medical opinion that Matthew Houston is currently competent to stand trial and assist his attorney in the defense of his case. Mr. Houston has the capacity to reasonably understand the charges against him, the possible ramifications of conviction, and the roles of the officers of the court. He has the capacity to cooperate with his attorney in planning a legal strategy and to disclose to him some pertinent facts surrounding the alleged offense. He has the capacity to testify relevantly and to realistically challenge prosecution witnesses. He has the capacity to control his behavior in a courtroom. He has a reasonably self-serving motivation. He is able to learn information relevant to his legal situation and is capable of using the knowledge he has to assist himself.

Matthew Houston
Date of Evaluation: November 22, 2021
Case No. C-21-357927-1

A handwritten signature in black ink, appearing to read "D. Slagle", written over a horizontal line.

Dodge A Slagle, DO
Diplomate, American Board of Psychiatry and Neurology, Inc.

716 South 6th Street
Las Vegas, Nevada 89101
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**Baily
Neuropsychology
Services**

Abigail Baily, Ph.D.
Clinical Neuropsychologist

PSYCHOLOGICAL EVALUATION

Patient Name: Matthew Houston
Dates of Examination: December 21st 2022
Place of Examination: High Desert State Prison
Examiner: Abigail Baily, Ph.D.
Referral Source: Alexis Ducker, Esq.- Office of Appointed Counsel

THE CONTENTS OF THIS REPORT ARE STRICTLY CONFIDENTIAL AND ARE NOT TO BE REPRODUCED OR DISSEMINATED IN WHOLE OR IN PART BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE PATIENT.

Matthew Houston is a 38-year-old (DOB: 07/15/1984) right-handed man incarcerated on charges of aggravated stalking with a history of TBI sustained in 2016, prior to his current conviction. His attorney is concerned that deficits related to his brain injury were not taken into consideration during his trial and requested a neuropsychological evaluation to assist in understanding his overall neurocognitive functioning, as well as to examine his psychosocial and medical history to assess any clinical factors that may be pertinent to his case. A review of records follows the body of this report.

Informed Consent

I informed Mr. Houston that the present evaluation was requested by his defense attorneys. I explained the limits of confidentiality and importance of effort in this forensic context. He was initially guarded and asked how he could be certain that I was in fact sent by his defense team. After some discussion, he agreed to continue with the interview and evaluation, having had the limitations explained to him and after having an opportunity to discuss concerns, and ask any questions.

Understanding of Legal Information

Mr. Houston expressed a good understanding of his charges, his sentence, the roles played by members of the legal community, and courtroom proceedings. He experiences a number of psychiatric symptoms related to his brain injury, including disorganized thinking, loose associations, delusional thinking and distractibility. These psychiatric factors may undermine competency. For example, he expressed significant distrust towards the court and the judge that rose to the level of paranoia. At this time he appears to have a good relationship with his defense team and is comfortable discussing his case with his attorneys and appears to be comfortable asking questions if he does not understand complex legal information that is presented to him. Given the rapport he has established with his legal team, there do not appear to be any significant neurocognitive/neuropsychiatric barriers to competency. However, if his paranoia became targeted at his attorneys, this could undermine his ability to fully participate in his defense with a reasonable degree of rational and factual understanding.

BLAV Below Average score - 2-8 (2.29-9.17) percentile.
 EXLW Exceptionally Low score = <2.28 percentile.

ATTENTION, MENTAL TRACKING, PROCESSING SPEED

EXLW	BLAV	LOW		HIAV	ABAV	EXHI	6	Digit Span Forward - Attentional Buffer Capacity - repetition of digits (Reliable)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	2	Digit Span Reverse - Simple Mental Tracking Capacity - repetition of digits in reverse order (Reliable)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	3	Digit Span Sequenced - Complex Mental Tracking Capacity - repetition of digits in numerical order (Reliable)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	30	Working Memory Index - (WAIS-IV, WMI) Factors two measure of attentional buffering and mental tracking (%)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Processing Speed Index - (WAIS IV, PSI) factors perceptual motor speed and dual attentional speed. (%)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Symbol Search - Timed dual attention task - Subject simultaneously searches for two symbols (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Coding - Perceptual Motor Speed - rapid transcription of numbers into symbols (ss)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	10	Arithmetic - Moderate Mental Tracking (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Color Naming Condition 1 - Simple Visual Based Processing Speed (DKEFS Color Word) (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Color Reading Condition 2 - Simple Lexical Based Processing Speed (DKEFS Color Word) (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	D/C	Trails A - Perceptual Motor Speed with Visual Search (t-score)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	52	CPT II - Vigilance/Focused Attention - Omissions (t-scores)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	53	Commissions
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	76	Hit Reaction Time
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	68	Hit Reaction Time standard error
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	51	Variability
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	58	Detectability
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	46	Response Style (B)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	67	Perseverations
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	51	Hit RT Block Change
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	50	Hit SE Block Change
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	44	Hit RT ISI Change
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	46	Hit SE ISI change

Neurological = 66.67 Confidence Index

LANGUAGE SKILLS

EXLW	BLAV	LOW		HIAV	ABAV	EXHI	8	Vocabulary - Vocabulary Knowledge (ss)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	55	Boston Naming Test - Confrontation Naming - Ability to name schematic depictions of objects (t-score)
EXLW	BLAV	LOW	AVE		ABAV	EXHI	12	Category Exemplar - Semantic Fluency - Rapidly generating words from specific semantic categories (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	4	Similarities - Abstract Language Proficiency - Providing abstract categorizations of two disparate concepts (ss)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	8	Proverbs - Abstract Language Proficiency (ss)

SPATIAL PROCESSING AND CONSTRUCTIONAL SKILLS

EXLW	BLAV	LOW		HIAV	ABAV	EXHI	27	Judgment of Line Orientation - Angle Orientation - Estimating angles (raw)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	31	Key Osterieth Complex Figure - Low Structure Complex Construction - Drawing - Copying a complex geometric figure (raw)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	6	Spatial Reasoning Skills - Matrix Reasoning (ss)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	6	High Structure Complex Construction - Block Design (ss)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	6	Visual Puzzles (ss)

MEMORY AND NEW LEARNING

EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	4	Logical Memory, WMS-IV - Immediate memory for highly structure verbal material - Immediate recall of two stories (ss)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	4	Logical Memory II, WMS-IV - Delayed recall - Recall of the above story after a 30-minute delay (ss)
EXLW	BLAV	LOW		HIAV	ABAV	EXHI	20-50	Logical Memory II, WMS-IV - Recognition of story details after 30-minute delayed recall (%)
EXLW	BLAV		AVE	HIAV	ABAV	EXHI	-1.0	Trial 1 - Immediate recall of unstructured verbal material - Immediate recall of a long list of words (CVLT II Trial 1) (z-score)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	-2.5	Trial 2 (z-score)
EXLW	BLAV	LOW	AVE	HIAV	ABAV	EXHI	-1.5	Trial 3 (z-score)

EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	11	Trial 4 (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	11	Trial 5 - Learning (z score) after five trials - Recall on the fifth trial (CVLT II Trial 5) (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	12	Total Recall Trial 1-5 - Learning Efficiency - Recall performance over five trials (CVLT II Total) (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	13	Delay 1 - Proactive Interference (ability to recall target information after an interfering task) (CVLT II Delay 1) (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	20	Delay 2 - Delayed Retrieval of Last - Retrieval of target words after a 20 minute activity filled delay (CVLT II Delay 2) (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	21	Recognition - Simple Recognition - Recognition of the target words from a long list of words (CVLT II Recognition) (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	22	Recognition Intrusion Errors - subject's ability to differentiate target words from non-target words (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	23	Intrusion Errors in free recall - Words recalled that were never even on the list presented (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	24	Key Ostrereth Delayed Recall - Delayed Retrieval of Spatial Material 30 minute delayed recall (raw)

EXECUTIVE CONTROL SKILLS

EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	Trails B - Simple Set Switching Efficiency - Rapid alternation between numbers and letters in order (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	4	Similarities - Abstract Language Proficiency - Providing abstract categorizations of two disparate concepts (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	53	Commission Errors - Impulsivity - CPT II Score derived from tendency to impulsively respond to non-target letters (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	9	VERBAL FLUENCY - Letter - internal searches for verbal information - (DKIES) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	12	Category generating words belonging to a given category (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	5	Switching Total Correct - switching between two verbal categories (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	5	Switching Accuracy (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	INHIBITION - Ability to inhibit a response when under pressure (DKIES Color Word Condition 3) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	Inhibition/Switching (DKIES Color Word Condition 4) - Stroop effect (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	0	CONCEPT FORMATION/PROBLEM SOLVING/COGNITIVE FLEXIBILITY (DKIES Sorting - Confirmed Correct) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	0	Ability to verbally explain conceptual sorts (DKIES Sorting) - Description (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	0	Ability to recognize conceptual sorts when presented by the examiner (DKIES Sorting) - Recognition (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	DEDUCTIVE AND ABSTRACT REASONING/HYPOTHESIS TESTING (DKIES Twenty Questions) - Total Questions Asked (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	Total Weighted Achievement (DKIES Twenty Questions) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	8	WORD CONTENT - INDUCTIVE REASONING - (DKIES) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	0	ABSTRACT REASONING (DKIES Proverbs) (ss)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	25	Abstract Reasoning with Multiple Choice Options (DKIES Proverbs Multiple Choice) (ss)

MOTOR SKILLS

EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	42	Finger Tapping - Motor Speed Dominant Hand (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	44	Finger Tapping - Motor Speed Non-Dom Hand (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	39	Grip Strength - Dominant Hand (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	35	Grip Strength - Nondominant Hand (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	Grooved Pegboard - Fine Motor Dexterity Dom. Hand (z score)
EXLW	BLAV	1.0W	AVL	HLAV	ABAV	EXHI	100	Grooved Pegboard - Fine Motor Dexterity Non-Dom Hand (z score)

SYMPTOM VALIDITY MEASURES

See Issues Affecting the Validity of Interpretation Section Below.

NEUROPSYCHOLOGICAL TESTING: INTERPRETATION AND DISCUSSION

Issues Affecting the Validity of Interpretation

Effort is analyzed in a number of ways, including the administration of measures empirically shown to identify suboptimal effort or purposeful exaggeration. In addition, when possible, the overall pattern of performance is analyzed for consistency between measures, consistency with the expected severity of impairment, and the presenting symptoms are compared against base rates of symptoms in other patients with similar problems. As noted in the behavioral observation section, Mr. Houston was easily frustrated, disorganized, occasionally impulsive, and had labile affect. His thought process was highly distractible, tangential, circumstantial, illogical, and at times, incoherent. He also demonstrated delusional thinking, poor reality testing, and poor perspective taking skills. These

traits appear related to his well-documented diagnoses of TBI. While these types of psychiatric symptoms are rare in TBI, it is possible to have this level of psychiatric symptoms following a TBI such as what Mr. Houston sustained. These symptoms contributed to waxing and waning effort and motivation throughout testing. There is no evidence of conscious or purposeful manipulation of test result, or any attempts to appear more impaired than he actually is, but rather, his brain injury prevents him from being able to regulate his impulses to the level needed for full and consistent engagement in the evaluation. He was provided with a very high level of structure and support, and frequent prompting and redirection to allow him to remain as engaged and on task as possible given his significant neuropsychiatric disability. Each of these psychiatric factors can contribute to poor effort on testing that can undermine validity, and analysis was carefully considered with these limitations in mind. When analyzed as a whole, there was **no evidence** that his performance is the result of suboptimal performance or exaggeration on validity measures. However, several measures had to be discontinued due to problems with distractibility secondary to his brain injury, and was not consistent with intentional suboptimal effort or malingering. Additionally, there were times when his disorganization and delusional thinking affected his ability to engage in the evaluation, however this again is related to his brain injury and **not the result** of intentional suboptimal effort or malingering. **Based on the analysis, the neurocognitive data is thus valid for interpretation and is not the result of intentional suboptimal performance, exaggeration, or malingering.**

NEUROCOGNITIVE PROFILE

Intellectual Capacity

- Overall intellectual functioning could not be assessed due to discontinuation of processing speed measures. As mentioned in the behavioral observation section and validity sections, most time sensitive measures (measures of processing speed or timed tests) were discontinued as a result of his inability to remain on task (stopping to talk in the middle of timed measures). The full-scale IQ score incorporates several aspects of intellectual functioning, including processing speed. Without these scores the full-scale IQ cannot be estimated.
- A measure of premorbid functioning was administered to estimate his level of intellectual functioning premorbidly (before injury). Based on the results of this measure, it is estimated that his premorbid functioning was in the Average range.
- His verbal comprehension was at the low average range, and appeared affected by his neuropsychiatric symptoms. His working memory was in the average range. As mentioned, processing speed could not be assessed due to distractibility, but processing speed likely had a mild effect on his spatial conceptual measures, as many of these measures are timed. Each of these skills will be discussed in greater detail separately, below.

Reading Comprehension Skills

- Reading comprehension is at the 10.1 grade level.

Attention, Mental Tracking, and Processing Speed

Areas assessed include: auditory and visual attention span, the ability to continuously track internal and external stimuli without distraction, mental speed, mental tracking skills, and the ability to shift attentional focus.

- Basic attention for short time spans (attentional buffering) is in the average range.
- Sustained attention for long time spans is impaired. He struggled with consistent and sustained attention during this task. He repeatedly attempted to talk to the examiner, rather than focus on the task.
- Processing speed could not be accurately assessed. Measures of processing speed had to be discontinued as a result of his inability to remain on task. He repeatedly stopped working to talk in the middle of timed measures. With redirection, he would return to the task at hand, but the completion time was not an accurate reflection of his processing speed and therefore was not interpreted.
- Mental tracking skills are in the low average range.

Language

- Basic language skills related to conversational word finding, comprehension, and repetition, are within expected levels. While his thought processes were tangential, circumstantial and illogical, no apparent errors of expressive or receptive language were noted.
- Vocabulary is in the average range. Notably, early in the day a measure of vocabulary was attempted and his thought processes were significantly tangential, circumstantial and illogical, which prevented him from providing coherent definitions. However later in the day, he appeared more organized and this measure was revisited and he was better able to respond appropriately and provided coherent definitions.
- Phonemic and semantic fluency are in the average and high average range respectively.
- Confrontation naming skills are average.
- Abstract language processing skills are variable and ranged from below average to average.

Spatial Processing

- Angle estimation skills are within normal limits.
- Construction of a complex drawing was average with some problems noted with planning and organization of the task.
- Construction of three-dimensional geometric designs was in the low average range.
- Overall, spatial processing and constructional skills are generally in the average to low average range. His performance on these measures was negatively impacted by problems with distractibility, which impacted processing speed. His spatial processing was also affected by problems with planning and organization.

Memory and New Learning

Memory and new learning involve the orchestration of multiple cognitive skills, including attention, mental tracking, language processing, and executive control. Likewise, depression, psychiatric problems, and motivation/effort play a role in performance.

- Memory for highly structured verbal information (stories) is below average. Recall after a long delay was in the below average range. Recognition of story details is in the average range, suggesting he is able to recognize more information than he is able to freely recall.
- New learning skills were assessed with a list learning task which involved the presentation of a long word list over five trials. On this measure, significant problems were noted with the initial acquisition of information. His performance was impacted by distractibility, evidenced by a tendency to attempt to talk about unrelated material when asked to recall the words from the list. He benefitted from redirection and repetition of the material. His overall learning curve was inconsistent and in the low average range. Recall was fairly resistant to attempts to throw the patient off balance with a distracting word list. Delayed recall was below average. Recognition was average, however he made a significant number of false positive errors, resulting in poor detectability. Memory performance is also notable for an inconsistent learning curve, poor organizational strategies, and multiple intrusion errors, Although he did benefit from cueing.
- Delayed recall for complex spatial information is in the low average range.

Executive Control Skills

Executive control skills relate to self-regulation, abstract and deductive reasoning, verbal fluency, set shifting, response inhibition/impulse control, and problem solving. Each of these skills can be independently impaired.

- Executive skills related to phonemic and semantic verbal fluency are in the average and high average range respectively. Set shifting skills and cognitive flexibility is below average range. Response inhibition/impulse control skills could not be formally assessed due to problems with distractibility. Most formal measures of response inhibition/impulse control skills involve a timing component. These measures were discontinued due to his inability to remain on task. Qualitatively, this is evidence of problems with impulse control, as he was unable to control his impulse to engage in off task behaviors. Abstract reasoning is variable and ranged from below average to average range. Specifically, verbal abstraction was below average to average.

Deductive reasoning could not be assessed due inability to understand the task demands. Inductive reasoning was average. Conceptual shifting and cognitive flexibility was average.

Motor Functioning

- Finger tapping speed is in the low average range for the right dominant hand and in the average range for the left nondominant hand.
- Grip strength was below average bilaterally.
- Fine motor dexterity was discontinued due to distractibility.

PSYCHOSOCIAL HISTORY

SUBJECTIVE COMPLAINTS:

Various areas of day-to-day functioning were specifically addressed during clinical interviews, beginning with his current subjective complaints below. It should be kept in mind that these are subjective complaints and may not be accurate appraisals or measurable upon objective testing.

- Mr. Houston denied overt depression or anxiety. He expressed high levels of anger and what he characterized as PTSD, which he attributed to being "abandoned by everyone." He denied any history of psychiatric concerns prior to his injury or his legal troubles. He endorsed suicidal ideation approximately one year ago, but denied any current suicidal ideation. He reported homicidal ideation since being incarcerated. He denied overt visual or auditory hallucinations, but reports seeing spirits, ghosts and Jesus when in prayer. While he described his feelings of abandonment as PTSD, he denied flashbacks, hypervigilance, exaggerated startle response or other symptoms of PTSD. He did report high levels of anger and interpersonal distrust.
- Sleep is variable. He reports sleeping approximately 5 to 6 hours per night, however this sleep is significantly interrupted. He denied any persistent daytime fatigue, nightmares, or sleepwalking.
- Appetite is intact, however he reports losing a significant amount of weight since being incarcerated, which he attributes to the quality of food provided.
- He denied any numbness, tingling, or other motor complaints. Reaction time is slowed. Directional skills are intact.
- Vision is notable for an injury to his left eye, related to the subject incident in which he sustained his traumatic brain injury. He reports needing a cornea transplant and that the retina in his left eye might detach again. He reports vision in his right eye is intact. Hearing is notable for tinnitus but otherwise intact. Olfactory functioning is intact.
- He denied problems with word finding. He also denied problems with expressive or receptive language skills.
- He reports problems with attention and concentration since sustaining the traumatic brain injury in 2016. He reports prior to his incarceration he was prescribed Adderall which he found to be beneficial. Currently he reports struggling with attention, concentration, distractibility, and impulse control.
- He denied problems with memory.
- He reports frequent feelings of frustration and anger, particularly as they relate to his incarceration and the criminal justice system. He denies problems with judgment or decision making and describes himself as "a good man surrounded by evil."
- He denies any history of seizure, headache, or dizziness. He does endorse some Lightheadedness when standing from sitting. He reports frequent urination but denies any other bowel or bladder dysfunction. No other chronic pain complaints reported.

DETAILED HISTORY:

A comprehensive psychosocial and medical history was collected during clinical interviews, and is discussed below:

FAMILY HISTORY:

Mr. Houston was born and raised in Iowa City, Iowa. He was raised by both parents, and has 3 siblings (a 1/2 brother, David, 41-year-old; a sister, Amy 40-year old; and a younger brother that completed suicide at age 25 in 2012). His parents reportedly abused alcohol and he reports witnessing domestic violence between his mother and father, but denies any history of emotional, physical, or sexual abuse towards him. He described his family as middle-class and denies problems with poverty, ever living in a high crime area or any area where he would have been exposed to environmental toxins or pesticides. He has been married and divorced once (2012-2013). He does not have any children. He reports that at the time of his TBI he lived alone with his pet dog. After his injury he was in the hospital and then rehabilitation facilities for several months. He was not able to provide more detail related to this period. He was subsequently incarcerated in state prison from 2016-2019 for a DUI that occurred just prior to his injury. Once released from prison he returned to Iowa where he lived from 2019-2021. He was then incarcerated again in State prison for aggravated stalking, where he remains today.

EDUCATIONAL HISTORY:

Mr. Houston graduated from high school in 2002. He denied any history of specific learning disabilities, attentional problems or behavioral diagnoses, and denies ever receiving academic accommodations. He also reports being in the Gifted and Talented (GATE) program from the time he started school at 5 years old. After graduating from high school, he reports that he then enlisted in the US Navy. He reports attending dive training in the Navy and was discharged in 2005. He was unwilling to discuss any other details related to his military history, including rank, position, or discharge circumstances. His military records were not available for review. He reports attending the Diver Institute of Technology in Seattle, Washington in 2005. He reports working as an underwater welder from 2008-2013. In 2005 he also began working as a rigger and earned multiple certifications as a rigger (American National Standards Institute [ANSI], Industrial Rope Access Trade Association [IRATA], and Society of Professional Rope Access Technicians [SPRAT]).

MEDICAL/NEUROLOGICAL HISTORY:

Mr. Houston's medical history is notable for TBI (2016), and chronic pain in his neck and back. He denied any current medications. He reports that, to his knowledge, his birth and early development were normal. Aside from the injury sustained in 2016, he denied a history of concussion or blows to the head. He also denied any history of seizure or stroke. He reports that in 2016 he was working as a rigger when he fell from the ceiling to the ground, hitting his head, and was knocked unconscious. He reports that his next memory was waking up in the hospital, with significant injuries to his head, face, and body. He was not able to provide any additional details related to his injuries or the treatments received. Review of his medical records revealed that when EMS initially arrived on the scene, Mr. Houston was found lying supine on the ground and bystanders reported that he had fallen approximately 40 feet from the ceiling and landed on his chest and head. He was reportedly knocked unconscious and did not remember falling. At the time he stated that his arm hurt. He was unable to provide any medical or demographic information aside from his birthday. At that time his Glasgow coma scale was found to be equal to 15 (it later decreased once at the hospital). He was described as lethargic. Injuries included a laceration that was approximately 1.5 x 3 inches above his left eyebrow and deformity of the right arm/forearm (American Medical Response Record, 9/30/2016). University Medical records indicate that once at the emergency department he was reevaluated and his Glasgow coma scale was now equal to 10. He rapidly decompensated in the trauma resuscitation area. There was profuse bleeding from his oropharynx. He also had a seizure and oxygen desaturation down to 20%. Difficulty intubating patient, which resulted in prolonged low level of oxygen and he required a cricothyroidotomy. There is diffuse bleeding from the cricothyroidotomy and bilateral chest tube placements. The cricothyroidotomy was converted into a full tracheotomy. He did code and underwent full CPR. Procedures performed during his hospital admission include: a left maxillomandibular fixation for closed reduction of the maxillary fracture; open reduction, internal fixation of zygomaticomaxillary complex fracture; open reduction, internal fixation of left sided orbital floor fracture using a transconjunctival approach; and a left frontal sinusotomy with obliteration; fat grafting from the abdomen for fat transfer for sinus obliteration; a cranioplasty with mesh; closed reduction of nasal bone fracture; a closed

reduction of septal fracture. There is also concern for left globe rupture, but it was determined that he more likely had a corneal ulceration of the left eye and tentatively a corneal graft patch placement would be sufficient. Patient also had opacification of the left lung requiring bilateral chest tubes and as mentioned above he was difficult to intubate requiring cricothyrotomy. He also had a peg and trach placed. Diagnoses included right humerus fracture, comminuted fracture of the 5th left metatarsal base, multiple maxillofacial fractures, left corneal ulcer, subdural hematoma, subarachnoid hemorrhage with pneumocephalus, history of cricothyrotomies, leukocytosis of uncertain etiology. An MRI of his brain performed on 10/3/2016 found small focal areas of restricted diffusion in the gray-white junction of the supratentorial brain concerning for diffuse axonal injury; Scattered foci of subarachnoid hemorrhage. Suspected subdural hemorrhage along the posterior parietal occipital lobes measuring up to 3mm in thickness; Large scalp fluid collection may represent hematoma. Comminuted fracture of the bony nasal septum with opacification of the paranasal sinuses. And moderate opacification of the right mastoid air cells. As a result of his injuries, he was admitted to UMC from 09/30/2016 through 10/24/2016. He was discharged to a long term assisted care facility, Health South Valley View. He was admitted to Health South Valley View from 10/24/2016 through 12/16/2016. Review of his medical records are also notable for three emergency department visits. One on 6/30/2017 for anxiety, one on 3/2/2018 for hallucinations and one on 3/4/2018 for pain.

Family medical (nonpsychiatric) history is unremarkable.

MENTAL HEALTH/SUBSTANCE ABUSE:

As noted above, he reports a history of suicidal and homicidal ideation since being incarcerated. Aside from this, he denied any history of depression, anxiety, or mania. While he denied any history of auditory or visual hallucinations aside from seeing spirits and Jesus in the context of prayer, review of his medical records revealed an emergency department visit in March of 2018 in which he presented complaining of auditory hallucinations. A toxicology screening was performed and was negative for any recreational substance use. He also presented in the emergency department in June of 2017, for anxiety and suicidal ideations. No other history of psychiatric hospitalizations was reported and there is no evidence of psychiatric problems prior to his traumatic brain injury in 2016. With regard to his substance abuse history he reports some heavy drinking in his early 20s and occasional cannabis use, but denied any other substance abuse or misuse. He reports a DUI in 2016, but denied alcohol abuse during that time.

Family psychiatric history is notable for alcohol use disorder, and uncle that completed suicide, and a brother that completed suicide.

SUMMARY

Neurocognitive Evaluation:

The present evaluation was valid for interpretation. While aspects of Mr. Houston's presentation interfered with his ability to complete aspects of this evaluation, he did not demonstrate any indications of suboptimal performance, exaggeration, or malingering. In terms of intellectual functioning, his full-scale IQ could not accurately be estimated due to problems with distractibility that prevented him from completing measures of processing speed. In cases such as this, when processing speed greatly affects assessment of intellectual functioning, verbal reasoning skills offer the most stable estimate of intellectual functioning. Mr. Houston performed in the low average range on measures of verbal reasoning. It should be noted that his neuropsychiatric symptoms also appeared to affect his performance on verbal measures as well and based on his history, his performance on measures of premorbid functioning, this reflects a decline from his previous level of functioning. The other IQ indices are in the average to low average range and also appear affected by symptoms related to his brain injury. His reading comprehension is at the 10.1 grade level. His neurocognitive data predicts that he will have significant problems with attention, concentration, mental tracking, and processing information rapidly and efficiently. His vocabulary is at least average, and maybe higher, although his disorganized and tangential thought processes prevented him from expressing his thoughts clearly and therefore his performance may underestimate his lexical knowledge. He will also have significant problems with impulse control. He will also struggle with organizing his approach to memory and new learning tasks and with weeding out unnecessary information. These memory problems will persist even after multiple exposures to the same information. He will struggle with tasks requiring cognitive flexibility, shifting his attention, careful reasoning, and problem solving. While he demonstrates a good understanding of his charges, penalties, court proceedings, and

the roles played by members of the legal community, these neurocognitive difficulties will require him to have legal information presented to him in a clear and concrete manner, in order to allow him to fully comprehend legal concepts during court proceedings in order to actively participate in his defense with a reasonable degree of rational and factual understanding. Additionally, he demonstrated delusional thought patterns, including paranoia that could undermine his ability to fully participate in his defense with a reasonable degree of rational and factual understanding.

When his performance on today's evaluation is considered in the context of his personal history, it appears his performance is consistent with a decline when compared to his premorbid functioning. Mr. Houston reports being in GATE programs in school as a young child. He also reports working in technically challenging jobs (underwater welder and rigger) and holding several certifications related to his occupation. Based on his personal history, and his performance on measures of premorbid functioning, it is estimated that prior to sustaining the TBI in 2016, his intellectual functioning was at least in the average to high average range, and possibly higher. The injury sustained has resulted in a number of cognitive deficits and declines in his overall cognitive function. In addition to his cognitive decline related to his injuries, he also presents with a number of neuropsychiatric symptoms that appear to be related to his 2016 TBI. While it is fairly rare for a TBI to result in psychosis, it is not unheard of. Based on a review of his records, a clinical interview with Mr. Houston and a collateral interview with a long-term close friend, it does appear these symptoms began after his injury and greatly impacted his functioning after the brain injury. It appears his personality has also been greatly affected by his brain injury. The impact of his injury on his cognitive functioning and decision making was significant and likely played a substantial role in his current legal problems.

Psychosocial History Pertinent Clinical Factors:

Mr. Houston reports his parents abused alcohol throughout his childhood. He also reports witnessing domestic violence during his childhood. Aside from this, he denied any abuse history. He reports he was doing well and was successful in his career prior to sustaining a TBI in 2016. He does report being arrested for DUI just prior to his injury, but denied any other legal problems prior to sustaining a TBI in 2016.

Ongoing and Persistent Factors:

Neurological/Medical Factors:

- Mild complicated TBI sustained in 2016 after a 40 ft fall to the ground.
- Ongoing headaches, possibly posttraumatic (postconcussive) in nature.
- Ongoing chronic neck and back pain related to his 2016 injury.
- Vision problems in his left eye related to his injury, that may require additional surgical repair.

Mental Health Factors:

- Ongoing thought disorder related to his TBI including thought processes that are distractible, tangential, circumstantial, illogical and delusional at times.
- Ongoing possible auditory hallucinations. While he denied hallucinations, his medical record indicates a history of hallucinations. When asked about this he admitted to seeing spirits and ghosts, but appeared guarded and unwilling to openly discuss the topic.
- Ongoing lack of comprehensive therapeutic and psychiatric interventions to address these concerns.
- Ongoing lack of family and social support.
- Ongoing lack of access to therapeutic or rehabilitative programming or services during incarceration.

Summarily, Mr. Houston appears to have significant cognitive and psychiatric concerns that resulted from the 2016 TBI. These TBI related cognitive and psychiatric concerns should be carefully considered when decisions are being made with regard to his case.

DIAGNOSTIC IMPRESSION-ICD 10

F06.71 Mild Neurocognitive Disorder- Due to TBI with behavioral disturbance
F06.2 Psychotic disorder due to traumatic brain injury- with delusions.
G47.00 Insomnia Disorder, with non-sleep disorder mental comorbidity.

Thank you for this most interesting referral. Respectfully Submitted,

Abigail Baily, Ph.D.
Clinical Neuropsychologist



Collateral Interviews and Records Reviewed

Collateral Interviews:

01/09/2023 Collateral Interview with former roommate and friend Joshua Grainer

Records Reviewed:

American Medical Response
Health South Valley View
Color Photos of Injuries
Nevada Department of Business and Industry
Nevada OSHA Records
Sedgwick Claims Management Services Inc.
Spring Valley Hospital Medical Center
University Medical Center

CLAIM AGAINST THE STATE OF NEVADA

TO: Claims Manager
 Office of the Attorney General
 100 North Carson Street
 Carson City, NV 89701-4717
 (775) 684-1252 / (775) 684-1263

Received By AG's Office:	For AG's Office Use Only:	
Claim # _____	Dir _____	
X-Ref _____	Emp _____	
DOL _____	IV Lic _____	
Cat _____	\$ _____	
B/A _____	Adj _____	
Agency _____	due _____	

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. Additional evidence, such as photographs, police reports, etc., should be attached if available. However, such additional evidence will not be returned. Keep copies for your records. PLEASE PRINT LEGIBLY OR TYPE. You must sign the claim form. If the amount is greater than \$100, your signature must be notarized.

YOU ARE NOT REQUIRED TO MAKE A CLAIM PRIOR TO FILING A LAWSUIT. THE MAKING OF A CLAIM WILL NOT STOP THE RUNNING OF THE APPLICABLE STATUTE OF LIMITATIONS.

- You are the claimant if you are making this claim for yourself.
- Your Client is the claimant if you are an attorney making a claim on behalf of a client.
- Your Company is the claimant if you are making a claim on behalf of a business.
- The Insurance Company is the claimant if you represent an insurance company.

1. CLAIMANT'S NAME Matthew Travis Houston
 ADDRESS NDOC # 1210652 PO Box 650
22010 Cold Creek Road Indian Springs, NV 89070-0650

Daytime TELEPHONE NUMBER: () _____

DATE OF BIRTH 7.15.1984

2. IF CLAIMANT IS A BUSINESS: Name of Employee involved in incident _____
 Company Contact Person _____ Your Reference _____

3. IF CLAIMANT IS AN INSURANCE COMPANY: Name of your "INSURED" _____
 Claim Representative _____ Your Claim No. _____

4. IF YOU ARE REPRESENTED BY AN ATTORNEY: We will only communicate with you through your attorney. It is not necessary to retain an attorney to file a claim; however, if you have an attorney for this claim, please provide the following information:

Attorney's Name _____

Firm's Name _____ Tax I.D. Number _____

Address _____

Phone Number: () _____ File Reference _____

5. DATE AND TIME when the incident occurred: September 20, 2016 - ongoing

6. Exact LOCATION where the incident occurred: Mandalay Resort And Casino Ballroom and in various locations of NDOC + TLVCC + HDSP + CDCC + NVC + City Jail

7. IF THIS IS AN AUTOMOBILE ACCIDENT, please supply the following information:

YOUR VEHICLE
 Year _____ Make _____ Model _____ License Number _____

STATE VEHICLE
 Year _____ Make _____ Model _____ License Number _____

State the full names, addresses and phone numbers of all witnesses:

SEE IATSE Local No. 720 P: (702) 873-3450.
3000 S. Valley View SEE ALSO LAS VEGAS FIRE & RESCUE
Las Vegas, NV 89102 FROM SEPTEMBER 30, 2016

9. A CLAIM FOR \$36,000,000.00 is hereby made against the STATE OF NEVADA, based upon the following facts:

10. Describe how damage or injury occurred and what the STATE OF NEVADA or its employees did to cause your damage or injury. Give full details:

Redenta Blacic made false police reports so you will have to contact the negligent and malicious EIGHTH JUDICIAL DISTRICT COURT of Clark County, Nevada. SEE EJDCCASE #(s) A-17-758861-C, A-19-800214-W, A-19-800402-W, A-22-758861-C, A-22-853203-W, A-22-856372-C, A-22-858580-C, A-22-862155-C and A-23-865442-C

A) State Employee's Name Redenta Blacic B) State Agency Ombudsman

11. Explain and support the amount of damages you have claimed by listing each item of damages. Please provide a MINIMUM OF 2 REPAIR ESTIMATES for property damage. Also include any rental bills, receipts, medical reports, itemized statements, etc.

SEE SUNRISE HOSPITAL + UMC + UIOWA HOSPITAL + NDOC + SEDGWICK CMS. Due to the ILLEGAL kidnapping of Mr. Houston from his home @ 435 S. Linn St # 927 Iowa City, IA 52240

IF YOUR CLAIM IS IN EXCESS OF \$100, YOUR SIGNATURE MUST BE NOTARIZED.

I, Matthew Travis Houston, do hereby attest under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

STATE OF _____)
: ss. Signature of Claimant (or Co. Representative)

COUNTY OF _____)

SIGNED and SWORN to before me by _____ (Print or type claimant/company representative name here)

on _____, 20____.

Notary Public

NOTICE: 197.160 of Nevada Revised Statutes provides that every person who knowingly presents a false claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.

PLEASE RETURN ORIGINAL COMPLETED CLAIM FORM FOR PROCESSING

CLAIM AGAINST THE STATE OF NEVADA

TO: Claims Manager
 Office of the Attorney General
 DMV Legal/Tort Claims
 555 Wright Way
 Carson City, NV 89711
 (775) 684-1252 or (775) 684-1263

Received By AG's Office: For AG's Office Use Only:

Claim #	Dir.
X-Ref	Emp.
DOL	State Veh Lic _____
Cat	\$
B/A	Adj
Agency	due

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. Additional evidence, such as photographs, police reports, etc., should be attached if available. However, such additional evidence will not be returned. Keep copies for your records. PLEASE PRINT LEGIBLY OR TYPE. You must sign the claim form.

**YOU ARE NOT REQUIRED TO MAKE A CLAIM PRIOR TO FILING A LAWSUIT.
 THE MAKING OF A CLAIM WILL NOT STOP THE RUNNING OF THE APPLICABLE STATUTE OF LIMITATIONS**

- You are the claimant if you are making this claim for yourself.
- Your Client is the claimant if you are an attorney making a claim on behalf of a client.
- Your Company is the claimant if you are making a claim on behalf of a business.
- The Insurance Company is the claimant if you represent an insurance company.

1 CLAIMANT'S NAME Matthew Travis Houston
 ADDRESS NDOC No. 1210652 - 22010 Cold Creek Road
Po Box 650 Indian Springs, NV 89070-0650
 DATE OF BIRTH 7-15-1984 DAYTIME TELEPHONE NUMBER (702) 879-6789

If you prefer to receive correspondence via EMAIL instead of U.S. Mail, please provide your email address.

2 IF CLAIMANT IS A BUSINESS: Name of Firm (see involved incident) _____
 Company Contact Person _____ Your Reference _____

3 IF CLAIMANT IS AN INSURANCE COMPANY: Name of your "INSURED" _____
 Claim Representative _____ Your Claim No. _____

4 IF YOU ARE REPRESENTED BY AN ATTORNEY: We will only communicate with you through your attorney. It is not necessary to retain an attorney to file with us; however, if you have an attorney for this claim, please provide the following information:

Attorney's Name _____ Tax ID Number _____
 Firm's Name _____
 Address _____
 Phone Number (_____) _____ File Reference _____

5 DATE AND TIME when the incident occurred: September 30th, 2016 - ongoing

6 EXACT LOCATION where the incident occurred: Mandalay Bay Resort And Casino Ballroom
and in various locations of NDOC + TLVCC + HDSP + CCDC + NVC + City Jail

7 IF THIS IS AN AUTOMOBILE ACCIDENT, please supply the following information:

YOUR VEHICLE
 Year _____ Make _____ Model _____ License Number _____
 STATE VEHICLE
 Year _____ Make _____ Model _____ License Number _____

See Case 2:23-cv-01210-APG-DJA Document 6 Filed 10/10/23 Page 77 of 144

8. State the full names, addresses and phone numbers of all witnesses

SEE IATSE Local No. 720 @ P: (702) 873-3450
3000 S. Valley View - Las Vegas, NV 89102
See also the Las Vegas Fire Department report + UMC.

9. A CLAIM FOR \$36,000,000.00 is hereby made against the STATE OF NEVADA, based upon the following facts:

10. Describe how damage or injury occurred and what the STATE OF NEVADA or its employees did to cause your damage or injury. Give full details: Redenta Blacic made false police reports. So, you will have to contact the negligent EIGHTH JUDICIAL DISTRICT COURT of Clark County, NV. Please SEE EJDC Case Number(s) A-17-758861-C; A-19-800219-W + A-19-800402-W; A-22-758861-C; A-22-853203-W; A-22-856372-C; A-22-858580-C +

A) State of NV Employee's Name Redenta Blacic B) State of NV Agency OMBUDSMAN

11. Explain and support the amount of damages you have claimed. Please provide a MINIMUM OF 2 REPAIR ESTIMATES for property damage. Also include any rental bills, receipts, medical reports, itemized statements, etc. SEE UMC + Sunrise Hospital + University of Iowa, Sedwick CMS + NOOC. Due to the ILLEGAL kidnapping of Mr. Houston these estimates are ongoing.

12. If this claim is for personal injury and/or payment of medical expenses you must answer this question: Are you covered under any type of Medicare Program. NO YES if yes. Pursuant to Federal Medicare rules, if liability is accepted by the State of NV, you will be required, at a later date, to provide your Medicare Health Insurance Claim Number (HICN).

I, Matthew Houston, do hereby attest under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA.

IF MY CLAIM IS PAID, I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

Matthew Houston
Signature of Claimant (or Company Representative)

September 06, 2023
Date

NOTICE: 197.160 of Nevada Revised Statutes provides that every person who knowingly presents a false claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000

Incomplete or unsigned claim forms will not be accepted and will be returned.

Claims may be submitted as follows:

Fax: 775-684-4601 or

Mail:
Claims Manager DMV
Legal/Tort Claims
555 Wright Way
Carson City, NV 89711

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05/15/2023 11:02 AM

Almond Shuman
CLERK OF THE COURT

1 ORDER

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 MATTHEW HOUSTON, an individual,
6 PLAINTIFF,

7 v.

Case No.: A-17-758861-C
Dept. No.: 29

8 MANDALAY BAY CORP., a Nevada Corporation;
9 *et al.*,

10 DEFENDANTS.

11 ORDER ON PENDING MOTIONS

12 Plaintiff's Emergency Notice of Motion and Statement of Facts was filed on April 11, 2023
13 and is currently set for hearing on May 16, 2023. Plaintiff also has several other Motions set for
14 hearing on May 25, 2023, and June 8, 2023. Having read the pleadings and papers on file, the Court
15 hereby DENIES Plaintiff's pending motions with prejudice for the following reasons.

16
17 Plaintiff filed his Complaint on July 24, 2017. The parties proceeded to mediation and on
18 May 17, 2019, the parties agreed to settle Plaintiff's claims, with the agreement being reduced to
19 writing in the Mediation Settlement Agreement. As of June 7, 2019, Defendant had satisfied all
20 conditions of the Mediation Settlement. On August 1, 2019, Plaintiff executed the Release of All
21 Claims and Agreement to Indemnify. On January 30, 2020, an Order was entered dismissing and
22 closing the case and granting Defendant's Motion to Compel Settlement. This Order dismissed Case
23 No. A-17-758861-C with prejudice. Plaintiff has appealed the Court's Orders several times without
24 success. The last appeal was dismissed by the Nevada Supreme Court on March 30, 2023.

25
26 Accordingly, the Court finds that Case No. A-17-758861-C has been closed since January
27 30, 2020. As such, Plaintiff's pending Motions seeking relief from this Court in this case are
28

JACOB A. REYNOLDS
DISTRICT JUDGE
DEPARTMENT XXIX

1 DENIED as moot and untimely. Plaintiff seeks other relief that relief would require the
2 initiation of a new Complaint. No further Motions from Plaintiff will be considered in this case.

3 Accordingly and for good cause appearing,

4 Plaintiff's Notice of Motion and Statement of Facts is hereby **DENIED**.

5 Plaintiff's Emergency Supplement and Ex Parte Motion for Reconsideration as a Renewed
6 Petition for a Writ of Habeas Corpus under 28 U.S.C. 2241, Meritorious Interpleadings and Joinder
7 of Appeal in all Cases of the Petitioner-Plaintiff-Appellant is hereby **DENIED**.

8 Plaintiff's Emergency Motion to Compel an Answer from Aaron D. Ford Under NRAP
9 3C127E as a Notice of Motion is hereby **DENIED**.

10 Plaintiff's Emergency Motion and Order for Transportation of Inmate for Court Appearance
11 or, in the Alternative, for Appearance by Telephone or Video Conference is hereby **DENIED**.

12 The hearings currently set on this matter for May 16, 2023, May 25, 2023, and June 8, 2023
13 are hereby **VACATED**.

14 This Case remains **CLOSED**.

15
16
17 Dated this 15th day of May, 2023

18 
19

20 58A 819 E88A 3A4B
21 Jacob A. Reynolds
22 District Court Judge
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4		
5		
6	Matthew Houston, Plaintiff(s)	CASE NO: A-17-758861-C
7	vs.	DEPT. NO. Department 29
8	Mandalay Bay Corp,	
9	Defendant(s)	

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/15/2023

15	Sabina Demelas	sabina@vegashurt.com
16	Jack Bernstein	jack@vegashurt.com
17	Scott Poisson	scott@vegashurt.com
18	Nicole Garcia	ngarcia@murchisonlaw.com
19	Tyler Ure	ture@murchisonlaw.com
20	Ryan Kerbow	ryan@vegashurt.com

21
22
23 If indicated below, a copy of the above mentioned filings were also served by mail
24 via United States Postal Service, postage prepaid, to the parties listed below at their last
25 known addresses on 5/16/2023

25	Brian Clark	Clark McCourt
26		Attn: Brian P. Clark
27		7371 Prairie Falcon Rd. - Suite 120
28		Las Vegas, NV, 89128

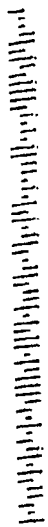


EIGHTH JUDICIAL DISTRICT COURT
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High Desert State Prison
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Indian Springs, NV 89070-0650

149 DIRDFHHP 69070



False Imprisonment
Pursuant To The Nevada Statutes

200.460. Definition; penalties.

1. False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority.

2. A person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and, except as otherwise provided in this section, is guilty of a gross misdemeanor.

3. Unless a greater penalty is provided pursuant to subsection 4, if the false imprisonment is committed:

(a) By a prisoner in a penal institution without a deadly weapon; or

(b) By any other person with the use of a deadly weapon,

the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to subsection 5, if the false imprisonment is committed by using the person so imprisoned as a shield or to avoid arrest, the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years.

5. If the false imprisonment is committed by a prisoner who is in lawful custody or confinement with the use of a deadly weapon, the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

HISTORY:

C&P 1911, § 175; RL 1912, § 6440; CL 1929, § 10122; 1967, p. 472; 1981, p. 614; 1995, ch. 443, § 66, p. 1190; 2003, ch. 36, § 1, p. 387.

NOTES TO DECISIONS

Submission to mere verbal direction of another, unaccompanied by force or threats of any character, does not constitute false imprisonment. *Lerner Shops v. Marin*, 83 Nev. 75, 423 P.2d 398, 1967 Nev. LEXIS 228 (Nev. 1967).

Defense to false imprisonment action.

If one has reasonable grounds to believe that another is stealing his property he may be justified in detaining such person for a reasonable time in order to investigate; this common law privilege, if properly exercised, is a defense to an action for false imprisonment. *Jacobson v. State*, 89 Nev. 197, 510 P.2d

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856, 1973 Nev. LEXIS 470 (Nev. 1973).

A plaintiff in a false arrest/false imprisonment case need not prove lack of probable cause for arrest as part of his prima facie case. *Garton v. Reno*, 102 Nev. 313, 720 P.2d 1227, 1986 Nev. LEXIS 1292 (Nev. 1986).

Failure to make out prima facie case.

Where the plaintiff introduced scant evidence addressing the issue of the "legal cause or justification," and instead his case-in-chief focused on the procedural irregularities of and damages occasioned by his arrest, the plaintiff did not make out a prima facie case of false arrest and false imprisonment; therefore, the district court did not err in involuntarily dismissing the plaintiff's false arrest and false imprisonment causes of action. *Garton v. Reno*, 102 Nev. 313, 720 P.2d 1227, 1986 Nev. LEXIS 1292 (Nev. 1986).

Arrest and detention for nonpayment of casino markers.

Defendant's arrest and detention in Texas for the nonpayment of casino markers lay within the legal bounds of Nevada's bad check statute and did not constitute a false arrest, therefore, defendant's allegations of unauthorized detention allegations were properly dismissed. *Fleeger v. Bell*, 95 F. Supp. 2d 1126, 2000 U.S. Dist. LEXIS 5091 (D. Nev. 2000), *aff'd*, 23 Fed. Appx. 741, 2001 U.S. App. LEXIS 25491 (9th Cir. Nev. 2001).

Incidental to robbery.

Defendant's false imprisonment convictions were reversed where he attempted to rob three individuals, he directed them to a room, he did not tie them up, but merely closed the door and attempted to lock them in; therefore, the false imprisonment convictions were part of and incidental to the conviction of attempting to rob the three individuals taken to the back room. *Garcia v. State*, 121 Nev. 327, 113 P.3d 836, 121 Nev. Adv. Rep. 33, 2005 Nev. LEXIS 36 (Nev. 2005), *dismissed*, 132 Nev. 970, 2016 Nev. Unpub. LEXIS 115 (Nev. 2016), *app. dismissed*, 501 P.3d 994, 2022 Nev. Unpub. LEXIS 48 (Nev. 2022).

Evidence sufficient.

Evidence was sufficient to support defendant's conviction of false imprisonment by using a person as a human shield in light of the video surveillance tapes, the testimony of the convenience store employee and a police officer, and the victim's grand jury testimony, showing that when the police arrived at the convenience store, defendant grabbed the victim, made a motion as if he was reaching into his waistband, and started yelling that he was going to kill one of the pursuing officers. *Grey v. State*, 124 Nev. 110, 178 P.3d 154, 124 Nev. Adv. Rep. 11, 2008 Nev. LEXIS 15 (Nev. 2008).

Cited in:

Jensen v. Sheriff, White Pine County, 89 Nev. 123, 508 P.2d 4, 1973 Nev. LEXIS 443 (1973); *Ramirez v. City of Reno*, 925 F. Supp. 681, 1996 U.S. Dist. LEXIS 7042 (D. Nev. 1996).

Research References and Practice Aids

Review of Selected Nevada Legislation, Domestic Relations, 1985 Pac. L.J. Rev. Nev. Legis. 123.

Playing God or Playing Scientist: A Constitutional Analysis of State Laws Banning Embryological Procedures, 27 Pac. L.J. 1331 (1996).

Entrapment as precluding justification of arrest or imprisonment. 15 A.L.R.3d 963.

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Liability, for false arrest or imprisonment, of private person detaining child. 20 A.L.R.3d 1441.

Attorneys' fees as element of damages in action for false imprisonment or arrest or malicious prosecution. 21 A.L.R.3d 1068.

Liability of attorney acting for client, for false imprisonment or malicious prosecution of third party. 46 A.L.R.4th 249.

Liability for false imprisonment predicated upon institution of or conduct in connection with insanity proceedings. 30 A.L.R.3d 523.

Admissibility of defendant's rules or instructions for dealing with shoplifters, in actions for false imprisonment or malicious prosecutions. 31 A.L.R.3d 705.

Workmen's compensation provision as precluding employee's action against employer for fraud, false imprisonment, defamation, or the like. 46 A.L.R.3d 1279.

Construction and effect, in false imprisonment action, of statute providing for detention of suspected shoplifters. 47 A.L.R.3d 998.

Immunity of prosecuting attorney or similar officer from action for false arrest or imprisonment. 79 A.L.R.3d 882.

Principal's liability for punitive damages because of false arrest or imprisonment, or malicious prosecution, by agent or servant. 93 A.L.R.3d 826.

Liability for negligently causing arrest for prosecution of another. 99 A.L.R.3d 1113.

False imprisonment in connection with confinement in nursing home or hospital. 4 A.L.R.4th 449.

Civil liability for "deprogramming" member of religious sect. 11 A.L.R.4th 228.

Liability of attorney, acting for client, for malicious prosecution. 46 A.L.R.4th 249.

Falsifying Evidence

- 199.210. Offering false evidence.
- 199.220. Destroying evidence.
- 199.230. Preventing or dissuading person from testifying or producing evidence.
- 199.235. Repealed.
- 199.240. Bribing or intimidating witness to influence testimony.
- 199.242. Limitations on defenses to prosecution for influencing testimony of witness.
- 199.250. Witness accepting bribe.

199.210. Offering false evidence.

A person who, upon any trial, hearing, inquiry, investigation or other proceeding authorized by law, offers or procures to be offered in evidence, as genuine, any book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

HISTORY:

C&P 1911, § 92; RL 1912, § 6357; CL 1929, § 10041; 1971, p. 150; 1979, p. 1421; 1995, ch. 443, § 26, p. 1175.

NOTES TO DECISIONS

Cited in:

Siragusa v. Brown, 114 Nev. 1384, 971 P.2d 801, 1998 Nev. LEXIS 161 (1998).

199.220. Destroying evidence.

Every person who, with intent to conceal the commission of any felony, or to protect or conceal the identity of any person committing the same, or with intent to delay or hinder the administration of the law or to prevent the production thereof at any time, in any court or before any officer, tribunal, judge or magistrate, shall willfully destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument or thing shall be guilty of a gross misdemeanor.

HISTORY:

C&P 1911, § 93; RL 1912, § 6358; CL 1929, § 10042.

Research References and Practice Aids

Negligent spoliation of evidence, interfering with prospective civil action, as actionable. 101 A.L.R.5th

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199.230. Preventing or dissuading person from testifying or producing evidence.

A person who, by persuasion, force, threat, intimidation, deception or otherwise, and with the intent to obstruct the course of justice, prevents or attempts to prevent another person from appearing before any court, or person authorized to subpoena witnesses, as a witness in any action, investigation or other official proceeding, or causes or induces another person to be absent from such a proceeding or evade the process which requires the person to appear as a witness to testify or produce a record, document or other object, shall be punished:

1. Where physical force or the immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Where no physical force or immediate threat of physical force is used, for a gross misdemeanor.

HISTORY:

C&P 1911, § 94; RL 1912, § 6359; CL 1929, § 10043; 1967, p. 465; 1979, p. 1421; 1983, p. 1683; 1995, ch. 443, § 27, p. 1175.

NOTES TO DECISIONS

Evidence sufficient.

There was sufficient evidence to show that defendant dissuaded a witness under this statute because he told the baby's mother not to testify, and he also told his girlfriend and mother to guarantee that the baby's mother did not testify. *Anderson v. State*, 132 Nev. 939, 2016 Nev. App. Unpub. LEXIS 109 (Nev. Ct. App. 2016).

Cited in:

Phillips v. State, 121 Nev. 591, 119 P.3d 711, 2005 Nev. LEXIS 66 (Sept. 15, 2005).

Research References and Practice Aids

Cross References

As to injunction to restrain unlawful act against witness or victim of crime, see NRS 33.015.

ALR

Admissibility in criminal case, on issue of defendant's guilt, of evidence that third person has attempted to influence a witness not to testify or to testify falsely. 79 A.L.R.3d 1156.

Admissibility and effect, on issue of party's credibility or merits of his case, of evidence of attempt to

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intimidate or influence witness in civil action, 4 A.L.R.4th 829;
Validity, construction, and application of state statutes imposing criminal penalties for influencing,
intimidating, or tampering with witness, 8 A.L.R.4th 769.
Construction and application of federal witness tampering statute, § 18 U.S.C.A. 1512(b), 185 A.L.R.
Fed. 1.

199.235. Repealed.

Repealed by Acts 1985, ch. 82, § 255, effective April 6, 1985.

199.240. Bribing or intimidating witness to influence testimony.

A person who:

1. Gives, offers or promises directly or indirectly any compensation, gratuity or reward to any witness or person who may be called as a witness in an official proceeding, upon an agreement or understanding that his or her testimony will be thereby influenced; or
2. Uses any force, threat, intimidation or deception with the intent to:

(a) Influence the testimony of any witness or person who may be called as a witness in an official proceeding;

(b) Cause or induce him or her to give false testimony or to withhold true testimony; or

(c) Cause or induce him or her to withhold a record, document or other object from the proceeding,

is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$50,000.

HISTORY:

C&P 1911, § 56; RL 1912, § 6321; CL 1929, § 10005; 1967, p. 465; 1979, p. 1421; 1983, p. 1683; 1995, ch. 443, § 28, p. 1176.

NOTES TO DECISIONS

This section includes the bribing of any person who may be called as a witness.

No good reason appears to require that a subpoena shall first have had to be issued before a person can be considered a prospective witness; a witness can be a witness without a subpoena. Fox v. Sheriff, Clark County, 86 Nev. 21, 467 P.2d 1022, 1970 Nev. LEXIS 442 (Nev. 1970).

Effect of nonessential error in information.

An information charging the defendant with offering compensation to induce a witness to withhold testimony in a pending criminal case against him was not fatally defective in charging that on April 26, 1969, the defendant offered a witness \$500 not to testify against him at a preliminary hearing scheduled for June 8, 1969, which date was a Sunday on which a preliminary hearing could not have been scheduled, as the allegation that a preliminary hearing was scheduled for June 8 was not essential. Fox v. Sheriff, Clark County, 86 Nev. 21, 467 P.2d 1022, 1970 Nev. LEXIS 442 (Nev. 1970).

"Understanding" between the parties.

This section requires an agreement or understanding between the giver of the bribe and the receiver; if the giver makes an offer and he reasonably believes that the receiver has accepted, then there is an "understanding" between the parties. Fox v. Sheriff, Clark County, 86 Nev. 21, 467 P.2d 1022, 1970 Nev. LEXIS 442 (Nev. 1970).

Cited in:

Morley v. Walker, 175 F.3d 756, 1999 U.S. App. LEXIS 8409 (9th Cir. 1999).

Research References and Practice Aids

Cross References

As to injunction to restrain unlawful act against witness or victim of crime, see NRS 33.015.
As to protection of victims and witnesses, see NRS 178.569 et seq.
As to immunity of material witnesses from prosecution, see NRS 178.572 et seq.

ALR

Admissibility in criminal case, on issue of defendant's guilt, of evidence that third person has attempted to influence a witness not to testify or to testify falsely. 79 A.L.R.3d 1156.
Admissibility and effect, on issue of party's credibility or merits of his case, of evidence of attempt to intimidate or influence witness in civil action. 4 A.L.R.4th 829.
Validity, construction, and application of state statutes imposing criminal penalties for influencing, intimidating, or tampering with witness. 8 A.L.R.4th 769.
Construction and application of federal witness tampering statute, § 18 U.S.C.A. 1512(b). 185 A.L.R. Fed. 1.

199.242. Limitations on defenses to prosecution for influencing testimony of witness.

It is not a defense to a prosecution under NRS 199.230 or 199.240 to show that:

1. An official proceeding was not pending or about to be instituted; or
2. The testimony sought or the record, document or other object to have been produced would have been legally privileged or inadmissible in evidence.

HISTORY:

1983, p. 1682; 1985, p. 247.

199.250. Witness accepting bribe.

A person who is or may be a witness upon a trial, hearing, investigation or other proceeding before any court, tribunal or person authorized to hear evidence or take testimony, who asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his or her testimony will be influenced thereby, or that the person will be absent from the trial, hearing or other proceeding, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

HISTORY:

C&P 1911, § 57; RL 1912, § 6322; CL 1929, § 10006; 1967, p. 465; 1979, p. 1421; 1995, ch. 443, § 29, p. 1176.

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207.190. Coercion.

1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:

(a) Use violence or inflict injury upon the other person or any of the other person's family, or upon the other person's property, or threaten such violence or injury;

(b) Deprive the person of any tool, implement or clothing, or hinder the person in the use thereof; or

(c) Attempt to intimidate the person by threats or force.

2. A person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of physical force is used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of physical force is used, for a misdemeanor.

HISTORY:

C&P 1911, § 475; RL 1912, § 6740; CL 1929, § 10424; 1967, p. 522; 1979, p. 1455; 1995, ch. 443, § 183, p. 1239.

NOTES TO DECISIONS

This section is not constitutionally void for vagueness; it adequately defines the proscribed conduct. Carlisie v. State, 98 Nev. 128, 642 P.2d 596, 1982 Nev. LEXIS 405 (Nev. 1982).

Sentence.

Sentence did not amount to cruel and unusual punishment because the sentencing range on the coercion felony charge was 12-72 months and defendant received a sentence of 24-60 months. Collier v. State, 2016 Nev. Un-pub. LEXIS 533 (Nev. 2016).

Finding of coercion.

Where the record showed that the defendants physically abused the victim and forced him to confess to cheating at a casino, the magistrate's finding of probable cause to the charge of criminal coercion was supported. Jacobson v. State, 89 Nev. 197, 510 P.2d 856, 1973 Nev. LEXIS 470 (Nev. 1973).

Evidence held sufficient.

Defendant's convictions for burglary and coercion, in violation of NRS 207.190(1), were supported by

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the evidence because a rational juror could have inferred from the victim's testimony that defendant twice unlawfully entered her home with the intent to commit assault and/or battery and used physical force against her by taking and breaking her phone with the intent to prevent her from doing an act that she had a right to do, completing her 911 call. *Middleton v. State*, 132 Nev. 1007, 2016 Nev. Unpub. LEXIS 448 (Nev. 2016).

Jury could reasonably infer from the evidence presented that defendant committed first-degree kidnapping by forcibly moving the victim against her will to a second location for the purpose of committing sexual assault, battery with intent to commit sexual assault by willfully using force on the victim while intending to commit sexual assault, sexual assault by penetrating the victim's vagina against her will, and coercion by using force with the intent to compel the victim to enter and remain in the restroom stall. *Perez v. State*, 132 Nev. 1016, 2016 Nev. LEXIS 530 (Nev. 2016), dismissed, 134 Nev. 995, 412 P.3d 1081, 2018 Nev. Unpub. LEXIS 150 (Nev. 2018), writ denied, 463 P.3d 481, 2020 Nev. App. Unpub. LEXIS 425 (Nev. Ct. App. 2020).

Evidence was sufficient to convict defendant of coercion as defendant kept the victim from leaving the store because testimony was presented that defendant entered the store and went to the manager, and told the manager to go behind the counter; when the manager did not immediately obey, defendant showed him a gun in his waistband and then told him if he did not comply he would hurt the victim; the victim heard the exchange and saw the butt of the gun; when the manager told the victim to move into the back room, she complied because she was afraid; the victim testified that she was afraid and did not feel like she could leave because defendant had a gun; and both the manager and the victim testified that defendant was the perpetrator. *Spearman v. State*, 132 Nev. 1031, 2016 Nev. App. Unpub. LEXIS 88 (Nev. Ct. App. 2016), app. dismissed, 134 Nev. 1013, 410 P.3d 990, 2018 Nev. Unpub. LEXIS 99 (Nev. 2018).

Jury could have inferred an immediate, although unspoken, threat of physical force from evidence that defendant ordered the victim to disconnect a store's telephone while standing with his back against the door, which he had locked after forcing the victim to accompany him inside the otherwise empty store. Before ordering her to disconnect the phone, defendant had sprayed the store's surveillance camera and robbed the victim of her wallet and cellphone, as well as the store's money. *Guerrina v. State*, 134 Nev. 338, 419 P.3d 705, 134 Nev. Adv. Rep. 45, 2018 Nev. LEXIS 46 (Nev. 2018).

Reasonable person test must be applied by jury.

Defendants' 19 convictions for felony coercion were overturned and a new trial was ordered where the trial court erred in not instructing the jury to apply the reasonable person test; it was not clear beyond a reasonable doubt that the jury would have found defendant guilty absent the error. *Santana v. State*, 122 Nev. 1458, 148 P.3d 741, 122 Nev. Adv. Rep. 121, 2006 Nev. LEXIS 140 (Nev. 2006).

In determining whether a defendant has made an immediate threat of physical force under this section, the inquiry must focus on the viewpoint of a reasonable person; while a jury can and should consider the testimony of victims, the jury remains responsible for determining whether the threat was immediate, future, or incapable of being performed. *Santana v. State*, 122 Nev. 1458, 148 P.3d 741, 122 Nev. Adv. Rep. 121, 2006 Nev. LEXIS 140 (Nev. 2006).

Double Jeopardy.

Kidnapping included elements of confinement or asportation and the intent to commit sexual assault that were not required to establish coercion; and coercion included elements of force or deprivation and the intent to compel another to act or not act that were not required to establish kidnapping; and as each

offense contained an element not contained in the other, double jeopardy did not bar defendants' convictions for coercion and first-degree kidnapping. *Perez v. State*, 132 Nev. 1016, 2016 Nev. LEXIS 530 (Nev. 2016), dismissed, 134 Nev. 995, 412 P.3d 1081, 2018 Nev. Unpub. LEXIS 150 (Nev. 2018), writ denied, 463 P.3d 481, 2020 Nev. App. Unpub. LEXIS 425 (Nev. Ct. App. 2020).

Definition was overbroad as to U.S. Sentencing Guidelines.

Unpublished decision: Where a defendant appealed his sentence for illegal reentry, which included a 16-level enhancement, his coercion conviction included element of physical force, as defined by Nevada law, but Nevada's definition of physical force, as used in Nev. Rev. Stat. § 207.190, was broader than the definition of physical force as used in U.S. Sentencing Guidelines Manual § 2L1.2; § 207.190 was categorically overbroad as to U.S. Sentencing Guidelines and could not justify the 16-level sentence enhancement. *United States v. Miguel-Martano*, 666 Fed. Appx. 702, 2016 U.S. App. LEXIS 23215 (9th Cir. Cal. 2016).

Crime of violence.

Defendant's conviction in Nevada of the felony version of coercion did not qualify as a crime of violence under the elements clause of U.S. Sentencing Guidelines Manual § 4B1.2 since it was likely that the Nevada courts would interpret the physical force necessary in the same manner as the force necessary to commit battery, which did not require the kind of violent physical force necessary to satisfy the Johnson standard. *United States v. Edling*, 891 F.3d 1190, 2018 U.S. App. LEXIS 15503 (9th Cir. Nev. 2018), amended, 2018 U.S. App. LEXIS 19134 (9th Cir. Nev. July 12, 2018).

Cited in:

Renard v. State, 94 Nev. 368, 580 P.2d 470, 1978 Nev. LEXIS 565 (1978).

OPINIONS OF ATTORNEY GENERAL

Picketing.

Picketing with force and threats would be a violation of this section. AGO 128 (7-19-1922).

Forcing trespassers to work.

A railroad which forces trespassers to work by threatening otherwise to "throw them in jail" is guilty of violating this section. AGO 133 (7-31-1922).

Research References and Practice Aids

Cross references.

As to punishment for misdemeanors, see NHS 193.150.

Review of Selected Nevada Legislation, Domestic Relations, 1985 Pac. L.J. Rev. Nev. Legis. 123.

205.320. Threats.

A person who, with the intent to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, whether or not the purpose is accomplished, threatens directly or indirectly:

1. To accuse any person of a crime;

2. To injure a person or property;

3. To publish or connive at publishing any libel;

4. To expose or impute to any person any deformity or disgrace; or

5. To expose any secret;

is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both time and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

HISTORY:

C&P 1911, § 474; RL 1912, § 6739; CL 1929, § 10423; 1967, p. 502; 1979, p. 1445; 1995, ch. 443, § 145, p. 1223.

NOTES TO DECISIONS

Under this section, the use in an information of the word "feloniously" was a sufficient averment of the intent necessary to constitute the crime of extortion. Ex parte Esden, 55 Nev. 169, 28 P.2d 132, 1934 Nev. LEXIS 6 (Nev. 1934).

Blackmail contemplates the influencing to favorable action through a withholding of disclosure rather than the discarding of a person through the making of disclosure. In re Greenspun, 74 Nev. 256, 328 P.2d 297, 1958 Nev. LEXIS 122 (Nev. 1958).

Intent is the gist of the offense of blackmail.

An essential ingredient of the crime of blackmail is the intent to extort or gain money or property, or to accomplish any of the other things mentioned in this statute, by any of the means enumerated therein; the intent to do so is the gist of the offense. The information need not expressly state this essential element, but if it contains words conveying the same meaning, it is sufficient; thus, where the information charged the defendant with willfully, intentionally, and feloniously, making a demand, by letter addressed to and delivered by mail to the victim that she pay defendant the sum of \$100.00, which letter contained threats to disgrace the victim, such information stated facts sufficient to constitute an offense under this section. Ex

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parte Esden, 55 Nev. 169, 28 P.2d 132, 1934 Nev. LEXIS 6 (Nev. 1934).

Place where blackmail committed.

Contention of the state that petitioner's acts in two counties, taken together, constituted a single continuing effort to secure favorable judicial action and, that the crime of blackmail could therefore be said to have been committed by him in either county, would be rejected since in order to establish the commission of the crime, his continuing effort must have culminated at some point in a threat, made directly or indirectly in one county or the other. In re Greenspun, 74 Nev. 256, 328 P.2d 297, 1958 Nev. LEXIS 122 (Nev. 1958).

Robbery compared with extortion.

Robbery statute requires the actual taking "by force, violence, or fear of injury" of another's property. Extortion, on the other hand, requires proof of either an indirect or a direct threat. Each offense requires proof of an additional fact which the other does not. The two are separate crimes and separate sentences may be imposed for each violation. Ecker v. Tansy, 936 F.2d 444, 1991 U.S. App. LEXIS 12206 (9th Cir. Nev. 1991), dismissed, 382 P.3d 499, 2016 Nev. Unpub. LEXIS 642 (Nev. 2016).

It was not violative of the federal double jeopardy clause for the court to refuse to merge the defendant's convictions for robbery and for extortion. Ecker v. Tansy, 936 F.2d 444, 1991 U.S. App. LEXIS 12206 (9th Cir. Nev. 1991), dismissed, 382 P.3d 499, 2016 Nev. Unpub. LEXIS 642 (Nev. 2016).

"Libel."

As used in this section, "libel" refers to the publication of a false statement as fact. Phillips v. State, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, Cortinas v. State, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

A statement must be false to constitute libel under this section; a demand for money to refrain from publishing a true claim of common heritage does not constitute extortion by libel. Phillips v. State, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, Cortinas v. State, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

"Disgrace."

As used in this section, "disgrace" means to humiliate or cause loss of favor or standing. Phillips v. State, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, Cortinas v. State, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

"Secret."

As used in this section, "secret" means a fact that is unfavorable to the interest of a person, unknown to the public, and something a person would wish to conceal. Phillips v. State, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, Cortinas v. State, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

Jury instructions.

Trial court's failure to properly instruct the jury on the elements of "libel," "disgrace," and "secret" as

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used in this section allowed the jury to consider a legally insufficient theory of extortion. The general verdict form did not specify which theory of extortion was used to convict defendant, so the extortion convictions were reversed. *Phillips v. State*, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, *Cortinas v. State*, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

Evidence.

Evidence of defendant's prior convictions for attempted robbery and possessing a concealed weapon was relevant to rebut his claim that he did not intend to extort money from the victim but was only trying to claim what he honestly thought was his due. However, it was improperly admitted, as the convictions were about 20 and 10 years old, respectively, and testimony relating to those crimes that portrayed defendant as a violent individual was unduly prejudicial. *Phillips v. State*, 121 Nev. 591, 119 P.3d 711, 121 Nev. Adv. Rep. 58, 2005 Nev. LEXIS 66 (Nev. 2005), overruled in part, *Cortinas v. State*, 124 Nev. 1013, 195 P.3d 315, 124 Nev. Adv. Rep. 86, 2008 Nev. LEXIS 105 (Nev. 2008).

Cited in:

Greenspun v. Gandolfo, 74 Nev. 16, 320 P.2d 628, 1958 Nev. LEXIS 80 (1958); *Contore v. State*, 77 Nev. 269, 362 P.2d 274, 1961 Nev. LEXIS 118 (1961); *Nall v. Warden, Nev. State Prison*, 86 Nev. 489, 471 P.2d 218, 1970 Nev. LEXIS 549 (1970); *Eckert v. Sheriff, Clark County*, 92 Nev. 719, 557 P.2d 1150, 1976 Nev. LEXIS 732 (1976).

Research References and Practice Aids

Cross References

As to extortion by public officer, see NRS 197.170.

As to kidnapping for purpose of extortion, see NRS 200.310.

ALR

Criminal liability of corporation for extortion, false pretenses, or similar offenses. 49 A.L.R.3d 820.

What constitutes "property" obtained within extortion statute. 67 A.L.R.3d 1021.

Seizure or detention for purpose of committing rape, robbery, or other offense as constituting separate crime of kidnapping. 39 A.L.R.5th 283.

Injury to reputation or mental well-being as within penal extortion statutes requiring threat of "injury to the person." 87 A.L.R.5th 715.

*Malicious Prosecution
Pursuant to the Nevada Statutes*

176.115. Judgment against complainant for malicious prosecution when defendant not found guilty; costs; enforcement of judgment.

1. In all cases of criminal prosecution where the defendant is not found guilty, the court may require the complainant, if it appears that the prosecution was malicious or without probable cause, to pay the costs of the action, or to give security to pay the same within 30 days.

2. If the complainant does not comply with the order of the court, judgment may be entered against the complainant for the amount thereof.

3. Such judgments may be enforced and appealed from in the same manner as those rendered in civil actions.

Notes to Decisions

Appeals.

Defendant's appeal of a district court's denial of defendant's request for costs under NRS 176.115, after defendant's municipal court prosecution was dismissed upon defendant's de novo appeal to district court, was dismissed because (1) the district court's order was not appealable, and (2) NRS 176.115 did not create an additional right of appeal. *Stillwell v. City of N. Las Vegas*, 129 Nev. 720, 311 P.3d 1177, 129 Nev. Adv. Rep. 76, 2013 Nev. LEXIS 95 (Nev. 2013).

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Crimes Against A Vulnerable Person
Pursuant To The Nevada Statutes

200.5091. Policy of State.

It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation, isolation and abandonment of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation, isolation and abandonment of older persons and vulnerable persons.

HISTORY:

1981, p. 1334; 1997, ch. 382, § 5, p. 1348; 2005, ch. 324, § 3, p. 1107; 2015, ch. 174, § 2, p. 804, effective October 1, 2015.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "and abandonment" twice; and made related changes.

Research References and Practice Aids

False imprisonment in connection with confinement in nursing home or hospital, 4 A.L.R.4th 449.

200.5092. Definitions.

As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older

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person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who

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comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons. The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

HISTORY:

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1981, p. 1334; 1983, pp. 1359, 1652; 1995, ch. 607, § 5, p. 2250; 1997, ch. 382, § 6, p. 1348; 1999, ch. 631, § 2, p. 3517; 2003, ch. 78, § 1, p. 491; 2005, ch. 324, § 4, p. 1108; 2015, ch. 174, § 3, p. 804, effective October 1, 2015; 2019, ch. 555, § 5, p. 3484, effective July 1, 2019.

Amendment Notes

The 2015 amendment, effective October 1, 2015, rewrote the section.

The 2019 amendment by ch. 555, effective July 1, 2019, added a section reference within the existing span in the introductory paragraph; and added "or vulnerable persons" in 7.

Research References and Practice Aids

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

200.50925. "Reasonable cause to believe" and "as soon as reasonably practicable" defined.

For the purposes of NRS 200.5091 to 200.5095, inclusive, a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

HISTORY:

1999, ch. 631, § 1, p. 3517.

200.5093. Report of abuse, neglect, exploitation, isolation or abandonment of older person or vulnerable person; voluntary and mandatory reports; investigation; penalty.

1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation,

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isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, pertusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the

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hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of

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abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

HISTORY:

1981, p. 1334; 1983, p. 1653; 1985, p. 1491; 1987, ch. 123, § 20, p. 235; 1987, ch. 788, § 41, p. 2130; 1987, ch. 800, § 26, p. 2218; 1989, ch. 48, § 58(1), p. 128; 1989, ch. 421, § 1, p. 904; 1991, ch. 74, § 1, p. 135; 1993, ch. 533, § 26, p. 2226; 1995, ch. 607, § 6, p. 2250; 1997, ch. 60, § 1, p. 108; 1997, ch. 550, § 14.1, p. 2608; 1997, ch. 550, § 14.2, p. 2610; 1997, ch. 550, § 80, p. 2637; 1997, ch. 550, § 80.1, p. 2639; 1999, ch. 56, § 1, p. 137; 1999, ch. 466, § 46, p. 2245; 1999, ch. 631, § 3, p. 2248; 2001, ch. 10, § 93, p. 161; 2001, ch. 152, § 50, p. 776; 2003, ch. 173, § 42, p. 905; 2005, ch. 324, § 5, p. 1109; 2005, ch. 458, § 14, p. 2172; 2007, ch. 224, § 19, p. 746; 2007, ch. 305, § 30, p. 1224; 2007, ch. 413, § 86, p. 1849; 2007, ch. 515, § 72, p. 3080;

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2009, ch. 428, § 6, p. 2372; 2009, ch. 437, § 1, p. 2445; 2009, ch. 494, § 81, p. 2992; 2011, ch. 252, § 27, p. 1093; 2011, ch. 273, § 52, p. 1514; 2013, ch. 41, § 33, p. 141; 2013, ch. 226, § 36, p. 953; 2015, ch. 174, § 4, p. 806, effective October 1, 2015; 2015, ch. 383, § 15, p. 2167, effective October 1, 2015; 2015, ch. 384, § 13, p. 2178, effective October 1, 2015; 2017, ch. 155, § 4, p. 702, effective July 1, 2017; 2019, ch. 435, § 14, p. 2713, effective January 1, 2020; 2019, ch. 555, § 6, p. 3485, effective July 1, 2019; 2021, ch. 289, § 27, p. 1605, effective October 1, 2021; 2021, ch. 408, § 3, p. 2623, effective January 1, 2022; 2021, ch. 444, § 17, p. 2816, effective January 1, 2022; 2021, ch. 537, § 17, p. 3626, effective January 1, 2022.

Editor's Notes

The Legislative Counsel, in subsection 2, inserted "another division of the Department of Human Resources."

In 2021, the Legislative Counsel substituted "chiropractic physician" for "chiropractor," " NRS 493.627" for "section 6 of this act" and " NRS 493.629" for "section 7 of this act" in 4(a); and substituted " NRS 422.27177" for "section 1 of this act" in 4(n). The change in term was authorized by NRS 220.120 or by a shotgun clause. See Act 2021, ch. 126, p. 534.

Amendment Notes

The 2009 amendment, by ch. 428, § 6, effective July 1, 2009, substituted "Aging and Disability Services Division" for "Aging Services Division" wherever it appears in the section; and substituted "427A.0291" for " NRS 426.218" in 4(f).

The 2009 amendment, by ch. 494, § 81, effective July 1, 2010, added "perfusionist" in 4(a).
The 2011 amendment, by ch. 252, § 27, effective January 1, 2012, added "music therapist" in 4(a).
The 2011 amendment, by ch. 273, § 52, effective January 1, 2012, added "licensed dietitian" in 4(a).
The 2013 amendment, by ch. 41, § 33, effective May 21, 2013, substituted "49.4304" for "NRS 427A.0291" in 4(f).

The 2013 amendment, by ch. 226, § 36, effective January 1, 2014, substituted "paramedic" for "advanced emergency medical technician" in 4(a).

The 2015 amendment, by ch. 174, § 4, effective October 1, 2015, added "or abandoned" or variants throughout the section; deleted (1)(a)(3), which read: "The county's office for protective services, if one exists in the county where the suspected action occurred; or"; redesignated former (1)(a)(4) as (1)(a)(3); and made related changes.

The 2015 amendment, by ch. 383, § 15, effective October 1, 2015, added (4)(m).

The 2015 amendment, by ch. 384, § 13, effective October 1, 2015, added (4)(n).

The 2017 amendment by ch. 155, effective July 1, 2017, added "except the State Long-Term Care

Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11," in (4)(g).

The 2019 amendment by ch. 435, effective January 1, 2020, added "holder of a license or a limited license issued under the provisions of sections 22 to 51, inclusive, of this act" in 4(a).

The 2019 amendment by ch. 555, effective July 1, 2019, added "or vulnerable person" or variants throughout the section; and made stylistic changes.

The 2021 amendment, by ch. 289, effective October 1, 2021, added "behavior analyst, assistant behavior analyst, registered behavior technician" in 4(a).

The 2021 amendment, by ch. 408, effective January 1, 2022, added 4(o).

The 2021 amendment, by ch. 444, effective January 1, 2022, added "peer recovery support specialist, as defined in section 6 of this act, peer recovery support specialist supervisor, as defined in section 7 of this act" in 4(a); deleted former 4(m), which read: "Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563"; and redesignated former 4(n) as 4(m).

The 2021 amendment, by ch. 537, effective January 1, 2022, added 4(o).

Research References and Practice Aids

Cross References

As to immunity from civil liability for reporting threat of violence against a school official, employee or pupil, see NRS 388.880 and 394.177.

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

200.50935. Report of abuse, neglect, exploitation, isolation or abandonment of vulnerable person; voluntary and mandatory reports; investigation; penalty. [Repealed]

HISTORY:

2005, ch. 324, § 2, p. 1106; 2007, ch. 413, § 87, p. 1851; 2007, ch. 515, § 73, p. 3081; 2009, ch. 494, § 82, p. 2994; 2011, ch. 252, § 28, p. 1095; 2011, ch. 273, § 53, p. 1517; 2013, ch. 226, § 37, p. 955; 2015, ch. 174, § 5, p. 808, effective October 1, 2015; 2019, ch. 435, § 15, p. 2715, effective January 1, 2020; repealed by 2019, ch. 555, § 34, p. 3509, effective July 1, 2019.

Repeal Notes

This section was repealed by Acts 2019, ch. 555, § 34, effective July 1, 2019.

200.5094. Reports: Manner of making; contents.

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1. A person may make a report pursuant to NRS 200.5093 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

- (a) The name and address of the older person or vulnerable person;
- (b) The name and address of the person responsible for his or her care, if there is one;
- (c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited, isolated or abandoned the older person or vulnerable person;
- (d) The nature and extent of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;
- (e) Any evidence of previous injuries; and
- (f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

HISTORY:

1981, p. 1335; 1983, p. 1654; 1997, ch. 382, § 8, p. 1351; 1999, ch. 631, § 4, p. 3520; 2005, ch. 324, § 6, p. 1110; 2015, ch. 174, § 6, p. 809, effective October 1, 2015; 2019, ch. 555, § 7, p. 3487, effective July 1, 2019.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandoned" or variants in (2)(c), (2)(d), and (2)(f); and made related changes.
The 2019 amendment by ch. 555, effective July 1, 2019, deleted "or 200.50935" following "NRS 200.5093" in 1.

Research References and Practice Aids

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

200.5095. Reports and records confidential; permissible or required disclosure;

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penalty. [Effective until contingency met]

1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person or who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or

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abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

HISTORY:

1981, p. 1335; 1983, p. 1654; 1995, ch. 607, § 7, p. 2252; 1997, ch. 382, § 9, p. 1351; 2003, ch. 173, § 43, p. 906; 2005, ch. 324, § 7, p. 1111; 2011, ch. 252, § 29, p. 1096; 2011, ch. 273, § 54, p. 1518; 2015, ch. 174, § 7, p. 810, effective October 1, 2015; 2019, ch. 435, § 16, p. 2716, effective January 1, 2020; 2019, ch. 555, § 8, p. 3488, effective July 1, 2019; 2021, ch. 289, § 28, p. 1607, effective October 1, 2021.

Editor's Notes

Acts 2021, ch. 444, § 37(4) provides this 2021 amendment of this section is effective "on the date on which the Nevada Certification Board, or its successor or organization, ceases certifying peer recovery support specialists or peer recovery support specialist supervisors."
In 2021, the Legislative Counsel, in 4, substituted "NRS 433.622 to 433.641" for "sections 2 to 15.7, inclusive, of this act" effectively contingently.

In 2021, the Legislative Counsel deleted "437" following "chapters" in 4.

Amendment Notes

The 2011 amendment, by ch. 252, § 29, effective January 1, 2012, added chapter 640D within the existing span in (4).
The 2011 amendment, by ch. 273, § 54, effective January 1, 2012, added chapter 640E within the existing span in (4).

The 2015 amendment, effective October 1, 2015, added "or abandoned" or variants throughout the section; added (5); and made related changes.

The 2019 amendment by ch. 435, effective January 1, 2020, substituted "chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS" for "chapters 449, 630 to 641B, inclusive, 653 or 654 of NRS" in 4.

The 2019 amendment by ch. 555, effective July 1, 2019, deleted "200.50935" following "NRS 200.5093" in 1; substituted "incapacitated" for "incompetent" in 3(j); added 3(k) and 3(l); and made related changes.

The 2021 amendment, by ch. 289, effective October 1, 2021, added "437" in 4.

The 2021 amendment, by ch. 444, contingently effective, in 4, added "or sections 2 to 15.7, inclusive, of this act" and substituted "board or agency that issued the license or certificate" for "board that issued the license."

200.5095. Reports and records confidential; permissible or required disclosure; penalty. [Effective upon concurring agency being met]

1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

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(c) To persons or agencies enumerated in subsection 3,

is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

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(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS 433.622 to 433.641, the information contained in the report must be submitted to the board or agency that issued the license or certificate.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (f) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

HISTORY:

1981, p. 1335; 1983, p. 1654; 1995, ch. 607, § 7, p. 2252; 1997, ch. 382, § 9, p. 1351; 2003, ch. 173, § 43, p. 906; 2005, ch. 324, § 7, p. 1111; 2011, ch. 252, § 29, p. 1096; 2011, ch. 273, § 54, p. 1518; contingently amended by 2015, ch. 174, § 7, p. 810, effective October 1, 2015; contingently amended by 2019, ch. 435, § 16, p. 2716, effective January 1, 2020; contingently amended by 2019, ch. 555, § 8, p. 3488, effective July 1, 2019; contingently amended by 2021, ch. 444, § 18, p. 2818.

200.50955. Law enforcement agency: Required to act promptly in obtaining certain warrants.

A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person.

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HISTORY:

1997, ch. 382, § 4, p. 1348; 2005, ch. 324, § 8, p. 1112; 2015, ch. 174, § 8, p. 811, effective October 1, 2015.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandonment"; and made a related change.

200.5096. Immunity from civil or criminal liability for reporting, investigating or submitting information; exception.

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

(a) Participates in the making of a report;

(b) Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

(c) Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:

(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

HISTORY:

1981, p. 1336; 1995, ch. 607, § 8, p. 2253; 1997, ch. 382, § 10, p. 1352; 2005, ch. 324, § 9, p. 1112; 2015, ch. 174, § 9, p. 811, effective October 1, 2015; 2017, ch. 387, § 2, p. 2528, effective October 1, 2017; 2017, ch. 422, § 1.5, p. 2834, effective October 1, 2017.

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Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandonment" in (2); and made a related change.

The 2017 amendment by ch. 387, effective October 1, 2017, added (1) designation; added "Except as otherwise provided in subsection 2" in the introductory language of (1); redesignated former (1) through (3) as (1)(a) through (1)(c); added (2); and made a related change.

The 2017 amendment by ch. 422, effective October 1, 2017, added the (1) designation; added "Except as otherwise provided in subsection 2" at the beginning of the introductory language of (1); redesignated former (1) through (3) as (1)(a) through (1)(c); added (2); and made a related change.

200.5097. Admissibility of evidence.

In any proceeding resulting from a report made or action taken pursuant to NRS 200.5091 to 200.50995, inclusive, or in any other proceeding, the report or its contents or any other fact related thereto or to the condition of the older person or vulnerable person who is the subject of the report may not be excluded on the ground that the matter would otherwise be privileged against disclosure under chapter 49 of NRS.

HISTORY:

1981, p. 1336; 2005, ch. 324, § 10, p. 1112.

200.5098. Duties of Aging and Disability Services Division of Department of Health and Human Services regarding older persons or vulnerable persons; organization and operation of teams for provision of assistance.

1. The Aging and Disability Services Division of the Department of Health and Human Services shall:

(a) Identify and record demographic information on the older person or vulnerable person who is alleged to have been abused, neglected, exploited, isolated or abandoned and the person who is alleged to be responsible for such abuse, neglect, exploitation, isolation or abandonment.

(b) Obtain information from programs for preventing abuse of older persons or vulnerable persons, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive.

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2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons. Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons or vulnerable persons to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

HISTORY:

1981, p. 1335; 1983, p. 1655; 1991, ch. 73, § 1, p. 134; 1997, ch. 382, § 11, p. 1352; 2015, ch. 174, § 10, p. 811, effective October 1, 2015; 2019, ch. 555, § 9, p. 3489, effective July 1, 2019.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandoned" or variants wherever it appears (1)(a) and (2); and made related changes.

The 2019 amendment by ch. 555, effective July 1, 2019, added "or vulnerable person" in 1(a); added "or vulnerable persons" in 1(b); added a section reference within the existing span in 1(c); added "or vulnerable persons" twice in 2; and added "or vulnerable persons" in 3.

200.50981. Sheriff to designate point of contact for Aging and Disability Services Division of Department of Health and Human Services.

1. The sheriff of each county shall designate one employee as a point of contact for the Aging and Disability Services Division of the Department of Health and Human Services.

2. Upon the request of the Aging and Disability Services Division, the employee designated pursuant to subsection 1 shall offer consultation and advice to the Division regarding a report submitted pursuant to NRS 200.5093 and 200.5094 or a request for assistance by the Division relating to abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable

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person.

3. The employee designated pursuant to subsection 1 shall provide his or her contact information to the Administrator of the Aging and Disability Services Division within 20 days after his or her designation as the point of contact.

HISTORY:

2019, ch. 555, § 4, p. 3483, effective July 1, 2019.

Effective Dates

This section is effective July 1, 2019.

200.50982. Disclosure of information concerning reports and investigations to other agencies or legal representative of older person or vulnerable person; disclosure of information concerning suspect in investigation of abuse, neglect, exploitation, isolation or abandonment of older person or vulnerable person.

1. The provisions of NRS 200.5091 to 200.50995, inclusive, do not prohibit:

(a) An agency which is investigating a report of abuse, neglect, exploitation, isolation or abandonment, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person to other federal, state or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

(1) The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

(2) Proper safeguards are taken to ensure the confidentiality of the information.

(b) An attorney who receives data or information pursuant to paragraph (k) of subsection 3 of NRS 200.5095 from disclosing data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person to a court of competent jurisdiction in a guardianship proceeding concerning the older person or vulnerable person.

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation

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as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person or vulnerable person;
and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person or vulnerable person within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person or vulnerable person.

3. An attorney shall make the disclosure pursuant to paragraph (b) of subsection 1 to the court within 20 days after his or her receipt of data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

HISTORY:

1995, ch. 607, § 2, p. 2249; 1997, ch. 382, § 12, p. 1353; 2005, ch. 324, § 11, p. 1112; 2007, ch. 101, § 2, p. 276; 2015, ch. 174, § 11, p. 812, effective October 1, 2015; 2019, ch. 555, § 10, p. 3490, effective July 1, 2019.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandonment" wherever it appears in the introductory language of (1) and in the first sentence of the introductory language of (2); and made related changes.

The 2019 amendment by ch. 555, effective July 1, 2019, redesignated and rewrote former 1 as 1 and 1(a); redesignated former 1(a) and 1(b) as 1(a)(1) and 1(a)(2); added 1(b); added "or vulnerable person" four times in 2; and added 3.

200.50984. Inspection of records pertaining to older person or vulnerable person on whose behalf investigation is conducted.

1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person or vulnerable person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

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2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person or vulnerable person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person or vulnerable person before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person or vulnerable person is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person or vulnerable person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person or vulnerable person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

HISTORY:

1995, ch. 607, § 3, p. 2249; 1997, ch. 550, §§ 14.3, 80.2, pp. 2611, 2641; 1999, ch. 56, § 2, p. 139; 1999, ch. 466, § 47, p. 2247; 1999, ch. 631, § 5, p. 3521; 2015, ch. 174, § 12, p. 812, effective October 1, 2015; 2019, ch. 555, § 11, p. 3491, effective July 1, 2019.

Editor's Notes

Acts 1997, ch. 550, § 82 provided:

"1. Any regulations adopted by an officer or agency whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations is transferred. Such regulations may be enforced by the officer or agency to which the responsibility for the enforcement of the regulation is transferred.

"2. Any contracts or other agreements entered into by an officer or agency whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement is transferred. Such contracts or other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the contract or other agreement is transferred."

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandoning" in the last sentence of (2); and made a related change.

The 2019 amendment by ch. 555, effective July 1, 2019, in 1, added a section reference within the

existing span and added "or vulnerable person"; and in 2, added "or vulnerable person" five times.

200.50986. Petition for removal of guardian of older person or vulnerable person.

The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person or vulnerable person, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person or vulnerable person in violation of NRS 200.5091 to 200.50995, inclusive.

HISTORY:

1995, ch. 607, § 4, p. 2250; 1997, ch. 550, §§ 14.4, 80.3, pp. 2612, 2641; 1999, ch. 56, § 3, p. 139; 1999, ch. 466, § 48, p. 2248; 1999, ch. 631, § 6, p. 3521; 2001, ch. 10, § 135, p. 269; 2003, ch. 322, § 118, p. 1803; 2015, ch. 174, § 13, p. 813, effective October 1, 2015; 2019, ch. 555, § 12, p. 3491, effective July 1, 2019.

Amendment Notes

The 2015 amendment, effective October 1, 2015, added "or abandoning"; and made a related change.

The 2019 amendment by ch. 555, effective July 1, 2019, added "or vulnerable person" twice and added a section reference within the existing span; and made stylistic changes.

200.5099. Penalties.

1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and whoneglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering, permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering or permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished:

(a) For the first offense, if the value of any money, assets and property obtained or used:

(1) Is less than \$650, of either of the following, as determined by the court:

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment;

(2) Is at least \$650, but less than \$5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment; or

(3) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

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(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000,

unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

HISTORY:

1981, p. 1336; 1983, pp. 1652, 1655; 1985, p. 249; 1995, ch. 443, § 72, p. 1194; 1995, ch. 607, § 9, p. 2253; 1997, ch. 60, § 2, p. 110; 1997, ch. 382, § 15, p. 1354; 2003, ch. 422, § 2, p. 2567; 2005, ch. 324, § 12, p. 1113; 2011, ch. 41, § 4, p. 159; 2013, ch. 229, § 4, p. 978; 2017, ch. 387, § 3, p. 2529, effective October 1, 2017; 2017, ch. 422, § 2, p. 2835, effective October 1, 2017.

NV CODE

25

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Editor's Notes

In 2015, the Legislative Counsel added "or abandons" in the introductory sentence of subsection 5.

Amendment Notes

The 2011 amendment, effective October 1, 2011, substituted "\$650" for "\$250" in (3)(a) and (3)(b).

The 2013 amendment, effective October 1, 2013, substituted "gross misdemeanor" for "misdemeanor" in (3)(a); and substituted "364 days" for "1 year" in (3)(a) and (4).

The 2017 amendment by ch. 387, effective October 1, 2017, rewrote the section.

The 2017 amendment by ch. 422, effective October 1, 2017, rewrote the section.

NOTES TO DECISIONS

Mens rea requirement.

An erroneous jury instruction warranted reversal of count one of defendant's conviction of neglect of the elderly causing substantial bodily harm; incidents leading to defendant's conviction occurred before the effective date of the 1995 amendments to § 200.5099 which eliminated the willful mens rea requirement. *Vallery v. State*, 118 Nev. 357, 46 P.3d 66, 118 Nev. Adv. Rep. 37, 2002 Nev. LEXIS 46 (Nev. 2002).

Research References and Practice Aids

Cross References

As to the definition of "substantial bodily harm," see NRS 0.060.

As to additional penalty when certain crimes are committed against older persons, see NRS 193.167.

ALR

Validity, construction, and application of state civil and criminal elder abuse laws. 113 A.L.R.5th 431.

200.50995. Penalties for conspiracy.

1. A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

(a) For the first offense, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more

than 20 years.

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

HISTORY:

1997, ch. 382, § 3, p. 1347; 2003, ch. 422, § 3, p. 2568; 2005, ch. 324, § 13, p. 1114; 2017, ch. 387, § 3.5, p. 2531, effective October 1, 2017; 2017, ch. 422, § 3, p. 2837, effective October 1, 2017.

Amendment Notes

The 2017 amendment by ch. 387, effective October 1, 2017, added the (1) designation; redesignated former (1) and (2) as (1)(a) and (1)(b); added "by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or" in (1)(a); rewrote (1)(b), which formerly read: "For the second and all subsequent offenses, for a category C felony as provided in NRS 193.130"; added the (2) designation; and made a related change.

The 2017 amendment by ch. 422, effective October 1, 2017, added the (1) designation; redesignated former (1) and (2) as (1)(a) and (1)(b); added "by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment; or" in (1)(a); and substituted "category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years" for "category C felony as provided in NRS 193.130" in (1)(b); and added the (2) designation.

23. a. GROUND ONE

WORD COUNT: 165

INEFFECTIVE MO OF COUNSEL
(PETITIONER WAS FORCED TO FILE HIS OWN DIRECT APPEAL, BEING NELLETTED)

Thursday
Friday

TOTAL APPROX.: 2,732
Stamped by NDSP: 2/10/22
Stamped by USPS: 2/11/22

1 MATTHEW TRAVIS HOUSTON #7035801 @ CCAC; pos se
2 # 1210652 @ NDOC - P.O. Box 650 - Indian Springs, NV - 89070
3 EIGHTH JUDICIAL DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 Matthew Travis Houston	Case # C-21-357927-1
7 Appellant	Dept # X FILED
8 vs.	FILED
9 STATE OF NEVADA	FILED
10 Respondent	FILED

11 DIRECT APPEAL
12 MOT IN DIRECT APPEAL (Supreme Court of Nevada)
13 Nevada Appeal No. 01223 dismissed March 10, 2022

14 Comes now, Plaintiff-in-Error, HOUSTON who
15 moves this Honorable Court to impose sanctions
16 upon officials not limited to Tiera Torres, her subordinate Nancy Becker,
17 Michael P. Villani, Magistrate ^{Melisa} De la Garza, Robert Telles,
18 Scott Poisson, Brian P. Clark, Christopher Burk,
19 Erica Tash, Jason Barrus, Andrew S. Fhahive, Alexis M. Duecker,
20 Daniel L. Schwartz, Sheriff Joe Lombardo, NDOC C/O "RIP"
21 Popalauckas and whomever else is to be called via service of SUMMONS
22 by this court in the manifestation of justice, to improve
23 the community of Las Vegas, Nevada and to ensure
24 that all injured workers are properly compensated.
25 This Appeal is made upon all papers, pleadings,
26 pleadings, documents on file and newly discovered
27 evidence, to which this court has been
28 attempting to keep hidden from the truth, while
29 demonstrating nothing other than its inherent venality, its lack of concern
30 for the community and its complete disregard for the safety (14)
31 and health of an honest and most accountable innocent citizen. This venality
32 has been further demonstrated by the collusion of individuals
33 and entities not limited to AMD LAW, PLLC, and Tamarla Pandukht.

FILED
 ENTERED
 RECEIVED
 Case 2:19-cv-01371-JAD-DJA Document 33 Filed 09/20/22 Page 1 of 17
 SERVED ON
 COUNSEL/PARTIES OF RECORD
 SEP 20 2022
 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
 DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW TRAVIS HOUSTON,
 Plaintiff,
 v.
 MANDALAY BAY CORP., JERRY
 HOWELL AND THE DEEP STATE OF NEVADA,
 GOLDEN ENTERTAINMENT, ET AL,
 Defendant(s)

Case No. ~~2:21-cv-00449-JAD-DJA~~ 2:19-cv-01371-JAD-DJA
 - VALID REASON IN SUPPORTED GROUNDS
 OF EMERGENCY INTERPLEADINGS
 OF FACTUAL MERIT AND
 MOTION TO COMPEL-IN-REGARDS TO
 DISMISSAL FROM JUNE 26TH, 2020

(Please SEE EIGHTH JUDICIAL DISTRICT COURT NO. A.17.758861.C...)

Plaintiff moves this Honorable Court to read the Las Vegas Review Journal ^{issued on or after} ~~from~~ September 30th, 2016, where the article by Jessica Gonzales described a work accident that happened in the ballroom area of the Mandalay Bay Resort and Convention Center. In the interests of justice, Plaintiff requests subpoena of ~~the~~ ~~social~~ ~~media~~ ~~of~~ ALL social media of "Matthew Travis Houston" and e-mail(s) of the Plaintiff's "matthewtravishouston@gmail.com", "matthoustonenterprises@gmail.com", "topdawghouston@gmail.com", "reverend matthew@hotmail.com" and "houston presents@aol.com" in an effort to preserve evidence, ^{for the} ~~in the~~ sake of justice.

To provide solid grounds ~~to~~ ~~for~~ ~~this~~ ~~VALID~~ ~~argument(s)~~ ~~of~~ ~~complaints,~~ and to illustrate to Jennifer A. Dorsey just exactly how all cases (no. 2:22-cv-00693-JAD-NJK) of Plaintiff ^{are} ~~is~~ directly related to the Golden Entertainment litigations, Plaintiff moves for the attached valid reasons, "PETITION FOR JUDICIAL REVIEW" and ^{"RENEWED AND AMENDED"} ~~COMPLAINTS~~ ~~COMPLAINTS~~ OF MATTHEW TRAVIS HOUSTON.

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BY: 2 <i>JA</i>	DEPUTY

Case 2:19-cv-01371-1-JAD-DJA Document 32 Filed 09/20/22 Page 1 of 16

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA - LAS VEGAS

3

4 MATTHEW TRAVIS HOUSTON,
5 Plaintiff,

6 vs.

7

8 JERRY HOWELL, ET AL
9 Defendants.

Case No.: 2:19-cv-01371-JAD-DJA
 JOINDER: 2:22-cv-00693-JAD-NJK
 2:21-cv-00499-JAD-DJA
 — EMERGENCY —
 NOTICE OF APPEAL TO THE
 9TH CIRCUIT COURT OF APPEALS
 AND RESPONSE TO "ORDER"
 FROM CASE NUMBER 2:19-cv-01371,
 DOCUMENT 29 IN HER
 ABUSE OF DISCRETION AND ERRONEOUSNESS
 FROM AUGUST 26TH, 2022

11 Plaintiff moves this court to recuse Jennifer
 12 A. Dorsey from this case, especially because her
 13 "opinion" stated on lines 12-13 on the one-page
 14 order is nothing other than a bold-faced lie. She
 15 obviously did not read the 17 pages of valid
 16 reasons for the previous motion and requests if
 17 her "opinion" was not a lie. Furthermore, there is
 18 a conflict of interest regarding her interests and
 19 "opinion" in the GOLDEN ENTERTAINMENT lawsuit,
 20 especially because she has failed to respond to
 21 Document 14 of Case Number 2:21-cv-00499-JAD-DJA,
 22 neither has she responded to Documents 16 or 17, to
 23 which were due on or before August 22nd, 2022 and
 24 September 6th, 2022. YOU WILL NOW SEE EXHIBIT (1).

25 WHEREFORE, Plaintiff prays for both a CERTIFICATE
 26 OF APPEALABILITY and a new judge, on this 6th day
 27 of September, 2022.

28 BY: Matthew Travis Houston
 Matthew Travis Houston
 1163A No. 04662784

Also See Case 2:21-cv-00499-JAD-DJA Document 45 Filed 12/05/22 Page 6 of 8

REVEREND MATTHEW TRAVIS HOUSTON, PRO SE
No 1210652
PO BOX 050
INDIAN SPRINGS, NV
89070

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Southern Division - Las Vegas

Case No. 2:22-cv-01607-APG-CSD and

Case No. 2:22-cv-01685-JAD-DJA

MATTHEW TRAVIS HOUSTON
Plaintiff

v.

JOE LOMBARDO, ET AL,
Defendants.

EMERGENCY EX PARTE LETTER
OF MOTION INVOKING LOCAL RULE
LR IA 1-4 TO SET ASIDE LOCAL
RULES OF PRACTICE 1-1, 1-2 AND 26-7

Plaintiff compels this Court to examine the causation from the EIGHTH JUDICIAL DISTRICT COURT (EJDC) Case No. A-17-758861-G which has resulted in the meritorious counterclaim(s) and/or cross-claim(s) not limited to the above-titled litigation and other pleadings of the movant. For the interests of justice to prevail it is necessary that this Court invoke Local Rule: LR IA 1-4. Suspension or Waiver of these Rules so that the insured party, that being the Plaintiff, Matthew Travis Houston, may finally be awarded both compensatory and punitive damages.

This Court will take notice of 28 USC § 455 Code of Conduct for United States Judges, Canon 3(C)(1) as the impartiality of both Jennifer A. Dorsey and Daniel J. Albrights has been reasonably questioned, they both shall recuse from the above entitled and numbered case.

In support of this motion is the attached 'EXHIBIT 1' *
Page 1 of 50 * eFiled as 'document 15' in
case No. 2:22-cv-01685-JAD-DJA
(Nature of Suit: 190, 360, 370, 380, 550, 555, 890 and 950)

Revised 10/25/2022

1 REVEREND MATTHEW TRAVIS HOUSTON
2 AMERICAN BAR ASSOCIATION MEMBER NO. 04662784
3 NDOC No. 1210652
4 Po Box 650
5 INDIAN SPRINGS, NV 89070-0650

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
8 Southern Division - Las Vegas

9 MATTHEW TRAVIS HOUSTON,
10 Plaintiff,
11 v.
12 SHERIFF JOE LOMBARDO, ET AL,
13 Defendants.

Case No. 2:22-cv-01607-APG-CSD
Case No. 2:22-cv-01685-JAD-DJA
EX PARTE LETTER OF MOTION
AS A JOINDER TO ALL CASES
OF THE PLAINTIFF
(SEE 2:19-cv-01472-APG-DJA)
"de novo hearing requested"

14 THIS HONORABLE COURT WILL PLEASE TAKE NOTICE
15 of the attached EXHIBITS) A, B, C and D, in an effort
16 to remind Magistrate Daniel J. Albrights of 28 USC §
17 455 Code of Conduct for United States Judges, Canon
18 3(c)(1) as this is multidistrict litigation involving cases
19 not limited to C22-0122-LTS in the UNITED STATES DISTRICT
20 COURT FOR THE NORTHERN DISTRICT OF IOWA - CEDAR
21 RAPIDS DIVISION and its EASTERN DIVISION, and its direct
22 relation to Houston v. Golden Entertainment, et al Case No.
23 2:21-cv-00499-JAD-DJA and also the most recently filed
24 Case No. 2:22-cv-01740-CDS-EJY. PLEASE DO NOT STRIKE.

25 What with there being so many recusals of Magistrates
26 in this case, the Plaintiff's theory of the Defendant-Respondents
27 conspiring against him is further validated and meritorious, eh DJ Alpha?
28 "SUPPLEMENTED" — Page 1 of 61 — PLEASE SEE ATTACHED

(Nature of Suit: 190, 290, 360, 362, 370, 380, 550, 660, 950)

* EXHIBITS were Revised 10/20/2022 Retroactive 9/30/2016,
eFiled into Case No. 2:22-cv-01685 as Document 14'

Also See Case 2:22-cv-01285-MMD-VCF Document 12

FILED	22	Page 1 of	RECEIVED
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COUNSEL/PARTIES OF RECORD			
AUG 31 2022			
CLERK OF DISTRICT COURT		DISTRICT OF NEVADA	
BY: [Signature]		DEPUTY	

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEVADA

3
 4 MATTHEW TRAVIS HOUSTON,
 5 Plaintiff-in-Error & Petitioner-
 6 appellant,
 7 v.
 8 CALVIN JOHNSON, ET AL AND
 9 THE DEEP STATE OF NEVADA
 10 Defendant-respondents.

Case No. 2:22-cv-01285-MMD-VCF

11 NOTICE OF APPEAL TO
 12 JUDGEMENT FROM AUGUST 16TH,
 13 2022 AND EMERGENCY MOTION
 14 TO VACATE DISMISSAL FROM
 15 AUGUST 16TH, 2022

16 "de novo hearing requested"

17 Petitioner-appellant-Plaintiff-in-Error moves this
 18 court to read the MEMORANDUM that was efiled
 19 from HDSP on August 22nd, 2022 so that the
 20 mistakes that were made in the court of Jennifer
 21 A. Dorsey in case number 2:22-cv-00693-JAD-NJK
 22 are not repeated. NOTICE OF APPEAL TO THE
 23 UNITED STATES COURT OF APPEALS FOR THE NINTH
 24 CIRCUIT entered this 17th day of August, 2022.
 25 Petitioner should be granted a leave and the proper form(s).

26 Petitioner-appellant-Plaintiff-in-Error has
 27 attached a receipt Informal Grievance (Doc 3091
 28 and x2 Doc 3097) of three (3) total pages that are
 29 worthy of serious attention as is the MEMORANDUM,
 30 as any competent jurist would find the MEMO. to be merited.

31 JOINDER OF MOTION:

- 32 2:19-cv-01360-RFB-VCF
- 33 2:19-cv-01475-GMN-EJY
- 34 2:19-cv-01740-APG-BNW
- 35 2:19-cv-01371-JAD-DJA
- 36 2:19-cv-01478-APG-DJA
- 37 2:21-cv-00449-JAD-DJA

38 x. Matthew Travis Houston
 39 MATTHEW TRAVIS HOUSTON, CMTD.
 40 ABA No. 04662784
 41 NDoc No. 1210652 @ HDSP
 42 22010 Cold Creek Road
 43 Po Box 650
 44 Indian Springs, NV 89070
 45 (75) 526-3529 c: (610)-762-4143
 46 1169

REVEREND MATTHEW TRAVIS HOUSTON
ABA No. 04662784

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

Case No. 2:22-cv-01607-APG-CSD

3 MATTHEW TRAVIS HOUSTON,
4 Plaintiff-Petitioner,

JOINDER No. 2:19-cv-01472-APG-DJA and
Case No. 2:22-cv-01285-MMD

5 V. JOE LOMBARDO,
6 THE DEEP STATE OF NEVADA and
7 CALVIN JOHNSON, ET AL,
Defendant-Respondent(s)

RESPONSE TO DOCUMENT 33 (FILED
10/14/22 IN Case 2:19-cv-01472-APG-DJA)
MEMORANDUM
"AKA"
ANOTHER
"MIRANDA-MEMO-RAN-DAMNED"

8 EMERGENCY MOTION TO REOPEN CASE FROM OCTOBER
9 26TH, AS AN EX PARTE RESPONSE TO DOCUMENT
10 33 AND ORDER OF MAGISTRATE DANIEL J. ALBRECHTIS
11 REQUESTING HIS RECUSAL IN HONOR

12 Sir, your failure to respond to Document 26 and Document
13 27 constitute a judicial DEFAULT, especially as you represent the
14 government and its obvious interference with my meritorious
15 claims of damages. Sir Document 26 was filed on SEPTEMBER
16 8, 2022 to which a response was due by SEPTEMBER 22ND,
17 2022. To this current date of OCTOBER 22ND, 2022, the
18 DISTRICT OF NEVADA OF THE UNITED STATES DISTRICT COURT is
19 negligent, as is your fraudulent ORDER from OCTOBER 14TH, 2022,
20 as you have ignored the grounds presented from Document 26 and
21 Document 27. It seems that again you are going out of your
22 way to hold the blindfold on Our Lady Justice, as you did in
23 other valid pleadings of Plaintiff v. Joe Lombardo (SEE 2:22-cv-
24 01607-APG-DJA) and Matthew Travis Houston v. GOLDEN
25 ENTERTAINMENT, ET AL (SEE 2:21-cv-00499-JAD-DJA).

Page 1 of 2 (9 including EXHIBIT 1)*

26 (Nature of Suit: 360, 362, 370, 380, 540, 550, 890 and 950)

27 Revised October 19, 2022

Also See Case 2:21-cv-00499-JAD-DJA Document 45 Filed 12/05/22 Page 4 of 8

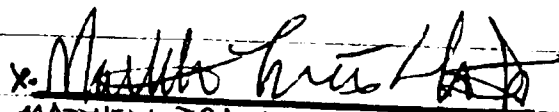
1 UNITED STATES MAGISTRATE JUDGE DANIEL J.
2 ALBREGHTS: You are to recuse from Case
3 Number 2:22-cv-01685-JAD-DJA as well as Case
4 Number 2:22-cv-01607-APG-DJA, Case Number
5 2:22-cv-00499-JAD-DJA. Plaintiff has valid
6 reason to believe that not any of his cases are
7 being randomly assigned as this Court will now
8 please examine the history of all complaints filed by
9 Matthew Travis Houston, an innocent, honest and
10 accountable man, requesting only decency and in his
11 pursuit of justice.

12 Please provide Plaintiff with ONE complete copy
13 of the CODE OF JUDICIAL CONDUCT and the address
14 the Nevada Commission On Judicial Discipline.

15 This Court will now PLEASE TAKE NOTICE of the
16 attached EXHIBIT I* to aid in the elaboration of
17 grounds resulting from the negligence of the
18 Defendants not limited to the EIGHTH JUDICIAL
19 DISTRICT COURT (EJDC) Case Number A-17-758861-C.

20 WHEREFORE, Plaintiff prays that Daniel J. Albreghts
21 corrects his grammatical error from Page 1, LINE 15, Document
22 53 before he recuses himself in Case No. 2:19-cv-01472.
23 * = eFiled as 'Document 34'

24 DATED: OCTOBER 19, 2022

25 
26 MATTHEW TRAVIS HOUSTON, CHTD
27 ABA No. 04662784

28 Page 2 of 2 (9 including EXHIBIT I)
(Nature of Suit: 360, 362, 370, 380, 540, 550, 890 and 950)

Revised September 30, 2022

REVEREND MATTHEW TRAVIS HOUSTON, CHTD
ABA No. 04662784
1210652@ HDSP
Po Box 650
Indian Springs, NV
89070-0650

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DEC 05 2022
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY Southern Division
Case No. ~~2:22-cv-01660-DJA~~

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW TRAVIS HOUSTON,
Plaintiff,
V.
JOE LOMBARDO;
GOLDEN ENTERTAINMENT, ETAL,
Defendant(s).

Case No. 2:23-cv-00499-JAD-DJA
EX PARTE LETTER OF MOTION
TO UNITED STATES MAGISTRATE JUDGE
DANIEL J. ALBRECHTS
SEE EJDCC No. A-17-758861-C

As this is response to Judge Albright's Order from September 29th, 2022, Plaintiff must remind and provide clarification to this Honorable Court in an effort to preserve justice and obtain reparations so that compensation will finally be made to the Plaintiff for ALL of the damages he has sustained and endured most unwillingly and unnecessarily, retroactively from September 30th, 2016 having woken from coma and other injuries in 2022. It is for this valid and meritorious reason that litigation in the above-entitled case may appear/look to the court as ~~being~~ being unworthy of serious attention, especially as looks can be deceiving.

FIRST AND FORMOST, is this reminder to Magistrate Albrights that the Law OFFICES OF MATTHEW TRAVIS HOUSTON, CHTD in Iowa City, Iowa were destroyed; by derecho storm the Maquoketa. Iowa branch of the office at 1009 Cardinal Dr, Maquoketa, IA, 52060; and by unidentified agents in Iowa City: 435 S. Linn Street, #927-52240.

Page 1 of 28 (30)
(Nature of Suit: 140, 360, 370, 380 and 950)

Revised September 30, 2022

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Also See Case 2:21-cv-00499-JAD-DJA Document 45 Filed 12/05/22 Page 2 of 8

1
2 In response to Magistrate Albreght's "Document 30";
3 Page 1, lines 2-24; SEE Document 22-1 "CIVIL RIGHTS
4 COMPLAINT BY AN INMATE" filed 9-16-2022. The
5 court will also be reminded of "Document 31",
6 filed October 3rd, 2021, as an "APPLICATION FOR
7 LEAVE TO PROCEED IN FORMA PAUPERIS" and was 8 pages;
8 DOCUMENT 22, DOCUMENT 28 and DOCUMENT 29. Also,
9 as Case Number 2:21-cv-00499-JAD-DJA is directly
10 related to 2:22-cv-00693-JAD-NJK, this Honorable
11 Court will be further reminded of "DOCUMENT No. 1"
12 filed 4/25/2022 in 2:22-cv-00693-JAD-NJK.

13 While we are on the subject of case relation and
14 its causation, the Court will also be reminded of No.
15 2:22-cv-01685-APG-VCF and its "Document No. 1",
16 entered and filed on October 5th, 2022; and case
17 number 2:22-cv-01607-APG-DJA, "Document No. 8"
18 filed 9/28/2022; "Document No. 9" filed 10/3/2022
19 and entered on 10/5/2022 and "Document No. 10"
20 filed and entered on 10/6/2022.

21 To provide Magistrate Albreghts with further background
22 of the case, Plaintiff has attached documents substantial
23 to furthering continuation of the screening process, which
24 is moot considering the fact that a majority of the
25 Defendant-Respondent(s) have been in a status of DEFAULT
26 since before September 30th, 2016. PLEASE SEE ATTACHED;
27 eFiling(s) in CV 00499, Page 2 of 28 (30) titled 'Document 33',
28 (Nature of Suit: 190, 360, 370, 380 and 950)

Revised September 30, 2022

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 REVEREND
4 MATTHEW TRAVIS HOUSTON,
5 Plaintiff-Petitioner,
6 v.

7 L.V.M.P.D., JOE LOMBARDO,
8 GOLDEN ENTERTAINMENT AND
9 CALVIN JOHNSON, ET AL,
10 Defendant(s) Respondent(s)

2:22-cv-01685-JAD
2:22-cv-01607-APG-DJA
2:21-cv-00499-JAD-DJA
Case No. 2:22-cv-01285-MMD-VCF
"de novo requested" EX PARTE

LETTER OF MOTION (NOW SEE EJDG #A-17-758861-C
AND — MEMORANDUM — IN 2:22 cv-01285
"NOT STRIKEN" AKA "S" FROM CASE No. 2:22-cv-
01285: PREVIOUSLY FILED AS DOCUMENT No. 7
"MIRANDA-MEMO-RAN-DAMNED"
ON 08/22/2022

11 EMERGENCY EX PARTE LETTER OF MOTION TO US
12 DISTRICT COURT MAGISTRATE DANIEL J. ALBRECHTS AND IN
13 RESPONSE TO ORDER FROM OCTOBER 7TH, 2022 (DOCUMENT 11)
14 AND MOTION TO STAY ALL DOCUMENTS IN ALL CASES
15 OF REVEREND MATTHEW TRAVIS HOUSTON

16 For Plaintiff has renewed his OATH to the
17 UNITED STATES NAVY RETROACTIVELY FROM ON OR BEFORE
18 June 6th, 2002. Do NOT strike a single further
19 document of a single note I write Mr. Albrechts. You
20 and Jennifer A. Dorsey are to immediately recuse
21 yourselves from ALL cases of Matthew Travis Houston as
22 the result of intentional gross negligence in the "form" of
23 JUDICIAL MISCONDUCT.

— SEE EXHIBIT 1 — (P.18) e Filed.

24 This Court will now keep and read all documents of
25 the SURVIVOR OF ONE OCTOBER, 2017 and way too many
26 other disasters and tragedy not limited to this malicious case,
27 by temporarily setting aside LOCAL RULES OF PRACTICE 1-1, 1-2 and 26-7,
28 // SEE ATTACHED NAMING OF DEFENDANTS.

OBJ in Case Number 2:22-cv-01780-ART-DJA
ALSO SEE Case 2:22-cv-01748-JAD-BNW Document 16 Filed 11/29/22 Page 4 of 6

EMERGENCY JOINDER OF ACCOUNTABILITY AND A
RETROACTIVE JOINDER OF APPEAL TO CONSOLIDATE MY
WILL RENEWED CAVEAT THIS 15TH DAY OF OCTOBER, 2022, ON A
" NEVADA DEPARTMENT OF CORRECTIONS

GRIEVANT'S STATEMENT CONTINUATION FORM " AS AN
EMERGENCY MOT. TO RECUSE "DJA" aka DANIEL J. ALBRECHTS

NAME: MATTHEW TRAVIS HOUSTON-NDG I.D. NUMBER: 1210652
UNITED STATES DISTRICT COURT-DISTRICT OF NEVADA-LEVEL 666 OF
INSTITUTION: OF WRONGFUL CONVICTIONS UNIT #: MAXIMUM SECURITY

JOINDER OF → EXHONORATION IN REEXHAUSTED
GRIEVANCE #: CONSOLIDATION " GRIEVANCE LEVEL: EMERGENCY

GRIEVANT'S STATEMENT CONTINUATION: PG(8) Page 1 OF (15) Page 1
AS RESULT OF THE JUDICIAL NEGLIGENCE OF MY

PERSON AND PROPERTY, AND THE NEGLIGENCE OF MY
ESTATE BY NUMEROUS OTHER INDIVIDUALS AND ENTITIES,

I HAVE BEEN FORCED AGAINST MY WILL TO ADD
MAGISTRATE DANIEL J. ALBRECHTS AS A DEFENDANT

IN MY MERITORIOUS AND VALID CLAIMS OF DAMAGES
NOT LIMITED TO, THAT OF APPEAL DEPRIVATION.

THE COURT WILL AGAIN TAKE NOTICE OF THIS VALID
RENEWAL OF MY OATH ON OR AROUND JUNE 6TH,

2002, TO WHICH IS CLASSIFIED SUPER TOP SECRET
RETROACTIVELY, VIA THE UNITED STATES NAVY DEP./RET.

1-04-08. FROM MY PROFESSIONAL AND PERSONAL EXPERIENCE
WITH DANIEL J. ALBRECHTS, OF THE U.S. DISTRICT COURT-

SOUTHERN DIVISION OF LAS VEGAS, NEVADA, HE SHALL TAKE
NOTICE OF THE MOST NEGLECTFUL DEFENDANT-RESPONDENT

NUMBER 92) JENNIFER A. DORSEY TO TAKE HIS RIGHFUL TITLE

Original: Attached to Grievance
Pink: Inmate's Copy

OF UNLUCKY NUMBER 93-
NINETY-THREE = D.J. ALPHA*

* = THIS NOTICE OF DEMAND IS RETROACTIVE FROM WELL
BEFORE SEPTEMBER 30TH, 2016. NOW SEE
CODE OF JUDICIAL CONDUCT MR. ALBRECHTS.

Case Number 2:23-cv-00031 DOC-3097 (01/02)

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2:22-cv-01607-APG

MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Daniel J. Albregts on 11/8/2022.

With good cause appearing, the Honorable Magistrate Judge Daniel J. Albregts recuses himself in this action. **IT IS ORDERED** that this action is referred to the Clerk for random reassignment of this case for all further proceedings.

(no image attached) (Copies have been distributed pursuant to the NEF - KL)

**PLEADING
CONTINUES
IN NEXT
VOLUME**