



**EIGHTH JUDICIAL DISTRICT COURT
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Elizabeth A. Brown
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November 16, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. MATTHEW TRAVIS HOUSTON
S.C. CASE: 85351
D.C. CASE: C-17-323614-1

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated October 5, 2022, enclosed is a certified copy of the Findings of Fact, Conclusions of Law and Order filed November 15, 2022 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk

Heather S. Lumin
CLERK OF THE COURT

FCL
STEVEN B. WOLFSON
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

MATTHEW TRAVIS HOUSTON,
#7035801,
Defendant.

CASE NO: C-17-323614-1

DEPT NO: XIX

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: June 16, 2022
TIME OF HEARING: 9:00 a.m.

THIS CAUSE having come on for hearing before the Honorable CRYSTAL ELLER, District Judge, on the 16th day of June, 2022, Petitioner not being present, not being represented by counsel, Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through JAMES PUCCINELLI, Deputy District Attorney, and this Court having considered the matter, including briefs, transcripts, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law.

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1 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

2 **PROCEDURAL HISTORY**

3 On September 6, 2017, MATTHEW TRAVIS HOUSTON (hereinafter "Defendant")
4 was charged by way of Information with Driving and/or Being In Actual Physical Control of
5 a Motor Vehicle While Under the Influence of an Intoxicating Liquor or Alcohol (Category B
6 Felony – NRS 484C.110, 484C.400).

7 On September 14, 2017, pursuant to Guilty Plea Agreement, Defendant pled guilty to
8 Driving Under the Influence (Category B Felony – NRS 484C.110, 484C.400, 484C.105) and
9 entered the Felony DUI Court Program. On October 31, 2018, Defendant was terminated from
10 the DUI Court.

11 On January 10, 2019, Defendant was adjudged guilty of Driving and/or Being In Actual
12 Physical Control of a Motor Vehicle While Under the Influence of an Intoxicating Liquor or
13 Alcohol (Category B Felony – NRS 484C.110, 484C.400) and sentenced to twelve (12) to
14 forty-eight (48) months in the Nevada Department of Corrections. The Court further ordered,
15 pursuant to NRS 484C.340 and NRS 484C.460, prior to reinstatement of Defendant's driving
16 privileges, an interlock device shall be installed and inspected on his vehicle at Defendant's
17 expense for a period of twenty-four (24) months after release from imprisonment.

18 The Judgment of Conviction was filed on January 15, 2019.

19 Defendant filed a Notice of Appeal on August 12, 2019. On September 10, 2019, the
20 Nevada Supreme Court dismissed Defendant's Appeal and Remittitur issued on November
21 26, 2019.

22 On August 12, 2019, Defendant filed a Petition for Writ of Habeas Corpus. The State
23 filed its Response on September 13, 2019. On November 26, 2019, the Court denied
24 Defendant's Petition for Writ of Habeas Corpus. The Court entered its Findings of Fact,
25 Conclusions of Law and Order on January 2, 2020.

26 On August 21, 2019, Defendant filed a Motion to Grant a Compassionate Release and
27 Motion for Modification of Sentence. The State filed its Response on September 13, 2019. On
28

1 September 17, 2019, the Court denied Defendant's motions. The Court entered its Order on
2 September 30, 2019.

3 On September 12, 2019, Defendant filed a Motion for Modification of Sentence. The
4 State filed its Response on September 26, 2019. On November 26, 2019, the Court denied
5 Defendant's motion. The Court entered its Order on December 23, 2019.

6 On February 20, 2020, Defendant filed a Motion for Order of Estoppel in Support of
7 Preservation of Evidence along with Motion for Order for Judge to Recuse from Case. On
8 March 17, 2020 and April 21, 2020, the State filed its Responses. On May 14, 2020, the
9 Motion for Order of Estoppel in Support of Preservation of Evidence was vacated. On May
10 26, 2020, the Court denied the Motion for Order for Judge to Recuse from Case.

11 On June 3, 2020, Defendant filed a Motion to Amend Conviction. The State filed an
12 Opposition on June 26, 2020. On June 30, 2020, the Court denied the motion and the Order
13 was filed on July 16, 2020.

14 On April 18, 2022, Defendant filed a Motion for Production of Complete Transcript.
15 On May 10, 2022, the Court denied the motion.

16 On May 4, 2022, Defendant filed a Motion for Order to Suppress and Notice of Demand
17 as Result of Incurred Emotional Distress. On May 19, 2022, Defendant filed a Motion for
18 Emergency Interpleadings Not Limited to Letter of Motion to Stay the Remittitur in A758861,
19 Pending Application to the Supreme Court of the United States for a Writ of Certiorari. The
20 State's Opposition was filed on May 25, 2022. On June 16, 2022, the Court denied
21 Defendant's Motion for Emergency Interpleadings Not Limited to Letter of Motion to Stay
22 the Remittitur in A758861, Pending Application to the Supreme Court of the United States for
23 a Writ of Certiorari.

24 **FACTUAL SYNOPSIS**

25 On September 20, 2016, an officer observed a truck driving at a speed of 52 mph as
26 verified by radar in a 30-mph zone. A records check revealed the vehicle's registration was
27 expired. Contact was made with the driver, who identified himself as Defendant Matthew
28 Travis Houston, and he had a strong odor of an alcohol on his person. He had bloodshot eyes,

1 slurred speech and was slow in his movements. Mr. Houston stated he drank two beers an hour
2 ago and refused to complete field sobriety test stating, "I know I am drunk." He refused to
3 give consent for a sample of blood or breath. A warrant was obtained for a blood sample and
4 Defendant's blood contained a concentration of ethanol of 0.187 g/100ml +/- 0.007 g/100ml
5 of blood.

6 ANALYSIS

7 Defendant has filed two (2) non-cognizable motions that do not pertain to the Judgment
8 of Conviction in this criminal case. The case number here is the criminal case number, but
9 Defendant is instead requesting civil remedies and damages. Such claims do not concern the
10 validity of the sentence or conviction itself, and thus must be dealt with separately from the
11 criminal case. Defendant cites to A-17-758861-C, which is a dismissed civil case before Judge
12 David Jones where the Nevada Supreme Court dismissed his appeal on March 30, 2022.
13 Remittitur already issued on April 25, 2022. Therefore, it appears that Defendant filed his
14 motions in the wrong court and this Court does not have jurisdiction.

15 Furthermore, Defendant has not offered any valid legal authority or cogent argument
16 supporting his purported claims. Defendant's claims are not sufficiently pled pursuant to
17 Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984), and Maresca v. State, 103
18 Nev. 669, 673, 748 P.2d 3, 6 (1987). Indeed, a party seeking review bears the responsibility
19 "to cogently argue, and present relevant authority" to support his assertions. Edwards v.
20 Emperor's Garden Restaurant, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006);
21 Dept. of Motor Vehicles and Public Safety v. Rowland, 107 Nev. 475, 479, 814 P.2d 80, 83
22 (1991) (defendant's failure to present legal authority resulted in no reason for the district court
23 to consider defendant's claim); Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (an
24 arguing party must support his arguments with relevant authority and cogent argument; "issues
25 not so presented need not be addressed"); Randall v. Salvation Army, 100 Nev. 466, 470-71,
26 686 P.2d 241, 244 (1984) (court may decline consideration of issues lacking citation to
27 relevant legal authority); Holland Livestock v. B & C Enterprises, 92 Nev. 473, 533 P.2d 950
28 (1976) (issues lacking citation to relevant legal authority do not warrant review on the merits).

1 Claims for relief devoid of specific factual allegations are “bare” and “naked,” and are
2 insufficient to warrant relief, as are those claims belied and repelled by the record. Hargrove
3 v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “[Petitioner] *must* allege specific facts
4 supporting the claims in the petition[.]...Failure to allege specific facts rather than just
5 conclusions may cause [the] petition to be dismissed.” NRS 34.735(6) (emphasis added).

6 Defendant’s motions are basically incomprehensible and do not permit the State to
7 intelligently respond. None of the claims Defendant raises are cogent or relevant to the
8 Judgment of Conviction in this criminal case, and therefore, are denied.

9 **ORDER**


10 THEREFORE, IT IS HEREBY ORDERED that Defendant’s Motion for Order to
11 Suppress and Notice of Demand as Result of Incurred Emotional Distress, and Defendant’s
12 Motion for Emergency Interpleadings Not Limited to Letter of Motion to Stay the Remittitur
13 in A758861, Pending Application to the Supreme Court of the United States for a Writ of
14 Certiorari are hereby DENIED.

15
16 Dated this 15th day of November, 2022

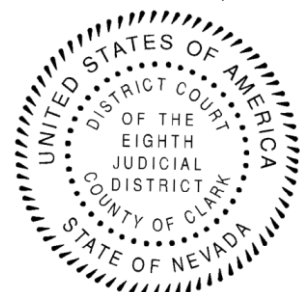
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19 Crystal Eller
20 District Court Judge

21 STEVEN B. WOLFSON
22 Clark County District Attorney
23 Nevada Bar #001565

24 BY 
25 TALEEN PANDUKHT
26 Chief Deputy District Attorney
27 Nevada Bar #05734

28 November 16, 2022



CERTIFIED COPY
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
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6 State of Nevada

CASE NO: C-17-323614-1

7 vs

DEPT. NO. Department 19

8 Matthew Houston
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/15/2022

15 District Attorney's Office

motions@clarkcountyda.com

16 Matthew Houston

matthewtravishouston@gmail.com

17 Dept 17 Law Clerk

Dept17LC@clarkcountycourts.us