

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Sep 05 2023 09:55 AM
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 86972

MOTION TO WITHDRAW AS COUNSEL (SECOND REQUEST)

COMES NOW, ALEXIS M. DUECKER, ESQ., of SDS Chartered, LLC d/b/a Sofos, 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 TRAVIS 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 5th day of September, 2023.

SDS Chartered, LLC d/b/a SOFOS

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 Travis Houston's last known mailing address is:
High Desert State Prison Inmate No: 1210652, P.O. Box 650, 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 29th day of August, 2023.

SDS Chartered, LLC d/b/a SOFOS

By: /s/ Alexis M. Duecker, Esq.
Alexis M. Duecker, Esq. #15212
340 E. Warm Springs Rd. Ste 110
Las Vegas, Nevada 89119
(702) 743-0107

UNSWORN DECLARATION¹ 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 TRAVIS 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 TRAVIS 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 TRAVIS HOUSTON has reached an impasse, whereby MATTHEW TRAVIS HOUSTON has filed a civil lawsuit against me in Clark County, Case No. A-23-875418-C directly related to my representation of him in this matter, which is determined to be a Conflict of Interest as defined in Rule 1.7 of the Nevada Rules of Professional Conduct.

4. At this time, it is unknown the extent to which MATTHEW TRAVIS HOUSTON chooses to waive his attorney-client privilege

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

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.

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

6. MATTHEW TRAVIS HOUSTON'S last known mailing address is: High Desert State Prison Inmate No: 1210652, P.O. Box 650, Indian Springs, Nevada 89070

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

EXECUTED this 5th day of September, 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 September 5, 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

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