

IN THE COURT OF APPEALS OF THE STATE OF NEVADA  
SEE Case No. A-17-758861-C No.(s): 84886-COA,  
Dept. No. 29 85747-COA,  
SEE ALSO Case No. C-17-323614-1 86624, 86764 COA,  
AND C-21-357927-1 87003, and 87005  
— A-22-853203-W

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

FILED

AUG 21 2023

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

MATTHEW TRAVIS HOUSTON  
Plaintiff/Petitioner/Appellant,

MOTION FOR THE APPOINTMENT  
OF STANDBY COUNSEL

-vs-  
STATE OF NEVADA, BRIAN P. CLARK,  
JOSEPH M. LOMBARDO ET AL,  
MANDALAY BAY CORPORATION ET AL,  
DANIEL L. SCHWARTZ, BERNSTEIN & POISSON LLP  
Defendants - Respondents/Appellees. REQUEST FOR EVIDENTIARY HEARING

-AND-

COMES NOW, the Petitioner, Matthew Travis Houston, proceeding pro se, within the  
above entitled cause of action and respectfully requests this Court to consider the appointment of counsel  
for Petitioner for the prosecution of this action.

This motion is made and based upon the matters set forth here, N.R.S. 34.750(1)(2), affidavit of  
Petitioner, the attached Memorandum of Points and Authorities, as well as all other pleadings and  
documents on file within this case.

#### MEMORANDUM OF POINTS AND AUTHORITIES

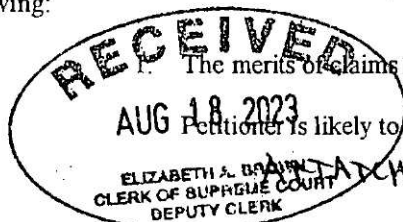
##### I. STATEMENT OF THE CASE

This action commenced by Petitioner Matthew Travis Houston, in state custody,  
pursuant to Chapter 34, et seq., petition for Writ of Habeas Corpus (Post-Conviction).

PLEASE SEE ATTACHED:

##### II. STATEMENT OF THE FACTS

To support the Petitioner's need for the appointment of counsel in this action, he states the  
following:



The merits of claims for relief in this action are of Constitutional dimension, and  
Petitioner is likely to succeed in this case. (PLEASE SEE

ATTACHED 'STATEMENT OF FACTS')

2. Petitioner is incarcerated at the HIGH DESERT STATE PRISON. Petitioner is unable to undertake the ability, as an attorney would or could, to investigate crucial facts involved within the Petition for Writ of Habeas Corpus.
3. The issues presented in the Petition involves a complexity that Petitioner is unable to argue effectively.
4. Petitioner does not have the current legal knowledge and abilities, as an attorney would have, to properly present the case to this Court coupled with the fact that appointed counsel would be of service to the Court, Petitioner, and the Respondents as well, by sharpening the issues in this case, shaping the examination of potential witnesses and ultimately shortening the time of the prosecution of this case.
5. Petitioner has made an effort to obtain counsel, but does not have the funds necessary or available to pay for the costs of counsel, see Declaration of Petitioner.
6. Petitioner would need to have an attorney appointed to assist in the determination of whether he should agree to sign consent for a psychological examination.
7. The prison severely limits the hours that Petitioner may have access to the Law Library, and as well, the facility has very limited legal research materials and sources.
8. While the Petitioner does have the assistance of a prison law clerk, he is not an attorney and not allowed to plead before the Courts and like Petitioner, the legal assistants have limited knowledge and expertise.
9. The Petitioner and his assisting law clerks, by reason of their imprisonment, have a severely limited ability to investigate, or take depositions, expand the record or otherwise litigate this action.
10. The ends of justice will be served in this case by the appointment of professional and competent counsel to represent Petitioner.

## II. ARGUMENT

Motions for the appointment of counsel are made pursuant to N.R.S. 34.750, and are addressed to the sound discretion of the Court. Under Chapter 34.750 the Court may request an attorney to represent any

such person unable to employ counsel. On a Motion for Appointment of Counsel pursuant to N.R.S. 34.750, the District Court should consider whether appointment of counsel would be of service to the indigent petitioner, the Court, and respondents as well, by sharpening the issues in the case, shaping examination of witnesses, and ultimately shortening trial and assisting in the just determination.

In order for the appointment of counsel to be granted, the Court must consider several factors to be met in order for the appointment of counsel to be granted; (1) The merits of the claim for relief; (2) The ability to investigate crucial factors; (3) whether evidence consists of conflicting testimony effectively treated only by counsel; (4) The ability to present the case; and (5) The complexity of the legal issues raised in the petition.

### III. CONCLUSION

Based upon the facts and law presented herein, Petitioner would respectfully request this Court to weigh the factors involved within this case, and appoint counsel for Petitioner to assist this Court in the just determination of this action

Dated this 11<sup>th</sup> day of August, 2023.

Matthew Eric Hester  
Petitioner.

### VERIFICATION

I declare, affirm and swear under the penalty of perjury that all of the above facts, statements and assertions are true and correct of my own knowledge. As to any such matters stated upon information or belief, I swear that I believe them all to be true and correct.

Dated this 11<sup>th</sup> day of August, 2023.

Matthew Eric Hester  
Petitioner, pro per.

**NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: MATTHEW TRAVIS HOUSTON I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT #: 12-F-25

EDPC CASE No. aka  
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EMERGENCY

GRIEVANT'S STATEMENT CONTINUATION: PG. 4 OF 5

EMERGENCY LETTER OF MOTION TO THE SUPREME  
COURT OF NEVADA AND THE NEVADA COURT OF APPEALS:

"de novo requested"

As I am a victim of crimes and injustices  
including but NOT limited to that of appellant  
deprivation. Could the clerk be so kind to  
please provide to my person a file-stamped copy  
of the attached interpleading entitled, "PART 2  
OF" EMERGENCY RESPONSE TO NOTICE TO  
PROVIDE PROOF OF SERVICE, CONTINUED RESPONSE  
TO THE FALSE CLAIMS OF JOHN T. AFSHAR AND  
MOTION FOR FULL BRIEFINGS IN ALL CASES OF  
THE APPELLANT AS A MERITORIOUS INTERVENTION AND  
JOINDER OF APPEAL UNDER NRAP 27(e)"

so that I may be able to properly "serve"  
the criminally liable Defendant(s) - Respondent(s)?

Original: Attached to Grievance (Including but NOT limited  
Pink: Inmate's Copy to Karlie Gabour)

STATEMENT OF FACTS: Kidnapped from his home in

2. Iowa City. 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 CERC was intended so that he could  
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood  
14 and 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 21-CR-019840 + 21-CR-033713. A. Goldstein NEVER visited  
- JUSTICE COURT, LAS VEGAS TOWNSHIP -

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. Not at any

28 time did Mr. Houston harass, threaten, extort, or "aggravated stalking" any of  
29 the parties in any of his cases, neither did he act aggressively towards  
30 any other individual, business or entity. Mr. Houston is a victim of crime.