

IN THE SUPREME COURT OF THE STATE OF NEVADA

No.(s): 79408, 80562, 80562-COA 84281,
84417, 84418, 84477, 84478, 84885,
84886, 84887, 85351, 85352, 85353

Electronically Filed
11/16/2022

Matthew S. Austin
CLERK OF THE COURT

MATTHEW TRAVIS HOUSTON #1210652

Defendant/In Propria Personam
Post Office Box 650 (HOSP)
Indian Springs, Nevada 89018

85354 and 85747
~~84980~~

"IN ALL APPEALS OF MATTHEW TRAVIS HOUSTON
FROM THE 8TH JUDICIAL DISTRICT COURT
OF CLARK COUNTY, NEVADA"

FILED

JAN 1 2023

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY: CHIEF DEPUTY CLERK

MATTHEW TRAVIS HOUSTON,
Petitioner-Appellant and the
Plaintiff-Plaintiff-in-Error,

vs. AARON D. FORD;
MANDALAY BAY CORP, ET AL AND
THE DEEP STATE OF NEVADA;
GERRI LYNN HARDCASTLE, ET AL
Appellee(s)-Defendant(s).

Appeal No. 85747
and all appeals of
Matthew Travis Houston
as result of Sept. 30, 2016
(Case No. A-17-758861-C)
Dept. No. Dept: XXIX
JOINDER No. 84886 AND
No. 85351

EMERGENCY MOTION TO EXPIDITE CASE
No. 84886; MOTION FOR SPEEDY TRIAL OR IN THE ALTERNATIVE AN
EXPIDITED DISMISSAL FOR LACK OF SPEEDY AND TIMELY PROSECUTION AND

(of Defendant's claims) FAILURE OF THE MALICIOUS PROSECUTION TO HOLD ANY
SORT OF COMPLAINT UNDER NRS 27(6) HOLD ANY
Date of Hearing: January 18th, 2023

Time of Hearing: 8:30 AM @ RTC Room 12-A
"Emergency relief is necessary before the above titled date of 1/18/2023"
"ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

Appellant
COMES NOW, Matthew Travis Houston, proceeding in

proper person, hereby moves this Honorable Court for a speedy trial, or in the
alternative, ^{exhortation} for lack of speedy and timely prosecution of the above-
^{Appellant} entitled action. is also Petitioner-Appellant and Plaintiff-in-Error.

This Motion is made and based upon all papers and pleadings on file with
the Clerk of the Court which are hereby incorporated by this reference, the
Points and Authorities herein, and attached Affidavit of ^{Houston} (EXHIBIT 1)

DATED: this 30 day of SEPTEMBER, 2022.

BY: *Matthew Travis Houston*
Matthew Travis Houston #1210652
Defendant/In Propria Personam

NOTE TO CLERK: THIS MOTION TITLE IS: 23-00896
"Emergency Motion To Expedite Case No. 84886;
Motion For Speedy Trial Or In The Alternative An Expedited
Dismissal Of Defendant's Claims For Lack Of Speedy And Timely
Prosecution And Failure Of The Malicious Prosecution To Hold Any"

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ELIZABETH L. BROWN
CLERK OF SUPREME COURT

POINTS AND AUTHORITIES

THE APPELLANT IS ENTITLED TO A SPEEDY TRIAL OR
EXHONORATION FOR LACK OF SPEEDY PROSECUTION

The Sixth Amendment to the United State Constitution sets forth the following mandate upon the States through the Fourteenth Amendment:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial..."

This Constitutional mandate has been codified in the State of Nevada in the NRS under section 178.556(2):

"If a defendant whose trial has not been postponed upon his application is not brought to trial within 60 days after the filing of the complaint for an offense triable in a justice or municipal court, the court may dismiss the complaint."

As can plainly be seen, the Appellant right to a speedy trial, or dismissal in the alternative, is grounded in Constitutional as well as Nevada statutory mandate, and was ignored by the EJDC.

The Appellant is currently serving a term of imprisonment of 12-60 months in the custody of the Nevada Department of Corrections [NDOC] located at WDSP (22010 Cold Creek Road Indian Springs NV) 89070 within the County of Clark, Nevada. Therefore, it is apparent that the Appellant cannot transport himself to the Court-house for prosecution. Moreso, the responsibility of having the Appellant transported lies with the "Marshalls" of the City of LAS VEGAS, or, with the Nevada Department of Corrections. Please take notice of ALL cases of Matthew Travis Houston.

while the issuance of the complaint and warrant are sufficient in themselves to cause the responsibility for speedy ...

1 ... prosecution to occur, the City Attorney and the police
2 agencies of the City of LAS VEGAS, have shirked their direct
3 and legal responsibility in the matter by refusing to transport,
4 or cause to be transported, this Appellant to the Courthouse for
5 legal action upon this case to occur. [REDACTED] is informed that
6 he will be held to answer for the charges at some nebulous and
7 undetermined time in the future and this cannot stand Constitutional
8 scrutiny, especially as he has been maliciously prosecuted/wrongfully convicted.

9 The laws of Nevada are clear in this regard. A warrant,
10 once issued, must be served and executed by a peace officer, and
11 the officers of the Court of the City of LAS VEGAS are such
12 peace officers. See, NRS 171.188:

13 "The warrant may be executed at any place within the State of Nevada."

14 Thus, the Defendant's incarceration cannot stand as a bar
15 to the execution of the warrant. Furthermore, NRS 171.122(1)
16 states:

17 "The warrant must be executed by the arrest of the defendant."

18 Therefore, the Chief Marshall and the LAS VEGAS City
19 Attorney's Office, being fully aware of the whereabouts of the
20 Appellant, against whom a warrant is pending, must execute the
21 command of said warrant, which was not authorized by any judicial officer.

22 The Appellant has made every effort available to him to
23 attempt to address and remedy the injustice and handicap that he
24 now suffers as a result of the outstanding charge(s), as is shown
25 by the annexed exhibits. This Court will now have the opportunity
26 to correct this injustice and to initiate their lawful duty by
27 the issuance of the Order made by this Motion, most especially because
28 the Appellant's 4th AMOT right was violated by the EDC and LV MUN. Court.

1 To do otherwise would be a violation of the very concept
2 of the justice and equity upon which the American system of
3 jurisprudence rests, most especially the 5th and 6th Amendments.

4 CONCLUSION

5 Appellant
6 has shown a just and legal obligation placed upon
7 the officers of the Court of the City of LAS VEGAS to issue
8 the Order contemplated by this Motion for the transportation of
9 this Appellant
10 to the Court for the disposition of said pending
11 charge(s) forthwith, or, in the alternative, the dismissal of
12 said charge(s) and the removal of the warrant/detainer placed
13 against this Appellant
14 for the denial of the right to a speedy
15 prosecution, as guaranteed by the 5th, 6th and 14th Amendments.

16 WHEREFORE, this Honorable Court is requested to liberally
17 construe the pleadings herein in order that its manifest and just
18 purpose be so accomplished. The attached "EXHIBIT 1"
19 aka "Affidavit of Houston" aka "Declaration of Matthew Travis Houston."

20 CC:FILE

21 DATED: this 30 day of SEPTEMBER, 2022.

22 Respectfully submitted,

23 BY: Matthew Travis Houston
24 Matthew Travis Houston # 1210652
25 Defendant/In Propria Personam
26 Post Office Box 650 [HDSP]
27 Indian Springs, Nevada 89018
28

EXHIBIT 1 AS A RENEWED

CERTIFICATE OF SERVICE BY MAILING

I, MATTHEW TRAVIS HOUSTON, hereby certify, pursuant to NRCP 5(b), that on this 30 day of SEPTEMBER, 2022 I mailed a true and correct copy of the foregoing, "EMERGENCY LETTERS OF MOTION, NOTICES OF MOTION, EXHIBIT 1(s) AND MOTION FOR SPEEDY TRIAL(S) OR IN THE ALTERNATIVE DISMISSALS FOR LACK OF SPEEDY AND TIMELY PROSECUTION" by depositing it in the High Desert State Prison, Legal Library, First-Class postage fully prepaid, addressed as follows:

cc: CHAMBERS
LAW CLERK
200 LEWIS AVENUE
LAS VEGAS, NV
89155

Nevada Attorney General,
Aaron D. Ford
555 E. Washington Avenue
Suite 3900
Las Vegas, NV
89101-1068

Supreme Court of Nevada
201 S Carson Street
Suite 201
Carson City, NV
89701

CLARK MCCOURT, LLC
7371 Prairie Falcon Road
Ste. 120
Las Vegas, NV
89128

CC: FILE

LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W. Sahara Avenue
Ste. 900
Box 28
Las Vegas, NV 89102

DATED: this 30 day of SEPTEMBER, 2022

Matthew Travis Houston
Matthew Travis Houston #1210652
Petitioner/In Propria Personam
Post Office Box 650 (HDSP)
Indian Springs, Nevada 89018
IN FORMA PAUPERIS: