

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant(s),

vs.

CALVIN JOHNSON, WARDEN; AND
THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Dec 15 2023 03:43 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-21-357927-1
Related Case A-22-853203-W
Docket No: 86972
Consolidated with 87443

RECORD ON APPEAL VOLUME 8

ATTORNEY FOR APPELLANT
MATTHEW TRAVIS JOHNSON # 1210652,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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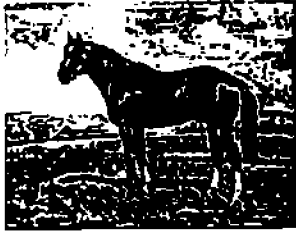
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Evelyn Goddard

From: Evelyn Goddard
Sent: Tuesday, October 5, 2021 10:39 AM
To: Benard Little
Subject: C357927 - NOTM - STATE V HOUSTON
Attachments: Black and White1466.pdf

*Evelyn R. Goddard – Legal Secretary
Clark County District Attorney's Office
Litigation Team L-4
Ph. (702) 671-2818
E-Mail – evelyn.goddard@clarkcountydca.com*



**AFFIDAVIT OF KRISTINA A. RHOADES IN SUPPORT
OF ORDER SHORTENING TIME**

STATE OF NEVADA }
COUNTY OF CLARK } ss:

KRISTINA RHOADES, being first duly sworn, deposes and says:

Your affiant requests the Court's permission for an Order Shortening Time for a hearing on State's Notice of Motion to Remand because the State is concerned for the safety of the community, particularly the safety of the named victims in the instant case, and requests that this issue be addressed as soon as possible.

Hence, the State of Nevada requests a hearing on or before October 11, 2021.

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

Executed on October 5, 2021
(Date)

(Signature)

erg/1-4

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

CLERK OF COURT
JESSICA L. BROWN
1000 S. LAS VEGAS BLVD.
SUITE 1000
LAS VEGAS, NV 89101
(702) 733-1000

Resmaria M. Morris-Alexander, Applicant
vs.
Matthew Travis Houston, Adverse Party, et

ORDER SETTING HEARING

Case # 21PO1950

JC DEPARTMENT 14

IT IS HEREBY ORDERED that this matter is set for hearing on the 28th day of

October at 9:45 am in Department 14 located at 200 Lewis Ave.,

1. Courtroom 1A Floor 1st, Las Vegas, NV 89101.

IT IS FURTHER ORDERED that:

☒ The previously granted Temporary Order for Protection will remain in effect until the hearing.

☐ At the scheduled hearing, the Court will decide whether or not an Order for Protection should be issued.

☐ I am not sure.

It is noted that Matthew Travis Houston, Adverse Party, has advised that a future hearing will be scheduled in the event that an Order for Protection is granted.

DATED this 20 day of October 2021

JUDGE AMY CHILINI

C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2021

C-21-357927-1 State of Nevada
vs.
Matthew Houston

October 11, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Jerra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Ten Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Ramsey, Scott A.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Ramsey present via video on behalf of dett. through bluejeans technology.

State's Notice of Motion and Motion to Remand Defendant and Increase Bail Pursuant to NRS 178.484(12) For Violating

Dett. not present. Court noted there's a motion to withdraw filed, however dett. is not here. Ms. Rhoades requested a bench warrant. COURT ORDERED, BENCH WARRANT, NO BAIL.

BAW./ELLM

PRINT DATE: 10/07/2022

Page: 3 of 8

Minutes Date: August 04, 2021

ORDER SHORTENING TIME

TO: MATTHEW HOUSTON, aka, Matthew Travis Houston, and/or your legal counsel,
BENARD LITTLE, DEPUTY PUBLIC DEFENDER

In appearing to the satisfaction of the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the forgoing Notice of Motion and Motion to Remand
Defendant and Increase Bail Pursuant to NRS 178.484(12) for Violating His Plea Agreement,
His Release Conditions, and Disobeying District Court Orders will be heard in Department X
on the 11th day of October, 2021, at the hour of 9:30 o'clock.

Dated this 5th day of October, 2021

28B 84B 42E7 FF18
Tierra Jones
District Court Judge

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

BY

KRISTINA A. RHOADES
Chief Deputy District Attorney
Nevada Bar #012480

erg/L-4

P. 125

7/14 arrest caused great and unusual punishment to be inflicted upon Houston what with him being cleared his medical disability rating and Dr. Sedgwick's impoundment of his car and him being forced to relocate from Iowa and recover from an unnecessary eviction from his out-of-home legal residency office at 435 S Linn St #927, Taylor, IA 52246. Sedgwick used overreaching tactics. Houston left an unmanageable mess. His homelessness. A minor negligent commission neglect of Houston's reports to D. Foreman caused not only further injury to Houston, not other injured workers under D. Foreman's mismanagement and ~~odious~~ odious irresponsibility. Sedgwick is an abatable nuisance and must be held accountable for depriving Houston of his service animals.

50 + 5000

For
our
Columbia

18-010

2010-2011

100

250

100

for each

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C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2021

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

October 25, 2021 8:30 AM Bench Warrant Return

HEARD BY: Becker, Nancy

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Houston, Matthew	Defendant
	Little, Bernard G.	Attorney
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. present via video from the jail. Mr. Little present via video through bluejeans technology.

DEFT. HOUSTON RETURNED ON THE WARRANT. Court noted there are some competing motions. Upon Court's inquiry, Counsel requested to respond orally to the motion to remand. Following arguments and statements by deft, COURT ORDERED, Motion to Remand, GRANTED. FURTHER COURT ORDERED, Bail INCREASED to \$15,000 plus HIGH LEVEL ELECTRONIC MONITORING. Court admonished deft. to make no more contact or phone calls to the victim. Further, Court admonished deft. to talk to his attorney. COURT FURTHER ORDERED, matter SET for confirmation of counsel for limited purpose on the date given.

CUSTODY

PRINT DATE: 10/07/2022

Page 4 of 8

Minutes Date: August 04, 2021

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

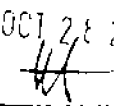
JC DEPARTMENT 14 HEARING DATE: 10/28/2021

Case No: 21PO1950

OCT 28 2021

Rosemarie McMorris-Alexander, Applicant
VS.

Matthew Travis Houston, Adverse Party(s)

BY: 
PROTECTION ORDER RETURN OF SERVICE

TYPE OF ORDER SERVED

I DECLARE UNDER THE PENALTY OF PERJURY THAT ON

10/28/2021

I SERVED A COPY OF THIS

- ☐ Temporary Protection Order
☐ Stalking / Harassment
☐ Harassment
☐ Sexual Assault
☐ Workplace

- ☐ Extended Protection Order
☐ Stalking / Harassment
☐ Harassment
☐ Sexual Assault
☐ Workplace

- ☒ Order Setting Hearing on Initial Application (no TPO in place)
☐ Order Setting Hearing to determine if an Extended Order for Protection will be issued - TPO has issued
☐ Motion Order re: Motion to
☐ Petition for Modification
☒ Other *re: Application for Protection Order - Protection of Children*

ON THE FOLLOWING PARTY:

☒ Adverse Party

Matthew Travis Houston

Name

☐ Applicant

Rosemarie McMorris-Alexander


Name

☐ Other

Relationship

Name

on 10/28/21
(Date)

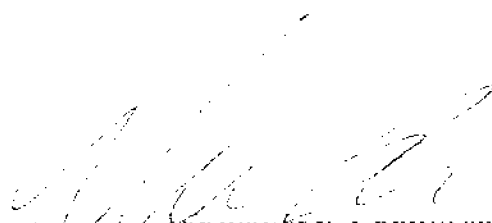
at 10²⁵ 
(Time)

at Las Vegas, in the County of Clark, State of Nevada NV 89101

PETERSON, D
(Printed Name of Server)


(Server Signature)

1169
P#:


SIGNATURE OF INDIVIDUAL BEING SERVED

Matthew Travis Houston
1 Main Street
200
Las Vegas NV 89101

Print Name and Address

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

JC DEPARTMENT 14 - HEARING DATE: 10/28/2021

Case No: 21PO01950

Rosemarie McMorris-Alexander, Applicant

PROTECTION ORDER RETURN OF SERVICE

Matthew Travis Houston, Adverse Party(s)

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT
OCT 28 2021

TYPE OF ORDER SERVED

I DECLARE UNDER THE PENALTY OF PERJURY THAT ON 10/28/2021 I SERVED A COPY OF THE:

- | | |
|---|---|
| <input type="checkbox"/> Temporary Protection Order | <input checked="" type="checkbox"/> Extended Protection Order |
| <input checked="" type="checkbox"/> Stalking - Harassment | <input type="checkbox"/> Stalking - Harassment |
| <input type="checkbox"/> Family Violence | <input checked="" type="checkbox"/> Harm to Minor |
| <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Sexual Assault |
| <input type="checkbox"/> Workplace | <input type="checkbox"/> Workplace |

- ☐ Order Setting Hearing on In the Applicant's case, I am in place.
- ☐ Order Setting hearing on my case and that I served Order for Protection will be issued. (TPC has issued)
- ☐ Motion Order For Motion to
- ☐ Return to Mediation
- ☐ Other mediation

ON THE FOLLOWING PARTY:

- | | |
|---|-------------------------------------|
| <input checked="" type="checkbox"/> Adverse Party | <u>Matthew Travis Houston</u> |
| | <i>Name</i> |
| <input type="checkbox"/> Applicant | <u>Rosemarie McMorris-Alexander</u> |
| | <i>Name</i> |
| <input type="checkbox"/> Other | <i>Relationship</i> |
| | <i>Name</i> |

on 10/28/2021 at 10:43 AM at Las Vegas Justice Court, Department 14, Las Vegas, NV 89101

PETERSON
(Printed Name of Server)

D. Peterson
(Server Signature)

1189
P#:

Matthew Travis Houston
15141 Street
Suite
Las Vegas NV 89101

(Print Name and Address)

SIGNATURE OF INDIVIDUAL BEING SERVED

By:

UCL 28 2023

10 Expiration: This order was issued by the Court on October 28, 2021 and will expire on
11 October 28, 2022 at 11:59 P.M. unless the Court orders otherwise.

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2. ☒ YOU ARE ORDERED to not contact the protected parties at all in any way, including but not limited to in person, by phone/text, by email, or through social media.

3. ☒ YOU ARE ORDERED to stay 100 feet away from Applicant's residence located at:

☐ CONFIDENTIAL.

☒ 5504 Morningcross St.

Address

Las Vegas, NV 89130, Clark

City, State, Zip Code, County

☒ This is a complex/property/trailer park; the entire complex/property/trailer park is located.

4. ☐ A law enforcement officer located within the jurisdiction of the residence listed below shall on **ONE OCCASION ONLY** accompany ☐ Applicant ☐ Adverse Party to:

Address

Las Vegas, NV, Clark

City, State, Zip Code, County

and shall stand by while ☐ Applicant ☐ Adverse Party obtains clothing, toiletries, and the following additional items:

5. ☒ YOU ARE ORDERED to stay 100 feet away from these place(s) of employment or any other place that Applicant may be employed. YOU ARE PROHIBITED from any contact whatsoever with these place(s) of employment in person, by telephone, mail, or any other means of communication.

☒ CONFIDENTIAL.

☐

(Employee)

Address

Las Vegas, NV, Clark

City, State, Zip Code, County

☐

(Employer)

Address

Las Vegas, NV, Clark

City, State, Zip Code, County

6. ☒ **YOU ARE ORDERED** to stay 100 feet away from the Applicant's and/or protected person's school(s)/day care, including, but not limited to, the places listed below:

☐ **CONFIDENTIAL.**

☒ **Ernest May Elementary School**

(School/Day Care Name)

6350 W. Washburn Rd.

(Address)

Las Vegas, NV 89130, Clark

(City, State, Zip Code, County)

☐

(School/Day Care Name)

(Address)

Las Vegas, NV _____, Clark

(City, State, Zip Code, County)

☐ This order does not preclude the adverse party from attending school, activities, and functions at _____ school. This order does prohibit the adverse party from interfering with the education and extracurricular activities of the parties protected by this order.

7. ☒ **YOU ARE ORDERED** to stay 100 feet away from the following places frequented regularly by Applicant and/or the protected person(s):

☒ **Shadow Hills Church**

(Location Name)

7811 Vegas Dr.

(Address)

Las Vegas, NV 89128, Clark

(City, State, Zip Code, County)

☐

(Location Name)

(Address)

Las Vegas, NV _____, Clark

(City, State, Zip Code, County)

☐ **YOU ARE PROHIBITED FROM**

1 **IT IS FURTHER ORDERED** that a copy of this Order and verified application for
2 protection order shall be transmitted forthwith together with the verified Application and
3 supporting Affidavit, to the applicable Sheriff's Office, or Constable, who will promptly
4 attempt to serve the same upon the Adverse Party, and upon service, file return of service
5 form with the court.

6 **VIOLATION OF THIS ORDER IS A CRIME**

7 **You, the Adverse Party, are notified that you can be arrested for violating this**
8 **order.** You can be arrested even if the person who obtained this Order invites or allows
9 you to contact him or her. You have the sole responsibility to avoid or refrain from
violating the terms of this Order. A violation includes but is not limited to contact in the
10 form of verbal, electronic, and social media communications.

11 **You are further notified of the penalty for violation of an order. A person who**
12 **intentionally violates** an extended order is guilty of a category C felony (NRS 33.400)
which is punishable by imprisonment in the state prison for not more than 5 years, and a
13 fine of not more than \$10,000.00. (NRS 193.130) Each act that constitutes a violation of
the extended order may be prosecuted as a separate violation of this order.

14 Under federal law, this protection order is valid and enforceable in all 50 states, the
15 District of Columbia, U.S. Territories, and Indian Nations (18 USC § 2265.)

16 **Only the court can change this order.**
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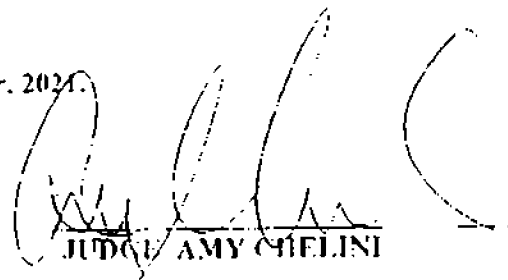
ORDER TO LAW ENFORCEMENT

Any law enforcement officer, with or without a warrant, may arrest and take into custody the Adverse Party, when the law enforcement officer has probable cause to believe that (a) an Order has been issued pursuant to NRS 33.400 against the Adverse Party; (b) the Adverse Party has been served with a copy of the Order; and (c) the Adverse Party is acting or has acted in violation of the Order. This arrest may occur regardless of whether the violation occurred in the officer's presence.

Any law enforcement agency in this state may enforce a Court Order issued pursuant to NRS 33.400 without regard to the county in which the Order is issued.

All fees are deferred.

Dated this 28th day of October, 2021.



JUDGE AMY CIELINI

C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	November 01, 2021
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C-21-357927-1	State of Nevada vs Matthew Houston
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November 01, 2021	8:30 AM	Confirmation of Counsel	Confirmation of Counsel: Goldstein
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HEARD BY: Becker, Nancy

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Little, Bernard G.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Little stated this case was on today for confirmation of alternate counsel. MATTER TRAILED.

MATTE RECALLED. All parties present as before. Anthony Goldstein Esq. present. Mr. Goldstein stated he can accept the appointment adding that he visited with the Defendant last week, and requested thirty days to investigate if there are grounds to file a Motion to Withdraw. COURT DIRECTED Mr. Goldstein to file a motion by the continued hearing date, and ORDERED Sentencing hearing VACATED.

CUSTODY

11/29/2021 8:30 A.M. STATUS CHECK: MOTION TO WITHDRAW PLEA

PRINT DATE: 10/07/2022

Page 6 of 8

Minutes Date: August 04, 2021

C-21-357927-1

11/01/21 8:30 A.M. CONFIRMATION OF COUNSEL - LIMITED PURPOSED

PRINT DATE: 10/07/2022

Page 5 of 8

Minutes Date: August 04, 2021

WHISKEY LICKER UP SALOON
202 FREMONT ST
LAS VEGAS NV 89101

2384141
OKAI KOI, KARL N.

Route:
Advice No: 27553
Deposit Date: 11/12/21
Pay Period: 10/25/21
11/07/21

Period	Earnings	Hours	Rate	Amount	Description	Period Amount	Year to Date Amount
Regular		80.00	19.231	1,538.48	---Gross---	1,538.48	21,461.60
					FED Income T	153.93	2,148.68
					FED FICA w/h	92.91	1,310.78
					FED Medicare	21.72	306.55
					HMO UP	40.00	320.00
					Parking		140.00

* Gross	80.00	1,538.48	* Deductions	308.56	* Net	1,229.92
* Taxable		1,498.48				

WHISKEY LICKER UP SALOON
202 FREMONT ST
LAS VEGAS NV 89101

*** DEPOSIT ADVICE ***

Emp ID
2384141

Date
11/12/21

Advice #
27553

Deposit Total
1,229.92

Bank No.	Name of Bank / Savings & Loan	Account Number	Amount
256074974	Navy Federal Credit Union	*****2700	1,229.92

Deposited for: KARL N. OKAI KOI
5087 ELDORA AVE. APT 4
LAS VEGAS NV 89146

THIS IS NOT A CHECK
THIS IS NOT A CHECK

C-21-357927-1

CLERK S NOTE: This Minute Order was prepared by listening to the JAVs recording system. (11-20-2021 ks)

PRINT DATE: 10/07/2022

Page 7 of 8

Minutes Date: August 04, 2021

C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2021

C-21-357927-1 State of Nevada
vs
Matthew Houston

November 29, 2021 8:30 AM Status Check

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Madalyn Kearney

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Jones, Jr., John T.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Goldstein requested a week continuance so he can have another opportunity to visit Deft.
COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/6/21 8:30 AM

PRINT DATE: 10/07/2022

Page 8 of 8

Minutes Date: August 04, 2021



DEPARTMENT OF VETERANS AFFAIRS

VA Southern Nevada Healthcare System

P.O. Box 360001

North Las Vegas, Nevada 89036

(702) 791-9000

December 5, 2020

KARL BENJAMIN NII-BOLOKAIKOI
6997 HUCKLEBERRY DR
MINNETRISTA, MINNESOTA 55331

Dear Mr. Okaikoi,

I have been trying to get hold of you since yesterday, but I have not been able to get hold of you with all your contact numbers (702-574-3358, 758-574-3358). I also left a message on Lyndsey's phone to have you call me back.

We need to follow up with you regarding your blood pressure.

Can you pls give me a call at 702-365-3065. I would like to set up a video conference with you while you check your blood pressure.

Please ensure that you are taking your blood pressure medications as directed, do your daily exercises and observe a low salt, low fat diet.

You can also register for MyHealthvet by going to myhealth.va.gov so you can email us and we can email you back.

If you will need assistance registering, pls call 702-791-9000 ext 15436.

I will be waiting for you until then.

Thank you.

Dina L., RN, BSN
SWC PAC LT Team
VA Southwest Clinic
7235 South Buffalo Drive
Las Vegas, NV 89113

C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2021

C-21-357927-1 State of Nevada
vs
Matthew Houston

December 06, 2021 8:30 AM Status Check

HEARD BY: Torres, Diana COURTROOM: RJC Courtroom 14B

COURT CLERK: Michaela Tapia

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Little, Bernard C.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

• Upon Court's inquiry, Dett. confirmed he no longer wished to withdraw his guilty plea. COURT ORDERED Mr. Goldstein WITHDRAWN as counsel, Ben Little, Deputy Public Defender, CONFIRMED as counsel. Argument by the State. Argument by counsel. Victim Speaker SWORN and TESTIFIED to the Court. DETT. HOUSTON ADJUDGED GUILTY of AGGRAVATED STALKING (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 Indigent Defense Civil Assessment fee, and \$3.00 DNA Collection fee, Dett. SENTENCED to a MAXIMUM of NINETY SIX (96) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDOC), with NINETY THREE (93) DAYS credit for time served. FURTHER, \$1500.00 DNA Analysis fee WAIVED. BOND, if any, EXONERATED.

NDOC

PRINT DATE: 12/06/2021

Page 1 of 5

Minutes Date: December 06, 2021

Electronically Filed
12/08/2021 4:17 PM

Alvin L. Smith
CLERK OF THE COURT

1 JOCP

2

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DISTRICT COURT

7

CLARK COUNTY, NEVADA

8

9

THE STATE OF NEVADA,

10

Plaintiff,

11

-vs-

CASE NO. C-21-357927-1

12

DEPT. NO. X

13

MATTHEW HOUSTON aka

14

Matthew Travis Houston

#7035801

15

Defendant.

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17

JUDGMENT OF CONVICTION

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(PLEA OF GUILTY)

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The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of AGGRAVATED STALKING (Category B Felony) in violation of NRS 200.575; thereafter, on the 6th day of December, 2021, the Defendant was present in court for sentencing with counsel BENJAMIN LITTLE, Deputy Public Defender, and good cause appearing.


THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

1 Fee and \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: a MAXIMUM of
2 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24)
3 MONTHS in the Nevada Department of Corrections (NDC); with NINETY-THREE (93)
4 DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have
5 been previously imposed, the Fee and Testing in the current case are WAIVED.
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7 Dated this 8th day of December, 2021

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BBA 372 C2DB D8C3
Tierra Jones
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-357927-1

7 vs

DEPT. NO. Department 10

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 Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/8/2021

15 G. Cox Coxgd@clarkcountynv.gov

16 Ben Little Benard.Little@ClarkCountyNV.gov

17 DA . Motions@ClarkCountyDA.com
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IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON, pro se
No. 1210652 @ H.D.S.P.
PO Box 650
Indian Springs, NV 89070-0650

No(s) 80562, 84866,
85351 and 85747

ALSO IN UNITED STATES DISTRICT COURT
FROM THE DISTRICT COURT (EIGHTH)
OF CLARK COUNTY, NEVADA

FILED

MAY 19 2022

2:23-cv-00031-RFB-DJA

SEE

Case No. 2:22-cv-01285-MMD-VCF

CASE No.: C-21-357927-1

DEPT No.: XI

C-17-323614-1

A-17-758861-2 June 13, 2022

Dept. No(s) 17, 18, 19 9:00 AM

MATTHEW TRAVIS HOUSTON,
Plaintiff-in-Error and
Petitioner-Respondent,

VS-

THE STATE OF NEVADA, et al
Respondent(s)

"suppression hearing requested" and a
"de novo hearing requested"

APPELLANT'S OPENING BRIEF(S)- PART III- AND

EMERGENCY MOTION TO STRIKE FROM THE RECORD IN THE EJDC

THE "INFORMATION" FILED AUGUST 3RD, 2021, "UNDER NRS 27(e)
emergency relief is necessary retroactively from September 30th, 2016"
"Hearing Requested"

Plaintiff-in-Error moves this court for an ORDER TO SUPPRESS

and strike from the record the illegal "INFORMATION" due

in part not only to the following facts: N.R.S. 178.145 clearly

states that there must NOT be any agreements made before a defendant is

found competent. However, misconduct committed by certain individuals not

limited to: KRISTINA A. RHOADES and STEVEN B. WOLFSON/John T. Jones, Jr.

BENARD H. LITTLE, AMY CHELINI, JEREMY WOOD, STEPHANIE DIEZ, HARMONY T. LETIZIA,

turned into prosecutorial malice when they ignored the fact

that the warrant in event number 210300101590 was not

authorized by any magistrate, judge or judicial officer. Their negligence and

continued misconduct included ignoring the NRS General Provisions

178.145, 178.417, 178.420 and 178.425 among other laws of

the land in the State of Nevada, the United States of America in the 9th.

Cir. and showed the upmost disrespect towards the Declaration

of Human Rights, in blatant disregard of our nations Fourth Amendment,

the 5th AMDT, the 6th AMDT, the 7th AMDT, the 8th AMDT and the 14th AMDT.(s).

MATTHEW TRAVIS HOUSTON NOW PRESENTS:

No. 1210652 @ HDSP

To Box 650

Indian Springs, NV 89070-0650

"A Failure to Investigate Competency" in defense of the Plaintiff-in-Error's Battered Person's Syndrome, C.P.T.S.D., ie. ~~Complex Post-Traumatic Stress Disorder~~ and Traumatic Brain Injuries. Very many judicial standards have been developed in the following cases:

Medina v. California, 505 U.S. 437, 439, 112 S.Ct. 2572 L.Ed. 2d 353 (1992)

"It is well established that the Due Process Clause of the Fourteenth Amendment prohibits the criminal prosecution of a defendant who is not competent to stand trial." That was set thirty years ago, before the false arrest of the Plaintiff-in-Error on July 14, 2021.

United States v. Kauffman, 109 F.3d 186 (3d Cir. 1997)

"failure to conduct any investigation into possible insanity defence was ineffective assistance." Especially because the false arrest caused Plaintiff-in-Error to miss his doctor's appointments.

See *Taylor v. Horn*, 504 F.3d 416, 438 (3d Cir. 2007)

"a failure to request a competency hearing may violate the right to effective assistance of counsel if (1) there was sufficient indicia of incompetence to give objectively reasonable counsel reason to doubt the defendant's competency; and (2) there is a reasonable probability that the defendant would have been found incompetent to stand trial had the issue been raised and fully considered" The Plaintiff-in-Error's appointment with Dr. Tyson Ward, at Nevada Retina Specialists, right next door to the Best Western was missed on July 15, 2021, because of the false arrest which deprived him of his service animals.

MATTHEW TRAVIS HOUSTON
No. 1210652 @ HOSP
P.O. Box 650
Indian Springs, NV 89070-0650

1 Failure to Investigate Competency in Defense
2 of Battered Person's Syndrome, Complex Post Traumatic (C.P.T.S.D.)
3 Stress Disorder and Traumatic Brain Injury (continued)
4 ^{In further} elaboration of Standards, the record shall reflect the following: See
5 Bouchillon v. Collins, 907 F.2d 589, 592
6 (5th Cir. 1990)
7 "a court cannot accept a guilty plea from an
8 individual that is mentally incompetent; failure
9 to investigate competency is prejudicial if there
10 is a reasonable probability that the defendant
11 was incompetent to plead guilty." The false arrest also
12 deprived Plaintiff-in-Error of his neurological exam with Dr. Awagleri.
13 McLuckie v. Abbot, 337 F.3d 1193, 1199 (10th Cir. 2003)
14 ("a failure to timely investigate a client's mental
15 state, let alone a failure to assert a mental state
16 defence at trial, falls well below an objective standard
17 of reasonableness" where a defendant exhibits
18 "severe mental problems") Had Plaintiff-in-Error been able to attend
19 his check-up with Dr. Awagleri on August 14, 2021, his diminished mental
20 state declined. ^{See} Cases to which Benard Little and the court ignored:
21 Hull v. Kyler, 190 F.3d 88, 110 (3d Cir. 1999)
22 (trial counsel was ineffective when he failed to present any of
23 the numerous pieces of available evidence regarding competency
24 or to challenge the government's single witness at defendant's
25 short competency hearing). The now withdrawn counsel was given
26 access to Plaintiff-in-Errors team of almost a hundred experts,
27 including Dr. Okeeffe at Grand Desert Psychiatry however, his
28 dereliction of duty was a direct cause of multiple wrongful convictions.

MATTHEW TRAVIS HOUSTON

No 1210652 e H.O.S.P.

P.O. Box 65x

Indian Springs, NV 89070 0650

This Failure to Investigate Competency of Plaintiff-in-Error was furthered ~~into the~~ ^{double-jeopardy} cases in Las Vegas Municipal Court (case(s) C1248384A and C1237802A). Not once did

Benard Little discuss Cases with the Plaintiff-in-Error. See *Hummel v. Prosecutor*, 564 F.3d 290, 302-03 (3d Cir. 2010)

(trial counsel was ineffective ~~when he~~ stipulated to defendant's competency when he had never met with defendant). Benard Little did not ask Plaintiff-in-Error or his alibi witnesses about anything whatsoever, quite similar to the case

of *Thomas v. Lockhart*, 738 F.2d 304 (8th Cir. 1984)

(failure to investigate alibi witnesses and defendant's competency was ineffective assistance and rendered defendant's plea unknowing and involuntary). As Clark County Public Defender's Cassandra Diez

failed to provide the court with ANY of Plaintiff-in-Error's medical records,

See, *Evans v. Lewis*, 855 F.2d 631, 636-639 (9th Cir. 1988)

(counsel's failure to pursue the possibility of establishing the defendant's mental instability constituted ineffective assistance). Her dereliction of duty is put further on record and her neglect is reflected and summarized by

Dutcher v. Whitley, 884 F.2d 1152, 1159-60 (9th Cir. 1998)

("counsel made no tactical decision not to investigate [the defendant's] possible mental impairment. He simply failed to do so"). Causing a disabled person to become wrongfully convicted is in no way ANY sort of "tactical decision" as this case demonstrated the upmost brutality of law enforcement. The truth is that an insanity defense incinuates bias, prejudice and injustice;

MATTHEW TRAVIS HOUSTON
 No. 1210652 in H.D.S.P.
 P.O. Box 650
 Indian Springs, NV 89070-0650

1 in that a Failure to Investigate Competency in Defense of Battered
 2 Person's Syndrome (for an Insanity Defense) which, indicates bias, even mo
 3 Bias from the general public, the legal system and big insurance claims. ~~It~~ Ti
 insanity defense has often provided meritorious reason to overturn fraudulently erroneous
 4 convictions; is often times abused by ~~defendants~~ defendants in the criminal justice system. ~~See~~
 5 The insanity defense portrays how the Appellant was abused by the Respondents.
 SEE *Maddox v. Lord*, 818 F.2d 1058, 1061-62 (2d Cir. 1987)
 6 (failure to develop psychiatric testimony to support
 7 extreme emotional disturbance defense was deficient
 8 performance; case remanded for a determination of
 9 prejudice). In this case, the Clark County Public Defender's social worker,
 10 Rosandra Diaz neglected her duty in providing court with ^{Petitioner-}Appellant's files. See
 11 *Jacobs v. Horn*, 395 F.3d 92 (3d Cir. 2005)
 12 (counsel's failure to investigate defendant's competency
 13 was ineffective assistance; error was compounded by
 14 attorney's failure to notify psychiatrist examining
 15 defendant that defendant was facing death penalty). To elaborate on a
 16 remedy: *Beaton v. Barnett*, 920 F.2d 1190 (4th Cir. 1990) shows what we
 17 ignored; (remanding for a hearing on claim that attorney was
 18 ineffective for failing to investigate defendant's competency
 19 despite signs of instability). Obviously, this case should be remanded. As
 20 was *Lockett v. Anderson*, 230 F.3d 695, 715-17 (5th Cir. 2000)
 21 (defendant was prejudiced under *Strickland* based on
 22 counsel's failure to investigate mitigating evidence relating to mental
 23 condition). This case should be remanded because the court failed
 24 in considering the competence of the Plaintiff-in-Error even
 25 before the criminal complaint was filed on April 26, 2021.
 26 If the fraudulent hearsay within that complaint would have been
 27 even remotely truthful, it would have revealed that (according to Capital
 28 Police Officer ^{#C6056} Montero's communications with Iowa Police) the Appellant
 29 was in fact the victim, having been abused by the criminal justice system.

MATTHEW TRAVIS HOUSTON
 No. 120652 G H.D.S.P.
 P.O. Box 650
 Indian Springs, NV 89070-0650

1. As the Plaintiff-in-Error had requested help for his mental illness, a most
 2. real illness, and was off his medication, is a perfect reason that
 3. hearsay evidence is not to be admissible in court, even if the
 4. alleged evidence meets the admission requirements set forth by
 5. the BUSINESS RECORDS EXEMPTION. See, e.g. Uniform Rule
 6. 63(13), is that there is no such thing as an "Iowa Police
 7. Department" and a false police report defines 'manifest injustice'.

8. This case is a perfect example of how hearsay exceptions
 9. jeopardize the constitutional guarantee of confrontation, especially
 10. because criminal exceptions are more narrow in allowing any sort
 11. of exception. Here in Nevada, the NRS 171.146 allows hearsay
 12. evidence to be admissible ONLY if the defendant was charged
 13. with a sexual offense committed against a child, abuse of a child,
 14. or an act which constitutes domestic violence. Even more strict
 15. requirements are set forth in NRS Chapter 11 - Limitations of
 16. actions; Chapter 47: limiting weight and credibility, effect of error,
 17. preliminary questions of admissibility, limited admissibility, matters
 18. of fact and law (most especially 47.160 granting a party an
 19. opportunity to be heard), limits on presumptions (making such
 20. presumptions disputable) and Chapter 48 - placing even more strict
 21. requirements to limit the admissibility of falsehood. NRS 178.145
 22. clearly states that there may not be any sort of indictment or an agreement
 23. to any sort of plea until the defendant was supposed to have been
 24. determined by the court to be found competent. In no way, shape
 25. or form were ANY of those requirements met. See page 76 (attached)
 26. MOTION

26. WHEREFORE, the undersigned prays that the court grant Plaintiff-
 27. in-Error / Petitioner - appellants Motion To Strike. x. Matthew Travis Houston

28. DATED: this 29th day of April, 2022. BY: Matthew Travis Houston, No. 120652. And
 29. so that the SUPREME COURT shall rule in favor of Mr. Houston in all of his appeals.

MAY 2,5 2022

CLERK OF COURT

2 Matthew Travis Houston, pro se
#1210652 & HOSP

3. American Bar Association Student Member # classified
PO Box 650
4 Indian Springs, NV 89070-0650

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

CASE NO. C-21-357927-1

DEPT. NO XI

June 15, 2022
9:00 AM

14 Reactions: precipitant and Platelets - in-Erres.

RENEWED MOTION TO WITHDRAW PLEA

COMES NOW, Defendant, Matthew Travis, proceeding in proper

18 person, and moves this Honorable Court for an Order granting him permission to withdrawal his Plea
19 that he in fact NEVER AGREED TO,
20 Agreement in the the case number C-5-1-357927-1, on the date of 4 in the month
21 of August in the year 2021 where defendant was then represented by Jeremy W. d as
22 counsel. This Motion is based on all papers and pleadings on file with the Clerk of the Court which are
hereby incorporated by this reference, and Points and Authorities herein and attached Affidavit of

Defendant, entitled "PLAINTIFF-N.EARR'S RESPONSE TO THE PERP
STATES OPPOSITION TO DEFENDANT'S EMERGENCY MOTION TO
Dated this 17th day of May, 2022 WITHDRAW PLEA", that
was supposed to have been submitted by Anthony M.
Goldstein. Instead of that, Respectfully submitted,
he was too worried about the ~~guilty thief~~ guilty thief who stole my
identity in the court of the "SUBSTITUTE JUDGE".

May 7 3 2022

RECEIVED

MEMORANDUM OF POINTS AND AUTHORITIES

NRS. 176.165 PROVIDES:

A motion to withdraw a plea of guilty or nolo contendere may be made only before sentence is imposed, or imposition of sentence is suspended. To correct manifest injustice, the court, after sentencing, may set aside the judgment of conviction and permit the defendant to withdraw his or plea.

Failure to adequately inform a defendant of the full consequences of his/her plea creates manifest injustice which could be corrected by setting aside the conviction and allowing him/her to withdraw the guilty plea. *Meyer v. State*, 603 P.2d 1066 (Nev. 1979), and *Little v. Warden*, 34 P.3d 560 (Nev. 2001).

Defendant herein alleges that his/her plea is in error and must withdraw the plea pursuant to the following facts: The courts have refused to provide

any transcripts from any of the cases that caused this and
without a written notice C-17-313, 14-1, A-17-75191, -C,

2:00-C19810, 2:00-035713, 2:00-1275 and in Las Vegas Municipal Court
C1248387 and C1231041. The failure of Las Vegas Municipal Court

to provide 3 accurate petitions in 3 separate addresses
and 2 additional 2 misstatements of numbers

and 3 separate derivation of duties after the
double jeopardy of C-1248387A AND C1231041.

So the justice in "our own justice" to the plaintiff
of Linda Bell, Linda Bell, Barbara, Barbara, Linda Bell, Linda Bell,
John Plaintiff, Linda Bell, Alvin Bossett, Andrew Flaherty,
Ellis Karkasi, and a hundred more respondents is, "Is the
position Deep State of Nevada so utterly corrupt, bankrupted and
disgusting that it cannot even afford to compensate. Taken a
dollar or two more so that she can learn how to read and
write so she can finally see justice from her slavery,
defamation of character and further insults the lost man standing?"
Now see attached "Response To Opps From the Deep State" 1.
2

Electronically Filed
4/21/2022 2:46 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 OPPS
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 TALEEN PANDUKHT
6 Chief Deputy District Attorney
7 Nevada Bar #005734
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 MATTHEW HOUSTON
16 ID#1210652,

17 Defendant, petitioner,

18 *appellant and the Plaintiff in Error*

CASE NO: C-21-357927-1

DEPT NO: XI

19 PLAINTIFF - IN - ERROR'S RESPONSE TO THE ~~State~~
20 ~~DEEP~~ STATE'S OPPOSITION TO DEFENDANT'S EMERGENCY MOTION TO
21 WITHDRAW PLEA

22 DATE OF HEARING: MAY 9, 2022

23 TIME OF HEARING: 9:00 AM

24 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
25 District Attorney, through TALEEN R. PANDUKHT, Chief Deputy District Attorney, and
26 hereby submits the attached Points and Authorities in Opposition to Defendant's Emergency
27 Motion to Withdraw Plea.

28 This Opposition is made and based upon all the papers and pleadings on file herein, the
29 attached points and authorities in support hereof, and oral argument at the time of hearing, if
30 deemed necessary by this Honorable Court. OBJECTION YOUR HONOR! IF
31 "this is so, then why hasn't Miss Pandukht read or
32 "responded to the 12 page DIRECT APPEAL filed 2/18/2022
33 "at the 56 pages of merited grounds, experts and factual
34 evidence put on record in RESPONSE filed 3/29/2022?"

1 After the ignored POINTS AND AUTHORITIES of the false anno-
 2 of Houston on 7-14-21, a STATEMENT OF CASE ^{Travis} must be truthful.

3 On August 3, 2021, Matthew ^{Travis} Houston (hereinafter "Defendant") was charged by way
 4 of Information with Aggravated Stalking (Category B Felony - NRS 200.575). On August 4,
 5 2021, Defendant was arraigned ~~in front of the court~~. That same day,
 6 Defendant's ^{unsigned} ~~Court~~ Guilty Plea Agreement (hereinafter "GPA") was filed, ^{Def.'s} without (his) express
 7 consent. On October 5, 2021, ^{Benora Little} ~~Defendant~~ filed a Motion to Withdraw as Attorney of Record and
 8 Appoint Alternate Counsel in Order for Defendant to Withdraw His Guilty Plea. However, ~~as~~
 9 December 6, 2021, Defendant ^{where is any proof that on} confirmed upon Court's inquiry that he no longer wished to
 10 withdraw his guilty plea. On that same date, Defendant was sentenced to a maximum of ninety-

11 six (96) months and a minimum of twenty-four (24) months in the Nevada Department of
 12 Corrections (hereinafter "NDOC") with ninety-three (93) days credit for time served. ^{on 12/10/21}
 13 ^{ON FEBRUARY 8, 2021, the Judgment of Conviction was filed, than HOUSTON WAS interviewed by PAUG COURT}
 14 ^{ON FEBRUARY 8, 2021, the Judgment of Conviction was filed, than HOUSTON WAS interviewed by PAUG COURT}
 15 On January 3, 2022, Defendant filed a Motion to Dismiss Counsel. On January 24,
 16 2022, this Court granted the Motion to Dismiss Counsel but denied his request to recuse Judge
 17 Jones and denied his request for money. The Order Granting In Part, Denying In Part
 18 Defendant's Pro Per Motion to Dismiss Counsel was filed on February 1, 2022.

19 On February 18, 2022, Defendant ^{timely and expedited} filed a Notice of Appeal. On March 29, 2022,
 20 Defendant filed another Notice of Appeal to and Response to this Court's Order Granting in
 21 Part, Denying in Part Defendant's Pro Per Motion to Dismiss Counsel from February 1, 2022.
 22 On March 15, 2022, Defendant filed an Emergency Motion to Oppose Remand and Dismiss
 23 Case in its Entirety. On March 31, 2022, Defendant filed a Notice of Motion and Motion for
 24 Transcripts at the State's Expense. As of May 15, 2022 not one transcript provided.

25 On April 2, 2022, Defendant filed the Emergency Motion for an Order to Suppress
 26 Hearing from December 6, 2021 (hereinafter "Motion"). The State filed its Opposition on
 27 April 19, 2022. ^{Def.} ~~he~~ has also filed a Motion For Taken Pandukht to READ.

28 On April 13, 2022, Defendant filed the instant Motion to Withdraw Plea (hereinafter
 29 "Motion"). The State's Opposition ^{was inept.} ~~is~~ (But be careful, because the only
 30 grounds Taken is using against ^{the Def.} ~~the~~ is the hearsay that ^{has} ~~has~~
 31 already moved the court to have SUPPRESSED and stricken from
 the record). Why did Taken blatantly lie thru above lines 5-6?

1 In regards to freestanding "claims" of innocence,
 2 why doesn't Taleen comment about the
 3 records from House Arrest that this court
 4 blatantly ignored? As this "factual synopsis"
 5 has been suppressed because it was a fictitious
 6 synopsis, it is hereby replaced with this
 7 MOTION TO PRODUCE HOUSE ARREST RECORDS
 8 (pursuant to the Rules of Discovery).

9
 10 After recess, let's see if it's even worth the
 11 judges time for them to read this response
 12 to a fraudulent OPPOSITION on behalf of
 13 the DEEP STATE OF SILVER...

14
 15 Not being read any rights on July 14,
 16 2021 was NOT very cognizable. It wasn't
 17 too recognizable when the "people" or
 18 whoever they were took seeing-eye dogs
 19 from a blind-visually impaired veteran from the
 20 United States Navy at his "self-serving" doctor's
 21 appointment with Dr. Tyson Ward who is NOT
 22 a communist, like Taleen ^{see} ARGUMENT from a communist:

23 **I. FREESTANDING ACTUAL INNOCENCE CLAIMS ARE NOT**
 24 **COGNIZABLE EVEN IN POST-CONVICTION PROCEEDINGS**

25 Defendant claims he innocent of the crime he pled guilty to in his Motion. Motion at 3.
 26 However, while Defendant's Motion is four (4) pages, this is the only actual claim in his
 27 Motion. Regardless, Defendant's claim he is innocent is not cognizable in the current Motion.

28 // Well, why don't we ask the judge to read the motion for
 29 themselves, instead of allowing the STATE OF NEVADA to publish
 30 more of the defamation of character against the Defendant?

See "it" = THE STATE OF NEVADA

Because it is inherently and without-a-doubt, the most rotten definition of corrupt Nevada state law does not recognize freestanding claims of actual innocence in a

Petition for Writ of Habeas Corpus, but rather only provides for claims of actual innocence where a defendant is attempting to overcome a procedural bar caused by an untimely or successive petition. See Mitchell v. State, 122 Nev. 1269, 1273-74, 149 P.3d 33, 36 (2006); See also Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525-26 (2003). This is consistent with the Nevada Supreme Court's adoption of the standard established in Schlup v. Delo. See 513 U.S. 238, 315, 115 S. Ct. 851, 861 (1995) (quoting Herrera v. Collins, 506 U.S. 390, 404, 113 S. Ct. 853, 862 (1993)) ("Schlup's claim of innocence is thus not itself a constitutional claim, but instead a gateway through which a habeas petitioner must pass to have his otherwise barred constitutional claim considered on the merits."). In contrast, a freestanding claim of actual innocence is a claim wherein a petitioner alleges actual innocence alone, rather than actual innocence supported by a claim of constitutional deficiency, warrants relief. See Herrera, 506 U.S. 390, 113 S. Ct. 853 (1993). The Herrera Court acknowledged that claims of actual innocence based on newly discovered evidence have never been held as a ground for habeas relief absent an independent constitutional violation in the underlying criminal proceeding. Id. violation. ^{in this case is nothing but a constitutional violation.}

The Court noted such claims were traditionally addressed in the context of requests for executive clemency, which power exists in every state and at the federal level. Id. at 414-15, 113 S. Ct. at 867-68. However, the Court assumed, arguendo, that a federal freestanding claim of actual innocence may exist where a petitioner was sentenced to death and state law precluded any relief. Herrera, 506 U.S. at 417, 113 S. Ct. at 869; Schlup, 513 U.S. at 317, 115 S. Ct. at 862. The United States Supreme Court has never found a freestanding claim of actual innocence to be available in a non-capital case. See, e.g., Herrera, 506 U.S. at 404-405, 416-417; House v. Bell, 547 U.S. 518, 554, 126 S. Ct. 2064, 2086 (2006); see also Carriker v. Stewart, 132 F.3d 463, 476 (9th Cir. 1997); Jackson v. Calderon, 211 F.3d 1148, 1165 (9th Cir. 2000). ^{law library} (Most probable is that Defendant is denied access to court and is why Defendant fails to cite any Nevada authority which would allow him to raise a freestanding claim of actual innocence and improperly suggests such a claim before this Court. ^{so what is this lady even typing?}

"Actual innocence" is a term of art that should only be raised in the context of an attempt to

1 overcome post-conviction procedural bars to petitions for writ of habeas corpus. Even in the
 2 post-conviction context, where at least "actual innocence" claims can be made in order to have
 3 other arguments heard on the merits, there is no such concept as a "freestanding" actual
 4 innocence claim where a person can claim they deserve some kind of relief solely because
 5 they proclaim their innocence. Now "guilty" vs. "not-guilty" is defined by ^{actual} ~~freestanding~~ ^{freestanding}
 6 So, ~~freestanding~~ Defendant's claim should be denied, because Nevada has no laws?

7 II. DEFENDANT FAILED TO ESTABLISH ACTUAL INNOCENCE

8 Should this Court address the merits of Defendant's claim, it still fails because there is
 9 no evidence nor specific factual allegations, and it is belied by Defendant's GPA, which was
 10 unsigned. Actual innocence means factual innocence not mere legal insufficiency. Bousley v.
 11 United States, 523 U.S. 614, 623, 118 S.Ct. 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S.
 12 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992). To establish actual innocence of a crime, a
 13 petitioner "must show that it is more likely than not that no reasonable juror would have
 14 convicted him absent a constitutional violation." Calderon v. Thompson, 523 U.S. 538, 560,
 15 118 S. Ct. 1489, 1503 (1998) (emphasis added) (quoting Schlup v. Delo, 513 U.S. 298, 316,
 16 115 S. Ct. 851, 861 (1995)). Actual innocence is a stringent standard designed to be applied
 17 only in the most extraordinary situations. Pellegrini, 117 Nev. at 876, 34 P.3d at 530.

18 "Without any new evidence of innocence, even the existence of a concededly
 19 meritorious constitutional violation is not itself sufficient to establish a miscarriage of justice
 20 that would allow a habeas court to reach the merits of the barred claim." Schlup, 513 U.S. at
 21 316, 115 S. Ct. at 861. The Eighth Circuit Court of Appeals has "rejected free-standing claims
 22 of actual innocence as a basis for habeas review stating, '[c]laims of actual innocence based
 23 on newly discovered evidence have never been held to state a ground for federal habeas relief
 24 absent an independent constitutional violation occurring in the underlying state criminal
 25 proceeding.'" Meadows v. Delo, 99 F.3d 280, 283 (8th Cir. 1996) (citing Herrera v. Collins,
 26 506 U.S. 390, 400, 113 S. Ct. 853, 860 (1993)). Furthermore, the newly discovered evidence
 27 suggesting the defendant's innocence must be "so strong that a court cannot have confidence
 28 in the outcome of the trial." Schlup, 513 U.S. at 315, 115 S. Ct. at 861. Once a defendant has

1 made a showing of actual innocence, he may then use the claim as a "gateway" to present his
2 constitutional challenges to the court and require the court to decide them on the merits. Id.

3 Here, Defendant claimed he never called any of the victims and that he is innocent of
4 the crime he pled guilty to. Motion at 3. However, Defendant has not alleged any specific facts
5 nor provided any evidence of his innocence apart from his ~~own~~^{dog's} self-serving statement. Further,
6 he does not allege any constitutional violations. Outside of the single claim, Defendant only
7 generally complains that the people involved in his case colluded against him, causing
8 unidentified errors and "cluster trucks." Motion at 2-3. Simply put, there is no evidence, let
9 alone coherent argument that Defendant is innocent outside of his one-sentence claim.

10 Furthermore, Defendant pled guilty in this case. Thus, his claim is belied by his signed
11 GPA. Defendant's GPA states, "I hereby agree to plead guilty to: AGGRAVATED
12 STALKING (Category B Felony - NRS 200.575 - NOC 50333) ...I understand that by
13 pleading guilty I admit the facts which support all the elements of the offense(s) to which I
14 now plead as set forth in Exhibit '1'." GPA at 1, 3. Additionally, Defendant was canvassed
15 and affirmatively stated he was entering a plea of guilty freely and voluntarily. Reporter's
16 Transcript of Proceedings, Initial Arraignment 08/04/2021, at 6. Defendant had multiple
17 opportunities to plead not guilty or state his innocence, but he failed to do so. He admitted all
18 of the facts of the elements of the offense and admitted he was guilty of Aggravated Stalking.

19 Therefore, Defendant's claim of innocence should be denied, because Taken

20 "must not have read the title page of the original
21 EMERGENCY MOTION TO WITHDRAW PLEA at Lines 18-19, -

22 "where Houston reminded the sleepy court of

23 "deliberate indifference that he never seen, read

24 "or had been provided the alleged GPA until after

25 "being wrongfully convicted and moved to NPOC

26 "and then receiving nothing but a fictitious CPP?

27 after February 1st, 2022. So how is that "free-

28 "standing" ?

CONCLUSION

Based on the foregoing, the State respectfully requests Defendant's Emergency Motion to Withdraw Plea should be denied, since they stole my service animal. (S)

DATED this 21 day of April, 2022. and never read any rights to me or presented Respectfully submitted,
any sort of warrant or
summons.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #01565

BY Taleen R. Pandukht For
Taleen R. Pandukht
Chief Deputy District Attorney
Nevada Bar #005734

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 21st day of April, 2022, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

MATTHEW HOUSTON #1210652
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV, 89070

BY Secretary
Secretary for the District Attorney's Office

and whose name is this?
Demand for name so they
can be sued too.

Therefore, pursuant to the facts and the law stated herein, Defendant requests that his guilty plea be withdrawn.

Dated this 17th day of May, 2022

Respectfully Submitted,



It is affirmed pursuant to NRS 239B.030 that the preceding document does NOT contain the social security number of anybody.
CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 17th day of May, 2022, I mailed a true and correct copy of the foregoing RENEWED MOTION to WITHDRAW PLEA, by depositing it in the High Desert State Prison legal mail service provided through the Law Library, with First class Postage prepaid, and addressed to the following:

Clerk S. Grierson
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1110

cc: FRC

Dated this 17th day of May, 2022

BY: Matthew Travis Houston
Matthew Travis Houston #1210652
10

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW HOUSTON,

Appellant,

v.

THE STATE OF NEVADA,

Case No. 84886

Respondent.

RESPONDENT'S ANSWERING BRIEF

**Appeal From Denial of a Motion to Withdraw Guilty Plea
Eighth Judicial District Court, Clark County**

MATTHEW HOUSTON #1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

AARON D. FORD
Nevada Attorney General
Nevada Bar #007704
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1265

In Proper Person

Counsel for Respondent

COPIES OF THIS WRITING FOR: MR. BRIAN ANSWER & CONTRA TO ANSWER OF HOUSTON MATTHEW STATE PRISON

BRIAN D. RAY

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IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW HOUSTON,

Appellant,

v.

THE STATE OF NEVADA,

Case No. 84886

Respondent.

RESPONDENT'S ANSWERING BRIEF

**Appeal from Denial of a Motion to Withdraw Guilty Plea
Eighth Judicial District Court, Clark County**

ROUTING STATEMENT

This appeal is presumptively assigned to the Court of Appeals because it is a post-conviction challenge to a guilty plea involving a category B felony, NRAP 17(b)(3).

STATEMENT OF THE ISSUES

1. Whether the district court properly denied Houston's Motion to Withdraw Plea

STATEMENT OF THE CASE

Preliminarily, it is difficult to determine what case Appellant Matthew Houston is appealing from, much less what order of the district court he is

Defendant's All Pending Motions. 2 ROA 326-328.¹ That Order denied four motions, three of which are not appealable: Defendant's Pro Se Motion For an Order to Suppress Hearing from December 6, 2021, Defendant's Emergency Motion requesting hearing De Novo and Release to Intensive Supervision, and Defendant's Pro-Se Motion for An Order to Appear By Phone Or Video and Notice of Motion. 2 ROA 327. The Order also denied Defendant's Emergency Motion to Withdraw Plea, and the denial of a motion to withdraw plea is an appealable order. NRS 177.015. Accordingly, the State assumes that is the order that Houston is appealing from.

On April 27, 2021, Houston was charged, by way of Criminal Complaint, with one count of Making Threats Or Conveying False Information Concerning Act of Terrorism. 1 ROA 4.

On August 2, 2021, Houston waived his right to a preliminary hearing, agreeing to plead guilty to one count of Aggravated Stalking (Category B1 felony) with certain conditions that, if followed, could allow Houston to withdraw his plea and plead guilty to a gross misdemeanor Aggravated Stalking offense. 1 ROA 39.

41. (He also received various release benefits and an agreement that the State would not oppose probation. Id. On August 3, 2021, Houston was accordingly charged, by way of Information, with one count of Aggravated Stalking (Category B Felony).)

⁴ For the reasons just explained, ROA refers to the Record on Appeal from case C357927. The Record on Appeal from the A-case appears to be irrelevant to the instant proceedings.

2021, the district court filed a Judgment of Conviction reflecting Houston's Conviction. 1 ROA 94-95.

Houston filed a slew of motions thereafter, including Notices of Appeal on February 22, 2022, and March 30, 2022. Both of those appeals were dismissed. See Houston v. State, 84281, Houston v. State 84478.

Relevant to this appeal, Houston filed an "Emergency Motion to Withdraw Plea" (hereinafter, Motion") on April 13, 2022. 1 ROA 226-230. The State opposed on April 21, 2022. 2 ROA 264-270. The Motion was denied on April 25, 2022, and the order denying the Motion was filed on May 10, 2022. 2 ROA 326-328.

STATEMENT OF THE FACTS

The Court relied on the following factual synopsis in sentencing Houston:

A detective of LVMPD was assigned to investigate the offense of Threat/False Info Regarding Acts of Terrorism, which said investigation developed the defendant, Matthew Houston aka Matthew Travis Houston, as the perpetrator thereof.

On December 23, 2020, Mr. Houston left a voicemail at the Office for Consumer Health Assistance. When victim 1 returned his call, Mr. Houston stated he had a case in the Supreme Court and said he was being harassed by an individual. Victim 1 attempted to explain the process to help Mr. Houston and point him in the right direction. However, Mr. Houston became angry and began yelling and said he should be afforded all the benefits due to him instead of being harassed by the government. He then said that no one should be surprised if/when he goes on a mass shooting rampage like the one committed on October 1st.

Victim 1 felt scared that Mr. Houston would carry out the threats he had expressed.

The detective later found out that on July 23, 2020, Mr. Houston had phoned victim 2, who was employed by his insurer. Mr. Houston threatened to murder everyone at Sedgwick and their families, and to "eat their hearts." On March 16, 2021, victim 3, who is an employee at the Department of Administration Hearings Division, advised Capitol Police that Mr. Houston had also made threats on their voicemail line. Mr. Houston stated that he "Needed immediate assistance because [he] was going to fucking murder every fucking employee at Mandalay Bay, MGM, and everyone in the State of Nevada if [you] fucking people don't give me my fucking money." Contact was then made with an officer of Iowa Police Department. He stated that Mr. Houston had been responsible for (21) calls for service in Iowa City and that he was mentally unstable.

A warrant of arrest was issued for Mr. Houston; and on July 14, 2021, he was arrested, transported to the Clark County Detention Center, and booked accordingly.

1 ROA 86-93.

SUMMARY OF THE ARGUMENT

The district court correctly denied Houston's Motion to Withdraw Plea because he provided no legal basis or coherent argument supporting his Motion.

ARGUMENT

1. THE DISTRICT COURT CORRECTLY DENIED HOUSTON'S MOTION TO WITHDRAW PLEA

Houston's Motion asserted various grievances, but none which would permit withdrawal of his guilty plea. He complained that unknown individuals had stolen

his seeing eye dogs, and complained that district court judges were in some manner interfering with Houston's (apparently civil) claims against other people. 1 ROA 227. He engaged in an extended rant, at the end of which he denied making the phone call that (presumably) was the basis for the initial terroristic threats charge. Id. at 228.

After a sentence has been imposed, a post-conviction habeas petition takes the place of a motion to withdraw guilty plea. Harris v. State, 130 Nev. 435, 437, 329 P.3d 619, 621 (2014). Given the rambling motion, the district court apparently denied the pleading as a motion to withdraw plea rather than a post-conviction habeas petition.³ This was erroneous, but harmless. This Court will affirm the district court if it reaches the right result for the wrong reason. Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970). Additionally, any error, defect, or irregularity which does not affect substantial rights shall be disregarded. NRS 178.598.

As the State noted in its response, the single-sentence denial of making the phone call essentially amounted to an assertion of actual innocence. But actual innocence is not a free-standing claim in the habeas context. Nevada state law does not recognize freestanding claims of actual innocence in a Petition for Writ of

³ No transcript was apparently generated, nor minutes provided. The minutes that do exist do not provide any additional detail. That a simple Order denying the motion, rather than a Findings of Fact, was filed seems to indicate that the Court denied the pleading as a motion rather than a habeas petition.

Habeas Corpus, but rather only provides for claims of actual innocence where a defendant is attempting to overcome a procedural bar caused by an untimely or successive petition. See Mitchell v. State, 122 Nev. 1269, 1273-74, 149 P.3d 33, 36 (2006); See also Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525-26 (2003). This is consistent with the Nevada Supreme Court's adoption of the standard established in See Schlup v. Delo, 513 U.S. 238, 315, 115 S. Ct. 851, 861 (1995) (quoting Herrera v. Collins, 506 U.S. 390, 404, 113 S. Ct. 853, 862 (1993)) ("Schlup's claim of innocence is thus not itself a constitutional claim, but instead a gateway through which a habeas petitioner must pass to have his otherwise barred constitutional claim considered on the merits."). In contrast, a freestanding claim of actual innocence is a claim wherein a petitioner alleges actual innocence alone, rather than actual innocence supported by a claim of constitutional deficiency, warrants relief. See Herrera, 506 U.S. 390, 113 S. Ct. 853 (1993). The Herrera Court acknowledged that claims of actual innocence based on newly discovered evidence have never been held as a ground for habeas relief absent an independent constitutional violation in the underlying criminal proceeding. Id. The Court noted such claims were traditionally addressed in the context of requests for executive clemency, which power exists in every state and at the federal level. Id. at 414-15, 113 S. Ct. at 867-68. However, the Court assumed, arguendo, that a federal freestanding claim of actual innocence may exist where a petitioner was sentenced to death and state law

precluded any relief. Herrera, 506 U.S. at 417, 113 S. Ct. at 869; Schlup, 513 U.S. at 317, 115 S. Ct. at 862. The United States Supreme Court has never found a freestanding claim of actual innocence to be available in a non-capital case. *See, e.g., Herrera*, 506 U.S. at 404-405, 416-417; House v. Bell, 547 U.S. 518, 554, 126 S. Ct. 2064, 2086 (2006); *see also Carriger v. Stewart*, 132 F.3d 463, 476 (9th Cir. 1997); Jackson v. Calderon, 211 F.3d 1148, 1165 (9th Cir. 2000).

Houston failed to cite any Nevada authority which would allow him to raise a freestanding claim of actual innocence and improperly suggested the claim before the district court. “Actual innocence” is a term of art that should only be raised in the context of an attempt to overcome post-conviction procedural bars to petitions for writ of habeas corpus. Even in the post-conviction context, where at least “actual innocence” claims can be made in order to have other arguments heard on the merits, there is no such concept as a “freestanding” actual innocence claim where a person can claim they deserve some kind of relief solely because they proclaim their innocence.

Moreover, Houston’s claim that he did not make the phone call was belied by the record. Actual innocence means factual innocence not mere legal insufficiency. Bousley v. United States, 523 U.S. 614, 623, 118 S.Ct. 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S. 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992). To establish actual innocence of a crime, a petitioner “must show that it is

more likely than not that no reasonable juror would have convicted him absent a constitutional violation.” Calderon v. Thompson, 523 U.S. 538, 560, 118 S. Ct. 1489, 1503 (1998) (emphasis added) (quoting Schlup v. Delo, 513 U.S. 298, 316, 115 S. Ct. 851, 861 (1995)). Actual innocence is a stringent standard designed to be applied only in the most extraordinary situations. Pellegrini, 117 Nev. at 876, 34 P.3d at 530.

“Without any new evidence of innocence, even the existence of a concededly meritorious constitutional violation is not itself sufficient to establish a miscarriage of justice that would allow a habeas court to reach the merits of the barred claim.” Schlup, 513 U.S. at 316, 115 S. Ct. at 861. The Eighth Circuit Court of Appeals has “rejected free-standing claims of actual innocence as a basis for habeas review stating, ‘[c]laims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief absent an independent constitutional violation occurring in the underlying state criminal proceeding.’” Meadows v. Delo, 99 F.3d 280, 283 (8th Cir. 1996) (citing Herrera v. Collins, 506 U.S. 390, 400, 113 S. Ct. 853, 860 (1993)). Furthermore, the newly discovered evidence suggesting the defendant’s innocence must be “so strong that a court cannot have confidence in the outcome of the trial,” Schlup, 513 U.S. at 315, 115 S. Ct. at 861. Once a defendant has made a showing of actual innocence, he may

then use the claim as a “gateway” to present his constitutional challenges to the court and require the court to decide them on the merits. Id.

Here, Houston claimed he never called any of the victims and that he is innocent of the crime he pled guilty to. 1 ROA 228. However, Houston did not allege any specific facts nor provided any evidence of his innocence apart from his own self-serving statement. Further, he did not allege any constitutional violations. Outside of the single claim, Houston only generally complained that the people involved in his case colluded against him, causing unidentified errors and “cluster trucks.” ROA 227-228. Simply put, there is no evidence, let alone coherent argument that Houston is innocent outside of his one-sentence claim.

Furthermore, Houston pled guilty in this case. Thus, his claim is belied by his signed GPA. Houston’s GPA states, “I hereby agree to plead guilty to: AGGRAVATED STALKING (Category B Felony – NRS 200.575 – NOC 50333) ...I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit ‘1’.” 1 ROA 43-45. Additionally, Houston was canvassed and affirmatively stated he was entering a plea of guilty freely and voluntarily.

Houston had the opportunity to move to withdraw his plea and chose not to. 2 ROA 338. He pleaded guilty to the offense, and that guilty plea was further supported by the victim impact speakers at sentencing, as well as the voicemail

message of Houston making the call that was played at sentencing. 2 ROA 338-353. Houston presented no evidence in his Motion that would call into question either his guilt or his desire not to withdraw his plea.

Finally, any error in construing the Motion as a motion should be disregarded for at least two reasons. First, Houston neither alleged that his plea was entered into without the effective assistance of counsel nor that it was not freely and voluntarily entered into, the only two bases upon which he could have challenged his guilty plea in a habeas proceeding. NRS 34.810. Second, as noted previously, Houston has a pending habeas petition that has not yet been decided wherein he is again challenging his guilty plea. 1 ROA-A853203 1-40. To the extent he has any cognizable claims or can meet the standard for a habeas petition, his claims will be resolved when that litigation concludes.

CONCLUSION

Based on the foregoing, the State respectfully requests that this Court AFFIRM the district court's denial of Houston's Motion.

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Dated this 28th day of February, 2023.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
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BY /s/ John T. Afshar

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2003 in 14 point font of the Times New Roman style.
2. I further certify that this brief complies with the page or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either proportionately spaced, has a typeface of 14 points or more, contains 2,742 words and 12 pages.
3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 28th day of February, 2023.

Respectfully submitted

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 28th day of February, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Nevada Attorney General

JOHN T. AFSHAR
Chief Deputy District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

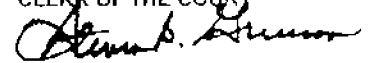
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/s/ J. Hall

Employee, Clark County
District Attorney's Office

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14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 MATTHEW TRAVIS HOUSTON,
17
18 Plaintiff,

Case No: A-22-859817-C
Dept. No.: 14

19 vs.

20 BERNSTEIN & POISSON, LLP; SCOTT
21 POISSON; JACK BERNSTEIN, RYAN
22 KERBOW; KARLIE GABOUR;
23 CHRISTOPHER D. BURK.

DEFENDANTS BERNSTEIN &
POISSON, LLP, SCOTT POISSON,
JACK BERNSTEIN, RYAN
KERBOW, AND
CHRISTOPHER D. BURK'S
MOTION TO DISMISS

24 Defendants

HEARING REQUESTED

25 Defendants BERNSTEIN & POISSON, LLP; SCOTT POISSON; JACK
26 BERNSTEIN; RYAN KERBOW, and CHRISTOPHER D. BURK, by and through their
27 counsel of record, the law offices of LIPSON NEILSON P.C., make this Motion to
28 Dismiss Plaintiff's Complaint pursuant to Nev. R. Civ. P. 12(b)(5). This Motion is made
and based upon the following Memorandum of Points and Authorities, the papers and
pleadings on file, and any oral arguments the Court may entertain on this matter

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff is presently incarcerated at High Desert State Prison. He was formerly a
client of Bernstein & Poisson, LLP. The underlying legal matter resolved at a Mediation
and the file was closed.

///

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On October 13, 2022, Plaintiff filed a Complaint against Defendants¹ for false imprisonment, legal malpractice, coercion, extortion, embezzlement and malicious prosecution. See Complaint, Doc 1, ¶¶ 2-6. The remainder of the Complaint is rambling and incomprehensible. For the reasons set forth below, the Court should determine that the Complaint fails to state a claim on which relief may be granted and dismiss this case.

II. LEGAL ARGUMENT

A. PLAINTIFF'S COMPLAINT DOES NOT STATE CLAIMS UPON WHICH RELIEF MAY BE GRANTED.

1. *Essential Pleading Requirements to State a Claim*

Nev. R. Civ. P. 8(a)(2), requires that a Complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." In addition, "[e]ach averment of a pleading shall be simple, concise, and direct." Nev. R. Civ. P. 8(e)(1). Finally, Nev. R. Civ. P. 10(b) mandates "separate counts . . . whenever separation facilitates the clear presentation of the matters set forth." The fundamental purpose of these provisions is to give to the court and to the parties the claims being presented. The failure to comply with basic rules of pleadings deprives a responding party of due process.

Nev. R. Civ. P. 8, is based on Fed. R. Civ. P. 8, and this Court can consider federal law evaluating the rule. In *Ashcroft v Iqbal*, 556 US 662 (2009), the Court concluded that the purpose of these specific pleading requirements is to enable the Court to determine whether the plaintiff has stated "a plausible claim for relief." *Ashcroft*, 556 U.S. at 679 (internal citation omitted). To state a plausible claim for relief, a complaint must contain both sufficient factual allegations (i.e. names, dates, and facts) and legal conclusions (i.e., specific laws defendants allegedly violated) that create a reasonable inference of liability. *Id.* at 678-79. Plaintiff's Complaint does not meet these

¹ It is unknown whether Defendant Karlie Gabour was served with the summons and complaint. Nevertheless, if the Court grants this motion, the same relief should be granted to Ms. Gabour.

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1 minimal standards. Rather, Plaintiff's Complaint is riddled with incomprehensible
 2 statements that fail to provide notice of the specific reason for the lawsuit. The
 3 Complaint does not describe the alleged conduct at issue for each Defendant, what
 4 alleged conduct gives rise to this suit, how each Defendant harmed the Plaintiff, or
 5 where and when each of the alleged actions or inactions occurred. Although the
 6 standard under Fed. R. Civ. P. 12(b)(6) does not require detailed factual allegations, a
 7 plaintiff must provide more than mere labels and conclusions. *Bell Atlantic Corp. v.*
 8 *Twombly*, 550 U.S. 544, 555, (2007). A formulaic recitation of the elements of a cause
 9 of action is insufficient. *Id.* Important to this motion is the rule that even a liberal
 10 construction of a complaint filed by a pro se litigant may not be used to supply essential
 11 elements of a claim absent from the complaint. *Bruns v. Nat'l Credit Union Admin.*, 12
 12 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Board of Regents*, 673 F.2d 266, 268
 13 (9th Cir. 1982)).

14 2. Rule 12(b)(5) Standards of Review

15 In reviewing a motion to dismiss, the court shall determine whether or not the
 16 challenge pleading sets forth sufficient allegations to make out the elements for a claim
 17 for relief. See *Edgar v. Wagner*, 101 Nev. 226, 699 P.2d 110 (1985). The test for
 18 determining whether the allegations of a complaint are sufficient to assert a claim for
 19 relief is whether the allegations give fair notice of the nature and basis of the legally
 20 sufficient claim and relief requested. *Breliant v. Preferred Equities Corp.*, 109 Nev. 842,
 21 846, 858 P.2d 1258 (1993). Accordingly, when all of a plaintiff's allegations are
 22 accepted as true and still do not justify any relief, the trial court should properly dismiss
 23 the claims. *Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev. 1213,
 24 1214, 14 P.3d 1275, 1278 (2000); *Bergman v. Boyce*, 109 Nev. 670, 756 P.2d 560
 25 (1993); see also, *Ashcroft v. Iqbal*, 556 US 662, 678 (2009) (A Court should not accept
 26 legal conclusions and "[t]hreadbare recitals of the elements of a cause of action" as
 27 true.) To survive a motion to dismiss, those well-pled facts must allow the Court to
 28 reasonably infer that the defendant is liable under the stated claim. *Id.* at 678-79.

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1 Dismissal is appropriate when it appears beyond doubt that the plaintiff could prove no
2 set of facts, which if accepted by the trier of fact, would entitle him to relief. *Bratcher v.*
3 *City of Las Vegas*, 113 Nev. 502, 937 P.2d 485 (1997).

4 Plaintiff's Complaint is incomprehensible and violates Nev. R. Civ. P. 8(a)(2),
5 (e)(1) and 10(b). It does not plead the elements of any other claims stated as captions
6 in paragraphs 2-6 of the Complaint i.e., false imprisonment, legal malpractice, coercion,
7 extortion, embezzlement and malicious prosecution. In short, the Complaint does not
8 state a claim and should be dismissed.

9 III. CONCLUSION

10 Based on the foregoing, Defendants request that the Court grant this Motion to
11 Dismiss and enter an order dismissing the Complaint as to all parties.

12 DATED this 20th day of April, 2023.

13 LIPSON NEILSON P.C.

14 

15 By: _____
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CERTIFICATE OF SERVICE

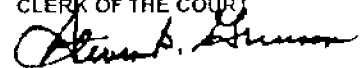
Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 20th day of April, 2023, I electronically served the foregoing **DEFENDANTS BERNSTEIN & POISSON, LLP, SCOTT POISSON, JACK BERNSTEIN, RYAN KERBOW, AND CHRISTOPHER D. BURK'S MOTION TO DISMISS** to the following parties via U.S. Mail, postage prepaid:

Matthew Travis Houston #1210652 c/o High Desert State Prison P.O. Box 650 22010 Cold Creek Road Indian Springs, NV 89070-0650	
---	--

/s/ Michele Stones
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13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 **MATTHEW TRAVIS HOUSTON,**
16
17 **Plaintiff,**

Case No: A-23-865442-C
Dept. No.: 7

18 **vs.**

19 **SHERRIF JOE LOMBARDO, et. al.,**
20
21 **Defendants.**

**DEFENDANTS CHRISTOPHER D.
BURK, SCOTT L. POISSON, RYAN
M. KERBOW, JACK BERNSTEIN,
AND BERNSTEIN & POISSON,
LLP's MOTION TO DISMISS**

HEARING REQUESTED

22 Defendants BERNSTEIN & POISSON, LLP, CHRISTOPHER D. BURK, SCOTT
23 POISSON, RYAN KERBOW, and JACK BERNSTEIN, by and through their counsel of
24 record, the law offices of LIPSON NEILSON P.C., make this Motion to Dismiss Plaintiff's
25 Complaint pursuant to Nev. R. Civ. P. 12(b)(5). This Motion is made and based upon
26 the following Memorandum of Points and Authorities, the papers and pleadings on file,
27 and any oral arguments the Court may entertain on this matter.

28 **MEMORANDUM OF POINTS AND AUTHORITIES**

I. INTRODUCTION

Plaintiff is presently incarcerated at High Desert State Prison. He was formerly a
client of Bernstein & Poisson, LLP. The underlying legal matter resolved at a Mediation
and the file was closed.

///

On or about February 9, 2023, Plaintiff filed a Complaint purporting to name 209 individual Defendants including Burk, Poisson, Kerbow, Bernstein and Bernstein & Poisson, LLP.¹ The Complaint is styled as a Civil Rights Complaint. See Complaint, Doc 1, p 1. The Complaint is rambling and incomprehensible and does not state a claim. For the reasons set forth below, the Court should determine that the Complaint fails to state a claim on which relief may be granted and dismiss this case.

II. LEGAL ARGUMENT

A. PLAINTIFF'S COMPLAINT DOES NOT STATE CLAIMS UPON WHICH RELIEF MAY BE GRANTED.

1. *Essential Pleading Requirements to State a Claim*

Nev. R. Civ. P. 8(a)(2), requires that a Complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." In addition, "[e]ach averment of a pleading shall be simple, concise, and direct." Nev. R. Civ. P. 8(e)(1). Finally, Nev. R. Civ. P. 10(b) mandates "separate counts . . . whenever separation facilitates the clear presentation of the matters set forth." The fundamental purpose of these provisions is to give to the court and to the parties the claims being presented. The failure to comply with basic rules of pleadings deprives a responding party of due process.

Nev. R. Civ. P. 8, is based on Fed. R. Civ. P. 8, and this Court can consider federal law evaluating the rule. In *Ashcroft v Iqbal*, 556 US 662 (2009), the Court concluded that the purpose of these specific pleading requirements is to enable the Court to determine whether the plaintiff has stated "a plausible claim for relief." *Ashcroft*, 556 U.S. at 679 (internal citation omitted). To state a plausible claim for relief, a complaint must contain both sufficient factual allegations (i.e. names, dates, and facts) and legal conclusions (i.e., specific laws defendants allegedly violated) that create a reasonable inference of liability. *Id.* at 678-79. Plaintiff's Complaint does not meet these

¹ It is unknown whether Defendant Karlie Gabour was served with the summons and complaint. Nevertheless, if the Court grants this motion, the same relief should be granted to Ms. Gabour and all other Defendants.

LIPSON NEILSON P.C.
 9800 Covington Cross Drive, Suite 120, Las Vegas, Nevada 89144
 Telephone: (702) 382-1500 Facsimile: (702) 382-1512

1 minimal standards. Rather, Plaintiff's Complaint is riddled with incomprehensible
 2 statements that fail to provide notice of the specific reason for the lawsuit. The
 3 Complaint does not describe the alleged conduct at issue for each Defendant, what
 4 alleged conduct gives rise to this suit, how each Defendant harmed the Plaintiff, or
 5 where and when each of the alleged actions or infractions occurred. Although the
 6 standard under Fed. R. Civ. P. 12(b)(6) does not require detailed factual allegations, a
 7 plaintiff must provide more than mere labels and conclusions. *Bell Atlantic Corp. v.*
 8 *Twombly*, 550 U.S. 544, 555, (2007). A formulaic recitation of the elements of a cause
 9 of action is insufficient. *Id.* Important to this motion is the rule that even a liberal
 10 construction of a complaint filed by a pro se litigant may not be used to supply essential
 11 elements of a claim absent from the complaint. *Bruns v. Nat'l Credit Union Admin.*, 12
 12 F.3d 1251, 1257 (9th Cir. 1997) (quoting *Ivey v. Board of Regents*, 673 F.2d 266, 268
 13 (9th Cir. 1982)).

2. Rule 12(b)(5) Standards of Review

15 In reviewing a motion to dismiss, the court shall determine whether or not the
 16 challenge pleading sets forth sufficient allegations to make out the elements for a claim
 17 for relief. See *Edgar v. Wagner*, 101 Nev. 226, 699 P.2d 110 (1985). The test for
 18 determining whether the allegations of a complaint are sufficient to assert a claim for
 19 relief is whether the allegations give fair notice of the nature and basis of the legally
 20 sufficient claim and relief requested. *Breilant v. Preferred Equities Corp.*, 109 Nev. 842,
 21 846, 858 P.2d 1258 (1993). Accordingly, when all of a plaintiff's allegations are
 22 accepted as true and still do not justify any relief, the trial court should properly dismiss
 23 the claims. *Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev. 1213,
 24 1214, 14 P.3d 1275, 1278 (2000); *Bergman v. Boyce*, 109 Nev. 670, 756 P.2d 560
 25 (1993); see also, *Ashcroft v. Iqbal*, 556 US 662, 678 (2009) (A Court should not accept
 26 legal conclusions and "[t]hreadbare recitals of the elements of a cause of action" as
 27 true.) To survive a motion to dismiss, those well-pled facts must allow the Court to
 28 reasonably infer that the defendant is liable under the stated claim. *Id.* at 678-79.

1 Dismissal is appropriate when it appears beyond doubt that the plaintiff could prove no
2 set of facts, which if accepted by the trier of fact, would entitle him to relief. *Bratcher v.*
3 *City of Las Vegas*, 113 Nev. 502, 937 P.2d 485 (1997).

4 Plaintiff's Complaint is incomprehensible and violates Nev. R. Civ. P. 8(a)(2),
5 (e)(1) and 10(b). It does not plead the elements of any other claims stated as captions
6 in paragraphs 2-6 of the Complaint i.e., false imprisonment, legal malpractice, coercion,
7 extortion, embezzlement and malicious prosecution. In short, the Complaint does not
8 state a claim and should be dismissed.

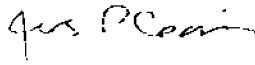
9 III. CONCLUSION

10 Based on the foregoing, Defendants request that the Court grant this Motion to
11 Dismiss and enter an order dismissing the Complaint as to all parties.

12 DATED this 24th day of April, 2023

13 LIPSON NEILSON P.C.

14
15 By:

16 
17 JOSEPH P. GARIN, ESQ.
18 Nevada Bar No. 6653
19 9900 Covington Cross Drive, Suite 120
20 Las Vegas, Nevada 89144

21 *Attorneys for Defendants Bemstein & Poissor, LLP,*
22 *Scott Poisson, Jack Bemstein, Ryan Kerbow, and*
23 *Christopher D. Burk*
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and Administrative Order 14-2, I certify that on the 24th day of April, 2023, I electronically served the foregoing **DEFENDANTS CHRISTOPHER D. BURK, SCOTT L. POISSON, RYAN M. KERBOW, JACK BERNSTEIN, AND BERNSTEIN & POISSON, LLP's MOTION TO DISMISS** to the following parties via U.S. Mail, postage prepaid:

Matthew Travis Houston #1210652 c/o High Desert State Prison P.O. Box 650 22010 Cold Creek Road Indian Springs, NV 89070-0650	
---	--

/s/ Michele Stones

An Employee of LIPSON NEILSON P.C.

LIPSON NEILSON P.C.
9900 Covington Cross Drive, Suite 120, Las Vegas, Nevada 89144
Telephone: (702) 382-1500 Facsimile: (702) 382-1512

BARRY J. LIPSON
(1955-2003)

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RENO, NEVADA
PHOENIX, ARIZONA
COLORADO SPRINGS, COLORADO

LAW OFFICES

Lipson | Neilson

Attorneys and Counselors at Law

9900 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144

TELEPHONE (702) 382-1500
TELEFAX (702) 382-1517
www.lipsonneilson.com

From the desk of:

Joseph P. Garin, Esq.
jgarin@lipsonneilson.com

Admitted NV, CO, UT, MI

May 19, 2023

Via U.S. Mail:

Matthew Travis Houston #1210652
c/o High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070-0650

Re: Houston v. Bernstein & Poisson, et al.
Case No. A-22-859817-C

Dear Mr. Houston:

Based upon the Court's ruling, attached please find a draft Order Granting Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss. If the Order meets with your approval, please sign the enclosed copy and return it to our office in the envelope provided.

If we do not receive the signed Order or your proposed revisions to the Order by Friday, May 26, 2023, we will submit it to the Court at close of business on May 26th without signature.

Very truly yours,

LIPSON NEILSON P.C.



JOSEPH P. GARIN

JPG/ms

Encls.: As stated

BARRY J. LIPSON
(1955-2003)

OFFICE LOCATIONS
BLOOMFIELD HILLS, MICHIGAN
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RENO, NEVADA
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Attorneys at Law
9900 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144

TELEPHONE (702) 382-1500
TELEFAX (702) 382-1512
www.lipsonneilson.com

From the desk of:

Joseph P. Garin, Esq.
jgarin@lipsonneilson.com

Admitted: NV, CO, UT, MI

June 20, 2023

Via U.S. Mail:

Matthew Travis Houston #1210652
c/o High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070-0650

Re: Houston v. Sheriff Joe Lombardo, et al.
Case No. A-23-865442-C

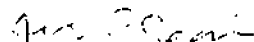
Dear Mr. Houston:

Based upon the Court's ruling, attached please find a draft Order (1) Granting Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss, (2) Sabina Demelas, Amber King and Jessica Flores' Joinder to Motion to Dismiss, and (3) for Dismissal as to All Other Parties. If the Order meets with your approval, please sign the enclosed copy and return it to our office in the self-addressed, stamped envelope provided.

If we do not receive the signed Order or your proposed revisions to the Order by Thursday, June 29, 2023, we will submit it to the Court on June 30th without signature.

Very truly yours,

LIPSON NEILSON P.C.



JOSEPH P. GARIN

JPG/ms
Encs.: As stated

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON)

PLAINTIFF)

Vs)

ROSEMARIE MCMORRIS-ALEXANDER)

DEFENDANT)

CASE No. A-23-865442-C

SHERIFF CIVIL NO.: 23002513

AFFIDAVIT OF SERVICE

STATE OF NEVADA }

} ss:


COUNTY OF CLARK }

JAMIE OSBURN, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action, that on **5/25/2023**, at the hour of **9:23 AM**, affiant as such Deputy Sheriff served a copy/copies of **SUMMONS - CIVIL, CIVIL RIGHT COMPLAINT BY AN INMATE** issued in the above entitled action upon the defendant **ROSEMARIE MCMORRIS-ALEXANDER** named therein, by delivering to and leaving with **JULIE ROSKELLET, RECEPTIONIST**, personally, at **2300 W SAHARA AVENUE LAS VEGAS, NV 89102** within the County of Clark, State of Nevada, copy/copies of **SUMMONS - CIVIL, CIVIL RIGHT COMPLAINT BY AN INMATE**.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

DATED: May 30, 2023.

Kevin McMahon, Sheriff

By: 
JAMIE OSBURN
Deputy Sheriff

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

SEDGWICK CMS, DIANNE FERRANDI et al.

DEFENDANT

CASE No. A-22-859815-C
SHERIFF CIVIL NO. 23002103

AFFIDAVIT OF SERVICE

STATE OF NEVADA

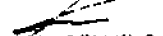
COUNTY OF CLARK

KEVIN PLOENSE, being first duly sworn, deposes and says That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 4/25/2023, at the hour of 11:20 AM, affiant as such Deputy Constable served a copy/copies of **SUMMONS-CIVIL, COMPLAINT "HEARING REQUESTED"** issued in the above entitled action upon the defendant **SEDGWICK CMS** named therein, by delivering to and leaving with said defendant **SEDGWICK CMS**, personally, at **9930 W CHEYENNE AVENUE LAS VEGAS, NV 89129** within the County of Clark, State of Nevada, copy/copies of **SUMMONS-CIVIL, COMPLAINT "HEARING REQUESTED"**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

DATED: April 26, 2023

Kevin McMahon, Sheriff

by  15526
KEVIN PLOENSE Pa15526
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

Vs.

DIANNE FERRANTE, et al SEDWICK CMS

DEFENDANT

CASE No. A-22-859815-C

SHERIFF CIVIL NO. 23002192

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK

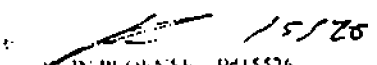
ss:

KEVIN PLOENSE, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **4/25/2023**, at the hour of **11:21 AM**, that as said Deputy Constable served a copy copies of **SUMMONS-CIVIL COMPLAINT "HEARING REQUESTED"** issued in the above entitled action upon the defendant **DIANNE FERRANTE** named therein, by delivering to and leaving with said defendant **DIANNE FERRANTE**, personally, at **9930 W CHEYENNE AVENUE LAS VEGAS, NV 89129** within the County of Clark, State of Nevada, copy copies of **SUMMONS-CIVIL COMPLAINT "HEARING REQUESTED"**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

DATED: April 26, 2023

Kevin M. Maule Sheriff


KEVIN PLOENSE Pd15526
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

VS.

SCOTT POISSON DRA BERNSTEIN &
POISSON

DEFENDANT

CASE No. A-22-859817-C

SHERIFF CIVIL NO. 23062006

AFFIDAVIT OF SERVICE

STATE OF NEVADA

§§:

COUNTY OF CLARK


KEVIN PLOENSE, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable of and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **4/18/2023**, at the hour of **9:50 AM**, while as such Deputy Constable served a copy copies of **SUMMONS - CIVIL, CIVIL RIGHTS COMPLAINT** issued in the above entitled action upon the defendant **BERNSTEIN & POISSON** named therein, by delivering to and leaving with **SABINA DEMELAS**, **RECEPTIONIST** of **BERNSTEIN & POISSON**, personally at **320 S JONES BOULEVARD LAS VEGAS, NV 89107** within the County of Clark, State of Nevada, two copies of **SUMMONS - CIVIL, CIVIL RIGHTS COMPLAINT**.

*I, **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.***

DATED: April 19, 2023

Kevin McMahon, Sheriff

By


KEVIN PLOENSE P#15526
Deputy Constable

15526

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

vs

CHRISTOPHER D BURK, ESQ

DEFENDANT

CASE No. A-22-859817-C
SHERIFF CIVIL NO. 23001939

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK

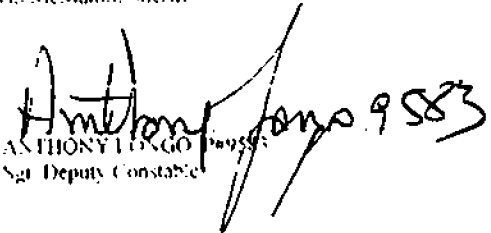
ss:

ANTHONY LONGO, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Sgt. Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 4/17/2023, at the hour of 12:38 PM, affiant as such Sgt. Deputy Constable served a copy/copies of SUMMONS-CIVIL, CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983 issued in the above entitled action upon the defendant CHRISTOPHER D BURK named therein, by delivering to and leaving with said defendant CHRISTOPHER D BURK, personally, at 2350 W CHARLESTON BOULEVARD #202 LAS VEGAS, NV 89102 within the County of Clark, State of Nevada, copy/copies of SUMMONS-CIVIL, CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: April 18, 2023

Kevin McManis, Sheriff

by 
ANTHONY LONGO
Sgt. Deputy Constable

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

Vs

ENCORE EVENT TECHNOLOGIES INC

DEFENDANT

CASE No. A-23-865442-C

SHERIFF CIVIL NO. 23001619

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK

TODD SIMMONS, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action, that on 4/4/2023, at the hour of 2:45 PM, acting as such Deputy Constable, served a copy/copies of SUMMONS, CIVIL RIGHTS COMPLAINT BY AN INMATE issued in the above entitled action upon the defendant ENCORE EVENT TECHNOLOGIES INC named therein, by delivering to and leaving with CINDY NORTON, RECEPTION ADMIN of ENCORE EVENT TECHNOLOGIES INC, personally, at 8850 W SUNSET ROAD 3RD FLOOR LAS VEGAS, NV 89148, within the County of Clark, State of Nevada, copy/copies of SUMMONS, CIVIL RIGHTS COMPLAINT BY AN INMATE.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: April 5, 2023


Kevin McMahon Sheriff


TODD SIMMONS ID#15523
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

(4)

Electronically Filed
05/15/2023 11:02 AM


CLERK OF THE COURT

ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MATTHEW HOUSTON, an individual,
PLAINTIFF,

v.

Case No.: A-17-758861-C
Dept. No.: 29

MANDALAY BAY CORP., a Nevada Corporation,
et al.,

DEFENDANTS.

ORDER ON PENDING MOTIONS

Plaintiff's Emergency Notice of Motion and Statement of Facts was filed on April 11, 2023 and is currently set for hearing on May 16, 2023. Plaintiff also has several other Motions set for hearing on May 25, 2023, and June 8, 2023. Having read the pleadings and papers on file, the Court hereby DENIES Plaintiff's pending motions with prejudice for the following reasons.

Plaintiff filed his Complaint on July 24, 2017. The parties proceeded to mediation and on May 17, 2019, the parties agreed to settle Plaintiff's claims, with the agreement being reduced to writing in the Mediation Settlement Agreement. As of June 7, 2019, Defendant had satisfied all conditions of the Mediation Settlement. On August 1, 2019, Plaintiff executed the Release of All Claims and Agreement to Indemnify. On January 30, 2020, an Order was entered dismissing and closing the case and granting Defendant's Motion to Compel Settlement. This Order dismissed Case No. A-17-758861-C with prejudice. Plaintiff has appealed the Court's Orders several times without success. The last appeal was dismissed by the Nevada Supreme Court on March 30, 2023.

Accordingly, the Court finds that Case No. A-17-758861-C has been closed since January 30, 2020. As such, Plaintiff's pending Motions seeking relief from this Court in this case are

JACOB A. REYNOLDS
DISTRICT JUDGE
DEPARTMENT XXIX

1 DENIED as moot and untimely. If Plaintiff seeks further relief, that relief would require the
2 initiation of a new Complaint. No further Motions from Plaintiff will be considered in this case.
3 Accordingly and for good cause appearing,

4 Plaintiff's Notice of Motion and Statement of Facts is hereby **DENIED**.

5 Plaintiff's Emergency Supplement and Ex Parte Motion for Reconsideration as a Renewed
6 Petition for a Writ of Habeas Corpus under 28 U.S.C. 2241, Meritorious Interpleadings and Joinder
7 of Appeal in all Cases of the Petitioner-Plaintiff-Appellant is hereby **DENIED**.
8

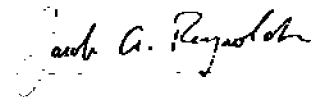
9 Plaintiff's Emergency Motion to Compel an Answer from Aaron D. Ford Under NRAP
10 3C127E as a Notice of Motion is hereby **DENIED**.

11 Plaintiff's Emergency Motion and Order for Transportation of Inmate for Court Appearance
12 or, in the Alternative, for Appearance by Telephone or Video Conference is hereby **DENIED**.
13

14 The hearings currently set on this matter for May 16, 2023, May 25, 2023, and June 8, 2023
15 are hereby **VACATED**.

16 This Case remains **CLOSED**.

17 Dated this 15th day of May, 2023

18 
19

20 **58A 819 E88A 3A4B**
21 **Jacob A. Reynolds**
22 **District Court Judge**
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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Matthew Houston, Plaintiff(s)	CASE NO: A-17-758861-C
vs.	DEPT. NO. Department 29
Mandalay Bay Corp. Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 5/15/2023

Sabina Demelas	sabina@vegashurt.com
Jack Bernstein	jack@vegashurt.com
Scott Poisson	scott@vegashurt.com
Nicole Garcia	ngarcia@murchisonlaw.com
Tyler Ure	ture@murchisonlaw.com
Ryan Kerbow	ryan@vegashurt.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 5/16/2023

Brian Clark	Clark McCourt Attn: Brian P. Clark 7371 Prairie Falcon Rd. - Suite 120 Las Vegas, NV, 89128
-------------	--

GARIN, J. LIPSON
(1955-2003)

OFFICE LOCATIONS
BIRMINGHAM, ALABAMA
GROESBECK, CALIFORNIA
LAS VEGAS, NEVADA
PHOENIX, ARIZONA
SUNDALE SPRINGS, CALIFORNIA

LAW OFFICES
Lipson | Neilson
Attorneys and Counselors at Law
9900 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144
TELEPHONE: (702) 382-1500
TELEFAX: (702) 382-1512
www.lipsonneilson.com

From the desk of:

Joseph P. Garin, Esq.
jgarin@lipsonneilson.com
Admitted: NV, CO, UT, MI

May 19, 2023

Via U.S. Mail:

Matthew Travis Houston #1210652
c/o High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070-0650

Re: Houston v. Bernstein & Poisson, et al.
Case No. A-22-859817-C


Dear Mr. Houston:

Based upon the Court's ruling, attached please find a draft Order Granting Defendants Bernstein & Poisson, LLP, Scott Poisson, Jack Bernstein, Ryan Kerbow, and Christopher D. Burk's Motion to Dismiss. If the Order meets with your approval, please sign the enclosed copy and return it to our office in the envelope provided.

If we do not receive the signed Order or your proposed revisions to the Order by Friday, May 26, 2023, we will submit it to the Court at close of business on May 26th without signature.

Very truly yours,

LIPSON NEILSON P.C.



JOSEPH P. GARIN

JPG/ms

Encls.: As stated



UNITED STATES DISTRICT COURT

THE CLERK OF COURT
1000 EAST FLORISSANT BLVD.
SPRINGFIELD, NV 89507

RETURN SERVICE REQUESTED

40-39

Mathew Houston No. 1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

1419

07/11/23 09:00:00

1000 EAST FLORISSANT BLVD.
SPRINGFIELD, NV 89507

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

vs

STEVEN B WOLFSON DBA STATE BAR OF
NEVADA

DEFENDANT

CASE No. A-22-862155-C

SHERIFF CIVIL NO: 23001618

AFFIDAVIT OF SERVICE

STATE OF NEVADA

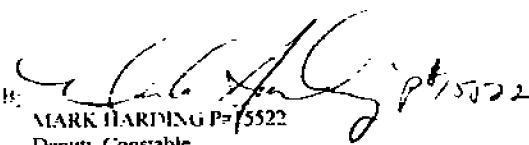
COUNTY OF CLARK

MARK HARDING, being first duly sworn, deposes and says that he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action, that on **3/30/2023**, at the hour of **12:15 PM** when as such Deputy Constable served a copy/copies of **SUMMONS, COMPLAINT** issued in the above entitled action upon the defendant **STATE BAR OF NEVADA** named therein, by delivering to and leaving with **MARGARET GOMEZ** of **STATE BAR OF NEVADA**, personally, at **C/O STEVEN B WOLFSON 200 LEWIS AVENUE LAS VEGAS, NV 89155** within the County of Clark, State of Nevada, copy/copies of **SUMMONS, COMPLAINT**

*I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE
FOREGOING IS TRUE AND CORRECT*

DATED: April 4, 2023

Kevin McMahon, Sheriff


b: MARK HARDING P#15522
Deputy Constable

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

VS

KARLIE GARBER D BA BERNSTEIN &
POISSON

DEFENDANT

CASE No. A-22-859817-C

SHERIFF CIVIL NO. 23001617

AFFIDAVIT OF SERVICE

STATE OF NEVADA


COUNTY OF CLARK

KIVIN PLOENSE, being first duly sworn, deposes and says: that he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action, that, on 3/29/2023, at the hour of 11:05 AM, that as such Deputy Constable served a copy/copies of **SUMMONS, CIVIL RIGHTS COMPLAINT** issued in the above entitled action upon the defendant **BERNSTEIN & POISSON** named therein, by delivering to and leaving with **SABINA DEMELAS, OFFICE MANAGER**, personally, at **320 S JONES BOULEVARD LAS VEGAS, NV 89107**, within the County of Clark, State of Nevada, copy copies of **SUMMONS, CIVIL RIGHTS COMPLAINT**.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: April 4, 2023

Kevin McMahill, Sheriff

By  15526
KIVYN PLOENSE P#15526
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

Vs

DANIEL SCHWARTZ ET AL, DBA LEWIS
BRISBOIS, BISGAARD & SMITH LLP
DEFENDANT

CASE No. A-22-858580-C
SHERIFF CIVIL NO. 25001175

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK

ss: }

Sgt ANTHONY LONGO, being first duly sworn, deposes and says that he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Sgt Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 3/7/2023, at the hour of 10:15 AM, affiant as such Sgt Deputy Constable served a copy copies of **SUMMONS - CIVIL, COMPLAINT - JURY TRIAL DEMANDED** issued in the above entitled action upon the defendant **DANIEL SCHWARTZ ET AL** (as set forth therein), by delivering to and leaving with said defendant: **DANIEL SCHWARTZ ET AL** personally at **LEWIS BRISBOIS BISGAARD & SMITH 2300 W SAHARA AVENUE #900 LAS VEGAS, NV 89102** within the County of Clark, State of Nevada, copy copies of **SUMMONS - CIVIL, COMPLAINT - JURY TRIAL DEMANDED**.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: March 8, 2023

Kevin McManis, Sheriff

By

Anthony Longo 9583
Sgt ANTHONY LONGO P#9583
Sgt Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

STEVEN D. GRIERSON, Clerk of the Court
200 LEWIS AVENUE 3RD FLOOR
LAS VEGAS NV 89159-1160
RETURN SERVICE REQUESTED

PLEASE SEE
ATTACHED
"NOTICE OF HEARING"

149

FREDERICKSON

149

Matthew Houston #1210652
PO Box 650
Indian Springs, NV 89070

4/11/23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
6/29/2023 7:12 PM
Steven D. Grierson
CLERK OF THE COURT



Matthew Houston, Plaintiff(s)

Case No.: A-22-858580-C

vs.

Daniel Schwartz, Defendant(s)

Department 4

NOTICE OF HEARING

Please be advised that the Plaintiff / Inmate's - Emergency Motion Under NRAP 27(c) to Add Defendant(s) Not Limited to Linda Sakalauskas and Nevada Attorney for Injured Workers and Renewed Application to Proceed in Forma Pauperis : NAIW Hearing after in the above-entitled matter is set for hearing as follows:

Date: August 16, 2023

Time: 9:00 AM

Location: RJC Courtroom 03C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

**Per AO 20-13: All lawyers and
self-represented litigants are
required to register for
electronic service.**

Electronically Filed
06/12/2023 12:36 PM

Heather L. Smith
CLERK OF THE COURT

1 **ORDR**

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6 Matthew Houston, BAC #1210652,

7 Plaintiff,

8 v.

9 Daniel Schwartz.

10 Defendants.

Case No. A-22-858580-C

Dept. No. IV

Date: July 11, 2023

Time: 9:00 a.m.

**ORDER FOR PRODUCTION OF AN
INMATE MATTHEW HOUSTON, BAC
#1210652**

11
12
13 **TO: CALVIN JOHNSON, WARDEN OF THE HIGH DESERT STATE PRISON and the**
14 **NEVADA ATTORNEY GENERAL**

15 **THE COURT HEREBY FINDS** that the Plaintiff is presently in the custody of the Nevada
16 Department of Corrections, located at **HIGH DESERT STATE PRISON**.

17 **IT IS HEREBY ORDERED** that the Warden of HIGH DESERT STATE PRISON, or his
18 designee, shall transport Plaintiff, Matthew Houston, BAC #1210652, from HIGH DESET STATE
19 PRISON, in Indian Springs, Nevada, be produced to appear in the High Desert State Prison videoconference
20 room by audiovisual transmission; bluejeans on Tuesday, July 11, 2023 at 9:00 a.m. for a hearing on
21 Defendant's Motion to Dismiss and arrange for his appearance on said date.

22 **IT IS HERBY FURTHER ORDERED**, that HIGH DESERT STATE PRISON shall access
23 BlueJeans ID set forth below for MATTHEW HOUSTON, BAC#1210652 to be present via video conference
24 at the above
25
26
27
28

1
2
3 Referenced hearing:
4

5 <https://bluejeans.com>

6 Meeting ID: 789 575 942 Passcode: 7200
7
8

9
10 DATED this 12TH day of June, 2023

Dated this 12th day of June, 2023



11
12
13 A9C 051 19D8 4849
14 Nadia Krall
District Court Judge
15
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27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Matthew Houston, Plaintiff(s) CASE NO: A-22-858580-C
7 vs. DEPT. NO. Department 4
8 Daniel Schwartz, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 6/12/2023

15 Daniel Schwartz daniel.schwartz@lewisbrisbois.com
16 Deyna Soltero deyna.soltero@lewisbrisbois.com
17

18 If indicated below, a copy of the above mentioned filings were also served by mail
19 via United States Postal Service, postage prepaid, to the parties listed below at their last
20 known addresses on 6/13/2023

21 Matthew Houston #1210652
22 HDSP
23 P.O. Box 650
24 Indian Springs, NV, 89070
25
26
27
28

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

Vs

ROSEMARIE MCMORRIS-ALEXANDER

DEFENDANT

CASE No. 22A001898

SHERIFF CIVIL NO. 22007856

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK

ss:


DAVID SCHUMMER, being first duly sworn, deposes and says that he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 1/3/2023, at the hour of 8:33 AM, affiant as such Deputy Constable served a copy/copies of **SMALL CLAIMS COMPLAINT, ORDER TO APPEAR** issued in the above entitled action upon the defendant **ROSEMARIE MCMORRIS-ALEXANDER** named therein, by delivering to and leaving with **HUSBAND, ABROM ALEXANADER**, at **5504 MORNINGCROSS STREET LAS VEGAS, NV 89130** within the County of Clark, State of Nevada, copy/copies of **SMALL CLAIMS COMPLAINT, ORDER TO APPEAR**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

DATED: January 4, 2023

Kevin McManis, Sheriff

By


DAVID SCHUMMER P#15513
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

VS

CRAIG MUTTLER AND ASSOCIATES

DEFENDANT

CASE No. 22A001793

SHERIFF CIVIL NO. 22007421

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

ss:

COUNTY OF CLARK }

I, P. BROWN, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Constable of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: **SMALL CLAIMS COMPLAINT, SUMMONS AND ORDER TO APPEAR** on 12/5/2022 at the hour of 2:00 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **NEVADA APPEAL GROUP** Defendant within Clark County, Nevada.

ATTEMPTS TO LOCATE:

Date: 12/8/2022 @ 10:10 AM - 714 S 4TH STREET LAS VEGAS, NV 89101

Attempted By: E.P. BROWN

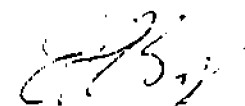
Service Type: UNABLE TO SERVE.

Notes: THIS IS NEVADA DEFENSE GROUP. NO NAMES ON SMALL CLAIM WORK AT THIS OFFICE.

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE
FOLLOING IS TRUE AND CORRECT*

Dated: December 13, 2022

Joseph M. Lombardo, Sheriff

By 
E.P. BROWN P#15514
Deputy Constable

301 E. Clark Ave. #100 Las Vegas, NV 89101 (702) 455-5400



JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

Las Vegas Justice Court
 Electronically Filed
 11/10/2022 3:54 PM
 Melissa Saragos
 CLERK OF THE COURT

Matthew Travis Houston #1210652,
 Plaintiff(s)
 vs.
 Craig Mueller and Associates, State Bar
 of Nevada, Nevada Appeal Group,
 Kelsey Bernstein, ESQ et al.,
 Defendant(s)

) **CASE NO.: 22A001793**
) **JC DEPARTMENT 5**
)
)
) **ORDER FOR**
) **TELEPHONIC TESTIMONY**

WHEREAS the instant case involves an incarcerated party who wishes to be transported to Court for the scheduled small claims hearing, and

WHEREAS NRS 209.274 only mandates inmates transportation when an inmate "is required or requested to appear before a court", and

WHEREAS this language merely means that if a court mandates the offender's presence, he must be allowed to be transported here, and the statutory language not grant an inmate the right to be transported upon the inmate's own request; and

WHEREAS in the case of Barry v. Lindner, 119 Nev. Op. No. 45, 81 P.3d 537 (2003), the Nevada Supreme court held that telephonic testimony may be used, in lieu of a court appearance, when exigent circumstances exist; and

WHEREAS the Nevada Supreme Court recently amended JCRC 43(a) to clarify that the court may, for good cause shown in compelling circumstances and upon appropriate safeguards, "permit presentation of testimony in open court by contemporaneous transmission from a different location"; and

WHEREAS the Department of Corrections would incur substantial cost and effort to transport an inmate to court for a small claims hearing; and

WHEREAS allowing an inmate to appear for a case raises serious security issues, involving the control of the inmate and potential danger to the general public; and

WHEREAS the instant case does not appear to be especially complex, such that the inmate's actual presence would be essential,

THE COURT FINDS that compelling circumstances are present in this case and that the inmate should be required to testify by telephone, and therefore.

IT IS FURTHER ORDERED that the institution where the inmate is currently incarcerated shall make the inmate available for telephonic testimony for the scheduling hearing of this matter on

February 01, 2023 at 10 AM.

IT IS FURTHER ORDERED that the inmate shall provide the Court with a phone number where the inmate can be reached for the purposes of eliciting testimony.

DATED this 10th day of November, 2022

 JUSTICE OF THE PEACE, LAS VEGAS TOWNSHIP

STATE BAR OF NEVADA

October 13, 2022



Matthew Houston, 1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102

800.254.2797
702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977

775.329.0522

www.nvbar.org

Re: Grievance / Brian Clark, Esq.

Dear Mr. Houston:

Thank you for taking the time to submit your grievance to the State Bar of Nevada regarding attorney Brian Clark. We take every submission seriously, and we understand how important this matter is to you. After careful consideration, we have decided we cannot pursue this matter further at this time.

After researching your information, we determined that your grievance involves allegations which should be addressed in an appropriate judicial setting. That is the more appropriate venue to consider this matter.

If the court finds there was attorney misconduct, then please re-submit the court's findings for our reconsideration.

Thank you again for taking the time to submit your grievance and for your understanding regarding this decision.

Sincerely,

/s/

Phillip J. Pattee
Assistant Bar Counsel

NEVADA DEPARTMENT OF CORRECTIONS



3100 W. Charleston Blvd., Suite 100, Las Vegas, NV 89102
www.nvcorrections.org

LAS VEGAS NV 89
14 OCT 2022 PM 4

343

Matthew Houston, 1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

89070-



NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: _____ DOC#: _____ UNIT: _____

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: _____

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____ OFFICER: _____

INMATE SIGNATURE: _____ DOC#: _____ DATE: _____

Robert J. F.

$$V_i = \frac{1}{2} \left(\frac{1}{\rho_i} + \frac{1}{\rho_{i+1}} \right) \left(\frac{1}{\rho_i} + \frac{1}{\rho_{i+1}} \right) \left(\frac{1}{\rho_i} + \frac{1}{\rho_{i+1}} \right)$$

1991

CASE NO. 10086070
FILE NO. 100

1000

The new Material Change Document, including an "proper person" filed an Application to be considered for a "Proper person" to be appointed to the Court Judge to review

[illegible][illegible]

As a result, the *in vivo* model of the mechanism of deleted loci action is not clear. The authors of the present study, planning a comprehensive experiment

[illegible]

$\frac{1}{2} \left(\frac{1}{\mu_0} \frac{\partial^2 \mathbf{A}}{\partial t^2} + \nabla (\nabla \cdot \mathbf{A}) - \nabla^2 \mathbf{A} \right) = \frac{1}{c^2} \frac{\partial^2 \mathbf{A}}{\partial t^2}$

and that the number of individuals in each study is no less than 100. In addition, the overall mean number of identifying events, as provided in the summary, must have been previously published in the medical literature. The study must be a prospective or controlled clinical trial, or a case series, and the exposure to the causative agent must exceed life or hereditary risk.

It is also worth noting that the spelling *recede* is not a native English word, but a borrowing from Latin *recedere* "to go back, to retreat".

Based on its review of the Application to Proceed in Forma Pauperis filed on 8/2/22, the Court has determined that the application should be granted and Mr. Johnson may proceed as an indigent litigant. Mr. Houston is currently incarcerated at the Nevada Department of Corrections and has shown that he cannot pay the costs of prosecuting this action.

Based upon the foregoing, and good cause appearing,

IT IS HEREBY ORDERED that Matthew Houston's Application to Proceed in Forma Pauperis is hereby **GRANTED**.

Mr. Houston shall be permitted to proceed *in forma pauperis* in this action as permitted by NRS 21.015. The Clerk of the Court shall allow the Applicant to file on and serve any necessary writ, process, pleading, or paper without charge, and it is ordered that the Sheriff or other appropriate public officer within this State shall make personal service of any necessary writ, process, pleading, or paper without charge.

Dated this 4th day of August, 2022.

BFB 7C0 52EA 5ACA
Jerry A. Wiese
District Court Judge

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

MATTHEW TRAVIS HOUSTON

PLAINTIFF

VS

BRIAN P CLARK

DEFENDANT

CASE No. A-22-856372-C
SHERIFF CIVIL NO. 23001622

AFFIDAVIT OF SERVICE

STATE OF NEVADA

COUNTY OF CLARK


SS:

KEVIN PLOENSE, being first duly sworn, deposes and says: that he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 3/31/2023, at the hour of 11:50 AM affiant as such Deputy Constable served a copy/copies of **SUMMONS, COMPLAINT** issued in the above entitled action upon the defendant **BRIAN P CLARK** named therein, by delivering to and leaving with said defendant **BRIAN P CLARK**, personally, at **CLARK MCCOURT LLC 7371 PRAIRIE FALCON ROAD STE 120 LAS VEGAS, NV 89128** within the County of Clark, State of Nevada, copy/copies of **SUMMONS, COMPLAINT**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT

DATED: April 4, 2023.

Kevin McMahon, Sheriff

By  15126
KEVIN PLOENSE P#15526
Deputy Constable

MOT

REV. MATTHEW TRAVIS HOUSTON, CHTD (RET.)

American Bar Association Member ID No. 04662784

1 UNITED STATES DISTRICT COURT
2 DISTRICTS OF NEVADA, COLORADO, IOWA, OREGON,
3 WASHINGTON, FLORIDA AND 38 OTHER STATES

4 Case No. 2:22-cv-00499

5 HOUSTON, MATTHEW TRAVIS

6 V.

"DE NOVO HEARING REQUESTED"

7 GOLDEN ENTERTAINMENT ET AL

8 EMERGENCY INTERVENTION TO NEVADA BOARD OF PAROLE COMMISSIONERS;
9 EMERGENCY LETTER(S) OF MOTION TO THE HON.
10 JENNIFER A. DORSEY AND DANIEL J. ALBRECHTS
11 IN EX PARTE

12
13 First and foremost, I would like to thank the
14 both of you for your most caring service. In
15 my 38 years I've contributed a vast amount of
16 both my personal and business resources to this
17 Court, especially, with my service to the Navy. That
18 was a long time ago. I have millions of other stories
19 to ~~share~~^{tell}, and litigation to tend to, or else I'd share.
20 Could the both of you type up some letters of reference
21 for me to Submit to the NEVADA BOARD OF PAROLE
22 COMMISSIONERS? I've never harassed, threatened, extorted,
23 bullied, or "aggravated stalking" >> anybody in my life,
24 and the wrongful convictions against my person have
25 taken away from the resources of the community,
26 our courts, and our troubled society. I'm a good
27 mentor and would benefit from ~~our~~ influence, only in
28 the most positive ways. Page 1. And I am innocent...

CLERK, U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. BOX 193939
SAN FRANCISCO, CA 94119-3939

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

SPECIAL MAIL

OPEN ONLY IN THE PRESENCE OF THE ADDRESSEE

LEGAL MAIL

LETTER OF MOTION TO
THE HON. JENNIFER A. DORSEY
AND DANIEL J. ALBRIGHTS CC.
NEVADA BOARD OF PAROLE
COMMISSIONERS - (continued)

If the parole board
can get me out, then I
can return to my wild
horse refuge in Colorado,
where we could easily
develop a program to work
with Steven, Chae, and
the Board of Nevada to
help those poor creatures.

Perhaps Miranda M.
Dix deserves an apology also?
Of course she personally
didn't commit genocide
against my family, the
magistrate, and she's not
even guilty. Could you
forward her the amount of
justice her company did
do to the Nevada Board of Parole
Commissioners?

SEE ATTACHED ORDER, FILED JUNE 29, 2023:

THIS "NEVADA UMBELSMAN FOR CONSUMER AFFAIRS-
WORKERS COMP." The kidnapping of my person was
no accident, neither was them taking my dogs...
So what is up with the magistrate's order in

222-11-00499? Could we please set it
aside? Could we please set negativity aside?
The world is too small, and I know that
death is coming, take it easy, at least for
one hour. Justice is on the way,
1735 The Marine Corps Museum (P.S.)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 29 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MATTHEW TRAVIS HOUSTON,

Plaintiff-Appellant,

v.

GOLDEN ENTERTAINMENT; et al.,

Defendants-Appellees.

No. 23-15330

D.C. No.

2:21-cv-00499-JAD-DJA

District of Nevada,

Las Vegas

ORDER

Before: SILVERMAN, R. NELSON, and BUMATAY, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable.

See 28 U.S.C. § 1291; *In re San Vicente Med. Partners Ltd.*, 865 F.2d 1128, 1131 (9th Cir. 1989) (order) (magistrate judge order not final or appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

DISMISSED.

STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION
ORDER TAKING NO ACTION

1210652 2021-1-982 HDSP-U4-D-20-A 06/28/2023
NDOC Number Booking # Location Date

No Action was taken on the above referenced inmate at the parole hearing held on this date.

THIS ACTION APPLIES TO THE FOLLOWING SENTENCE(S):

Controlling sentence denoted by *, Case #: Court: Offense Description:
C-21-357927-1-1; AGGRAVATED STALKING

Reason(s) for action:

Reason for No Action: Inmate was not available at the time of the hearing.

Recommendation of the panel who conducted the hearing: No Action

Commissioner Mary Baker: No Action

Hearing Representative James Benedetti: No Action

NOTE: A "No Action" order does not require ratification by a majority of the Board.

Mark Bai

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

This document was prepared by JCAMPION at 6/28/2023 1:22 PM

NOTICE OF HEARING BEFORE THE NEVADA BOARD OF PAROLE COMMISSIONERS

05/18/2023

To: HOUSTON, MATTHEW,
NDOC# 1210652
Housing Location: HDSP-U4-D-39-A

This notice is to advise you that a meeting of a panel of the Board of Parole Commissioners has been scheduled to consider granting or denying parole on your eligible sentence(s). This letter shall serve as notice to you pursuant to Nevada Revised Statute 213.131.

A hearing by a panel of the Board of Parole Commissioners will meet on June 28th, 2023 beginning at 01:00 pm. The time indicated on this notice is the agenda start time, and not necessarily the start time of your specific hearing. Any visitors appearing in support of your release should be present at the agenda start time. If you are moved to a different location after receiving this notice, the parole hearing may still take place under certain circumstances, such as if the video equipment at your new location is available or if you are able to attend at the specified hearing location. This meeting is open to the public.

Hearing Location:
PAROLE BOARD ROOM 101, 1577 Old Hot Springs Road, Suite A, Carson City, NV 89706-0673

Video Conference Location:
HIGH DESERT STATE PRISON, 22016 Cold Creek Road, P.O. Box 650, Indian Springs, NV 89070

Pursuant to Nevada Law:

- You have the right to receive at least five working days notice of this meeting if notice is personally delivered to you.
- You have the right to be present (in person, video conference or telephone).
- You have the right to have a representative present with whom you may confer. The representative may be any person, including another inmate, a family member or friend, or an attorney. You are responsible for any costs associated with representation, and the presence of a representative at the prison is subject to rules established by the Department of Corrections (NDOC) in Administrative Regulation 722.05. You are not required to have a representative assist you if you desire to represent yourself.
- You have the right to speak at your hearing or have your representative speak on your behalf.
- In all cases, the Board will consider the safety of any applicable victims and their families as well as the general public prior to granting parole and fixing any release conditions.
- If you are disabled because you are deaf, mute or have a physical speaking impairment that causes you to be unable to readily understand or communicate in the English language, you are entitled to the services of an interpreter.

Please indicate by circling your answers to the following:

Circle One: YES NO I am deaf, mute or have a physical speaking impairment. If YES is circled, please indicate impairment: _____

Circle One: YES NO I request the following inmate who is housed at this institution assist me at my parole hearing (Approval subject to AR722.05). I understand that the designated inmate will become familiar with my criminal history and details of the instant offense as well as my institutional adjustment including, but not limited to, my disciplinary conduct, programming, prior use of drugs, and any gang involvement.

If YES is circled above, indicate Inmate Name _____

ID Number _____

Circle One: YES NO I will represent myself or will arrange for another person to assist me at my parole hearing.

ACKNOWLEDGEMENT:

Date: _____ Print Name: _____

Signed: _____

Witness Name and Title: _____

Date: _____

Note for Witness: If the inmate refuses to acknowledge receipt, (2) witnesses are required. Only (1) witness is required to sign if the inmate acknowledges receipt of this notice.

Witness Name and Title: _____

Date: _____

Report Name: NVRNSPH

Reference Name: NOTIS-RPT-OR-0184.7

Run Date: 05/18/2023

INMATE REQUEST FORM

1.) INMATE NAME Matthew Houston DOC # 1210652 2.) HOUSING UNIT 4-D-39 3.) DATE June 20, 2023

4.) REQUEST FORM TO: (CHECK BOX) ☐ MENTAL HEALTH ☐ CANTEEN

☐ CASEWORKER CCS Lopez ☐ MEDICAL ☐ LAW LIBRARY ☐ DENTAL

☐ EDUCATION ☐ VISITING ☐ SHIFT COMMAND

☐ LAUNDRY ☐ PROPERTY ROOM ☒ OTHER Inmate

5.) NAME OF INDIVIDUAL TO CONTACT: Houston, M. Parole

6.) REQUEST: (PRINT BELOW) I have court on June 28, 2023,
the same day as my hearing with Nevada Board
of Parole Commissioners. Is it possible
that my parole meeting be rescheduled so
that I don't miss court and/or parole?

7.) INMATE SIGNATURE Matthew Houston DOC# 1210652

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

You will ask your caseworker about that.
We will have the ability to contact the Parole
Board regarding any changes or updates.

10.) RESPONDING STAFF SIGNATURE "Mike" [Signature]

DATE 6-27-23

To Inmate:

INMATE REQUEST FORM

1.) INMATE NAME Matthew Houston DOC # 1210652 2.) HOUSING UNIT 4-D-39 3.) DATE 7.02.2023

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input checked="" type="checkbox"/> SHIFT COMMAND	<input checked="" type="checkbox"/> OTHER <u>Inmate</u>

5.) NAME OF INDIVIDUAL TO CONTACT Houston, M. Probation

6.) REQUEST: (PRINT BELOW) Can y'all help me to obtain a copy of my PSI?
Hello ☺ - I am actually innocent - and
factually innocent. I received documents from LVMPD
and the court hearing on 6.28.2023 caused me to miss
my parole hearing, so I am multitasking - how can I
get you these documents from LVMPD? We all
have to work together with the courts, so I'll
mail copies of the documents if possible - Can you
please schedule me an appointment maybe @ Law Library?

7.) INMATE SIGNATURE [Signature] DOC # 1210652

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE _____

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

INMATE REQUEST FORM

4D39

1) INMATE NAME _____

DOC # _____

2) HOUSING UNIT _____

3) DATE _____

4) REQUEST FORM TO (CHECK BOX)

___ MENTAL HEALTH

___ CANTEEN

___ CASEWORKER

___ MEDICAL

___ LAW LIBRARY

___ DENTAL

___ EDUCATION

___ VISITING

___ SHIFT COMMAND

___ LAUNDRY

___ PROPERTY ROOM

☒ OTHER _____

5) NAME OF INDIVIDUAL TO CONTACT _____

6) REQUEST (PRINT BELOW)

7) INMATE SIGNATURE _____

DOC # _____

8) RECEIVING STAFF SIGNATURE _____

DATE _____

9) RESPONSE TO INMATE

PLEASE HAVE YOUR FUTURE SPAS HAVE APPROVAL
SIGNATURES BEFORE SENDING YOUR MAIL TO THE MAILROOM,
TO AVOID DELAYS!

10) 2:27 -- BSA/20:35:00

10) RECEIVING STAFF SIGNATURE _____

DATE 06 JULY 2023

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

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

Supreme Court No. 84886
District Court Case No. C357927

NOTICE OF TRANSFER TO COURT OF APPEALS

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: June 30, 2023

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

Notification List

Electronic

Clark County District Attorney \ Alexander G. Chen\ John T. Afshar

Paper

Hon. Elham Roohani, District Judge

Matthew Travis Houston

Steven D. Grierson, Eighth District Court Clerk

23-20972

PLEASE SEE ATTACHED

1) Further evidence of the
bias (on behalf of the SUPREME
COURT OF NEVADA) against the
Plaintiff and wrongfully convicted
Petitioner - Appellant /
Plaintiff in Error:

MATTHEW TRAVIS HOUSTON
INMATE ID: 1210652
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS NV 89070

1294
SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. Carson Street, Suite 201
Carson City, Nevada 89701
Address Service Requested


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 84886-COA


FILED

JUL 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION

Appellant's pro se motion filed on July 11, 2023, is denied.
It is so ORDERED.

 , C.J.

cc: Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney

STATE OF NEVADA
DEPARTMENT OF CORRECTIONS
INMATE ACCOUNT TRANSACTION
REQUEST

Date Sept. 1st, 2022 NO 2529217

TO: INMATE SERVICES

I hereby authorize my account to be charged in the amount
of \$50,000 Dollars.

Please pay to NDOC

Signature

Print Name

ID No.

Address

Transfer	Purchase Order	Postage	Other
		EJDC Plaintiff	

\$50,000 to TIERRA DANIELLE JONES, ET AL
EJDC DOC 509 (Rev. 2/06)
MOT. H. DEFAULT, SUMMARY
JOINDER HABEAS 2 A. 17
MOT. FOR AN ORDER TO SHOW CAUSE

TO: PITARRO AND FUMO, CHTD
FROM: MATTHEW TRAVIS HOUSTON

case # C-21-357927-1
habeas # A-22-853203-W

What up THOMAS or CYNTHIA or VERONICA?
I was trying to obtain Emily Strand to
type up my briefs to get me out of this
wrongful conviction - as I am factually
innocent and actually innocent, however
Thomas said Emily works for Clark
County Public Defenders now, the
same people who conned me into
agreeing to a GPA and ruining my
life. Solitary confinement for over a
year now certainly hasn't helped anything (oo).
Please help truth and justice,

Matthew Travis Houston
No 1210652
PO Box 650
Indian Springs, NV
89070-0650

.. (I need help w/ CORAM NOBIS too.)
SEE ATTACHED

PITARO & FUMO, CHTD.

ATTORNEYS AT LAW
601 LAS VEGAS BLVD., SUITE 200
LAS VEGAS, NEVADA 89001
PHONE (702) 444-7583
FAX (702) 444-7510

LEON S. PITARO, Esq.
MICHAEL F. FUMO, Esq.

November 3, 2022

Matthew Travis Houston
No. 1210652
PO Box 650
Indian Springs, NV 89070-0650

Dear Mr. Houston,

We received your package. Thank you for writing to us and considering our firm to take on your case.

Unfortunately, our firm does not currently take on post-conviction cases, so we are unable to take your case at this time. We also aren't aware of any firm that we can refer you to. Our only suggestion is to contact the Nevada State Bar. They may be able to assist you with finding counsel. Their phone number is (702) 382-0504.

Enclosed, we are returning the document you provided to us. Once again, thank you for your consideration. We wish you the best of luck with this matter.

Sincerely,
PITARO & FUMO, CHTD.

Rodolfo Camacho, Law Clerk



Enclosures as stated.

FWD: PITARO & FUMO, CHTD
CC: RODOLFO COMACHO
TO: OSVALDO E. FUMO, ESQ.
NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

FROM: REVEREND ^{CHTD}
NAME: MATTHEW TRAVIS HOUSTON, I.D. NUMBER: 1210652
INSTITUTION: HDSP UNIT #: 4-D-39
EJOC CASE(S) A-17-758861-C
GRIEVANCE # A-22-253203-W GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

Hello to Mr. Comacho, Mr. Thomas, Ms. Veronica and
the Firm: (SUPREME COURT OF NEVADA No. 84886)

Thank you Mr. Comacho for your letter
dated November 3rd, 2022, as I am checking in
to see if anybody at the firm could at all aid
in my post-conviction litigation(s) in reconsideration?

Perhaps Miss Cynthia or Emily Strand or a new
employee could assist in my efforts? As I am
indeed both factually and actually innocent, this
process is beyond difficult what with the becoming
of my person an indentured servant to the STATE
OF NEVADA. Thomas at the office ^(is) was my witness
to my whereabouts the morning of September 6th, 2021,
and I have attached a copy of State's response (that
was FWD to me by AMD LAW, PLLC, after April 28th-
May 5th, 2023). I pray for your expeditious response,
and for your review of my traumatic situation, etc.

Original
Pink

Attached to Grievance
Inmate's Copy

REV. MATTHEW TRAVIS HOUSTON, CHTD

X. _____
American Bar Association Member ID
No. 04662784 @ DOC 3097 (01/02)

NORTH CAROLINA PRISONER LEGAL SERVICES, INC.

Post Office Box 25397
Raleigh, North Carolina 27611
(919) 856-2200
Facsimile Transmission (919) 856-2223

CONFIDENTIAL LEGAL MAIL

December 21, 2022

Mr. Matthew Houston
High Desert State Prison (HDSF) - NDOC
OPUS# 1210652
P.O. Box 650
Indian Springs, NV 89070-0650

NCPLS File #: 22-0199243

Dear Mr. Houston:

Thank you for contacting North Carolina Prisoner Legal Services. Unfortunately, our office is only funded to help inmates in North Carolina state custody. We are not funded to help out-of-state prisoners.

We suggest contacting your trial attorney, local legal services office, or the American Civil Liberties Union about legal services available to prisoners in your area. We wish you the best of luck.

Sincerely,

North Carolina Prisoner Legal Services, Inc.

Cynthia Totten, Attorney at Law
CA Attorney Registration #199266
3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010

1203 12/06/52
Matthew Houston
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: _____ DOC#: _____ UNIT: _____

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: _____

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____ OFFICER: _____ DOC#: _____ DATE: _____

INMATE SIGNATURE: _____

3325 WILSON BOULEVARD, SUITE 340 LOS ANGELES, CA 90026
213.384.1400 213.384.1411 www.DETENTION.org

DETENTION
INTERNATIONAL

January 5, 2023

Matthew Houston #1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Dear Matthew,

Thank you for contacting Just Detention International (JDI), a health and human rights organization that seeks to end sexual abuse behind bars.

We received your request for assistance. However, your request falls outside the scope of our mission. We do not have the resources or the expertise to provide assistance with matters that are not directly related to addressing sexual violence in detention.

JDI is a policy organization. We do not provide counseling, legal advice or representation, books, or pen-pal services. We do not have pro bono referrals for legal or medical cases. We do not accept or investigate reports of sexual abuse. Please do not send us your legal documents; we cannot store them, make copies, mail them to someone else, or return them to you.

If you have experienced any form of sexual harm in custody including sexual harassment, sex in exchange for protection, sexual assault, etc. - we can send you a packet of resources and information, at your request.

We wish you all the best.

Sincerely,



Leelyn Aquino
Operations Director
pp Cynthia Totten, Attorney at Law

3/14/2023

Matthew Travis Houston No.1210652

P.O. Box 650

Indian Springs, NV 89070-0650

Dear Matthew,

I received your letter asking for copies of several documents relating to legal procedure in Nevada.

I believe I have located all the materials you were referencing:

- The Nevada Rules of Civil Procedure
- The Revised Nevada Code of Judicial Conduct
- The Nevada Rules of Professional Conduct

I hope these are the right documents and they help you find the information you need, but we are happy to keep looking if there's anything missing or if I misunderstood your question. This response confirms we are free to answer another question. Just write us back using this address: **PLSN c/o Interference Archive, 314 7th Street, Brooklyn, NY 11215.**

Take care,

Rachel G.

PLSN Volunteer

We are a small group of volunteers who connect incarcerated people with information. Due to the high volume of letters we receive, we can only answer one letter per patron at a time, and we ask patrons to limit their letters to no more than 3 questions. Our average response time is 3 to 6 months.

We do not provide legal advice, personal/private information about living individuals, or anything related to or created by fascist or white supremacist organizations. Although we do not assume intent, we are an abolitionist organization and do not support actions that will actively harm others. We work towards the safety and liberation of all bodies we are in community with— land, water, plants, and beings— no compromises will be made that risk community safety.

We are still growing, and these guidelines are subject to change.



ROCKY MOUNTAIN INNOCENCE CENTER

358 South 700 East B235
Salt Lake City, Utah 84102
www.rm innocence.org

CONFIDENTIAL LEGAL MAIL

ATTY: Jennifer Springer

Salt Lake City, UT 84102

Attn: Jennifer Springer #1210752

High Desert State Prison

PO Box 7700

Indian Springs, NV 89020

LEGAL MAIL



03/29/2023

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Kristy Columbia
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Jennifer Springer
Managing Attorney

Tom Kelley
Staff Attorney

Amanda Darcy
Legal Fellow

358 South 700 East B235
Salt Lake City, Utah 84102

801-355-1888
www.rm innocence.org

Matthew T. Houston, #1210652
HDSP
PO Box 650
Indian Springs, NV 89070

PRIVILEGED AND CONFIDENTIAL LEGAL MAIL

Dear Mr. Houston,

We received your letter asking for help with your case. The Rocky Mountain Innocence Center (RMIC) is a private, non-profit organization that investigates prisoner claims of innocence.

Because RMIC has limited resources and relies mostly on volunteers, we can consider only a very small number of cases. In order for us to consider your case, you must meet the following requirements:

- You must have been convicted of a serious felony in Nevada, Utah, or Wyoming.
- You must have *more than seven years left* on your prison sentence.
Your trial and direct appeals must be finished, and you are not currently represented by an attorney.
- You must be completely innocent (*no involvement whatsoever* in the crime, the events leading up to the crime or any related events following the crime).
- Significant *new* evidence must be available to prove your innocence.

RMIC also cannot consider the following cases: cases of self-defense; cases of consensual sex; and cases in which the prisoner was involved as an accessory or a party-to-the-crime and claims he/she did not play a major role in the crime.

(27)

If your conviction was child sexual assault/lewdness, there must be DNA evidence available to help prove your innocence or the victim must have changed his or her claim against you.

Also, RMIC cannot take your case if you are serving a lengthy sentence for another, unrelated conviction, and exoneration on the conviction for which you are innocent would not free you from prison.

In the event that you meet *all* of these criteria, please complete and return the "Screening Questionnaire" and "Waiver and Authorization For Release Of Records And Information." Do not send us any other documents or materials, because we cannot look at them at this time or return them to you.

By sending you this letter and the questionnaire, RMIC is not agreeing to accept your case for investigation. At this point in time, RMIC has agreed to perform work on your case for the limited purpose of screening your case for investigation.

Because we get many requests for help, it will take up to a year for us to screen your case. If your case is accepted for investigation, you will go onto a waiting list until the other cases before yours have been investigated.

Please do not telephone or write additional letters asking about your case, because this will only slow down the screening process. We will contact you after we have screened your case. Thank you very much for your patience.

Kind regards,



Amanda Darcy, Atty.
RMIC Legal Fellow

THE EXONERATION PROJECT
311 N. Aberdeen St. #300
Chicago, IL 60607

CONFIDENTIAL LEGAL CORRESPONDENCE

Matthew Travis Houston (CJTT) 1210652

HIDSP

PO Box 650

Indian Springs, NV 89070-0650

4-D-39

9501-01-00

[illegible]



CONFIDENTIAL LEGAL CORRESPONDENCE

Re: Your application for representation

Thank you for contacting the Exoneration Project. We are writing to inform you that we have received your request for representation. Please find attached an Intake Application. Please complete the application to the best of your ability, and return the application to:

The Exoneration Project
Attention: Intake
311 North Aberdeen Street, Third Floor
Chicago, IL 60607

Please note that we have not yet decided to represent you. In order to evaluate if our services will be a good fit for your case, we need you to submit an Intake Application with as much information about the underlying facts of your crime, the history of the filings in your case and the issues that were raised in those filings, as well as any new information that you think will help prove your innocence.

Our intake coordinators will contact you with any questions or requests they have once we receive your application.

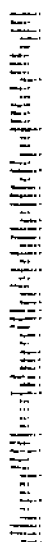
We thank you for your interest in the Exoneration Project and appreciate your patience with our process. We look forward to hearing from you soon.

Sincerely,
Exoneration Project Staff

Critical Resistance
PO Box 22780
Oakland, CA
94609-2301

OAKLAND CA 945
JUN 2023 PM 11
4059
Matthew Travis Houston
NOC No. 1210652 @ HDSP
PO Box 650
Indian Springs, NV
89070-0650

89070-0650



CRITICAL RESISTANCE

May 29, 2023

Peaceful greetings comrade,

Many appreciations for your interest in our newspaper, *the Abolitionist*! This letter is to confirm that you've been subscribed. We've included the two most recent issues for you:

- **Issue 37, with features on different angles of housing justice and prison industrial complex (PIC) abolition** went to print in June 2022 and was mailed out to over 5,500 subscribers. The feature analysis with CR member and senior organizer with Right to the City Alliance, Kamau Walton.
- **Issue 38, Focused on labor struggles & PIC abolition** is packed full of timely and useful analysis, reflection and resources for organizing inside and outside of cages, including articles on decriminalizing sex work, recent general strikes in Ecuador and Colombia, challenging the 13th Amendment and prison labor, and more. There's a interview with Melissa Burch, former Critical Resistance (CR) staffer and past editor of *The Abolitionist*, current long-time CR at-large member, and director of the Afterlives of Conviction Project, on the rise of employment barriers and discrimination against formerly imprisoned people and people with conviction history, arrest, court, and legal records.

We hope to get the next issue out later this year during the summer, which will focus on reproductive rights as they relate to the PIC.

In struggle & solidarity,

CR volunteer

Dear

Unfortunately, we are not able to provide legal support, but on the back of this letter is a list of pro bono legal resources that may help you in your struggle.

In working towards abolishing the Prison Industrial Complex, we use a combination of strategies, including public education, campaign work and coalition building. We believe prisoners are a central part of this work and encourage writings, criticism, advice and feedback.

Although we cannot guarantee a quick response due to the high volume of mail we receive each week, we hope that you will continue writing and conversing with us on topics that are of interest to you. We love ongoing communication with folks inside and want to build with you as well as give you any information we can.

In Solidarity & Struggle,

On behalf of Critical Resistance



NATIONAL/Oakland OFFICE

PO Box 22780

Oakland, CA 94609

Phone: 510.444.0484 Fax: 510.444.2177

croakland@criticalresistance.org

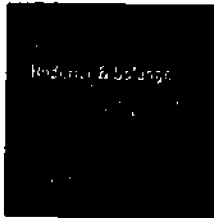
Rodrick & Solange MacArthur Justice Center
180 East Grand Avenue, 6th Floor
Chicago, Illinois 60611

5 JUN 2023 PM 4 L

\$0.60
US POSTAGE
FIRST-CLASS
0525001076243
FROM 60611

4D39

Matthew W. Frank, President, National
Black Leadership Initiative Project
University of California, Berkeley
Berkeley, CA 94720-1600



Roderick and Solange MacArthur Justice Center
375 East Chicago Avenue
Chicago, Illinois 60611-3069
O 312 503 1271
F 312 503 1272
macarthurjusticecenter.org

June 5, 2023

LEGAL MAIL

Matthew Travis Houston 1210652
Clark County Detention Center
High Desert State Prison
Indian Springs, NV 89070-0650

Dear Mx. Houston,

Thank you for your letter requesting assistance from the Roderick and Solange MacArthur Justice Center. I was so sorry to read about all the problems you described.

The MacArthur Justice Center is a public interest law firm whose mission is to litigate cases aimed at challenging injustices in the criminal legal system and holding people in power accountable. Because we have a small staff and are currently operating at a full case load, we are often unable to provide assistance in individual cases and situations.

This is not to say that your case does not have merit. We have made a record of your letter in our database in the event that circumstances in the future might allow us to be of service. Unfortunately, because we have limited resources and select our cases with many factors in mind, we cannot pursue your case at this time. There are other organizations that may be able to help you, however. Please see the enclosed page for that contact information. The ACLU of Nevada has an office in Las Vegas and their phone number is (702) 366-1226. In addition, the Legal Aid Center of Southern Nevada might be able to direct you to an attorney who could assist you: Legal Aid Center of Southern Nevada, 725 E. Charleston Blvd., Las Vegas, NV 89104, (702) 386-1070.

Thank you for reaching out to us. I'm very sorry we can't help with your case at this time. Please know that you are in our thoughts.

Sincerely,

Katie Gruber
Trial Litigation Assistant
Roderick and Solange MacArthur Justice Center

Matthew Houston

NOC #1210652

HD SP

Po Box 650

Indian Springs, NV

89070-0650

432

NEVADA APPELLATE

& POST-CONVICTION

Attn: Michael Pescetta

330 South 3rd Street

Suite 700

Las Vegas NV

89101

89101

LAS VEGAS NV 890

7/27/23 PM 3

4039

EMERGENCY REQUEST

RE:

INNOCENT PEOPLE
BEING STARVED
BY NDEC...

Please SEE
ATTACHED:

41039

c/o HDSP
P.O. Box 650
Indian Springs, NV 89070
89070-

Matthew Houston # 1210652

Return Strong!
PO Box 1155
Carson City, NV 89702



June 28, 2023

As always, I want to express my deepest apologies for the gap since our last newsletter. The short story is that once the legislative session started, it was chaos trying to get all of the bills passed, keep families up to date with ways they could help move the legislation and handle everything outside of the legislative session. We were barely holding our heads above water, but- we made it, and while we may not have won everything we wanted, we did historically pass all the bills we were running and supported many others.

Before I get to the bill updates, I want to review some things I have been responding to over the past few months and remind you what we do, what we don't do and why, especially regarding legislation. First, our work focuses on widespread change and how what is happening impacts the most people when improved. It also is focused on laying the foundation for future work. Legislative change isn't an END to a fight, it is the beginning of a journey of change, and even once we win, we must hold decision-makers and leadership accountable. We know that. Without accountability, why make laws?

AB121: First, This bill **protects physical mail from electronic scanning**. There is a clause that the Director can stop physical mail if he completes a study and provides data proving that the mail is causing a health and safety risk to staff or offenders. Second, **NDOC must provide medication refills when due**, without the incarcerated person filing a request/Kyte. Third, **it requires NDOC to create a policy that will provide your contact person notification of hospitalization for a critical illness within 24 hours upon admission into the hospital** or to give you access to contact your people within 4 hours of an incident that requires a trip to the hospital, but no admission. Effective July 1, 2023.

AB452: This bill has two distinct things: visitation *and oversight*. First, it **protects in-person visitation upon the implementation of any electronic visitation**. (In other words, they can never go to video only, it can be an option but not at the removal of in-person visits). The bill also *requires Director or Deputy Director approvals for cancellations of visits and an annual report to the legislature with all cancellations and their reasons*.

The other part of the bill will develop an **office of the corrections ombudsman**. A neutral third party with access to NOTIS to pull incident reports/complaints, **freely investigate with access to facilities, data, staff, and residents (you)- make recommendations to the Director and the state with suggested resolutions**. *One key component of this office is to provide oversight to protect your due process rights by watching grievance timelines and problems with that process. It will also have a reporting component that will report to the legislature annually for accountability*. Effective 10.1.23

SB107: Ends the exemption to the (public) administrative rule-making process previously granted to NDOC. When legislators initially passed the 233b process, NDOC was exempt. The past few years have

proven that oversight is necessary, and we won an end to this exemption. It requires a public and legislative approval process covering all fiscal policies, visitation, and mail. Effective 7.1.23
Together, SB107 and the ombudsman make a significant impact on necessary oversight and accountability of Nevada's prisons. The ombudsman will be following reports of complaints and grievances inside the prison, and the 233b process creates a public process that needs legislative approval for specific changes. It doesn't mean we can stop everything we don't like, but we get a voice and an opportunity to do that. Right now, when we fight, it's trying to stop a policy change with 72 hours' notice, and it is a miracle that we have been able to get anything done that way.

SB307: *Limits segregation to 15 consecutive days. Daily health and welfare checks while in segregation.* Effective 1.1.24

SB413 This will change the current good time/meritorious credit system to a flat percentage of time served. This bill passed with a percentage of 65% of time served, making you eligible for parole. It is also supposed to make parole presumptive unless there have been significant or repetitive disciplinary actions. Effective 1.1.25

This bill was a very complicated bill change that followed five decades of changes to the credit system depending on the political climate at the time. We had to make some difficult choices in negotiating the bill because there are two types of bills- ones that focus on policy and ones that focus on values. With the current Governor, winning legislation that was "value" based was close to impossible. We had an opportunity to take a historical step towards fixing the credit system and stop the problem of moving days and confusion on your time.

Who is eligible became the "value" question. While we disagree with carve-outs for certain classifications of crimes, that is a value question we must address through education, and there was no avenue to succeed during the session. We need time to be able to do that, and it is on our agenda. We opposed several bills with carve-outs because of the damage it would do.

Remember that sometimes, we have to move incrementally and change things one piece at a time, other times- we go all or nothing. This bill made sense to take this step and return for more in subsequent years.

SB416: This bill built off the caps on restitution deductions in 2021 and further expands additional financial protection. As I said at the beginning of the session, we asked for EVERYTHING on this, knowing we would need to negotiate to win anything, and this has additional next steps.

What we won: an end to all medical co-pays, man-down fees for medical emergencies (they are still allowed to charge for self-harm, riot or fight-related injuries, sports injuries) and, room and board fees, and an end to limitations on the amount you can spend on commissary. In addition, the end to hygiene markups is now LAW- so zero markups on hygiene are here to stay! Effective 10.1.23

Remember, they can raise prices if the supplier increases the cost, but they can't mark that cost up

What we left on the table: Ending trust accounts for people on DR or LWOP and a reduction in the cost of food- which I know is disappointing, BUT if we took a reduction in the markup, we couldn't come back later for no markup, and this is part of a more extensive conversation around funding prisons. (I will expand this in future newsletters).

AB292-Dignity for Incarcerated Women- *which provides free feminine hygiene products and protections around physical searches.* (I don't have all the final language on this because we didn't lead the negotiations, and I am not exactly sure where it ended as it went into last-minute negotiations)

SB153- Now requires **cultural competency training** for corrections officers to improve their interactions with people who identify as trans or non-binary.

SB351-Changes the rules for visitation to allow people with prior felonies the same rights to visitation as everyone else. People will not automatically receive a visitation denial for a felony conviction, but the felony must be evaluated individually according to when it happened and what it was. So far, the administration has said things that involve bringing contraband into a prison and visitation with children or victims, dependent on the conviction. The second part of this bill requires written notification of the denial reason.

The Legislative Session is Over- Now What?

Our work never ends! Here is a summary of some of the things we are still working on and some new things that we have started, and a list of ways you can help- We have several volunteer workgroups that will be working on specific campaigns-

The Food Fight- this workgroup is addressing food insecurity issues in Nevada prisons (and beyond). It involves addressing the Aramark contract, the intersection of commissary/pricing, and the monopoly on vendors. This group is working on a long-term campaign to end the Aramark contract and address all food issues/concerns. **PLEASE fill out the attached survey to help them in their work. Feel free to share; people can write their answers on blank paper. Your voice matters!**

II. Women's Sentencing & Policy Group: This workgroup will start later this summer, and more details and surveys will be coming to you. We are building a coalition of organizations interested in doing this work by several social workers, policy experts, and legal experts from UNLV and UNR who are interested in working with us to address specific issues & policies impacting incarcerated women and women in the criminal legal system. As soon as we have this up and running, I will send the info directly to the FMWCC and JCC women. *If you identify as a woman and are at another facility, please let us know, and we will include you in the surveys.*

III. The Pardon Advocacy Project: This is about to go through a transformation because we are running into nonstop roadblocks in successfully getting people onto an agenda. We hoped pressure would make a change, but so far, very little has happened. If you are part of the 2023 cohort, you will remain on the cohort indefinitely, BUT we are adding another layer to this, and it falls under policy work.

Beginning immediately, we are using the lack of progress to show why the pardon board is problematic and can't be the only way that we address the numbers of people who have been unfairly and excessively sentenced, people who were sentenced under laws that don't exist anymore and other injustices- we are beginning the work to establish a Prosecutorial Sentencing Review Board.

More information is coming in the following newsletter (Fall 2023). In the meantime- share your story with us. If you have already shared it- send us a brief letter and tell us that you are interested in using your story as an example, and we will pull it from our database for review. We will review all pardon board applications we have previously received to find highlight stories to show why this needs to happen. If your story is one we are interested in, got it to us.

IV. Family Council Roundtables: Return Strong has worked very hard to build communication and transparency with the new administration, and together, we have made significant progress. both in the legislature and regarding other work that impacts all of you in your daily lives.

To know what is happening and keep our finger on the pulse of what is happening in facilities- we need YOU to be writing to us because you understand everything at a deeper level. The other way is to have

quarterly roundtables with families from each facility to gain additional information and insight for our meetings with the Director and his administrative team.

Some of the things we have been able to resolve in the past few months (even with legislative pressure restricting our capacity)- include addressing the missing disciplinary sanctions, which resulted in people being sanctioned/charged with murder when no murder occurred, monitoring water issues at NNCC due to repeated water main breaks, visitation policy issues at several facilities, lack of water drinkable water at HCC, attorney access at HDSP, missing food at Carlin camp- and many more.

Our goal is NOT to be a constant bandaid, and please, if it isn't urgent- do not send your family to us on every issue- follow the process that exists both with NDOC and with our method of you writing to us with your concerns and your loved ones attending our VIRTUAL roundtables and facility workgroups and us to get updated information- we can't answer individual questions and concerns, we need you and your loved ones to meet us halfway.

Our goal IS to be aware of the issues so that we can prioritize and get as many problems addressed through our meetings with the administration as possible. We need to know what's happening to get it addressed. Letters, roundtables, and family council workgroups are how people can help.

We have recently made significant progress with 1983 cases, specifically on correctional abuse. If you are a jailhouse lawyer with active cases nearing the point that you need representation, please send us case summaries and information with a request to pass it on to our attorney for screening.

V. Impact Teams are our way of educating decisionmakers, community leaders, families, educators on the reality of prison. If you know someone who may be interested in being a spokesperson and part of the work we are doing, especially people who have done a significant amount of time and want to be an advocate for change, we are creating that platform. Please have them email us at info@returnstrongnv.org and tell us who they are and why they are interested. If YOU are interested when you come home, please contact us. We are working together to create a movement! Be the change!

YOU can help by sharing your story or making us aware of facility problems by writing to:

Return Strong!
PO Box 1155
Carson City, NV 89702

Volunteer as a unit organizer- we continue to grow our reach inside to ensure we can provide you with information and streamline communication when necessary. You are responsible for ensuring that people on your unit, wing, or group of associates know what we are working on.

Organize a fundraiser or stamp drive. The women at Florence McCiure recently contacted us and offered to do a fundraiser to donate proceeds to Return Strong! to continue their work. If you are interested in organizing one at your facility and need help, we have volunteers to help you manage it. Any funds raised would help us with communication costs and improve our ability to stay in communication with you.

Your loved ones can get involved by attending Zoom workgroups, joining Facebook, or becoming a monthly donor (even \$10 a month is a huge help when coupled with a large number of people)
Email info@returnstrongnv.org for information on any of the above.

In Solidarity!

Jodi & The Team at Return Strong

Staff, CORE volunteer leaders, Impact Team members and all of our activists and supporters.
We are stronger together!

info@returnstrongnv.org

The Food Fight Survey :

The following survey is related to Return Strong's campaign on food insecurity, hunger, water, and climate change. We have received hundreds of letters from all of you, as well as calls, comments, and emails from your families about food, temperature, environmental concerns, and water issues. Our goal with this survey is to add your voices and experience to the data and research available on these issues to get a deeper understanding. We understand there have been significant changes in the past year; our goal is to understand the differences better so that we can address the issue beyond the obvious.

You are welcome to copy this, handwrite it, and share it- the more responses we have from various facilities, the better we can identify the issue and work to find solutions. In addition, while we have standard answers, YOUR STORIES and details are powerful, and we want to hear them. Thank you- we are stronger together. Thank you for trusting us enough to work with us because, remember, there is no us without you.

1. How long have you been incarcerated in Nevada?
2. Have you seen a change in the food quality & quantities over time? Describe the changes
3. Does the food change according to where you are housed?
4. What is the meal schedule at your housing unit, and how does it impact your hunger and wellness?
5. When do you eat, where, and who serves your meals?
6. Are there times that your tray is missing food items? How often does that happen?
7. Do the meals you are served match what is on the menu? Have you documented the differences?
8. Do you feel full after meals?
9. Do you purchase commissary or packages to supplement your meals? Can you afford it?
10. Have you ever eaten non-food items to subside hunger pains
11. Does hunger impact your sleep, mental health, relationships, mood, aggression, or daily activities?
12. Have you gained or lost a significant amount of weight inexplicably?
13. Do you over think about food and where it will come from?
14. Do you ever hoard food or binge eat (for example, when you get commissary or packages) in response to hunger?
15. Have you ever had rotten, spoiled, or raw food served on your tray?
16. Have you ever had mold on your food?
17. Have you ever had rodent droppings or maggots in your food
18. Have you ever suspected you had a foodborne illness?
19. Have you ever been treated for a foodborne illness?
20. How often do you get served fresh fruit or vegetables?
21. Do you have any diet-related illnesses/conditions?
22. If yes, when were you diagnosed?
23. How much water do you consume per day?
24. How would you describe the quality of the water you consume
25. Have you filed a grievance regarding food or food shortages? What is the current status?



29-70 Northern Blvd
Long Island City, NY 11101

7/12/2023

Rev. Matthew T. Houston 1210652
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

Dear Rev. Houston,

Thank you for reaching out to The Fortune Society (Fortune). Unfortunately, we don't have capacity to provide legal services and/or advice. For all legal information and/or requests, we suggest that you first reach out to the Law Clerk(s) at the facility's Law Library for which you are currently incarcerated – **ALL** persons who are currently incarcerated have access to Law Library services. For further legal information, here is the address to the Bar Association in the State for which you are incarcerated:

Nevada:

State Bar of Nevada
3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
Phone: (702) 382-2200

You should clearly state in a letter to the Bar Association the reasons for which you are seeking legal counsel and/or information. Please be advised that Fortune makes no guarantee that the Bar Association will be able to provide you with the information that you are requesting. We suggest in your letter that you also ask the Bar Association to forward your request to the appropriate party if necessary. Take care and good luck!

Sincerely,

Carl Dukes, Correspondence Liaison

Phone: 212-691-7554, Ext. 3605

1 SUMM
2 REV. MATTHEW TRAVIS HOUSTON, CHTO
3 ABA No. 04662784
4 NDOC No. 1210652
5 PO Box 650
6 Indian Springs, NV
7 89070-0650

DISTRICT COURT

CLARK COUNTY, NEVADA

8 MATTHEW TRAVIS HOUSTON,
9

11 Plaintiff(s),

CASE NO. A-23-865442-C

12 -vs-

DEPT. NO. 7

13 LINA SAKALAUSKAS D/B/A
14 NEVADA ATTORNEY FOR
15 INJURED WORKERS ET AL
16 Defendant(s).

17 SUMMONS - CIVIL

18 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
19 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
20 READ THE INFORMATION BELOW.

21 TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against
22 you for the relief set forth in the Complaint.

23 1. If you intend to defend this lawsuit, within 20 days after this Summons is
24 served on you, exclusive of the day of service, you must do the following:

25 (a) File with the Clerk of this Court, whose address is shown below, a
26 formal written response to the Complaint in accordance with the rules
27 of the Court, with the appropriate filing fee.

28 (b) Serve a copy of your response upon the attorney whose name and
address is shown below.

SUMM Civil/7/23/20

RECEIVED
JUN 07 2023
CLERK OF THE COURT

- 1 2. Unless you respond, your default will be entered upon application of the
- 2 Plaintiff(s) and failure to so respond will result in a judgment of default
- 3 against you for the relief demanded in the Complaint, which could result in
- 4 the taking of money or property or other relief requested in the Complaint.
- 5 3. If you intend to seek the advice of an attorney in this matter, you should do
- 6 so promptly so that your response may be filed on time.
- 7 4. The State of Nevada, its political subdivisions, agencies, officers,
- 8 employees, board members, commission members and legislators each
- 9 have 45 days after service of this Summons within which to file an Answer
- 10 or other responsive pleading to the Complaint.
- 11
- 12

13 Submitted by:

14
15 Matthew Travis Houston
16 REV. MATTHEW TRAVIS HOUSTON, CHD
17 NDOC No. 1210652
18 HDSP
19 PO BOX 650
Indian Springs, NV 89070-0650
ABA No. 04662784

STEVEN D. GRIERSON
CLERK OF COURT

By: [Signature]
Deputy Clerk

JUN 08 2023
Date

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

20 NOTE: When service is by publication, add a brief statement of the object of the
21 action. See Nevada Rules of Civil Procedure 4(b).

SUMM
Matthew Travis Houston
No. 1210652 @ NDOC
PO Box 650
Indian Springs, NV
89070-0650
[REDACTED]

DISTRICT COURT

CLARK COUNTY, NEVADA

Case No A-23-865442-C

MATTHEW TRAVIS HOUSTON,

Plaintiff(s),

-vs- DIANNE FERRANTE,

JONATHAN SHOCKLEY, SEDGWICK CMS,
DANIEL L. SCHWARTZ, BRIAN P. CLARK,
CLARK McCOURT, LLC, LEWIS, BRISTOL, BISCARD
& SMITH, LLP, ET AL - Defendant(s).

JOHN J. WIS, REGENTIA REALTY

10000 W. WILLOW AVE. SUITE 200

Department No 7

SUMMONS - CIVIL

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against
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1. If you intend to defend this lawsuit, within 20 days after this Summons is
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 - (a) File with the Clerk of this Court, whose address is shown below, a
formal written response to the Complaint in accordance with the rules
of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and
address is shown below.

RECEIVED
THE CC
MAR 20 2023
CLERK OF THE COURT

SUMM Civil/7/23/200

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

STEVEN D. GRIERSON
CLERK OF COURT

Submitted by:

By

Deputy Clerk

Date

Matthew Travis Houston
ABA No. 04662784
Po Box 650
Indian Springs, NV 89070-0650

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

APR 14 2023

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

SEE EJDC # A-17-758861-C
and the events of September 30, 2016, which
resulted in damages not limited to the destruction
of my service animals after July 14, 2021, and
\$36,500,000.00 + damages against my law offices and
career in the entertainment business. Reparations are
demanded from individuals and entities not limited to FREEMAN CO.,
IATSE #720 and ENCORE EVENTS TECHNOLOGIES. False
imprisonment is a crime. 2

SUM Civil/7/23/200

UNITED STATES DISTRICT COURT
DISTRICTS OF COLORADO, IOWA AND NEVADA

MATTHEW TRAVIS HOUSTON,
vs. Plaintiff,
JOSEPH M. LOMBARDO ET AL,
Defendant(s).

Case No. 2:22-cv-01607-DWM-CSD
"JURY TRIALS DEMANDED"

CONCLUSION TO "EMERGENCY MOTION FOR INJUNCTIVE RELIEF AND
STATEMENT OF FACTS" AND RENEWED

EMERGENCY MOTION FOR ACCOUNTABILITY OF HDSP
MAILROOM, LAW LIBRARY AND CHAPEL AS A CONTINUED OPPOSITION
TO ALL DEFENDANTS "MOTION TO DISMISS"
"DE NOVO HEARING" REQUESTED IN FN BANC

Plaintiff moves this Honorable Court to examine the
intentional gross negligence of the Law Library as
demonstrated by Document 47, filed July 06, 2023,
pages 5-15. Obviously, as the pages are incomplete and
haphazardly thrown together, they're not taking their
job(s) seriously. Their unnecessary roughness has
further blocked, thwarted and hindered the factually
and actually innocent Plaintiff, causing misinterpretation
and vexatious abuse of the court's resources. As filed
in EDOC Case No. A-23-865442-C by the plaintiff,
The court will PLEASE TAKE NOTICE, that according
to the attached 'NOT FOUND AFFIDAVIT' that the
defendant REDENTA BLACIC IS NOT employed at the
OFFICE OF CONSUMER ASSISTANCE, neither do they
know her. SEE LVMPD SHERIFF CIVIL NO. 23003198

PLEASE SEE ATTACHED:

DECLARATION OF MATTHEW TRAVIS HOUSTON

"aka"

Affidavit of Houston

"aka"

EXHIBIT 1

**MANUALLY FILED WITH
DISTRICT COURT CLERK'S OFFICE**

IN THE DISTRICT COURT OF APPEALS FOR THE STATE OF NEVADA
 No. 84886
 LODC Case # C-21-357927-1
 PRIVATE REQUEST FORM

"HEARING REQUESTED

1. NAME OF PARTY

Matthew Houston

2. PAGE

1210652

3. RECEIVING UNIT

~~4-1-23~~

4. DATE

July 09-2023

5. REQUESTED BY (NAME & ADDRESS)

6. CONTACT NAME

7. CONTACT

8. CASE WORKER

CCS LOPEZ

9. PHONE

10. LAW FIRM

11. FIRMAL

12. EDUCATION

13. ADDRESS

14. CONTACTING WARDEN - B. WILLIAMS

15. COMMENTS

16. OFFICE ADDRESS

17. LEXINGTON

18. MAIL ROOM SR C/O J. GARCIA

19. NAME OF INDIVIDUAL REQUESTING: All of the above 1 NV Board of Parole +

THE Hon. JENNIFER L.S. SCHWARTZ, NANCY ALF AND DANIELLE CHIO -

20. REQUEST EXPLAINED: Can yall please check on the status of legal
 mail sent out via Doc-Box BRASS SLIP(S):

No. 2643361

No. 2643819

No. 2643363

No. 2643820

No. 2643818

No. 2643821

No. 2643823

I have yet to have been provided with my pink slip
 private requests after having been authorized.

21. SIGNATURE OF REQUESTING PARTY: To: [Signature]

DOC# 1210652

22. RECEIVED BY (NAME & ADDRESS)

23. DATE

24. APPROVAL SIGNATURE

10. RESPONDING STAFF SIGNATURE

DATE

INMATE REQUEST FORM

1. INMATE NAME Matthew Houston DOC # 1210652 2. HOUSING UNIT 12 ~~H-D-39~~ F-25 3. DATE July 12-2023

4. REQUEST FORM TO (CHECK BOX) ☐ MENTAL HEALTH ☐ CANTEEN -
☐ CASEWORKER SMITH-LOPEZ ☐ MEDICAL ☒ LAW LIBRARY - ☐ DENTAL
☐ EDUCATION ☐ VISITING ☐ H. COOK - C. MCGEE
☐ LAUNDRY ☐ PROPERTY ROOM ☐ SHIFT COMMAND
☐ OTHER _____

5. NAME OF INDIVIDUAL TO CONTACT: H. Cook - C. McGEE

6. REQUEST: (PRINT BELOW) PLEASE RETURN MY CHESSEBOARD PIECES, HOLIDAY / GREETINGS CARDS, SUNGLASSES, X2 MIRRORS, HAIR TRIMMERS AND MISC. LEGAL WORK. COULD THEY ASK OLD CELLY #85875 - VIET OUM TO RETURN MY MISSING ITEMS?
Could you please provide a status on my parole hearing being rescheduled, and also the status of my transfer to camp?
For Law Library can y'all please reschedule my appointment?
Lastly, there is no reason why my store cant follow me. Please bring or refund

7. INMATE SIGNATURE Matthew Houston DOC # 1210652

8. RECEIVING STAFF SIGNATURE _____ DATE _____

9) RESPONSE TO INMATE

RECEIVED

JUL 18 2023
HIGH DESERT STATE PRISON
LAW LIBRARY

10. RESPONDING STAFF SIGNATURE _____

DATE _____

TO: HDSP Law Library H. Cook

INMATE REQUEST FORM

1. INMATE NAME Matthew Houston DOC # 1210652 2. HOUSING UNIT 4. D. 39 3. DATE July 03, 2023

4. REQUEST FORM TO (CHECK BOX) ☐ MENTAL HEALTH ☐ CANTEEN
☐ CASEWORKER CCS LOPEZ, CCS JEFFERSON, CCS AMACKER ☒ LAW LIBRARY H. COOK, C. MCGEE, C/O SANCHEZ
☐ EDUCATION ☐ MEDICAL VISITING ☐ DENTAL
☐ LAUNDRY ☐ PROPERTY ROOM ☐ OTHER WARDEN BRIAN WILLIAMS
L.T. BRENNAN, SGT ASHCRAFT
C/O NUNEZ, C/O THOMAS

5. NAME OF INDIVIDUAL TO CONTACT: W. Hoop
What is the person always denying my doc-503(s) doc-1564(s)?

6. REQUEST (PRINT BELOW) Could y'all provide your excuses for having me
scheduled for HDSP Law Library appointment today, July 03, 2023;
than in your retaliation, deliberately, and indifferently saying
"I'm NOT on the list"? I have a scheduled slip
showing my missed appointment, I am actually
innocent and falsely imprisoned - factually wrongfully
convicted. What is y'all's REASON behind y'all denying
me access to Law Library? Reschedule appointment ASAP

7. INMATE SIGNATURE Matthew Houston DOC # 1210652

8. RECEIVING STAFF SIGNATURE _____ DATE _____

9. RESPONSE TO INMATE

No one is denying you. Must fill out
appointment slip to attend
Law Library.

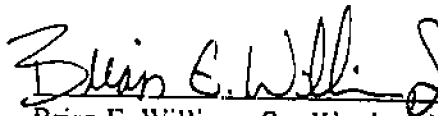
10. RESPONDING STAFF SIGNATURE H. Cook

DATE 7/13/23

Law Library Schedule

Monday	Unit 12 Unit 4CD Pick up and Delivery	7:00 AM – 9:00 AM 9:00 AM – 11:00 AM
Tuesday	Unit 9 Unit 10 Pick up and Delivery	7:00 AM – 9:00 AM 9:00 AM – 11:00 AM
Wednesday	Unit 5 AB Unit 6 CD Pick up and Delivery	7:00 AM – 9:00 AM 9:00 AM – 11:00 AM
Thursday	Unit 7 AB, 7 CD Unit 8 CD, 5 CD Pick up and Delivery	7:00 AM – 9:00 AM 9:00 AM – 11:00 AM
Friday	Unit 11 Pick up and Delivery	7:00 AM – 9:00 AM 9:00 AM – 11:00 AM

Please print clearly when filling out appointments slips. If your request is illegible, the appointment will not be made.


Brian E. Williams Sr., Warden H/DSP
06/14/2023

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Matthew Houston	1210652	12-D-39 F-25	July 12-2023

4.) REQUEST FORM TO: (CHECK BOX)

<input checked="" type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> SMITH-LOPEZ	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY -	<input type="checkbox"/> DENTAL
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> H. COOK - C. MCGEE	<input type="checkbox"/> SHIFT COMMAND
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> OTHER		

5.) NAME OF INDIVIDUAL TO CONTACT: CCS SMITH

6.) REQUEST: (PRINT BELOW) Today I was moved from 4-D-39 and lost
CHEGS BOARD PIECES, holiday / greetings cards, sunglasses, x2 mirrors,
hair trimmers and misc. legal work. Could the ask old celly,
#85875 - VIET OUM to return my missing items?
Could you please provide a status on my parole hearing being
rescheduled, and also the status of my transfer to camp?
For Law Library can y'all please reschedule my appointment?
Lastly, there is no reason why my store cant follow me. Please ^{ring} or refund.

7.) INMATE SIGNATURE Matthew Houston DOC# 1210652

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

Not a classification issue

I cannot until I am updated.

If qualified I will recommend

Law Library is not a classification issue

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

NEVADA DEPARTMENT OF CORRECTIONS

EMERGENCY

GRIEVANCE FORM

NAME _____ I.D. NUMBER _____

INSTITUTION _____ UNIT _____

GRIEVANT'S STATEMENT _____

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE _____ DATE _____ TIME _____

RECEIVING STAFF SIGNATURE _____ DATE _____ TIME _____

SUPERVISOR COMMENT/ACTION TAKEN ON EMERGENCY GRIEVANCE _____

SUPERVISOR SIGNATURE _____ TITLE _____ DATE _____ TIME _____

INMATE AGREES _____ INMATE DISAGREES _____

INMATE SIGNATURE _____ TIME _____ DATE _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FORMAL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original To inmate when complete, or attached to formal grievance
Canary To Grievance Coordinator when complete
Pink Inmate's initial receipt

Law Library Appointment Request Form

Name	ID#	Housing Unit	Date
Matthew Houston	#1210652	4D-39	June 22, 2023

Per AR 722.01: All requests will be processed "first come first served". ID required to attend Law Library. Law Library staff will prioritize according to information provided. Request must be completed properly.

THE SECTION BELOW IS FOR APPOINTMENTS ONLY

CASE #: A-17-758861-C
CASE DESCRIPTION: third-party personal injury
URGENT NEEDS: State form No. 24-Civil cover Sheet
COMMENTS: _____

SIGNATURE: Matthew Houston

APPOINTMENT SCHEDULED:

HOSP-V12-F-25-A

NAME Matthew Houston ID# 1210652 DOB 7, 15, 84FACILITY HDSPUnit/Cell # ~~4-2-33~~SIGNATURE [Signature]DATE 7, 02, 23

Request

What is up wit my follow-up @
NEVADA EYE SURGERY ?I am still legally blind- can you please help?

RECEIVED JUL 02 2023

OFFENDERS - DO NOT WRITE IN AREA BELOW
ASSIGNED TO☐ Medical ☐ Dental ☐ Psychiatry ☐ Nursing ☐ Other

Response to request

you are on the list

Consider best DOC

- ☐ Appointment scheduled/rescheduled for: _____
- ☐ No visit necessary
- ☐ No show for appointment
- ☐ Refused to be seen, DOC 2523 Release of Liability signed

PRESCRIPTIONS

☐ KOP ☐ NON-KOP

☐ Order date _____

PLAN

☐ Follow-up appointment ☐ Return if needed

☐ No follow-up required

Signature of practitioner/responder

Date

NEVADA DEPARTMENT OF CORRECTIONS
MEDICAL KITE and SERVICE REPORT

HDSP-V12-F-25-A

NAME Matthew Houston ID# 1210652 DOB 7 / 15 / 84
 FACILITY HDSP Unit/Cell # [REDACTED]
 SIGNATURE [Signature] DATE 7 / 02 / 23

Request

PLEASE REFILL AND/OR
 SCHEDULE FOLLOW UP



RECEIVED JUL 03 2023

OFFENDERS - DO NOT WRITE IN AREA BELOW
 ASSIGNED TO

☒ Medical ☐ Dental ☐ Psychiatry ☐ Nursing ☐ Other

Response to request

~~11/11/23 11:11 AM~~

② Sick call list

- ☐ Appointment scheduled/rescheduled for: _____
☐ No visit necessary
☐ No show for appointment
☐ Refused to be seen. DOC 2523 Release of Liability signed

PRESCRIPTIONS

☐ KOP ☐ NON-KOP
☐ Order date _____

PLAN

☐ Follow-up appointment ☐ Return if needed
☐ No follow-up required

Signature of practitioner/responder

Date

NEVADA DEPARTMENT OF CORRECTIONS
MEDICAL KITE and SERVICE REPORT

DOC 2500 (09/22)

1 Not at any time did Mr. Houston harass, threaten,
2 extort, or "aggravated stalking" any of the parties
3 involved with any of his cases, neither did he
4 act aggressively towards any other individual,
5 business or entity. It is in fact Mr. Houston
6 who is the victim of crime.

7
8 CONCLUSION OF LAW

9 WHEREFORE, the Plaintiff / Petitioner - Appellant /
10 Plaintiff-in-Error, Matthew Travis Houston, should
11 be granted expeditious relief in his meritorious
12 intervention and joinder of appeal and other
13 extraordinary writs including but not limited to his
14 amended complaint(s), his supplemental complaints and
15 this Motion For Injunctive Relief.
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27
28

1990年12月

2000

Figure 6

100

[illegible]

1. *Pharmaceuticals* (1997) 10, 101-102.
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PRIORITY MAIL

200

RENEWED

CERTIFICATE OF SERVICE

IN EX PARTE

I, Matthew Travis Houston, hereby certify that I am the

petitioner in this matter and I am representing myself in propria persona.

On this 23rd day of November, 2022, I served copies
of the EX Parte Emergency Motion For Declaration of Default
of the Judgement(s) Regarding Debt(s) No. 82, No. 83 And No. 84

via HOSP Law Library eFiling system than via U.S.P.S.,

in case number: 2:22-cv-00499-DAD-DJA and placed said motion(s) in

U.S. First Class Mail, postage pre-paid; after they were eFiled;

Address: Debra K. Kemp; Room 1334 Address: Craig Mueller
US District Court Room #1334 And Associates

Sent to: 333 Las Vegas Blvd. South Sent to: Larry Phillips
Las Vegas, NV 89101 And Kelsey Bernstein

SERVED VIA CIVIL PROCESS SECTION TO: 808 S. 7th Street

Nevada Appeal Group Las Vegas, NV 89101

714 S. 4th Street and 600 S. 8th Street and the EDC
Las Vegas, NV 89101 Las Vegas NV 89101

@ 200 Lewis Ave
LV, NV. 89101

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the
petitioner in the above-entitled action, and he, the defendant has read
the above CERTIFICATE OF SERVICE and that the information contained
therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

Executed at HIGH DESERT STATE PRISON "SMU Program" 3A-22
on this 23rd day of November, 2022.

Matthew Travis Houston
Matthew Travis Houston, DOP# 1210652
Po Box 650
22010 Cold Creek Road

Indian Springs, NV 89070-0650

PLAINTIFF / PETITIONER -- In Proper Person

ABA Member No. 04662784

RENEWED THIS 26TH DAY X. Matthew Travis Houston

OF SEPTEMBER, 2023. REV. MATTHEW TRAVIS HOUSTON, CHD

ABA ID No. 04662784

PRIORITY
MAIL
We're serious about service
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Steven D. Grierson

NOTC - REV. MATTHEW TRAVIS HOUSTON, CHTD

Plaintiff - In Proper Person
P.O. Box 650 H.D.S.P.
Indian Springs, Nevada 89018
ABA No. 04662784

EIGHTH JUDICIAL DISTRICT COURT
CLARK'S COUNTY NEVADA

REV.
MATTHEW TRAVIS HOUSTON, CHTD.

Plaintiff / Petitioner,

-v-

CALVIN JOHNSON ET AL.

Defendant(s) / Respondent(s).

Case No. A-22-853203-W

Dept. No. 17

C-21-357927-1

"JOINDER OF APPEAL"

Case No. ^{TO} A-17-758861-C
Dept. No. 29

RENEWED NOTICE OF APPEAL

"HEARING REQUESTED"
Notice is hereby given that the Plaintiff / Petitioner, Matthew Travis

Houston, by and through himself in proper person, does now appeal

to the Supreme Court of the State of Nevada, the decision of the District
Court made by THE HON. JENNIFER L.G. SCHWARTZ and AMD
LAW, PLLC a/b/a Alexis M. Duercker on June 27, 2023, and
June 28, 2023; as a "JOINDER OF APPEAL" to A-17-758861-C.

Dated this date, June 28th, 2023. As this is multijurisdictional
litigation, ^{all and} both courts shall PLEASE TAKE NOTICE of the Filed
~~attached~~ "AFFIDAVIT(S) OF SERVICE", Respectfully Submitted,

pages 2-13. Plaintiff/Petitioner

also does now appeal to the SUPREME

COURT OF THE STATE OF NEVADA,

the decisions of the EIGHTH JUDICIAL DISTRICT

COURT made by THE HON. JENNIFER L.G. SCHWARTZ

made on September 06, 2023, and THE

HON. MICHAEL A. CHERRY on September 25th, 2023.

x. *Matthew Travis Houston*
REV. MATTHEW TRAVIS HOUSTON, CHTD

DATED/RENEWED THIS 30TH DAY OF SEPTEMBER, 2023.

Respectfully Submitted,

Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, CHTD.
In Proper Person
ABA No. 04662784

①

REV. MATTHEW TRAVIS HOUSTON, CHD
NDBC No. 1210652
H D S P
PO Box 650
Indian Springs, NV
89070-0650

ATTN:
CHAMBERS OF THE HON. JENNIFER J.L. SCHWARTZ
CHAMBERS OF THE HON. JACOB A. REYNOLDS
RWD. HEATHER UNGERMANN, PO Box 551601
200 Lewis Avenue
Las Vegas, NV
89155

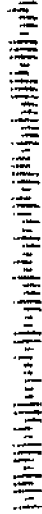
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JUL 06 2023

CLERK OF THE COURT

Case No.(s) A-22-853203 JV
A-17-758861-C
ABA No. 04662784

89101-630000



LAS VEGAS NV 890
30 JUL 2023 11:51 AM

"INVOKING AN NRCP 5(B) EXEMPTION IN EX PARTE
FOR THIS RENEWED CERTIFICATE OF SERVICE BY MAILING:"

1797

PO Box 650
Indian Springs, NV

PO BOX 650

BS# 2641782

89070-0650

OCT 12 2023

CLERK OF THE COURT

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OCT 10 2023

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ADMINISTRATION

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ASTA

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

STATE OF NEVADA,

Plaintiff(s),

vs.

MATTHEW HOUSTON, aka, MATTHEW
TRAVIS HOUSTON,

Defendant(s),

Case No: C-21-357927-1

Dept No: XVII

CASE APPEAL STATEMENT

1. Appellant(s): Matthew Travis Houston

2. Judge: Jennifer Schwartz

3. Appellant(s): Matthew Travis Houston

Counsel:

Matthew Travis Houston # 1210652
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licenscd in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: August 3, 2021

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 84281, 84478, 84886, 86041, 86103

12. Child Custody or Visitation: N/A

Dated This 13 day of October 2023.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum

Cierra Borum, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Matthew Travis Houston

MOT

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC # 1210652

High Desert State Prison - ABA No. 04662784

P.O. Box 650

Indian Springs, Nevada 89070

Defendant in Proper Person

FILED

OCT 24 2023

[Signature]
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

MATTHEW TRAVIS HOUSTON

Defendant,

Case No. C-21-357927-1

Dept. No. 17

NOTICE OF MOTION AND MOTION
TO WITHDRAW COUNSEL AND FOR

PRODUCTION OF CLIENT FILES AND OTHER RELIEF

NOTICE OF MOTION

TO: ALEXIS M. DUECKER, ESQ., attorney of record for Defendant in the above-referenced matter:

YOU WILL PLEASE TAKE NOTICE, that Defendant's Motion to Withdraw Counsel and for Production of Client Files and Other Relief is set for hearing on the ____ day of ____, 20__, at ____: ____ m., in Dept. ____ of the Clark County District Court.

DATED this 13th day of October, 2023

November 15, 2023
9:00 AM

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC # 1210652

Defendant in Pro Per

MOTION TO WITHDRAW COUNSEL AND FOR PRODUCTION OF CLIENT FILES
AND OTHER RELIEF

"HEARING REQUESTED"

COMES NOW, Defendant, MATTHEW TRAVIS HOUSTON, proceeding in proper person, and hereby moves this Honorable Court for an Order granting his Motion to Withdraw his Counsel, ALEXIS M. DUECKER, ESQ., and for the Withdrawn Counsel be Ordered to Produce Defendant's Client Files within 30 days of the entry of Order.

This Motion is made and based upon all papers and pleading on file, the attached Memorandum of Points and Authorities, as well as any addition matters allowed at the hearing of this matter, if any.

DATED this 13th day of October, 2023

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC # 1210652

Defendant in Pro Per

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OCT 23 2023

Page | 1

1800

CLERK OF THE COURT

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Defendant seeks to have his attorney of record withdrawn from their representation of him and for the Court to Order Defendant's client files be provided to Defendant within thirty (30) days of the entry of the Court's Order.

II. Relevant Facts, Law and Argument

Defendant was represented by attorney ALEXIS M. DUECKER, at trial and or appeal of the above entitled case. The trial and/or appeal are completed and Defendant needs his entire file (papers, documents, pleadings, transcripts and tangible personal property) sent to him in order to litigate other proceedings (habeas corpus, parole, pardons, etc.).

This Court has jurisdiction through Nevada Revised Statute 7.055, sections (1) and (2) to Order both the withdrawal of counsel and to produce and deliver to the Defendant all documents and personal property in their possession belonging to the Defendant and prepared for him. The Defendant has fulfilled his obligation in trying to obtain his complete file having provided at least 5 days written notice. See attached Attorney letter.

Defendant requests the Court Order that the withdrawn counsel meets their obligation to produce and deliver within thirty (30) days of the Order of the Court as to not hamper or prejudice Defendant in future proceedings.

III. Conclusion and Prayer for Relief

THEREFORE and based upon the foregoing, Defendant requests this Court Order the following:

1. Defendant's counsel of record be ordered withdrawn;
2. Withdrawn counsel be ordered to produce to Defendant's entire Client file within thirty (30) days of the entry of the Court's Order; and
3. Any further relief deemed necessary by this Court.

DATED this 13th day of October, 2023

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC #1210652

Defendant in Pro Per

Certificate of Service by Mailing

I, Matthew Travis Houston, Defendant, in Proper Person, hereby certify, pursuant to NRCP 5(b) that on this 13th day of October, 2023, I mailed a copy of the MOTION TO WITHDRAW COUNSEL AND FOR PRODUCTION OF CLIENT FILES AND OTHER RELIEF by placing it in the mail at HDSP, first class postage, fully prepared to my attorney of record ALEXIS M. DUECKER, ESQ. in the above entitled matter at the following address: 340 E. Warm Springs Rd¹⁰, Las Vegas Nevada, 89119.

DATED this 13th day of October, 2023

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC #

Defendant in Pro Per

Affirmation

Pursuant to NRS 239B.030, I certify that the MOTION TO WITHDRAW COUNSEL AND FOR PRODUCTION OF CLIENT FILES AND OTHER RELIEF does not contain the social security number of any person.

DATED this 13th day of October, 2023

MATTHEW TRAVIS HOUSTON

Inmate Name /NDOC # 1210652

Defendant in Pro Per

October 13th, 2023

Date

ALEXIS M. DUECKER, ESQ

D/B/A AMD LAW, PLLC

D/B/A SOFOS D/B/A
OFFICE OF APPOINTED COUNSEL
340E. Warm Springs Road - Ste. 110
Las Vegas, NV 89119

Re: The State of Nevada v. Matthew Travis Houston

Case No.: C-21-357927-1

Dear Attorney Alexis M. Duecker,

The purpose of this letter is request, in writing, pursuant to NRS 7.055, Sections (1) and (2), that you both withdraw from my case immediately and to also produce and deliver to me "all papers, documents, pleadings and items of tangible personal property which belong to or were prepared" on my behalf.

I will give you five days from the date of this letter to comply. After that I will attach a copy of this letter to a Motion to Withdraw Counsel and for Production of Client Files and Other Relief.

Your anticipated prompt attention and response to this request is appreciated.

Respectfully submitted,

x. Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON, Cntd.

Inmate Name/NDOC # 1210652

High Desert State Prison

P.O. Box 650

Indian Springs, Nevada 89070

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
1804 - 1806
WILL FOLLOW VIA
U.S. MAIL**



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

October 24, 2023

Attorney: Alexis M. Duecker
AMD Law PLLC
Alexis M Duecker Esq
8687 W Sahara Ave Ste 201
Las Vegas NV 89117

Case Number: C-21-357927-1
Department: Department 17

Defendant: Matthew Houston

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Modify Sentence**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

1 **MOT**

2 Defendant/ In Propria Person. NDOC # 1210652
3 Post Office Box 650
4 Indian Springs, Nevada 89018
5 American Bar Association Member
6 ABA ID No. 04662784
7 MATTHEW TRAVIS HOUSTON

8 IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE
9 OF NEVADA IN AND FOR THE COUNTY OF CLARK

10 The State of Nevada
11 Plaintiff,

12 VS

13 MATTHEW TRAVIS HOUSTON,

14 Defendant/
15 Petitioner- Appellant/
16 Plaintiff-in-Error.

Case No. C-21-357927-1

Department No. 17

Case No. A-22-853203-W
Dept NO. 17

17 EMERGENCY MOTION TO MODIFY AND/OR CORRECT
18 ILLEGAL SENTENCE UNDER NRCP 59 AND NRCP 60

19 "HEARING REQUESTED"

20 Date of hearing :

21 Time of hearing :

22 COMES NOW, DEFENDENT, Matthew Travis Houston, proceeding
23 in proper person, hereby motion this Honorable Court
24 pursuant to N.R.S 176.555 and Edwards v. state.

25 This motion is made in based upon all papers and pleadings
26 on file, the points and authorities and exhibits attached
27 here to.

28 Dated; this 11th day of September, 2023.

Matthew Travis Houston
Matthew Travis Houston
DEFENDENT/NDOC # 1210652

CLERK OF THE COURT

OCT 24 2023

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POINTS AND AUTHORITIES

"Motion to modify sentence" is limited in scope to sentences based on mistaken assumptions about defendant's criminal record which work to defendant's extreme detriment, while "Motion to correct illegal sentence" addresses only facial legality of sentence. State v. District Court, 100 Nev. 90, 97, 677 p.2d 1044 1048 (1984), and Edwards v. State, 918 p.2d 321 (Nev. 1996).

Further N.R.S 176.555 Motion to Modify and/or Correct a sentence, may be filed at any time.

Defendant herein alleges that his sentence should be modified and/or corrected pursuant to the following facts:

Not at any time did the Plaintiff-in-Error / Petitioner-Appellant (Matthew Travis Houston) harass, extort, threaten, or "aggravated stalking" any of the parties in any of his cases. neither did he act aggressively towards any other individual, business or entity. Mr. Houston is a victim of crime, especially considering that he in fact was kidnapped from his home in Iowa City, Iowa, after false police reports were made by the alleged victim, Rosemarie McMorris-Alexander, who is the supervisor of Diane Ferrante at SEDGWICK CMS, the claims manager for Mr. Houston's workers compensation claim ID# 3016661201-001, and is a defendant in Mr. Houston's third party personal injury case A-17-758861-C. The defendants made their false police reports about Mr. Houston so that they could avoid having to pay his workers compensation claim by causing him to become wrongfully convicted repeatedly, and is proven by documents including but NOT limited to the attached 'STATEMENT OF FACTS': NOTHING was or is legal regarding ② the sentence of Mr. Houston.

STATEMENT OF FACTS: Kidnapped from his home in Iowa

1
2. ~~City IA~~ 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 ruling in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
10 of which had been scheduled by the abductors, SEDGWICK'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 CIBC was intended so that he could
13 search for and hopefully, retrieve his service animals. However, the now-dismissed counsel, J.
14 Wood & 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 + #1237802A; with the first being by J. Wood
19 in the EIGHTH JUDICIAL DISTRICT COURT 21-CR-019840 + 21-CR-033713. A. Goldstein ^{Alexis Dueck} NEVER visited
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, SEDGWICK and the prosecutions' most unlawful use
26 of overreaching tactics and 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 the
29 parties involved with his cases, neither did he act aggressively towards any
30 other individual, business or entity. Mr. Houston is a victim of crime.

Thereby, pursuant to the facts and the law stated herein,
Defendant, request that his sentence be modified/corrected as
follows: This court allowing it to be manipulated
by ROSEMARIE MCMORRIS-ALEXANDER ET AL is very
much in fact ILLEGAL as it has allowed the false
imprisonment of the factually innocent man to
prevail. This is unfortunate to the people of the
STATE OF NEVADA, the people of the United States,
and ALL Courts of JUSTICE. Mr. Houston should be
expeditiously returned to normalcy and liberty.

Dated; this 11th DAY OF September, 2023.

Renewed this 13th day of October, 2023.

x M. T. H.

Matthew Travis Houston
NDOC #1210652
REV. MATTHEW TRAVIS HOUSTON
Defendant/propria person

REV. MATTHEW TRAVIS HOUSTON
#1210652 - HOSP
PO Box 650
Indian Springs, NV
89070.

LAS VEGAS NV 890
OCT 20 2023 PM 3 L
\$001.11

COURT ADMINISTRATION - FWD. Law Clerk(s)
CC. Discovery Commissioner(s)

FWD. CHAMBERS OF THE HON. NANCY ALLE, DANIELLE CHIO,
CHAMBERS OF THE HON. JENNIFER L.G. SCHWARTZ,
AND CHAMBERS OF THE HON. JACOB A. REYNOLDS ET AL

200 Lewis Avenue
Las Vegas, NV

3762

89155

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OCT 23 2023
ADR OFFICE

LEGAL MAIL
OF THE
American Bar Association Number
ABA No. 04062784

95101-230000

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 04, 2021**

C-21-357927-1 State of Nevada
vs
Matthew Houston

August 04, 2021 8:00 AM Initial Arraignment

HEARD BY: Villani, Michael **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Gutierrez, Seth	Attorney
	Houston, Matthew	Defendant
	Public Defender	Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Haley Beza present on behalf of the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement filed on 8/4/2021 and placed on the record by Mr. Gutierrez. DEFT. HOUSTON ARRAIGNED AND PLED GUILTY TO AGGRAVATED STALKING (F). Court ACCEPTED plea, and ORDERED, matter REFERRED to the Division of Parole and Probation (P&P) and SET for sentencing. Pursuant to negotiations, COURT FURTHER ORDERED, Deft. GRANTED Own Recognizance (OR) Release with LOW LEVEL ELECTRONIC MONITORING and Defendant shall stay away and have NO CONTACT with Redenta Blacic, Rosemarie McMorris and/or Jonathan Shockely; additionally Defendant shall STAY AWAY from 9930 West Cheyenne Avenue, Las Vegas, Nevada. Court DIRECTED Deft. to report to P&P within 24 hours of release.

OR/LOW LEVEL EMP

11/29/2021 8:30 AM SENTENCING (DEPT. 10)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2021

C-21-357927-1 State of Nevada
vs
Matthew Houston

October 11, 2021 8:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Ramsey, Scott A. Attorney
Rhoades, Kristina A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Ramsey present via video on behalf of deft. through bluejeans technology.

State's Notice of Motion and Motion to Remand Defendant and Increase Bail Pursuant to NRS 178.484(12) For Violating

Deft. not present. Court noted there's a motion to withdraw filed, however deft. is not here. Ms. Rhoades requested a bench warrant. COURT ORDERED, BENCH WARRANT, NO BAIL.

B.W. /LLEM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 25, 2021**

C-21-357927-1

State of Nevada

vs

Matthew Houston

October 25, 2021**8:30 AM****Bench Warrant Return****HEARD BY:** Becker, Nancy**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Teri Berkshire**RECORDER:** Victoria Boyd**REPORTER:****PARTIES****PRESENT:**

Houston, Matthew

Defendant

Little, Bernard G.

Attorney

Merback, William J.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. present via video from the Jail. Mr. Little present via video through bluejeans technology.

DEFT. HOUSTON RETURNED ON THE WARRANT. Court noted there are some competing motions. Upon Court's inquiry, Counsel requested to respond orally to the motion to remand. Following arguments and statements by deft, COURT ORDERED, Motion to Remand, GRANTED. FURTHER COURT ORDERED, Bail INCREASED to \$15,000 plus HIGH LEVEL ELECTRONIC MONITORING. Court admonished deft. to make no more contact or phone calls to the victim. Further, Court admonished deft. to talk to his attorney. COURT FURTHER ORDERED, matter SET for confirmation of counsel for limited purpose on the date given.

CUSTODY

PRINT DATE: 12/15/2023

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Minutes Date: August 04, 2021

11/01/21 8:30 A.M. CONFIRMATION OF COUNSEL - LIMITED PURPOSED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 01, 2021**

C-21-357927-1 State of Nevada
vs
Matthew Houston

**November 01, 2021 8:30 AM Confirmation of Counsel Confirmation of
Counsel: Goldstein**

HEARD BY: Becker, Nancy **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Little, Bernard G.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Little stated this case was on today for confirmation of alternate counsel. MATTER TRAILED.

MATTE RECALLED. All parties present as before. Anthony Goldstein Esq. present. Mr. Goldstein stated he can accept the appointment adding that he visited with the Defendant last week, and requested thirty days to investigate if there are grounds to file a Motion to Withdraw. COURT DIRECTED Mr. Goldstein to file a motion by the continued hearing date, and ORDERED Sentencing hearing VACATED.

CUSTODY

11/29/2021 8:30 A.M. STATUS CHECK: MOTION TO WITHDRAW PLEA

CLERK S NOTE: This Minute Order was prepared by listening to the JAVs recording system. (11-20-

PRINT DATE: 12/15/2023

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Minutes Date: August 04, 2021

2021 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2021

C-21-357927-1 State of Nevada
vs
Matthew Houston

November 29, 2021 8:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Madalyn Riggio

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Jones, Jr., John T.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Goldstein requested a week continuance so he can have another opportunity to visit Deft.
COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/6/21 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2021

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

December 06, 2021 8:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Michaela Tapia

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Goldstein, Anthony M.	Attorney
	Houston, Matthew	Defendant
	Little, Bernard G.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Deft. confirmed he no longer wished to withdraw his guilty plea. COURT ORDERED, Mr. Goldstein WITHDRAWN as counsel; Ben Little, Deputy Public Defender, CONFIRMED as counsel. Argument by the State. Argument by counsel. Victim Speaker SWORN and TESTIFIED to the Court. DEFT. HOUSTON ADJUDGED GUILTY of AGGRAVATED STALKING (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 Indigent Defense Civil Assessment fee, and \$3.00 DNA Collection fee, Deft. SENTENCED to a MAXIMUM of NINETY-SIX (96) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), with NINETY-THREE (93) DAYS credit for time served. FURTHER, \$150.00 DNA Analysis fee WAIVED. BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 24, 2022

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

January 24, 2022 1:30 PM Motion to Dismiss

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Michaela Tapia

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Goodman, Laura	Attorney
	Little, Benard H	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present.

Court noted the motion submitted by Deft. was largely unintelligible. Based on the Court's understanding of Deft's motion, COURT ORDERED, motion GRANTED IN PART, DENIED IN PART; the Public Defender is DISMISSED; request to recuse Judge Jones is DENIED AS MOOT; request for money is DENIED. Mr. Little indicated he would send his file to Deft. with the exception of the phone calls.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 06, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

April 06, 2022 1:30 PM Motion

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 05B

COURT CLERK: Haly Pannullo

RECORDER: Aimee Curameng

REPORTER:

PARTIES

PRESENT: Evans, Ronald James Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, Motion OFF CALENDAR as this Court does not have jurisdiction.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

April 25, 2022 9:00 AM All Pending Motions

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Chris Harrington
Deriontae Green

RECORDER: Aimee Curameng

REPORTER:

PARTIES

PRESENT: Rhoades, Kristina A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present and in the Nevada Department of Corrections.

Colloquy regarding Transcripts given to Deft. COURT ORDERED, State to provide Transcripts to Deft. FURTHER COURT ORDERED,

As to Defendant's, Pro Se Emergency Motion for an Order to Suppress Hearing from December 6, 2021, DENIED;

As to Defendant's, Emergency Motion Requesting Hearing De Novo, and Release to Intensive Supervision, DENIED IN ADVANCE;

As to Defendant's, Emergency motion to Withdraw Plea, DENIED IN ADVANCE;

As to Defendant's, Pro- Se Person Motion for An Order to Appear By Phone Or Video and Notice of Motion, DENIED IN ADVANCE;

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NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

May 09, 2022 9:00 AM All Pending Motions

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Natalie Ortega

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT'S EMERGENCY MOTION TO WITHDRAW PLEA

DEFENDANT'S PRO SE MOTION FOR AN ORDER TO APPEAR BY PHONE OR VIDEO AND
NOTICE OF MOTION

MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN
THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

EMERGENCY INTERPLEADINGS AND MOTION TO COMPEL IN RE January 3RD 2022

MOTION FOR ORDER TO SUPPRESS CRIMINAL COMPLAINT FILED April 26TH 2021

MOTION FOR ORDER TO SUPPRESS AND NOTICE OF DEMAND AS RESULT OF INCURRED
EMOTIONAL DISTRESS

COURT ORDERED, the May 23, 2022 Motion and Order for Transportation of Inmate for Court
Appearance or in the Alternative for Appearance by Telephone or Video Conference ADVANCED

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and DENIED as MOOT as the hearings had already occurred.

COURT FURTHER ORDERED, the May 25, 2022 Motions: Emergency Interpleading and Motion to Compel in re January 3, 2022, Motion for Order to Suppress Criminal Complaint filed April 26, 2021, and Motion for Order to Suppress and Notice of Demand as Result of Incurred Emotional Distress ADVANCED and DENIED WITHOUT PREJUDICE as being unintelligible and unsensible.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 01, 2022**

C-21-357927-1

State of Nevada

vs

Matthew Houston

June 01, 2022**9:00 AM****Motion****HEARD BY:** Roohani, Ellie**COURTROOM:** RJC Courtroom 03E**COURT CLERK:**

Natalie Ortega

RECORDER: Jill Hawkins**REPORTER:****PARTIES****PRESENT:**Evans, Ronald James
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- COURT NOTED the direct appeal was already exhausted. Mr. Evans suggested to appoint counsel to determine if there were any legal basis. COURT ORDERED, counsel to be APPOINTED for the purposes of discussing the Habeas Corpus Petition. COURT FURTHER ORDERED, Defendant to be produced. COURT ADDITIONALLY ORDERED, Status Check SET regarding briefing schedule and status check. COURT NOTED Drew Christensen, Esq., would be contacted regarding the appointment of counsel. COURT ORDERED, Motion and Order for Transportation of Inmate for Court Appearance or in the Alternative for Appearance by Telephone or Video Conference DENIED as MOOT. Additionally, the June 13, 2022 Motion to Strike, Motion for Production and June 15, 2022 Motion for Appointment and Renewed Motion to Withdraw Plea ADVANCED and DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 06, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

July 06, 2022 9:00 AM All Pending Motions

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Natalie Ortega

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Barker, Julia A	Attorney
	Houston, Matthew	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR IN THE ALTERNATIVE FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

MOTION TO OBTAIN A COPY OF A SEALED RECORD

COURT ORDERED, Motion And Order For Transportation Of Inmate For Court Appearance Or In The Alternative For Appearance By Telephone Or Video Conference DENIED as a hearing was already scheduled for July 13th. COURT ORDERED, Motion To Obtain A Copy Of A Sealed Record GRANTED; COURT DIRECTED the Public Defender's office to send Defendant a copy of the Pre-Sentence Investigation Report (PSI) to Defendant.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 13, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

July 13, 2022 9:00 AM All Pending Motions

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Natalie Ortega

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Duecker, Alexis M.	Attorney
	Evans, Ronald James	Attorney
	Houston, Matthew	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- A853203 - EMERGENCY MOTION (S) AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONIC OR VIDEO CONFERENCE

A853203 - EMERGENCY MOTION TO SET ASIDE DISMISSAL IN CASE A-17-758861-C , AFFIDAVIT OF DUE DILIGENCE IN PRO PART, PER PART TO RENEWED COUNTERCLAIM ;AND COMPLAINT(S)

A853203 - PLAINTIFF'S - MOTION FOR APPOINTMENT OF COUNSEL, IN THE NAME OF PITARRO AND FUMO CHTD., MISS EMILY STRAND ESQ. TO INTERVENE AS STANDBY

C357927 - MOTION TO STAY REMITTITUR IN 84477 AND 84478 AND RENEWED MOTION FOR AN ORDER TO SUPPRESS HEARING FROM 12/6/2021 AND MOTION FOR AN ORDER TO TALEEN PANDUKHT TO READ BOTH THE DIRECT APPEAL FILED 2/18/2022

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C357927 - STATUS CHECK / BRIEFING SCHEDULE

Court explained to Defendant counsel had been appointed to Defendant. It understood he filed a Habeas Petition; however, the Court would prefer to allow his counsel to review the petition and supplement the petition for purposes of appeal. COURT ORDERED, Alexis Dueker, Esq., APPOINTED. Statement by Defendant regarding other cases and a death threat. COURT NOTED for the purposes of today all motion, with the exception of the Habeas Petition DENIED WITHOUT PREJUDICE. Ms. Dueker will speak with Defendant and this matter would be CONTINUED. COURT ORDERED, matter CONTINUED. COURT FURTHER NOTED at the continuance a briefing schedule would be set. If a supplement is to be filed, it should be filed forty-five (45) days from today. COURT DIRECTED the State to Prepare a Transport Order.

08/31/22 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated December 11, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises 8 volumes with pages numbered 1 through 1834.

STATE OF NEVADA,

Plaintiff(s),

vs.

MATTHEW HOUSTON, aka, MATTHEW
TRAVIS HOUSTON,

Defendant(s),

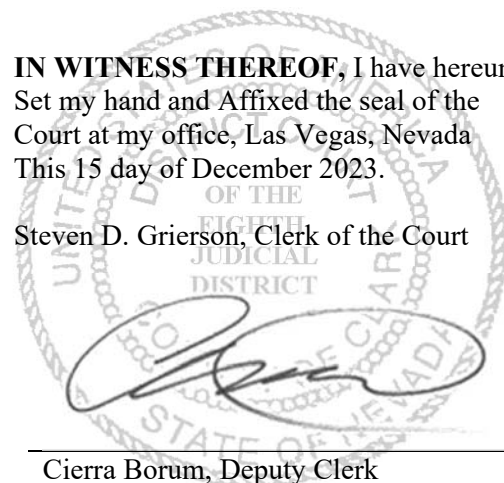
Case No: C-21-357927-1

Dept. No: XVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of December 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2022

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

August 15, 2022 9:15 AM Motion to Stay

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Alice Jacobson

RECORDER: Brittany Kanger-McGiffin

REPORTER:

PARTIES

PRESENT: Rhoades, Kristina A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft and Defense counsel not present. COURT ORDERED, motion DENIED AS MOOT.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2022

C-21-357927-1 State of Nevada
vs
Matthew Houston

August 31, 2022 9:00 AM Status Check

HEARD BY: Roohani, Ellie **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Natalie Ortega

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTED this matter should have been taken OFF CALENDAR as a briefing schedule had already been set.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2023

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

November 15, 2023 9:00 AM Motion

HEARD BY: Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Carmen Berentsen

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Botelho, Agnes M Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. and their counsel, Ms. Alexis Duecker, Esq., not present.

COURT ORDERED, all future dates RESET to 12/6/23.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2023

C-21-357927-1 State of Nevada
 vs
 Matthew Houston

December 06, 2023 9:00 AM Motion

HEARD BY: Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Carmen Berentsen

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Botelho, Agnes M	Attorney
	Houston, Matthew	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Charles Goodwin, Esq. provided a copy of Deft.'s file to Deft. on behalf of Ms. Alexis Duecker, Esq. COURT ORDERED, Motion GRANTED.

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated December 11, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises 8 volumes with pages numbered 1 through 1834.

STATE OF NEVADA,

Plaintiff(s),

vs.

MATTHEW HOUSTON, aka, MATTHEW
TRAVIS HOUSTON,

Defendant(s),

Case No: C-21-357927-1

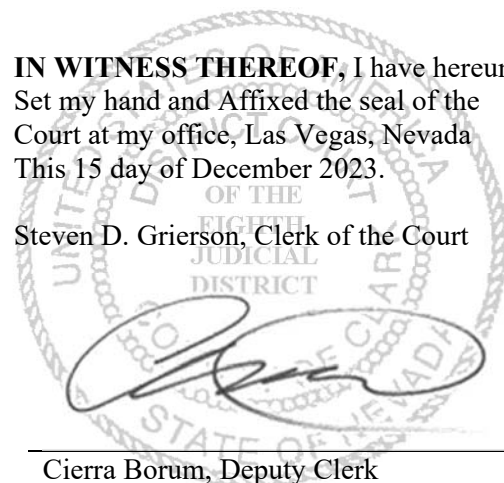
Related Case A-22-853203-W

Dept. No: XVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of December 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk