

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

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

Electronically Filed  
Aug 08 2023 11:46 AM  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court Case No. 86972

**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, ALEXIS M. DUECKER, ESQ., and hereby respectfully moves this Honorable Court for its Order allowing the withdrawal of ALEXIS M. DUECKER, ESQ. as attorney of record for Appellant, MATTHEW HOUSTON, in the above-entitled matter. This Motion is made and based upon the pleadings and papers on file herein, the attached Memorandum of Points and Authorities in support thereof, and the Declaration of ALEXIS M. DUECKER, ESQ.

DATED this 8th day of August, 2023.

By: /s/Alexis M. Duecker, Esq.  
ALEXIS M. DUECKER, ESQ #15212  
Attorney for Appellant

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Rule 1.16(b) of the Nevada Rules of Professional Conduct states in relevant part:

A lawyer may withdraw from representing a client if:  
(7) Other good cause for withdrawal exists.

In Clark County, Nevada, the Eighth Judicial District Court Rule 7.40 states in pertinent part:

Appearances; Substitutions; Withdrawal or Change of Attorney

(b) Counsel in any case may be changed only:

(2)(I) if the application is made by the attorney, he must include in an affidavit the address or last known address at which the client may be served with notice or further proceedings taken in a case in the event the application for withdrawal is granted, and he must serve a copy of the application upon the client and all other parties to the action or to their attorneys.

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Appellant, Matthew Houston's last known mailing address is: High Desert State Prison Inmate No: 1210652, 22010 Cold Creek Road, Indian Springs, Nevada 89070.

The attached Declaration of ALEXIS M. DUECKER, ESQ. describes the compelling necessity to allow withdrawal of counsel at this time.

DATED this 8th day of August, 2023.

By: /s/ Alexis M. Duecker, Esq.  
Alexis M. Duecker, Esq. #15212  
340 E. Warm Springs Rd. Ste 110  
Las Vegas, Nevada 89119  
(775) 526-3529

**UNSWORN DECLARATION<sup>1</sup> OF ALEXIS M. DUECKER, ESQ.**  
**IN SUPPORT OF MOTION TO WITHDRAW**

ALEXIS M. DUECKER, ESQ., deposes and states:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of Nevada. I am presently counsel of record for Appellant, MATTHEW HOUSTON, in the above-entitled action. I offer this Affidavit in support of my request to withdraw as attorney of record on behalf of MATTHEW HOUSTON. I have personal knowledge of the facts stated in this Affidavit except as to those matters which are stated on information and belief and as to such matters, I believe them to be true.

2. S.C.R. 46, entitled "Withdrawal or change of attorney," states in relevant part that "The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows: (2) Upon the order of the court or judge thereof on the application of the attorney or the client."

3. Representation of MATTHEW HOUSTON has reached an impasse, whereby MATTHEW HOUSTON wishes to no longer have me represent him on this matter pending in front of your Honor. Although client consent is not required, it likely exists in this instance.

4. Additionally, there have been breakdowns in communications between MATTHEW HOUSTON and me such to an

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<sup>1</sup> See NRS 53.045, entitled "Use of Unsworn Declaration in Lieu of Affidavit or Other Sworn Declaration; Exception."

extent that me representing MATTHEW HOUSTON is no longer in his best interests.

5. At this time, it is unknown the extent to which MATTHEW HOUSTON chooses to waive his attorney-client privilege and confidentiality, if at all, and further waiver of that privilege should not be necessary for the Court to issue an order to withdraw me as counsel.

6. I respectfully request that the Court grant an Order to Withdraw and appoint other counsel to represent him in this matter.

7. MATTHEW HOUSTON'S last known mailing address is: High Desert State Prison Inmate No: 1210652, 22010 Cold Creek Road, Indian Springs, Nevada 89070.

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

EXECUTED this 8<sup>th</sup> day of August, 2023.

/s/ Alexis M. Duecker  
Alexis M. Duecker, Esq. #15212

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 8<sup>th</sup> day of August, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

STEVEN WOLFSON  
Clark County District Attorney  
Counsel for Respondent

AARON FORD  
Nevada Attorney General

Services via first class postage was also made on August 8, 2023 to:

MATTHEW HOUSTON  
PO Box 650  
Indian Springs, Nevada 89070-0650

By:           /s/ Alexis M. Duecker            
An Employee of Alexis M. Duecker, Esq.