

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
Feb 21 2024 01:54 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-21-357927-1
Related Case A-22-853203-W
Docket No: 87884

RECORD ON APPEAL VOLUME 5

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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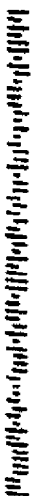
Indian Springs, NV 89070-6550
P.O. Box 6550
#1210655

LAS VEGAS NV 890
23 DEC 2021 PM 5 L

Steven D. Harrison
Clerk of Court
200 Lewis Ave. 3rd Floor
Las Vegas, NV

9155-1160

89101-630000



25

23. ^a GROUND ONE:

WORK COUNT: 165

INEFFECTIVE AID OF COUNSEL

TOTAL APPROX.: 2,732

(PETITIONER WAS FORCED TO FILE HIS OWN DIRECT APPEAL, BEING NEGLECTED)

Thursday

Stamped by NDSP: 2/10/22

Friday

Stamped by USPS: 2/11/22

1 MATTHEW TRAVIS HOUSTON #7035801 @ CCDC, pm se

2 #1210652 @ NDOC - P.O. Box 650 - Indian Springs, NV - 89070

3 EIGHTH JUDICIAL DISTRICT COURT

4 CLARK COUNTY, NEVADA

5

6 Matthew Travis Houston

Case # C-21-357927-1

7 Appellant

Dept #

X

FILED

8 vs.

9 STATE OF NEVADA

FEB 18 2022

FEB 18 2022

10 Respondent

"de novo" hearing requested

11 DIRECT APPEAL

12 MOTION DIRECT APPEAL (Supreme Court)

13 Nevada Appeal No. B42B dismissed March 10, 2022

14 Comes now, Plaintiff m. Error HOUSTON who

15 moves this Honorable Court to impose sanctions

16 upon officials not limited to Tierra Jones, her substitute,

17 Michael P. Villani, Magistrate De la Garza,

18 Scott L. Poisson, Brian P. Clark, Christopher Burk,

19 Erica Tash, Jason Barrus, Andrew S. Fhahive,

20 Daniel L. Schwartz, Sheriff Joe Lombardo, NDOC C/O

21 Popalauskas® and whomever else is to be called

22 by this court in the manifestation of justice, to improve

23 the community of Las Vegas, Nevada and to ensure

24 that all injured workers are properly compensated.

25 THIS Appeal is made upon all papers, pleadings,

26 pleadings, documents on file and newly discovered

27 discovered evidence, to which this court has been

28 attempting to keep hidden from the truth,

29 while demonstrating nothing other than its inherent venality.

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 rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
10 of which had been scheduled by the abductors, SEDAWICK's Dianne Ferrante, and her
11 alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.
12 The Petitioner-Appellant's attempt at release from CDEU 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 #1248334A + #C1237802A; 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 ^{and JUSTICE COURT, LAS VEGAS TOWNSHIP} these traumatic events are a cruel and unusual punishment being inflicted upon an abused
21 and innocent man, who was forced into an involuntary relocation, with unnecessary hardships
22 causing the eviction of his law office located at 435 South Linn Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).
24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDAWICK and the prosecutions most unlawful use
26 of overreaching tactics ~~in~~ their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any
28 time did Mr. Houston harass, threaten, extort, or "aggravated stalking" any of 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.

Ground One
(Ineffective Aid of Counsel) page # 7 word count: 232
23.c. DIRECT APPEAL Ground Four. 23.d.
(States denial of Defendants
right to represent himself) -

1 POINTS AND AUTHORITIES are not limited to the reasons listed below:

2 The day that Houston was transferred to
3 City Jail to face double-jeopardy charges in Las
4 Vegas Municipal Court # C1248384A and # C1257802A
5 shows this court the failure of counsel in
6 informing Defendant as to ALL of the terms
7 and conditions per original negotiations having
8 made. VOID any and all sorts of verbal and/
9 or written agreements made between the
10 prosecution and Defendant. This further shows
11 that Defendant would not have entered a
12 guilty plea to # C-21-357927-1 and would
13 have insisted upon going to trial. See
14 State v. Huebler 128 Nev. 192, 275 P. 3d
15 91, 128 Nev. Adv. Rep. 19, 2012 Nev. LEXIS 53
16 (Nev. 2012), cert denied, 568 U.S. 1147, 133 S.
17 Ct. 988, 184 L. Ed. 2d 767, 2013 U.S. LEXIS
18 1009 (U.S. 2013).

19 NRS 34.726 validates Defendant's claim of
20 ineffective assistance of counsel in that it meets
21 procedural requirements having been raised in a
22 timely petition when Defendant had requested to
23 withdraw his plea during a video court appearance
24 prior to December in which the "substitute" judge
25 had appointed Anthony M. Goldstein to represent
26 Houston in determining the prospective motion's validity.
27 Defendant was prejudiced by Bernard Little's failure
28 in applying Houston to Mental Health Court and the
29 delay to Drug Court, interview post conviction on December 10th,
2021.

23.a. GROUND ONE: INEFFECTIVE AID OF COUNSEL WORD COUNT: 272

23.c. GROUND THREE: MALICIOUS PROSECUTION
AND PROSECUTORIAL MISCONDUCT

1 Petitioner-appellant was unable to telephone Anthony M.
2 Goldstein due to indigence and CDC not allowing collect calls, nor
3 was he provided any sort of phone number to his court
4 appointed attorney's office and not visited enough by the
5 Clark County Public Defenders office. See *Young v.*
6 *State*, 120 Nev. 963 (2004)

7 To reference for further use page 2 lines 10-14, appellant
8 was subjected to double jeopardy which began before he was
9 arrested since the warrant was illegal due to the facts
10 that appellant was never served with any sort of summons
11 to the charges made against him, nor was he informed that
12 any sort of crime might have taken place, especially because
13 he did NOT reside within the jurisdiction of the State of
14 Nevada. See *State v. Blackwell*, 65 Nev. 405, 198 P.2d 280, 1948 Nev.
15 LEXIS 65 (Nev. 1948) cert. denied, 336 U.S. 939, 69 S.Ct. 742, 93
16 L. Ed. 1097, 1949 U.S. LEXIS 2642 (U.S. 1949).

17 This false imprisonment amounts to kidnapping by the fact that
18 Appellant and his trained service animals were removed from 3041
19 Saint Rose Pkwy, Henderson, NV to another place. See 174 N.E. 162, 163.
20 This unlawful removal was of a substantial distance and substantial
21 time period in an isolated place for the purpose of Sedgwick obtaining
22 an award, facilitating numerous felonies not only by both harming
23 and terrorizing the Appellant. The interruptions of Appellant's
24 worker's compensation, social security and personal injury
25 litigations and advocacy is interfering with government
26 function. See Model Penal Code §212.2. The abduction being
27 purporting by employees of Sedgwick and in coercion with law
28 enforcement has transformed the Appellant's indemnity into nothing
29 more than an illegal ~~criminal~~ criminal ransom demand.

Electronically Filed
04/06/2022

Matthew Houston
CLERK OF THE COURT

PAGE NUMBER ONE OF FIVE

MDC
Name: Matthew Travis Houston # 1Z10652 @ MDSP
Address: 790 S. Carson, Carson Blvd P.O. Box 650
City/State/Zip: Las Vegas, NV 89070 Indian Springs, NV
Phone: 702-559-6578 89070-0650
DEFENDANT IN PROPER PERSON, pro se

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

April 27, 2022
9:00 AM

State of Nevada

Plaintiff,

vs.

Matthew Travis Houston
(Plaintiff in Error)
Defendant

*Case No.: A-17-758861-C
Dept. No.: 29 JOINDER TO
C-21-357927-1th

Case No.: C-21-357927-1

Dept. No.: X and XI

☒ ORAL ARGUMENT

☒ HEARING

☒ REQUESTED

☒ JURY TRIAL DEMAND

EMERGENCY MOTION REQUESTING HEARING,

DE NOVO, AND RELEASE TO INTENSIVE SUPERVISION
COMES NOW, the Defendant Matthew Travis Houston and moves this

Honorable Court to dismiss Defendant's counsel, Andrew Goldstein, and appoint
standby counsel to assist Defendant, and schedule an emergency

hearing. This Motion is based upon all papers, pleadings, and documents on file, many

which are in transition and @ Ben Little's offices, others.

POINTS AND AUTHORITIES

It is respectfully requested of this court to grant this Motion to SET DE NOVO

Appoint Standby Counsel for the reasons listed below: Houston should be

able to complete his impulse control class,
as he is participating in anger management
in custody @ H.D.S.P. and mental health court
to transfer to intensive supervision w/
low level electronic monitoring + DRUG COURT

and suffers from BATTERED PERSON'S SYNDROME.

Page # TWO

ALSO Page # EIGHT, Page # NINE, Page # TEN and Page # ELEVEN
Now SEE 24-28 OF PAGE # ONE

RECEIVED
CLERK OF THE COURT
DEC 27 2021

RECEIVED
CLERK OF THE COURT
MAR 21 2022

PAGE NUMBER TWO OF FIVE;

I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

Since Houston was appointed as counsel on July 14th, 2021, Defendant

has been prejudiced and suffered manifest injustice based on counsel's refusal or failure to:
or apply my person to

(get me into) mental health court and / or drug

court to correlate w/ my Municipal Court

(double-jeopardy) cases to which I am to

complete intense impulsive-control classes and

I am also requesting intensive supervision w/

Div. of P. & P. because they do not have all

the facts, to which A-17-758862-C and the

scam of Jason Barnes, or at least all my State

Bar of Nevada complaints were ignored

because for the 2nd time Daniel Schwartz

is coercing^{the} judicial System of Nevada to have

me killed. Fast forward to 12-18-2021

and I must be able to take care of

my businesses, my mental health advocacy,

my work trucks, one Silverado I

just paid \$9,000 cash for, the other

is a MGM Excalibur at which I am

a good samaritan. Counsel failed to

ensure that my KA seeing eye dogs

were placed in the correct "legal"

kennel @ the Animal Foundation. Counsel

failed in preparing any motion to suppress

point at hearsay and oppose^{the} credibility

of R. McMorris, failed in delivering any

DISCOVERY to Defendant after 9/11 theft.

Ben Little and Jeremy Wood failed in helping

Houston file police report in re Sept. 11, 2021.

Page # THREE

PAGE NUMBER THREE OF FIVE:

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DETENTION SERVICES DIVISION

MEDICAL/DENTAL/MENTAL HEALTH SERVICES REQUEST

Name: HOUSTON MATTHEW ID: 703541
Housing: 2A6U Date of Birth: 7/15/1991 Date: 12/11/2023

IF YOU ARE CURRENTLY EXPERIENCING A MEDICAL EMERGENCY OR MENTAL HEALTH CRISIS,
NOTIFY A UNIFORMED OFFICER IMMEDIATELY

Description of illness or injury: IT IS IN REQUEST THAT DENIED FROM
CLARK COUNTY DETENTION CENTER
FOR MEDICAL RECORDS AND COMPLETE FILES
FROM CLARK COUNTY DETENTION CENTER

Date/Time Triaged: 12/11/2023 Category 1 ☐ 2 ☐ 3 ☐ RN

S: PLEASE TAKE NOTICE OF THIS DEMAND AND

O: TEMP: 98.6 PULSE: 60 RESP: 12 BP: 110/70

MOTION FOR SUBPOENA OF APPELLANT-PETITIONERS

A: CLARK COUNTY DETENTION CENTER

B: COMPLETE MEDICAL RECORDS AND COMPLETE FILES FROM CLARK COUNTY DETENTION CENTER

Refer to: ☐ Sick Call Doctor ☐ Nurse ☐ Psychiatrist ☐ Dentist ☐ DON ☐ Other:

Fee Charge: ☐ \$8.00 Medical Access Fee ☐ \$5.00 Medication Fee ☐ \$3.00 Medication Renewal Fee
☐ \$200.00 or actual cost (whichever is higher) ☒ No Charge

I understand that pursuant to NRS 211.140, I may be responsible for payment for medical care (see back of this form).

I understand that the medical access fee and/or medication fee noted above will be deducted from my inmate account.

I understand that fees may be collected at a later date if funds are not currently available in my inmate account. If I do not have sufficient funds to pay, and money is deposited into my inmate account at a later time, the amount I owe for these services will be deducted before any funds are made available to me.

No inmate will be refused in-house medical services based on an inability to pay at the time the healthcare is provided.

Inmate Signature: _____ Date: _____

Staff Signature: _____ Date: _____

INMATE NAME (PLEASE PRINT)	ID	HOUSING
<u>MATTHEW HOUSTON</u>	<u>703541</u>	<u>2A6U</u>

DISTRIBUTION: WHITE - Medical Records YELLOW - Inmate

DSO 02 (REV. 4/2021)

Page # FOUR



PAGE NUMBER FOUR OF FIVE:
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 Naumes-Miller
Court Division Administrator

January 03, 2022

Attorney: Anthony M. Goldstein
2421 Tech Center Court
Ste 100
Las Vegas NV 89128

Case Number: C-21-357927-1
Department: Department 10

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. Jan. 19, 2022 - refused medication @ NBOC intake because CLOC wellpath Pleadings: Emergency Motion never provided me w/ the wiki / definitions / paperwork on Ability, Depacote, BUSPIRONE, & MTH

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).

The copy that was sent to Fumo was noted "PETITION FOR ORIGINIAL REVIEW"

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Goldstein has recieved the Subpoena Duces Tecum, and my copy of that was fwd to Fumo and Pitorno... another was fwd to Scott Poisson. I

still have not been provided a phone # for A. Goldstein - Jan 9th - 2021. & MTH
Page # FIVE

II. ARGUMENT

Defendant, Matthew Houston asserts that he/she is being denied his/her right to effective representation due to wholly inadequate actions of his/her court-appointed counsel. Further, counsel's actions constitute a violation of the Defendant's due process rights under the following cases, statutes, and/or rules of professional conduct:

Supreme Court of Nevada Appeal
 this number is still → # 758867 (unsure this number incorrect due to false arrest)
 as result of personal injury case that I must continue litigating from "out-of-custody" status, case filing amended complaint # A-17-758867-C and many, many other petitions, appeals, Ombudsman advocacy not limited to the following: CR 033 713 C-17-323 614-1 C 1248384 A, AICR019840, C 1237802 A and Supreme Court of Nevada Appeal # C-17-323614-1, appeal # unknown (current PSI with errors is being reviewed by Ozzy Fumo) Or may have been lost on way to office.

WHEREFORE, the undersigned prays that the court grant Defendant's Motion to Dismiss Counsel and ~~Matthew Houston~~ release him to intensive supervision w/ low level monitoring.
 DATED THIS 18 day of December 2021.

Respectfully
 AMENDED THIS 6th day of March, 2022.

X. Matthew Houston
 and again on the 17th day of
 Matthew Travis Houston, pro se
 March, 2022.

Respectfully submitted

X Defendant (Plaintiff in error)
 at no fault
 Page # SIX of the "Defendant"

PAGE NUMBER FIVE OF FIVE
 Page # SIX of the "Defendant"

Matthew Travis Houston
No. 1210852
H.D.S.P.
P.O. Box 650
Indian Springs, NV 89070-0650

LAS VEGAS NV 890

18 MAR 2022 PM 5 L



Steven D. Grierson, Clerk of the Court
cc: Deputy Clerk Heather Ungermann
in re: C-21-357927-1
joinder to
A-17-758861-C
cc: Supreme Court of Nevada No. 84281
Regional "Justice" Center, 3rd Floor
200 Lewis Ave.
P.O. Box 551601
Las Vegas, NV 89155-1601
89155-160101

RECEIVED
MAR 17 2022
NORTH DAKOTA STATE PRISON

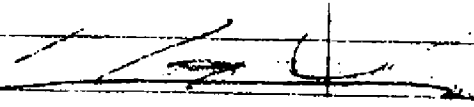
1 CERTIFICATE OF SERVICE

2 BY MAIL (NRS)

3
4
5 DECLARATION UNDER
6 PENALTY OF PERJURY

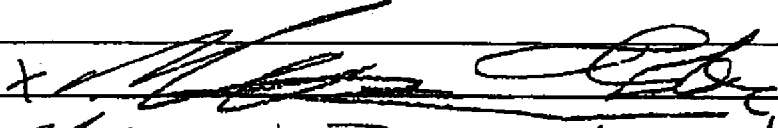
7 X prisoner is diligent X

8
9 Dated: December 21st, 2021

10
11 X 
12 MATTHEW TRAVIS HOUSTON
13 # 1210652 @ NROC
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Page # EIGHT

1 CERTIFICATE OF SERVICE (MRS)
2 BY MAILING AND
3
4 DECLARATION SWORN UNDER
5 PENALTY OF PERJURY
6
7 ON December 22nd, 2021
8
9

10 
11 MATTHEW TRAVIS HOUSTON
12 # 1210652 @
13 High Desert State Prison
14 P.O. Box 650
15 Tuleton Springs, NV
16 89070 - 0650
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29 Page # NINE

Matthew Houston #1214652
High Desert State Prison
P.O. Box 650
Indian Springs, NV
89070-0650

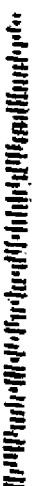
LAS VEGAS NV 890
23 DEC 2021 PM 5-L

quadrant FIRST-CLASS MAIL
12/23/2021
US POSTAGE \$000.73

ZIP 89101
041M12264121

Steven D. Lariverson,
Clerk of the Court
200 Lewis Ave., 3rd Floor
Las Vegas, NV
89155-1160

89101-630000



INTAKE
NSF 3763

HIGH DESERT STATE PRISON
DEC 21 2021
UNIT 1 CID

Matthew Travis Houston, Pro Se
#120652 / In Propria Personam
Post Office Box 650 [HDSPI]
Indian Springs, Nevada 89018

FILED

APR 18 2022

Sharon A. Allen
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

Hearing: 5/8/2022
Time: 9:00 AM

MATTHEW TRAVIS HOUSTON,
Petitioner-appellant,

vs.

THE STATE OF NEVADA,
Respondent

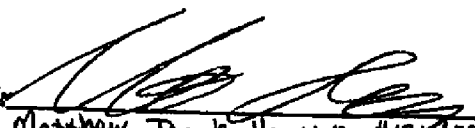
Case No. C-21-357927-1

Dept No. 11

Docket

MOTION FOR AN ORDER TO APPEAR BY PHONE OR VIDEO
AND NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that the Petitioner-appellant respectfully
moves this Court for an ORDER TO APPEAR BY PHONE OR VIDEO so that he
will come on for hearing before the above-entitled Court on the ^{or after} 6th day of April, 2022,
at the hour of 1:30 o'clock P. M. In Department 11, of said Court. (See) mailbox rules a rule
treating the sending of something as constituting a filing or as a basis for
assuming receipt; specifically: a rule in contract law; a notice of
acceptance of an offer. sent to the offeror by reasonable means or as
CC-FILE agreed by the parties is effective and is not affected by a
notice of revocation of the offer received later. WHEREFORE, the
Petitioner-appellant prays that the respondent take notice of the
complete contents of this envelope.
DATED: this 27th day of March, 2022.

BY: 
Matthew Travis Houston #120652
Petitioner-appellant/In Propria Personam

CLERK OF THE COURT

APR 06 2022

RECEIVED

Matthew Travis Houston, pro se Dated: this 24th day of
Student Member of the American Bar Association April, 2022,
No. 1210652, H.D.S.P.
P.O. Box 650
Indian Springs, NV
89070-0650

By: [Signature]

FILED

MAY 04 2022

CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

PP
DA

MATTHEW TRAVIS HOUSTON
Plaintiff-in-Errot,

May 25, 2022
9:00 AM

—VS—

CASE NO.: C-21-357927-1

DEPT No.: XI

"de novo
hearing requested"

THE STATE OF NEVADA,
et al.
Respondent(s).

EMERGENCY INTERPLEADINGS
AND MOTION TO COMPEL IN RE JANUARY 3rd
2022 DECEMBER 27, 2021 AS RENEWED REQUEST
FOR DE NOVO IN ORDER TO RESET TIME
FOR NOTICE TO THE COURT OF APPEALS AND
PROPER NOTICE OF APPEAL TO THE SUPREME
COURT OF NEVADA

PLEASE TAKE NOTICE OF Page # FIVE to help explain
how: This court will now take notice of the
attached copy of original "NOTICE OF APPEAL"
that was labelled "EMERGENCY MOTION
REQUESTING HEARING, DE NOVO" and was
received by the clerk of court December
27th, 2021. This certification meets the 30-
day time limit set to file a "NOTICE OF
APPEAL" to challenge a conviction in the

Supreme Court of Nevada and its Court of Appeals,

wherefore, Houston prays that this court
enter an order resetting time accordingly. See Attached
Page # ONE Motion

OTHER SIDE OF SHEET

GROUND NUMBER TWO

23(b) TWO

(a) Ground ~~ONE~~: Ineffective aid of counsel due to the fact that Petitioner was not deemed to be competent before the alleged 'plea agreement' was filed nor did Petitioner witness the alleged 'plea agreement' until after being moved to H.O.S.P.

Supporting FACTS (Tell your story briefly without citing cases or law.): See the attached pro se filed "DIRECT APPEAL" specifically page number 2, page number 3, page number 4, page number 5 and page number 6. By entering a plea to a charge that is beyond the scope of his actual conduct, his plea was not knowingly and intelligently made. "A defendant's guilty plea must be voluntary, knowing and intelligent to satisfy constitutional due process." *State v. Freese*, 116 Nev. 1097, 1108, 13 P.3d 442, 449 (2000). The U.S. Supreme Court of the United States has used slightly different language when describing the voluntary, knowing and intelligent requirement, but the same general standard is likewise federally enforced. See, *Parke v.aley*, 506 U.S. 20, 28-29, 121 L. Ed. 2d 391, 113 S. Ct. 517 (1992) (describing the standard as both "knowing and voluntary" and "voluntary and intelligent"; *Boykin v. Alabama*, 395 U.S. 238, 242, 23 L. Ed. 2d 274, 89 S. Ct. 1709 (1969) ("intelligent and voluntary"); *McCarthy v. United States*, 394 U.S. 459, 466 22 L. Ed. 2d 418, 89 S. Ct. 1166 (1969) ("voluntary and knowing").

23. Ineffective aid of counsel as well as prosecutorial word count 249 23.
 a. misconduct when being ~~deprived~~ deprived of proper application to (Ground
 mental health court, drug court and failure to deem Petitioner (Ground
 competent before plea bargaining and / or sentencing * Denial of Competency * 2)

1 Dianne Ferrante has caused not only further
 2 injury upon Houston but has further injured other workers
 3 and totally permanently disabled citizens due
 4 to her mishandlements, irresponsibility, willful neglect,
 5 and other schemes not limited to the illegal
 6 extortion of Houston's disability claims which are
 7 substantially proven by the events of October 1st, 2021.

8 Sedgwick and its counsel Dain Schwartz are an abatable
 9 nuisance and must be held accountable for the
 10 damages inflicted upon Houston and the people of
 11 the State of Nevada. In regards to events,
 12 Houston has and continues to suffer from BATTERED

13 PERSONS SYNDROME as result of surviving numerous traumas
 14 (other than ONE OCTOBER and his 2016 work
 15 accident at Mandalay Bay Resort) including: 1. fire

16 • death of uncle Randall Schoenherr - 2019
 17 while illegally incarcerated in NDOC for a dismissed case.

18 • suicide of uncle Rollie Schoenherr - 2017.

19 • divorce from abusive spouse in 2014 after learning
 20 that his son was NOT his and victim of domestic violence.

21 • suicide of brother Mitchell Ryan Houston - 2014.

22 • witnessed domestic violence between his parents
 23 very often as a child - 1984 - 2000.

24 DREAM JOURNAL IN RE JANUARY 26-27, 2022:

25 Last night I was working again, with forklift. operator was Tripp in
 26 Nashville, TN from CREW ONE who kept telling me it's okay to ride on the
 27 forklift. Then my right hand was cut off. I woke up to remember
 28 how my right hand was smashed in 2013 while working for C-DIVE. I was getting
 29 those records for subpage # 3 - from Louisiana in January, 2021. M.T.H.

30. "C.P.T.S.D." is a mental disease and stands for "COMPLEX
 31. POST-TRAUMATIC STRESS DISORDER."

23.b. Ground Two, continued
(Denial of competency hearing)

word count: 270

(page #4 of DIRECT APPEAL)
TO C-21-357927-1

AMENDED PETITION FOR JUDICIAL REVIEW

in re July 14th, 2021 - current date of illegal incarceration at time of this writing being on or about Thursday, January 27th, 2022, after waking up from CPTSD nightmare:

The primary factor showing the judicial biases against petitioner is the fact that Tierra James never responded to petitioner's first PETITION FOR WRIT OF HABEAS prepared while illegally incarcerated at T.L.V.C. during his wrongful conviction of DIST. case No. C-17-323614-2, date and depth unknown due to petitioner's current false imprisonment in fish tank. THIS DEFAULT STATUS of the state of Nevada is further reinforced by the fact that the petitioner's drafts for a 2nd PETITION FOR A WRIT OF HABEAS CORPUS, along with the rest of petitioner's correspondence are being withheld by the Clark County Public Defender's office for no reason other than the intentional disregard for injured worker's rights. This bias is proven by numerous case history, one of which being where an industrial work accident causing workers fatality was determined by the courts to compensate only \$10,000 to the surviving family to assist in paying funeral expenses. The death was of an employee of Rhino Staging and happened at MGM Grand Arena and the case is being served subpoena in A-17-758861-1 Dept. 29 and multiple complaints.

As the malicious prosecution of the state has attempted to make an example out of an honest and law abiding man, the petitioner will now illustrate to this court some accurate and truthful examples that explain how recurring nightmares effect Dave Grohl, as most surely, the family of the Rhino Staging employee is still haunted by the loss of their son.

LET THE COURT BE PROVIDED WITH THE DEFINITION OF "BATTERED PERSON'S SYNDROME":

EXHIBIT - NOVEMBER 25, 2021

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At just about every Fooz concert, the band plays 2011 "Walk" which has some of the most audacious lyrics Grohl - or anyone, really - ever wrote. "Every night when he sings the line *I never want to die*," says Smear, "I look at him every time and think of Kurt. Every single time. Because Kurt was *I hate myself and I want to die*." And that's the opposite-ness of them. And I do so love being with life lovers.

As it happens, Smear is correct about the inspiration behind that song. "It kind of comes from the day after Kurt died," Grohl says, "his voice a little softer than usual. Waking up that morning and realizing 'Oh shit, he's not here anymore.' I am, like, I get to wake up and he doesn't. I'm making a cup of coffee, and he can't. I'm gonna turn on the radio. And he won't. That was a big revelation to me.

"I think also in life, you get trapped in crisis, where you imagine there's no way out. When really, if you dare to consider that crisis a blip on the radar, it's easier to push through. And yeah, I was just like, 'I don't want anyone to have that feeling that I had that morning.'"

But in any case, he really means it.

"I'm serious," Grohl says. "I don't want to [*expletive*] die! I know it's inevitable, but I don't want to. That's gonna be such a drag." He's silent for a rare moment, and smiles, baring those battered teeth. "I'll fight it as [*expletive*] long as I can."

- Rolling Stone Magazine

October 2021, page 79

Let this Court's record reflect from page _____, line number _____, in honor of Appellant's brother Mitchell Ryan Houston, who would have turned the age of 23 on the day that this EXHIBIT was prepared. "BATTERED PERSON'S SYNDROME" is a condition characterized by a ^{history of} repetitive spousal abuse and learned helplessness; BPS has been defined by California courts as "a series of common characteristics that appear in women who are abused physically and psychologically over an extended period of time by the dominant male figure in their lives; a pattern of psychological symptoms that develop after somebody has lived in a battering relationship; or a pattern of responses and perceptions presumed to be characteristic of women who have been victims of abuse."

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

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED
MAY 19 2022
CLERK OF COURT

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

CASE No.: C-21-357927-1
DEPT No.: XI

-VS-

June 13, 2022
9:00 AM

THE STATE OF NEVADA, et al
Respondent(s)

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

EMERGENCY MOTION TO STRIKE FROM THE RECORD
"INFORMATION" FILED AUGUST 3RD, 2021

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. KHOADES and STEVEN B. WOLFSON 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 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 and showed the upmost disrespect towards the Declaration of Human Rights, in blatant disregard of our nation's Fourth Amendment.

MATTHEW TRAVIS HOUSTON NOW PRESENTS:

No. 1210652 @ HDSP

P.O. Box 650

Indian Springs, NV 89070-0650

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

5 Medina v. California, 505 U.S. 437, 439,
6 112 S.Ct. 2572 L.Ed.2d 353 (1992)

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

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

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

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

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

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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 Bernard 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. Okeetee at Grand Desert Psychiatry however, his
28 dereliction of duty was a direct cause of multiple wrongful convictions.

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1 This Failure to Investigate Competency of Plaintiff-in-
 2 Error was furthered into the double-jeopardy cases in Las Vegas
 3 Municipal Court(case(s) C1248384A and C1237802A). Not once did
 4 Benard Little discuss Cases with the Plaintiff-in-Error. See
 5 Hummel v. Rosemeyer, 564 F.3d 290, 302-03 (3d Cir. 2010)

6 (trial counsel was ineffective ~~when he~~ stipulated
 7 to defendant's competency when he had never met
 8 with defendant). Benard Little did not ask Plaintiff-in-Error
 9 or his alibi witnesses about anything whatsoever, quite similar to the case
 10 of Thomas v. Lockhart, 738 F.2d 304 (8th Cir. 1984)

11 (failure to investigate alibi witnesses and
 12 defendant's competency was ineffective assistance
 13 and rendered defendant's plea unknowing and
 14 involuntary). As Clark County Public Defender's Cassandra Diez
 15 failed to provide the court with ANY of Plaintiff-in-Error's medical records,

16 See, Evans v. Lewis, 855 F.2d 631, 636-639
 17 (9th Cir. 1988)

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

22 Dutcher v. Whitley, 884 F.2d 1152, 1159-60
 23 (9th Cir. 1998)

24 ("counsel made no tactical decision not to investigate
 25 [the defendant's] possible mental impairment. He simply
 26 failed to do so"). Causing a disabled person to become wrongfully
 27 convicted is in no way ANY sort of "tactical decision" as this case
 28 demonstrates the upmost brutality of law enforcement. The truth is

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that a Failure to Investigate Competency, in Defense of Battered
Person's Syndrome: for an Insanity Defense} ← which, inclines bias.
Bias from the general public, the legal system and big insurance claims. It
is oftentimes abused by ~~many~~ defendants in the criminal justice "system."

Maddox v. Lord, 818, F.2d 1058, 1061-62 (2d Cir. 1987)

(failure to develop psychiatric testimony to support
extreme emotional disturbance defense was deficient
performance; case remanded for a determination of
prejudice). In this case, the Clark County Public Defender's social worker
Cassandra Diez neglected her duty in providing court with ^{Petitioner-}Appellant's files. See
Jacobs v. Horn, 395 F.3d 92 (3d. Cir 2005)

(counsel's failure to investigate defendant's competency
was ineffective assistance; error was compounded by
attorney's failure to notify psychiatrist examining
defendant that defendant was facing death penalty).

Becton v. Barnett, 920 F.2d 1190 (4th Cir. 1990)

(remanding for a hearing on claim that attorney was
ineffective for failing to investigate defendant's competency
despite signs of instability). Obviously, this case should be remanded.

Lockett v. Anderson, 230 F.3d 695, 715-17 (5th Cir. 2000)

(defendant was prejudiced under *Strickland* based on
counsel's failure to investigate mitigating evidence relating to mental
condition). This case should be remanded because the court failed
in considering the competence of the Plaintiff-in-Error even
before the criminal complaint was filed on April 26, 2021.

If the fraudulent hearsay within that complaint would have been
even remotely truthful, it would have revealed that (according to Capital
Police Officer Montero's communications with Iowa Police)

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1 the Plaintiff-in-Error had requested help for his mental
 2 illness, and was off his medication. 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 7 (attached)
 26 MOTION

26 WHEREFORE, the undersigned prays that the court grant Plaintiff-
 27 in-Error / Petitioner-appellant's Motion To Strike. x. *Matthew Travis Houston*
 28 DATED: this 29th day of April, 2022. BY: Matthew Travis Houston, pro se #1210652.

CERTIFICATE OF SERVICE

I, Matthew Travis Houston, hereby certify that I am the petitioner in this matter and I am representing myself in propria persona.

On this 4th day of May, 2022, I served copies of the EMERGENCY MOTION TO STRIKE FROM THE RECORD "INFORMATION" FILED AUGUST 3RD, 2021 ^{"de novo hearing requested"} and EMERGENCY MOTION FOR PRODUCTION OF EXCULPATORY EVIDENCE in case number: C-21-357927-1 and placed said motion(s) in

U.S. First Class Mail, postage pre-paid:

Address: 200 LEWIS AVENUE, 3RD FLOOR Las Vegas, NV
Sent to: STEVEN D. GRIERSON, 89155-1160
CLERK OF THE COURT

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
on this 4th day of May, 2022.

Matthew Travis Houston
Matthew Travis Houston DOP#1210652

PLAINTIFF - IN- ERROR AND
PETITIONER, In Proper Person
APPELLANT

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding EMERGENCY

MOTION TO STRIKE FROM THE RECORD "INFORMATION
(Title of Document) FILED AUGUST 3RD, 2021
AND EMERGENCY MOTION FOR PRODUCTION IF EXCULPATORY EVIDENCE
filed in District Court Case number C-21-357927-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-OR-

B. For the administration of a public program or for an application
for a federal or state grant.

Matthew Travis Houston
Signature

May 4th, 2022
Date

Matthew Travis Houston
Print Name

Reverend, Smart, Doctor, CEO
Title

8 9

Houston
1210652
U3 D 42
Legal Work Only

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

CLERK OF THE COURT
STEVEN D. GRIERSON
200 LEWIS AVENUE, 3RD FLOOR
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GROUND NUMBER THREE

23 (c) Ground THREE: Malicious prosecution, intentional prosecutorial misconduct, see attached 'DIRECT APPEAL' pages 1-12, specifically pages 10 and 11. If Petitioner receives truthful and accurate transcripts of the events leading to this most

Supporting FACTS (Tell your story briefly without citing cases or law.): wrongful conviction, the record will reflect that no investigation was done (Vega vs. Ryan, 9th Cir.) of any defence, evidence or any of the alleged witnesses. Counsel failed to investigate competency, failed to move for suppression of evidence because there was none and failed to oppose the "INFORMATION". A conflict of interest was made when counsel failed to oppose the alleged "plea agreement" as Petitioner felt pressured into being released. This conflict affecting the plea was ignored by the state on Oct. 5th, 2021 as both counsel and the prosecution failed to engage in any sort of meaningful plea negotiations. The inability of the Petitioner to communicate with any attorney caused further conflict, (SEE U.S. vs. Moore). The state interfered during critical stages of the proceedings, causing a separate malpractice proceeding. Counsel's absence during the issuance of no contact order hearings violated Petitioner's 6th Amendment rights. According to Mitchell vs. Mason, there was nothing less than a complete denial of counsel considering Bernard Little communicated with the Petitioner less than 6 minutes since the alleged complaints were filed. Substantial prejudice of the Petitioner resulted with counsel's failure to request any sort of continuance, especially as the unnamed "substitute judge" was to have vacated sentencing on November 24th, 2021 constituting a denial of continuance. The Petitioner was not given any advice concerning plea, going to trial or preserving his rights.

1. Ground Three:

23. C. (Prosecutorial Misconduct)

23. d. WORD COUNT: 254

Ground Four:

(State's denial of Defendant's constitutional right to defend himself.

1. Defendant has been overwhelmingly prejudiced in this
 2 case, especially with the initial statement made by the
 3 prosecution labelling Houston as "a danger to society"
 4 and when female judge Tierra Jones, after Ben Little
 5 failed to rebut the false pretences made by R.
 6 McMorris, made personal comments further insulting
 7 character of the Defendant after he invoked his
 8 5th Amendment rights, especially considering the
 9 fact that prior to the Defendant being in
 10 custody he had never seen R. McMorris, in
 11 person, up close or from afar nor had he communicated
 12 with her over any sort of telephone, e-mail, listening
 13 device, social media or otherwise.
 14 Petitioner/defendant was denied his constitutional right to defend
 15 himself without counsel when the substitute judge appointed Anthony
 16 M. Goldstein. See *Hollis v. State*, 95 Nev. 664, 601 P.2d 62, 1979 Nev. LEXIS
 17 637 (Nev. 1979). "unreliable" is self-explanatory, see *Buffalo v. State*, 111
 18 Nev. 1139, 901 P. 2d 647, 111 Nev. Adv. Rep. 127, 1995 Nev. LEXIS 125
 19 (Nev. 1995). Tierra Jones and every other individual refusing to
 20 take accountability for the current injustices against Petitioner
 21 is guilty of violating NRS § 484.219, renumbered to NRS 484E.01
 22 and should be charged with leaving the scene of a single accident
 23 because deliberate indifference is wrong, just as R. McMorris lies
 24 she told on record were. See *Firestone v. State*, 120 Nev. 13, 83
 25 P.3d 279, 120 Nev. Adv. Rep. 3, 2004 Nev. LEXIS 3 (Nev. 2004).
 26 Furthermore, the credit for presentence incarceration of the
 27 Petitioner is inaccurate. See *Griffin v. State* 122 Nev. 737, 137
 28 P.3d 1165, 122 Nev. Adv. Rep. 63, 2006 Nev. LEXIS 70 (Nev. 2006).

29. page #8

WORD COUNT: 262

23.C. GROUND THREE: MALICIOUS PROSECUTION AND PROSECUTORIAL MISCONDUCT

1 See 249 So. 2d 908, 918: This miscarriage of justice
2 is a justiciable controversy in that the dispute involves
3 legal relations of parties who have real adverse interests, and
4 upon whom judgement may effectively operate through a
5 decree of conclusive character.

6 See 155 S.E. 2d 618, 621: This dispute is NOT
7 hypothetical, contingent or abstract other than the FACT
8 that insurance claim adjusters might be being paid kickbacks or
9 contingency fees to see that Houston is denied his
10 indemnity which is what has happened on more than
11 one occasion since his incurring of numerous catastrophic
12 injuries and multiple wrongful convictions. This court was not
13 justiciable in accepting Houston's original plea nor was it
14 feasible for prosecution to conjure up the indictment on
15 a permanently totally disabled worker as result of the false
16 pretenses made against Houston and other injustices he has
17 suffered. The fact that this court stood with a lying worker's
18 compensation adjuster's boss is pervasive, and the continuous
19 errors made by this court are extremely prejudicial to the
20 appellant, harmful in the upmost ways to him and his family
21 and warrant an immediate review by the Supreme Court of
22 the State of Nevada. See 178 P. 2d 341.

23 To explain the conflict between attorney, appellant and this
24 court in both civil and criminal case(s), the Clark County
25 Public Defender's office contributed to Houston's indigent status,
26 while the history of the Las Vegas judicial system being
27 biased against injured workers and their claims shows how courts
28 value the big insurance companies over the health, rights and freedoms
29 of We The People... page 410 See Clark v. State, 108 Nev. 324 (1992)

"where we go one, one go all"

DA
PP

Matthew Travis Houston, pro se

#1210652 at H.D.S.P.

P.O. Box 650

Indian Springs, NV

89070-0650

FILED

APR - 2 2022

CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

Hearing: 4/25/2022
Time: 9:00 AM

Matthew Travis Houston,

Petitioner-Appellant
and Plaintiff in Error

CASE NO: C-21-357927-1

-vs-

DEPT NO: XI

THE STATE OF NEVADA,

Respondant,

"de novo hearing requested"

EMERGENCY MOTION FOR AN ORDER TO SUPPRESS

HEARING FROM DECEMBER 6TH, 2021.

COMES NOW, the Appellants Matthew Travis Houston

and in proper times this Honorable Court to take accountability for

every single wrongful conviction it has caused. (Matter of, 27-1

prosecution, judicial malpractice, prosecutorial misconduct,

and further miscarriages of justice define the above-entitled case.

The Plaintiff can and has demonstrated a prima facie

need as both this motion and appeal are made and

based on newly discovered evidence, the attached

memorandum of Points and Authorities, and Factum.

DATED: this 19th day of March, 2022. x: *Matthew Houston*

and please actually READ my pleading, BP: Matthew Travis Houston, pro se

(fill of the pages) Page 1 in proper personam

CLERK OF THE COURT

MAR 25 2022

RECEIVED

1 NRS 34.740 Petition: Expeditious judicial examination.

2 ~~34.740~~ presented
3 The original petition must be (reported) promptly to a district
4 judge, a judge of the Court of Appeals or a justice of
5 the Supreme Court by the clerk of the court. The
6 petition must be examined expeditiously by the judge or
7 justice to whom it is assigned.

8 (Added to NRS by 1985, 1229; A 1991, 85; 2013, 1741)

9 WITHDRAWAL OF PLEA

10 NRS 176.165 When plea of guilty, guilty but mentally ill
11 or nolo contendere may be withdrawn. Except as otherwise
12 provided in this section, a motion to withdraw a plea of
13 guilty, guilty but mentally ill or nolo contendere may be
14 made only before sentence is imposed or imposition of sentence
15 is suspended. To correct manifest injustice, the court
16 after sentence may set aside the judgement of conviction
17 and permit the defendant to withdraw the plea.

18 (Added to NRS by 1967, 1434; A 1989, 1983; 1995, 2456;
19 2003, 1467; 2007, 1421)

21 JOINDER AND RELIEF THEREFROM

22 NRS 174.155 Trial together of indictments or informations.
23 The court may order two indictments or informations or both
24 to be tried together if the offenses, and the defendants if
25 there are more than one, could have been joined in a single
26 indictment or information. The procedure shall be the same as if
27 the prosecution were under such single indictment or information.

28 (Added to NRS by 1967, 1418)

1 POINTS AND AUTHORITIES IN OPPOSITION OF

2 a Waiver of Right to Appeal or Collaterally Attack Sentence

3 (waiver does NOT bar claims challenging the validity
4 of the waiver or guilty plea itself)

5 *United States v. De-la-Cruz Castro*, 229 F.3d 515 (1st Cir. 2002)

6 (waiver of appellate rights due to ineffective assistance may be
7 challenged under § 2255 or in habeas corpus).

8 *United States v. Shedrick*, 493 F.3d 292, 298 n.6 (3d Cir. 2007)

9 (ineffective assistance qualifies as a miscarriage of justice
10 sufficient to overcome a waiver of appeal provision).

11 *United States v. Johnson*, 410 F.3d 137, 151 (4th Cir. 2005)

12 (ineffective assistance claims following entry of guilty plea
13 cannot be waived).

14 *United States v. White*, 307 F.3d 336, 341 (5th Cir. 2002)

15 ("[A] waiver of appeal may not be enforced against a section

16 2255 petitioner who claims that ineffective assistance of
17 counsel rendered that waiver unknowingly or involuntary.")

18 *United States v. Oliver*, 630 F.3d 397, 411 (5th Cir. 2011)

19 (court allowed plea challenge despite existence of appeal waiver)

20 *In Re Acosta*, 480 F.3d 421, 422 (6th Cir. 2007)

21 (waiver of right to appeal or collaterally attack sentence
22 may be attacked as involuntary or the product of ineffective assistance)

23 *Huff v. United States*, 734 F.3d 600, 606 (6th Cir. 2013)

24 (a defendant may pursue waived claims through collateral
25 attack under 28 U.S.C. § 2255 when he can demonstrate
26 cause and prejudice to excuse his default).

27 *United States v. Huber*, 516 Fed.Appx 580, 581 (6th Cir. 2013)

28 (a waiver of appeal rights may be challenged on the grounds that it was NOT
29 knowing or voluntary or was the product of ineffective aid of counsel).

1 *Jones v. United States*, 167 F.3d 1142, 1145 (7th Cir. 1999)
 2 (waiver of right to file a petition under § 2255 is unenforceable
 3 with respect to an ineffective assistance claim that challenges
 4 the voluntariness of the waiver).

5 *United States v. Joiner*, 183 F.3d 635, 645 (7th Cir. 1999)
 6 (ineffective assistance qualifies as a miscarriage of justice
 7 sufficient to overcome a waiver of appeal provision).

8 *Hurlow v. United States*, 726 F.3d 958, 964 (7th Cir. 2013)
 9 (the court has repeatedly recognized that appellate and collateral
 10 review waivers cannot be invoked against a claim counsel
 11 was ineffective in the negotiation of a plea agreement).

12 *DeRoos v. United States*, 223 F.3d 919, 924 (8th Cir. 2000)
 13 (waiver does not bar claim that "the plea was not knowing and
 14 voluntary because it was the result of ineffective assistance of counsel").

15 *Washington v. Lampert*, 422 F.3d 864, 871 (9th Cir. 2005) 
 16 ("[A] plea agreement that waives the right to file a federal
 17 habeas petition pursuant to 28 U.S.C. § 2254 is unenforceable
 18 with respect to an [ineffective assistance] claim that challenges the
 19 voluntariness of the waiver.").

20 *United States v. Cockburn*, 237 F.3d 1179, 1187 (10th Cir. 2001)
 21 (waiver does not affect "the right to bring a § 2255 petition based on
 22 ineffective assistance challenging the validity of the plea waiver").

23 *Upshaw v. Singleton*, 70 F.3d 576, 578 (11th Cir. 1995)
 24 (claim of ineffective assistance at plea was not waived even though
 25 issue was not raised on appeal [direct appeal]).

26 *Williams v. United States*, 396 F.3d 1340, 1342 n.2 (11th Cir. 2005)
 27 (assuming, without deciding, that a claim of ineffective assistance in
 28 entering or negotiating a plea cannot be waived).

1 Other Exceptions to the Procedural Default Rule, is that
 2 since Bernard Little was an authority figure who held Appellants fate
 3 and well being in other ways that have shown "cause" and
 4 "prejudice" for a default other than through the over used
 5 "ineffective assistance." For instance, a petitioner
 6 can show "cause" based on "some objective factor
 7 external to the defence [that] impeded counsel's
 8 failure to comply with [a] State's procedural rule,"
 9 the presence of a "factual or legal basis for a
 10 claim that was not reasonably available to
 11 counsel," or when government interference impedes
 12 the presentation of a claim. The procedural
 13 default rule will also be excused when doing
 14 otherwise would "result in a fundamental miscarriage
 15 of justice." *Murray v. Carrier*, 477 U.S. 478, 488,
 16 106 S.Ct. 2639, 91 L.Ed.2d 397 (1986);
 17 *Coleman v. Thompson*, 501 U.S. 722, 750, 111
 18 S.Ct. 2546, 115 L.Ed.2d 640 (1991);
 19 *Martinez v. Ryan*, 680 F.3d 1160 (9th Cir. 2012)
 20 (inadequate assistance of counsel during initial
 21 review collateral proceedings may establish cause
 22 for a prisoners default of a claim of "ineffective
 23 assistance of counsel at trial).
 24 PLEASE TAKE NOTICE that the plaintiff-in-error/petitioner—
 25 appellants mental issues put him into a severe state of
 26 paranoia. As he was deprived of his service K9 JOHNNY CASH,
 27 he feared physical harm might come to him if he did not
 28 accept any sort of agreements.

Page # 5

1 *Cullen v. Pinholster*, 563 U.S. 170, 131 S.Ct. 1388,
 2 79, L.Ed.2d 557 (2011) (federal courts' consideration
 3 of evidence or claims not presented in the state
 4 court is generally barred); *Martinez v. Ryan*,
 5 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012)
 6 (inadequate assistance of counsel at initial review
 7 collateral proceedings may establish cause for
 8 prisoner's procedural default of a claim of ineffective
 9 assistance of counsel at trial); *Trevino v. Thaler*,
 10 133 S.Ct. 1911, 1921, 185 L.Ed. 1044 (2013)
 11 (ineffective assistance of counsel claim may be
 12 raised in federal court if there was no meaningful
 13 opportunity for that claim to be heard previously);
 14 *Riva v. Riva*, 615 F.3d 35, 39 (1st Cir. 2010)
 15 (a habeas petitioner bears the burden of establishing
 16 the basis for equitable tolling).

17 However, to ensure that ineffective assistance excuses a
 18 procedural default, claims of ineffective assistance should be
 19 presented in state court first; otherwise, the default
 20 may not be excused in federal court. See, e.g.,
 21 *United States v. Cerna*, 603 F.3d 32, 42 (2d Cir.
 22 2010) (ineffective assistance of counsel can be grounds
 23 for excusing the administrative exhaustion
 24 requirement of 8 U.S.C. § 1326(d)(1)); *Hull v. Freeman*,
 25 991 F.2d 86, 93 (3d Cir. 1993) (default not excused where
 26 claim of ineffective assistance was not presented in state
 27 court first). To remind this court again, *Benard Little*
 28 should NOT have been re-appointed after admitting ineffectiveness.

Page # 6

1 Did ~~the~~^{defendant} fail to exhaust "the remedies available."
 2 in state court concerning the claim? Absolutely not,
 3 because of the defendant was prejudiced, biased and has severe
 4 issues. Before a state prisoner can seek Federal
 5 habeas relief, he must first "present the state
 6 courts with the same claim he urges upon the
 7 federal courts." *Picard v. Connor*, 404 U.S. 270,
 8 272, 30 L.Ed. 2d 438 (1971). To do this, a
 9 state prisoner must cite the relevant federal
 10 constitutional provision his or her claim relies upon,
 11 and present the claim through the entire state
 12 appeals process. *Duncan v. Henry*, 513 U.S. 364,
 13 365-66, 130 L.Ed. 2d 865 (1995) (state court
 14 must be "alerted to the fact that the prisoners are
 15 asserting claims under the United States Constitution");
 16 *Justices of Boston Mun. Court v. Lyden*, 466 U.S.
 17 294, 302-03, 80 L.Ed. 2d 1311 (1984) (prisoner exhausted
 18 state remedies where claim was presented to state's
 19 highest court on denial of motion to dismiss).
 20 If a state prisoner files a §2254 petition
 21 containing both exhausted and unexhausted claims,
 22 the prisoner can either (1) amend the petition to
 23 remove the unexhausted claims; or (2) seek a stay
 24 in order to return to state court to complete
 25 exhaustion of the unexhausted claims. *Rose v. Lundy*,
 26 455 U.S. 509, 510-71 L.Ed. 2d 379 (1982); *Moore v. Weber*, 544 U.S. 269, 278
 27 161 L.Ed. 2d 440 (2005) (stay granted where ~~only~~ good cause for failure
 28 to exhaust is shown). If the prisoner decides to do neither,
 29 the court will dismiss the petition. Page # 7.

1 as federal courts are prohibited from considering
2 so-called "mixed-petitions." *Rose*, at 510.

3
4 Is the claim procedurally barred?
5

6 The "procedural default rule" is a judge-
7 made doctrine that requires state prisoners to
8 present their claims in state court in accordance
9 with state procedural rules before going to federal
10 court. Claims that are not properly presented
11 ordinarily will not be considered in a § 2254
12 petition. *Diethe v. Hake*, 541 U.S. 386, 380,
13 158 L.Ed.2d 659 (2004).

14 The procedural bar can be overcome, though,
15 upon a showing of "cause" and "prejudice" for a
16 petitioner's default. *Coleman v. Thompson*,
17 501 U.S. 722, 750, 115 L.Ed.2d 640 (1991).

18 Generally, prisoners can show "cause" and "prejudice"
19 by demonstrating ineffective assistance. *Murray v. Carrier*,
20 477 U.S. 478, 488, 91 L.Ed.2d 397 (1986) (ineffective
21 assistance can ~~constitute~~ constitute "cause"); *Diethe v.*
22 *Hake*, 541 U.S. 386, 380, 124 S.Ct. 1847, 158
23 L.Ed. 659 (2004); *Coleman v. Thompson*, 501 U.S. 722,
24 750, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991); *Harrington v.*
25 *Richter*, 562 U.S. 86, 131 S.Ct. 770, 785, 178
26 L.Ed.2d 624 (2011) (does not require a state court
27 to give reasons before its decision can be deemed
to have been adjudicated on its merits);

1 To ensure that ineffective assistance excuses
 2 a procedural default, claims of ineffective assistance
 3 should be presented in state court first; otherwise,
 4 the default may not be excused in federal court.
 5 See, e.g., *United States v. Cerna*, 603 F.3d 32, 42
 6 (2d Cir.2010)(ineffective assistance of counsel can be
 7 grounds for excusing the administrative exhaustion
 8 requirement of 8 U.S.C. §1326(d)(1); *Hull v. Freeman*,
 9 991 F.2d 86, 93 (3d Cir.1993)(default not excused
 10 where claim of ineffective assistance was not
 11 presented in state court first; *Pruett v. Thompson*,
 12 996 F.2d 1560, 1570 (4th Cir.1993)(same);
 13 *Lewis v. Starnes*, 390 F.3d 1014, 1030 (7th Cir.2004)
 14 (same); *Spitsyn v. Moore*, 345 F.3d 796, 798 (9th Cir.2003)
 15 (professional misconduct may amount to egregious
 16 behavior and create an extraordinary circumstance
 17 that warrants equitable tolling); *Bailey v. Mapes*,
 18 358 F.3d 1002, 1004 (8th Cir.2004)(same);
 19 *Hawkins v. Mullin*, 291 F.3d 658, 670 (10th Cir.2002)
 20 (same); *Boyant v. Warden*, 738 F.3d 1253, 1261(11th Cir.2013).
 21 The defence counsel's failure to present
 22 expert testimony caused a miscarriage of justice. In
 23 *In Re Brett*, 142 Wn. 2d 868, 16 P. 3d 601 (2001), the
 24 Supreme Court found trial counsel ineffective in failing
 25 to present expert testimony concerning the defendant's medical
 26 and mental conditions. Brett had previously argued on direct appeal
 27 that trial counsel were ineffective, and had specifically relied on
 28 counsel's failure to explore Brett's fetal alcohol syndrome.

0 In regards to the Appellant's indigence, he is NOT a needy person.

1 It's impossible for indigent clients to receive

2 the same competent representation by appointed

3 counsel since retained counsel is paid for

4 their time to investigate, be zealous, diligent

5 exhaustive. Counsel has a duty of loyalty

6 to their client. Appointed counsel does not

7 exercise that duty, or at least it did not

8 adhere to their duties in this case

9 Government interference has been impeding the

10 claims of the Appellant since before the events of

11 September 30th, 2016. A well established megillah of a

12 timeline has been developed thus far and it was

13 government interference that initiated the false and

14 invalid claims of the state due to the extreme conflict

15 of interest between each and every individual and

16 agency involved. It should be taken into consideration

17 that the behavior and the professional misconduct of the

18 witnesses in this case were coerced by both law

19 enforcement, prosecutorial misconduct, and a significant

20 amount of their over-reaching tactics were motivated

21 by greed in the exploitation of the Appellant's civil

22 litigation(s). Because of the situations in petitioners

23 appellants 37 years of survived abuses by evil

24 forces and entities and individuals in addition to the

25 police state brutality of law enforcement, any sort

26 of plea Houston might have entered was not freely,

27 voluntarily nor intelligently given. It was coerced

28 under a kind of psychosis that would lead him to agree to anything while

29 under the stress caused by a state of reverential fear.

notice to the agency.

is

notice to principle.

notice to the agency.

is

notice to principle

Due to numerous conflicts of interest, the Defendant's diminished mental capacity in suffering from prosecutorial malice and other abuses, he now meekly and humbly moves that honorable court MOTION TO STRIKE FROM THE RECORD FOR AN AFFIDAVIT FROM DECEMBER 6th 2021, so that justice may be served... why would the Defendant wish to speak with the attorney who ~~asked~~ ~~asked~~ moved this court to recuse himself on October 5th, 2021 due to Defendants continued mental health crisis? It was in fact Bernard Little who contributed to the Defendant being coerced into some sort of plea bargain just so he could be released to search for his seeing eye dogs who were illegally impounded July 14, 2021. Please see the attached newly discovered evidence.

Law Offices of Anthony M. Goldstein

March 16, 2022

Matthew Houston (NDOC ID #1210652)
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070-0650

Sent Via First Class Mail

Re.: Clark County District Court case # C-21-357927-1
State of Nevada v. Houston

Dear Mr. Houston:

I am in receipt of your recent letter, which was postmarked on March 10th, 2022.

In November of 2021, the Court appointed me for the limited purpose of looking into whether there were grounds for you to withdraw the plea that you entered on the advice of your previous counsel, Benard Little, Esq. However, at a hearing on December 6th, 2021, you told the Court that you no longer wished to withdraw your plea. So at that same hearing, the Court dismissed me as your counsel and reappointed Mr. Little to serve as your attorney.

As such, I suggest that you direct any questions or issues with your case to Mr. Little. You can reach him at the following address:

Office of the Clark County Public Defender
309 S Third Street
Las Vegas, Nevada 89155-2610

Thank you and I wish you the best of luck with your case.

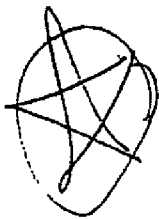
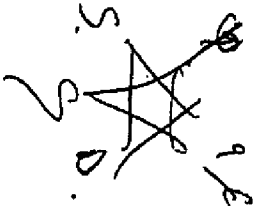
Very truly yours,

Anthony M. Goldstein
Anthony M. Goldstein, Esq.

2421 Tech Center Court
Suite 100
Las Vegas, Nevada 89128

Phone: (702) 796-1114
Fax: (702) 796-1115

FROM REVEREND MATTHEW TRAVIS HOUSTON
OF THE CHURCH OF SATAN AND ~~THE~~
BILLY THE GOAT OF THE UNITED
STATES
NAVY
NOTICE



DEMAND

666, or
whatever number this is:

(Cand AFFIDAVIT of TRAVIS)

I, Houston, of retired U.S. Navy
was never provided with Anthony M.
Goldstein's phone number until

receiving this letter from him dated
March 16th 2022. Here's your newly
discovered evidence Tierra, or whatever
name you call yourself. It can't be
Tierra Firma because you're not of this
planet Earth...

DEMAND FOR JUDICIAL OPINION:
How can this court re-appoint
an attorney who recused
himself? what kind of
kangaroo meat hope this court
been eating to make it bounce
around without any sort of

Concept of jurisdiction? And
without any sense of competence? Healing

from mental health crisis, etc.

what kind of court thinks that
it's okay to take a disabled man's

seeing eye dogs the night before
his check up with Dr. Tyson Ward

at Nevada Retina Specialists?

Apparently the courts of lost

Wages thinks it's cool to abuse
mental patients huh?

M.T.M.
X 3/19/2022

Matthew Houston
#1210152

HOSE
P.O. Box 650
Indian Springs, NV
89070-0650

UNIT 12

MAR 20 2022

HIGH DESERT STATE PRISON

LAS VEGAS NV 890

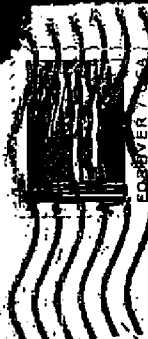
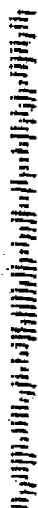
21 MAR 2022 PM 4 L

CEO Steven D. Grierson, Clerk
cc. Deputy H. Ungermann
in re C-21-357927-1
+ A-17-758861-C
Regional Justice Center, 3rd Floor

200 Lewis Ave.
Las Vegas, NV
Re: [illegible]

89155-1160

000063-10158



FILED
MAY 19 2022

CLERK OF COURT

PP
PA

May 4th, 2022:
C-21-357927-1

Page Number

June 13, 2022
9:00 AM

Seven
DISTRICT COURT
CLARK COUNTY, NEVADA
MATTHEW TRAVIS HOUSTON
v. PLAINTIFF-IN-ERROR | rehearing
THE STATE OF NEVADA | requested??
(respondent(s))
EMERGENCY MOTION

FOR THE PRODUCTION OF ALL
EXCULPATORY EVIDENCE BEING
WITHHELD BY THE PROSECUTION

Plaintiff-in-Error and Petitioner -
appellant moves this court for an
ORDER for the prosecution to
disclose to Matthew Travis Houston
any and ALL exculpatory evidence
in his defence as not further violate
his 7th Amendment rights more than
it already has. See *Brady v. Maryland*
373 U.S. 83 (1963) and *Lilly v. Virginia*,
527 U.S. 116 (1999). X Matthew Travis Houston

Electronically Filed
04/13/2022*Stewart J. Smith*
CLERK OF THE COURT

ABA ID No. 04662784

Matthew Travis Houston, Student Member of the American Bar Association
Representative of the National Lawyers Guild, Natural Law Party, L.V.M.P.D.,
United States Navy, the Jacarilla-Apache, the Mesquaki, Chief Blackhawk of
the Sac and Fox, Last Sustaining Member of the Blood Family of the
River of the Black Bear, the A.C.L.U., the Brain Injury Alliance of Iowa,
Good Samaritan of the Excalibur Lodge Member #4, Last Sustaining Member of
the HELION lodge of the River of the Black Bear, Contributor of the Campaign
of Joe Lombardo for Governor of the Illegal State of Nevada, Founder Club Member,
now stuck IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF

NEVADA IN AND FOR THE COUNTY OF CLARKMay 9, 2022
9:00 AMTHE STATE OF NEVADA,
Plaintiff

v.

Matthew Travis Houston,
Defendant.CASE NO. C-21-357927-1DEPT. NO. X and XIHEARING REQUESTED &
JURY TRIAL DEMANDED?JOINDER
TO :A-17-758861-C

Rept No. 2B + 29

EMERGENCY MOTION TO WITHDRAW PLEACOMES NOW, Defendant, Matthew Travis Houston, proceeding in proper

person, and moves this Honorable Court for an Order granting him permission to withdrawal his Plea
(that he never even signed none made an agreement to)
Agreement in the the case number C-21-357927-1, on the date of 4 in the month

of August in the year 2021, where defendant was then represented by Benard Little as

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, which includes a NOTICE OF DEMAND FOR THE NAMES
OF THOSE WHO STOLE MY SEEING EYE DOGS JOHNNY CASH
Dated this 19th day of March, 2022. AND LITTLE GEORGE
LUCAS.

Respectfully submitted,

Matthew Travis Houston
Defendant in Proper Person

CLERK OF THE COURT

RECEIVED
MAR 23 2022

MEMORANDUM OF POINTS AND AUTHORITIES

MRS. 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 540 (Nev.2001).

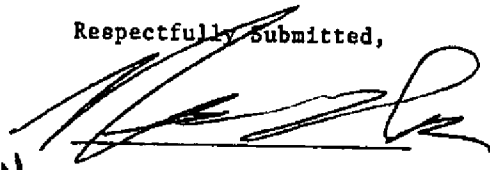
Defendant herein alleges that his/her plea is in error and must withdraw the plea pursuant to the following facts: whoever they were, they stole my trained seeing eye dog JOHNNY CASH and the little newbarn puppy I named (and was training) George Lucas. I have suffered from BATTERED PERSONS SYNDROME for basically 37 years, ever since I grew up at a young age. More specifically and related to the abuses I've survived since September 30th, 2016 and after S. Paddock shot up my concert on my 18th anniversary celebration at my house (Mandalay Bay Convention Center and Resort/casino) is the fact that the only human being who was being disrespectful was in fact when Tierra Danielle Jones labelled me as being disrespectful when that was a bold faced lie. The other fact is that Melissa De la Garza insulted my disability from her lies in a related case # since A-17-258861-C 9/30/2016. Now Tierra's partner in crime, David M. Jones is trying to interfere with my claims against Stephen Paddock and Marilyn Donnelly, and it is a fact that my theory of Daniel Schwartz, Karen Schwartz, Capital Police and other bad actors, ^{specially those} within the L.V.M.P.D. are doing more worse things than collecting kickbacks and making \$ in interest off of

1 their own incompetence and blatant negligence. My theories
 2 and their validation pre-dated this cluster truck during
 3 the events of October 1, 2017. Why don't whoever is reading
 4 this just provide me with the names of the "officers"
 5 who stole my dogs and neglected putting them into
 6 the correct "legal kennel" at the animal foundation.
 7 whoever neglected their duties in doing that will be
 8 ^{forced} by the disability rights advocacy, i.e. civil demand for \$\$\$
 9 as will your accomplices, as soon as ^{my dearest} whoever
 10 is reading this decides to quit causing judicial executions,
 11 i.e. errors, "cluster trucks" or whatever excuse ~~they~~ ^{they}
 12 have for being just plain lazy. This is America's ^{my dearest} reader,
 13 and here in America we WORK for a living, sitting at
 14 a desk and reading and causing wrongful convictions is not
 15 what anyone in America would consider "working". So
 16 if Tierra Danielle Jones would like to discuss the issue
 17 of how she must not know what the definition of
 18 'disrespect' is then she probably won't because her
 19 lack of character coincided with David M. Jones and
 20 his blatant disregard for the rights of injured workers,
 21 their survivors, the disabled, the underprivileged, etc.
 22 Oh, so that's what it is then huh? Tierra Danielle Jones,
 23 David M. Jones, Rosemary McMorris-Alexander, Dan Schwartz,
 24 Karen Schwartz, Radenta Blacic, Jonathan Shockley, Dianne Ferrante
 25 and how many other of you people graduated from spoon-
 26 fed law schools? So y'all must be scamming my money
 27 and labor because y'all are all stuck having to pay back
 28 your student loans from law school huh? Well I've
 29 got some good news for page 3 y'all. I did NOT make a
 30 single phone call to R. McMorris or Radenta Blacic or
 Jonathan Shockley. So y'all, have a nice day ~~blessed~~ and be blessed.

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

Dated this 19th day of March, 2022.

Respectfully Submitted,



AFFIRMATION

Pursuant to NRS 239B.030:
How would my social security # matter now that this 2nd wrongful conviction and civil rights claim matter since you stole my identity too? Blind - visually impaired
CERTIFICATE OF SERVICE BY MAILING Thanks for nothing.

I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 19th day of March, 2022, I mailed a true and correct copy of the foregoing 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:

Heather Ungermann,
Deputy Clerk @
Regional Injustice Center
200 Lewis Ave 3rd floor
89155-1160
Lost Wages and
Lost Dogs, Nevada.

CC: File

Dated this 19th day of March, 2022.

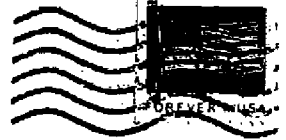
BY: Matthew Travis Houston, LLC.
No. 1210652

4

Matthew Houston
1210652
HDSP
P.O. Box 650
Indian Springs, NV
89070-0650

LAS VEGAS NV 890

21 MAR 2022 PM 4 L



CEO Steven D. Grierson
a. Deputy H. Myerbaum
Clerk, in re C-21-357927-1 + A-17-758861-C
Regional Justice Center, 3rd floor
200 Lewis Ave.
Las Vegas, NV
89155-1160

HIGH DESERT STATE PRISON

MAR 20 2022

UNIT 33

89101-530000



Matthew Travis Houston, pro se
No. 1210652 @ H.D.S.P.
National Lawyer's Guild and Student Member
of the American Bar Association, ABA# 04662784
P.O. Box 650
Indian Springs, NV
89070-0650

FILED

MAY 04 2022

CLERK OF COURT

0650 JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

C-21-357927-1

THE STATE OF NEVADA,
Plaintiff,

CASE NO: 21CR 019840

DEPT No: 3

DA CASE No: 202115878C

May 25, 2022
9:00 AM

-VS-

MATTHEW TRAVIS HOUSTON,
Defendant, petitioner-appellant,
Plaintiff-in-Error.

cc suppression hearing requested

EMERGENCY MOTION FOR AN ORDER TO SUPPRESS
CRIMINAL COMPLAINT FILED APRIL 26TH, 2021

COMES NOW, Defendant Matthew Travis Houston,
herein above respectfully moves this Honorable Court
for an ORDER to strike from the record the most fraudulent
complaint that was filed on April 26th, 2021.

Not only was this complaint filed illegally, but it
was made in an extraordinarily unusual way serving nothing but
an end of judicial economy as it was a premature
notice made with numerous technical defects not limited
to being without jurisdiction, constitutionality or any
sort of reason. A violation of a person's rights
anywhere is felt everywhere as these violations
have damaged the prosecution, the defendant,
the courts and society.

An issue of this ORDER will be mutually beneficial
to all parties involved because the document
that was filed is clearly erroneous and inadmissible.

Page Number one

0014

1 The complaint is defamation of character of the Defendant
 2 as it was obtained by the Defendant not until after
 3 January 26th, 2022 by the baffoonery
 4 of the Clark County Public Defender's office.
 5 Procedural ineptitude delayed the Rules of
 6 Discovery as their office provided mere copies
 7 of original evidence that cannot be validated
 8 as result of their dereliction of duty in allowing
 9 hearsay and inadmissible evidence to wrongfully convict.

10 POINTS AND AUTHORITIES

11 A tremendous pinnacle of judicial merit has
 12 balanced the scales of justice from Brady v.
 13 Maryland, 373 U.S. 83 (1963), in which the Supreme
 14 Court ruled that suppression by the prosecution of
 15 evidence favorable to a defendant who has requested it
 16 violates due process. In this case, the document in
 17 question was filed not until April 26th, 2021 and it
 18 was not shown to the defendant until well after
 19 February 1st, 2022. Furthermore, the complaint
 20 was based on hearsay and fraudulence of corrupt
 21 law enforcement in coercion with an insurance scam.

22 Lilly v. Virginia, 527 U.S. 116 (1999) illustrates a
 23 standard of how the prosecution is to disclose
 24 evidence favorable to a defendant's case and material
 25 to the issue of guilt or to punishment and that the
 26 prosecution is obligated to disclose to the defense. Once
 27 again, the prosecution failed in determining what was -
 28 capable of being allowed or permitted as evidence.

At the state level, NRS 48.025 states that irrelevant evidence is NOT admissible especially because even if any of these false claims against Matthew Travis Houston were relevant, their admissibility would still be subjected to this court as limited by the Constitution of the United States, the Constitution of the State of Nevada and where a statute limits the review of an administrative determination to the record made or evidence offered before that tribunal. Now SEE NRS 48.035 Exclusion of relevant evidence on grounds of prejudice, confusion or waste of time.

7. Although relevant, evidence is not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury. In this case, the false statements of Redenta Blacic and/or the Office of Consumer Health Assistance mislead law enforcement, the attorneys and the courts into committing a false arrest and a malicious prosecution.

In violation of NRS 171.196(5), the defendant was denied his right to cross-examine Redenta Blacic or any of the other witnesses used against him nor was he offered any opportunity to introduce any evidence or witnesses on his behalf. As the prosecution violated the Hearsay Rule, NRS 171.196(6)(a)(b)(c) and other laws, most specifically as it pertains to this case: Hearsay evidence consisting of a statement made by the alleged victim of the offence is admissible at a preliminary examination conducted ONLY if the defendant was charged with a "sexual offense against a child", "abuse of a child" or an act of "domestic violence".

Not at any time did Matthew Travis Houston make any threats to Redenta Blacic or the Office of Consumer Health Assistance.

PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

You will now please take notice of the filed "Exhibit 1"... The fictitious and unsigned complaint was nothing more than an evidentiary harpoon meant to set an inhumane and unconstitutional snare in the names of big brother malice due to the fact that it was not authorized by any judge, magistrate or any other form of judicial officer, nor was it ordered to any sheriff or deputy. Having caused double-jeopardy "INFORMATION" filed August 3rd, 2021, it was in effect misinformation, containing no sort of fact or proof of guilt, criminal action or criminal intent. Being based on nothing more than presumption, it illustrated the state's malfeasance, its ineptitude and inherent corruption causing a wrongful conviction of the Defendant, now Petitioner-appellant / Plaintiff-in-Error. This was completely unsuitable for the manifestation of justice and enough is enough is enough - it's time for a change. As this case contains not one finding of fact that was supported by any sort of substantial or competent evidence, or by any reasonable interferences whatsoever, pursuant to F.R.C.P. 52(a) this complaint number 21CRO19840 out of Department 3 and Case Number 202115878C of the District Attorney's office of Clark County, Nevada must be set aside as it denied Matthew Travis Houston his 7th Amendment Right To A Jury Trial. These errors of judgement were clearly unreasonable and were in no way justified by any fact or any law applicable in this case, constituting an abuse of discretion.

WHEREFORE, the undersigned prays that this court grant Defendant's Motion to Suppress. DATED: this 24th day of April, 2023. Matthew Travis Houston, pro se
 Page Number: Four

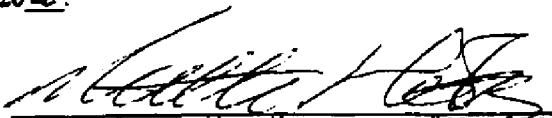
CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 25th day of April, 2022 I mailed a true and correct copy of the foregoing, "EMERGENCY" 4-26-
MOTION FOR AN ORDER TO SUPPRESS CRIMINAL COMPLAINT FILED 2022"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

S. Grierson, Clerk
Regional Justice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

CC:FILE

DATED: this 25th day of April, 2022.


Matthew Travis Houston #1810652
Relitigant-appellant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Page Number Five

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding EMERGENCY

MOTION FOR AN ORDER TO SUPPRESS CRIMINAL COMPLAINT
(Title of Document) FILED APRIL 26TH, 2021

filed in District Court Case number 21 CR 019840

☒ Does not contain the social security number of any person.

-OR-

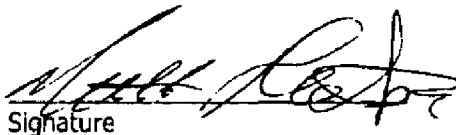
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

4/25/2022
Date

Matthew Travis Houston
Print Name

Title

Page Number Six

Reverend Matthew Travis Houston, Esq.

No. 1210652

H.D.S.P.

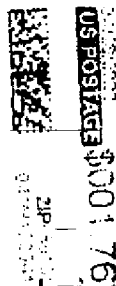
P.O. Box 650

Indian Springs, NV 89070-0650

3762

Clerk, S. Grierson
Regional Injustice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

* OFFICIAL BUSINESS *
OF THE NATIONAL LAWYER'S GUILD



Matthew Travis Houston, National Lawyers Guild
Student Member of the American Bar Association #04662784
No. 1210652 @ H.D.S.P.
P.O. Box 650
Indian Springs, NV 89021-0650

FILED

MAY 04 2022

LETTER OF MOTION TO JUDGE AMY CHELINI, CLERK OF COURT
IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

MATTHEW TRAVIS HOUSTON

Plaintiff-in-Error

CASE NO: 21PO1950

JC DEPT NO: 14

May 25, 2022
9:00 AM

-VS-

re hearing request

Calvin Johnson, Sheriff, Joe Lombardo, et al,
CCDC, Las Vegas City Jail,
ROSEMARIE McMORRIS-ALEXANDER,
MGM, LVMPD, FREEMAN, Defendant(s)
Encore Event Services, State of Nevada,
JANSE # 720, Scott Pimen, HOSP, et al
Redenta Blacic, et al

JOINDER ID:

A-17-758861-C

C-21-357927-1, CR 21019840
C-17-323614-1, CR 033713, 21PO1275,
C1248384A and C1237802A

EMERGENCY MOTION FOR AN ORDER TO SUPPRESS
AND NOTICE OF DEMAND AS RESULT OF
INCURRED EMOTIONAL DISTRESS

COMES NOW, Plaintiff-in-Error, Matthew Travis Houston,
herein above respectfully moves this Honorable Court
for an ORDER to strike from the record the
fictitious documents that were served 10/28/2021 in open
court. Due to the illegally issued order of no contact
between Plaintiff-in-Error and the Defendants, this renewed
notice of demand of not less than \$666 billion⁰⁰ (that's SIX-HUNDRED
AND SIXTY-SIX BILLION DOLLARS) was not able to be served in
person. Even our late Ray Charles could have easily seen where the elements of
coercion against the Plaintiff-in-Error was put on record in
complaint 21CR 019840 making Plaintiff-in-Error
further victim of identity theft. The question for
justice is: "Why is this criminal complaint number the
same number as the Plaintiff-in-Error's year of birth?"

Page Number One

1 Regardless of the conspiracy between Plaintiff-in-Error's identity
 2 taken by L.V.M.P.D. and its psychic theory from the most
 3 humble medium and its Foundation's founding member, and
 4 contributing member of the Foundation For LVMPD, not
 5 at anyone time did the Plaintiff-in-Error commit any
 6 sort of acts of stalking or aggravated stalking or harassment of
 7 the applicant or members of their family or their workplaces.

8 Stranger things have happened than an insurance
 9 company blatantly lying to the courts. In fact, there
 10 are numerous instances recorded in the history of law and
 11 the resolution of disputes during which the insurer refused
 12 to pay out on a claim and took extreme actions in avoiding
 13 their responsibilities to a claimant. This element of intentional
 14 gross negligence is further reinforced by the fact that pursuant
 15 to the theory of evolution (science) and religious people's "beliefs",
 16 females of the human species and human race, quite unfortunately
 17 and all too often abuse their own children, causing disgusting
 18 crimes in our society like human trafficking and the illegal drug
 19 trade which in turn contributes to diseases such as alcoholism and abortion.

20 The crime of perjury is not to be ignored. It is for this
 21 reason that Rosemary McMorris-Alexander and her clan of
 22 thieves (the defendants) are to be held accountable for lying
 23 to law enforcement, other injured workers at this court. In
 24 addition, the prosecution played a major part in the role
 25 of conspirator against the Plaintiff-in-Error all the while
 26 hiding under the illusion of immunity. In a generation
 27 where people are wearing masks in public, how can any
 28 American court continue to ignore this wrongful conviction?

Page Number Two

CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRCF 5(b), that on this 25th day of April, 2022, I mailed a true and correct copy of the foregoing, "EMERGENCY Motion for an Order to Suppress and Notice of Demand" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

S. Griesen Clerk
Regional Justice Center
200 Lewis Ave. 3rd Floor
Las Vegas, NV
89155-1168

CC:FILE

DATED: this 25th day of April, 2022.


Matthew Travis Houston #1210652
Plaintiff-In-Erro /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Page Number Three

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding EMERGENCY
MOTION FOR AN ORDER TO SUPPRESS AND NOTICE
OF DEMAND AS RESULT OF INCURRED EMOTIONAL DISTRESS
(Title of Document)

filed in District Court Case number 21 PO 1950 and
21 PO 1275

☒ Does not contain the social security number of any person.

-OR-

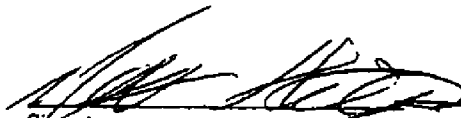
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

4/25/2022
Date

Matthew Travis Houston
Print Name

Title

Page Number Four

Reverend Matthew Travis Housden, esq.

No. 1210652

H.D.S.P.

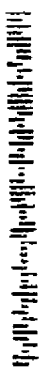
P.O. Box 650

Indian Springs, NV 89070-0650

3762

Clerk, S. Gertson
Regional Injustice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

* OFFICIAL BUSINESS *
OF THE NATIONAL LAWYER'S GUILD



US POSTAGE 0001 76

ZIP 89070-0650

GROUND NUMBER FOUR

23 (d) Ground FOUR: Denial of the Petitioner's constitutional right to self-representation. See attached 'DIRECT APPEAL' pages 1-12, specifically page No. 12. Petitioner did not ask to be appointed counsel and was denied his right to utilize standby counsel.

Supporting FACTS (Tell your story briefly without citing cases or law.): A major grievance of this is that I ^(Petitioner) am blind-visually impaired and suffer from roaring tinnitus, so all the noise from building #9 was beyond unbearable, and now I'm informed that I'm being denied my ability to make an appointment to the law library from Behavior Modification Unit, so this in itself is the denial of my right to self-representation, and is a continuation of that denial from before July 14th, 2021 and is a continuation of when Clark County Public Pretender's Office Bernard Little, Jeremy Wood and Cassandra Diez deliberately and indifferently refused to help me represent myself. Specifically when on October Bernard Little went out of his way to refuse himself so that Anthony M. Goldstein could withdraw the void "plea agreement" that I never seen, read or was read to in its entirety. Michael P. Villani did NOT read to me ^{any} of the terms and conditions on October 4, 2021 because I am deaf and suffer from roaring tinnitus. I could not hear him in room anyways, especially as being a survivor of October 1st, 2013, all I hear are machine guns firing due to PTSD and just because I'm permanently totally disabled (from September 30th, 2016 after 3 month coma from 45' fall ^{industrial} work accident please see case # A-17-758961-C) did NOT give this court the right to abuse my service dog JOHNNY CASH and puppy in training LIL' GEORGE LUCAS. (Now See Page 11)

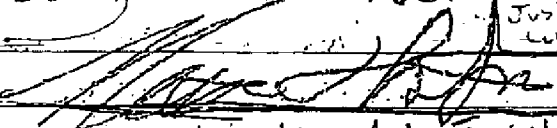
WORD COUNT : 290

23. d. GROUND FOUR :

Denial of right to self-representation.

1 Petitioner/Appellant did not feel comfortable with court appointed
 2 counsel filing his MOTION TO WITHDRAW PLEA while in custody because
 3 at a prior hearing, the previous case involved a defendant who committed
 4 identity theft. What with appellant being a victim of ID theft, his duress increased.
 5 This case illustrates how the State of Nevada cares not for its
 6 citizens, visitors nor injured workers and shows little if no regard
 7 for the health and mental / emotional security of the
 8 permanently totally disabled, their work places, survivors, friends
 9 and family let alone their pets and / or trained service animals. It
 10 is nothing more than a ploy and a shallow attempt to recruit more
 11 of the poor and unlucky into the forced slave labor camps of
 12 the Nevada Division of Forestry; so that corporate welfare may
 13 take advantage of the working-class while profiting off of
 14 the weak and underprivileged, caring not of freedom nor for
 15 the imprisoned. The malicious prosecution employed expidative
 16 tactics in obtaining their wrongful convictions to obstruct not
 17 only the Petitioner's entire life but they have delayed the
 18 orderly process of the criminal justice system in siding with
 19 an insurance scam over the true victim, that being this
 20 principal and Plaintiff In Error, Matthew Travis Houston.

21 WHEREFORE, the undersigned demands that the court conducts
 22 proper and accurate judicial reviews of this case and ALL others
 23 related, not limited to the following: #A-17-758861-C Dept. 29+2
 24 Supreme Court of Nevada Appeals # ⁸⁰⁵⁶²758861 and # ⁷⁹⁴⁰⁸323614 and # ⁸⁴²⁸¹357927
 25 Las Vegas Municipal Court #C1248384A and #C1237862A ^{CR 0337}
 26 District Court Case #C-17-323614-1 ^{CR 01984}
 JUSTICE COURT

27 Respectfully submitted, x 
 28 DATED THIS 7th day of February, 2022. Appellant Matthew Travis Houston
 29 Signed under the declaration Page # 12 NRCp 5(b), NRS 239B.030
~~penalty for perjury~~ CERTIFICATION BY THE U.S.O.S.

...stg.
C-21-357927-1 ✓
C-17-323614-1
(S) A-17-758861-C
Case No. [REDACTED]
(S) XI-X
Dept. No. 17, 18, 20 and 29

FILED

MAY 25 2022

CLERK OF COURT

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

June 15, 2022
9:00 AM

PD
BA
MATTHEW TRAVIS HOUSTON,
Petitioner,

"MOTION FOR THE APPOINTMENT OF
FUND (OR COUNSEL) TO ACT AS STANDBY"
MOST NOT PREFERABLY ALEXIS PLUNKETT(S)
CHRISTOPHER BURK
JASON BARRETT AND ERICA TOSH,
DANIEL SCHWARTZ, LINA SAKALAKAS,
AND YOLAN FROM SCOTT / [REDACTED] / [REDACTED]
REQUEST FOR EVIDENTIARY HEARING
IN EACH OF THE ABOVE CASE NUMBERS

SHERIFF JOE LOMBARDO, ET AL,
MANDALAY BAY RESORT AND CASINO, ET AL,
CALVIN JOHNSON, THE
STATE OF NEVADA, et al,
NAJAN, et al, Respondents

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

This motion is made and based upon the matters set forth here, N.R.S. 34.750(1)(2), affidavits of
Petitioner, the attached Memorandum of Points and Authorities, as well as all other pleadings and
documents on file within this case, and also cases in U.S. DISTRICT COURT - DISTRICT
of Nevada 2:22-cv-00693-JAD-NJK and cases from 2018-2019.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF THE CASE

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

II. STATEMENT OF THE FACTS

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

1. The merits of claims for relief in this action are of Constitutional dimension, and
Petitioner is likely to succeed in this case, and all of the others.

RECEIVED

MAY 23 2022

CLERK OF THE COURT

2. Petitioner is incarcerated at the High Desert State Prison. Petitioner is unable to undertake the ability, as an attorney would or could, to investigate crucial facts involved within the Petition for Writ of Habeas Corpus, and extraordinary writs.
3. The issues presented in the Petition involves a complexity that Petitioner is unable to argue effectively, especially because Stephen Paddock attacked me, the Plaintiff-in-Error and Petitioner-appellant.
4. Petitioner does not have the current legal knowledge and abilities, as an attorney would have, to properly present the case to this Court coupled with the fact that appointed counsel would be of service to the Court, Petitioner, and the Respondents as well, by sharpening the issues in this case, shaping the examination of potential witnesses and ultimately shortening the time of the prosecution of this case.
5. Petitioner has made an effort to obtain counsel, but does not have the funds necessary or available to pay for the costs of counsel, see Declaration of Petitioner.
6. Petitioner would need to have an attorney appointed to assist in the determination of whether he should agree to sign consent for a psychological examination.
7. The prison severely limits the hours that Petitioner may have access to the Law Library, and as well, the facility has very limited legal research materials and sources, especially as he has again been miscategorized into relocation to the Behavior Modification Unit Building # 3. While the Petitioner does have the assistance of a prison law clerk, he is not as in the attorney and ~~the State of Nevada~~ ~~has been denied his court dates 1-24, 1-25, 2-6, 2-14, 4-24, 4-25~~ and like Petitioner, the legal assistants have limited knowledge and expertise.
8. State of Nevada a "miscat"
9. The Petitioner and his assisting law clerk, by reason of their imprisonment, have a severely limited ability to investigate, or take depositions, expand the record or otherwise litigate this action.
10. The ends of justice will be served in this case by the appointment of professional and competent counsel to represent Petitioner.

II. ARGUMENT

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

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

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

III. CONCLUSION

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

Dated this 18th day of May, 2022.

Matthew Jay Nash
Petitioner. 1210652

VERIFICATION

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

Dated this 18th day of May, 2022.

Matthew Jay Nash
Petitioner, pro per. 1210652

It is affirmed ~~NO~~ socials in this Motion
AND CERTIFICATE OF SERVICE BY MAIL

I, Matthew Travis Houston, hereby certify pursuant to N.R.C.P.

5(b), that on this 18th day of May, of the year 2024, I mailed a true and correct copy of the foregoing Motion for Leave to Proceed in Forma Pauperis; Affidavit in Support of Motion for Leave to Proceed in Forma Pauperis; Motion for the Appointment of Counsel; and Request for Evidentiary Hearing, addressed to:

Heather Ungermann
Name
Chambers of
Michael P. Villani
200 Lewis Ave.
PO Box 551601
Las Vegas, NV 89155-1601
Address

↑
SUPER SECRETARY TO
SUPERLAWLER OF APPEALS

Matthew Travis Houston
Petitioner
MATTHEW TRAVIS HOUSTON
7210652
(LVMPD OFFICER
No. 7035801)
FOUNDATION FOR
LVMPD (Retired)

Michelle McCarthyism
Name
Chambers of
Many Kay Holthaus
200 Lewis Ave. 3rd Floor
Regional Justice Center
Las Vegas, NV 89155-1601
Address

↑
See
A-17-758861-C
December of 2019
from
January of 2020
It was Many Kay
Holthaus who was
witness to the
Failure To Appear
of Brian P. Clark
on or around 12-9-2019

Chavante Pleasant
Name
Chambers of Tierra Danale
and David M. Jones
RJC - 3rd floor
Las Vegas, NV
89155-1601
Address

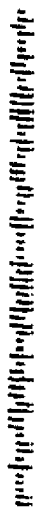
↑
these are the
people who denied
me my mental
health clinic and
stole my KA UNIT
Service animals
Johnny Cash and
lil' George Lucas

Matthew Houston, Retired Pro Se, Professional American Bar Association
1810652
HOSP
Po Box 650
Indian Springs, NV 89020-0650
Madison County State Bar of Nevada
United States Navy
19 MAY 2022 PM 4 L

Clerks)
RJC-Po Box 551601
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155 - 1601

* LEGAL MAIL OF THE
LEGAL BEAGLE *

89155-160101



HIGH DEBT STATE POLICE

MAY 18 2022

UNIT 3 C/D

GROUND NUMBER FIVE:

23.
 1 (c) Ground FIVE: Unlawful search and seizure. See attached
 2 'DIRECT APPEAL' pages 1-12 specifically page No. 2 and page No. 9
 3 Petitioner was victim of false arrests on July 14th, 2022, and October 17th,
 4 2022. Not that the courts ever cared, but the fictitious
 5 DECLARATION OF WARRANT wasn't even signed, and
 6 there's a pro se motion to suppress for that.
 7 Next up is the fact that I was never read any
 8 rights by whomever transported my person to CCPC
 9 on July 14th, 2021, nor have I been read any
 10 still to this recent supplemental amendment to this
 11 habeas corpus on this most unholy Easter Sunday in the
 12 Behavior Modification Unit here at M.D.S.P. As the
 13 unlawful search and seizure put the Petitioner into a
 14 further state of duress and emotional distress, this added
 15 to Bernard Little and Jeremy Wood's failure to do any sort
 16 of investigation to negotiate a VALID plea agreement. Bernard
 17 Little failed in moving to withdraw the plea agreement
 18 when he withdrew 10/5/2021, constituting misadvice and
 19 misinformation to both the courts and the Petitioner. No
 20 sort of parole eligibility was ever discussed between counsel
 21 and Petitioner as the appointed counsel failed to advise the
 22 Petitioner of an affirmative defense, rendering the Petitioner's
 23 alleged "guilty plea agreement" being made involuntarily as it
 24 was coerced by the promise that the Petitioner would be
 25 released from C.C.P.C. so that he could search for and
 26 hopefully retrieve his trained seeing-eye dogs, not sent to
 27 Las Vegas City Jail to face double-jeopardy charges, to which the
 28 next 26 pages will elaborate on - ~~the~~ ^{by the Defendant-Respondents} the Petitioner's incurred 6 years of
 29 being prejudiced and biased, in relation to GROUND number six,
 30 False police reports are the causation-in-fact of the false arrests: 100

WORD COUNT : 226

1 THE FOURTH (4th) AMENDMENT OF THE CONSTITUTION (U.S.)
 2 FRUIT OF THE POISONOUS TREE 23. e.

GROUND FIVE: Unlawful search and seizure

3 "The 4th Amdt requires that a search and
 4 seizure be pursuant to a warrant supported by
 5 probable cause. Exceptions to the warrant
 6 requirement under Terry include "traffic stops",
 7 of which must meet Terry requirements. The 4th Amdt
 8 places strict limitations on the state in its exercise
 9 of power and authority." - The Crossing, by Michael Connelly.
 10 Framing an injured worker for the second
 11 time and interfering with official acts of the pleadings of
 12 case #A-17-758261-C, making false claims of
 13 supposed "lifetime re-opening rights" to a
 14 claim that was catastrophic in nature and
 15 never was to have been closed IS NOT a
 16 valid exercise of constitutional authority in Nevada
 17 or anywhere else in U.S.A., especially Colorado,
 18 Iowa and California. Mr. Houston committed none
 19 of these 'AGGRAVATED STALKING' offences as
 20 shown on record by the alleged victim, R.
 21 McMorris whom Houston has never even seen.
 22 until brought to unfair hearings, has no clue as to
 23 where her or her family resides, and it's perfectly
 24 legal and the correct way that Houston reported
 25 the SEDGWICK scans of D. Ferrante and J. Shadley
 26 to LUMPED HOUSE ARREST as it is Houston who is the
 27 victim of their negligent scam of extortion. The state
 28 government trampled on Houston's rights to be
 29 protected from unlawful search and seizure, his
 30 rights as an American citizen and desecrated the
 31 Americans With Disabilities Act of 1993. p. #9
 32. THE ATTACHED SUMMONS ARE FURTHER PROOF OF FALSE POLICE REPORTS.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT**

TCR1149369

☐ County Jail

☐ City Jail

☐ Adult

☐ Juvenile

Bureau: NWAC

ID#		EVENT #		ARRESTEE'S NAME (LAST)			(FIRST)	(MIDDLE)	SSN#
		LLV210700065245		HOUSTON			MATTHEW	TRAVIS	
RACE	SEX	DOB	HGT	WGT	HAIR	EYES	POB		
ARRESTEE'S ADDRESS			STREET		BLDG/APT #	CITY		STATE	ZIP CODE
			J						
OCCURRED		ARREST		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE)					
DATE: 7/14/2021	TIME: 21:50	DATE: 7/14/2021	TIME: 21:50	3041 ST ROSE PKWY HENDERSON NEVADA 89052					
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE)									
3041 ST ROSE PKWY HENDERSON NEVADA 89052									
CHARGES/OFFENSES									
BW - LVJCR - 51522 - F - MAKE THREAT/FALSE INFO RE ACT OF TERRORISM/WMD									
CONNECTING REPORTS (TYPE OR EVENT NUMBER)									
TCR / DCAR									

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 3041 ST ROSE PKWY HENDERSON NEVADA 89052 HENDERSON NEVADA 89052 and that the offense(s) occurred at approximately 21:50 hours on the 14th day of July, 2021.

Details for Probable Cause:

On July 14, 2021, I, Officer M. Mulligan P# 15657, operating as marked patrol unit 8X1, along with Officer J. Carroll P# 16715, operating as marked patrol unit 8X3, were conducting an investigation follow up at the Best Western Hotel, located at 3041 St. Rose Pkwy, Henderson, NV 89052, in regards to subject Houston, Matthew DOB [redacted] with a social of [redacted]. Houston was wanted out of Clark County for terroristic threats and harassment.

As Officers arrived at the Best Western Hotel, Officers made contact with management and conducted a ruse to get Houston out of his hotel room. As Houston walked up to the front desk, Officers made contact with Houston, and verbally asked him if his name was Houston, Matthew, where Houston said it was. Once Officers confirmed it was our subject, Officers arrested Houston on his warrants, and transported him down to CDC where he was booked accordingly.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: M MULLIGAN

P# 15657

LVMPD 802 (Rev 02/18) Word 2013

H/A Returnee (see back of sheet)
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
TEMPORARY CUSTODY RECORD
(* DENOTES OFFICER REQUIRED FIELD)
*ARREST DATE: 10/17/2021
*ARREST: TCR1419
*EVENT R:

P. 125

1. **UNIVERSITY OF CALIFORNIA**

ask for intensive

supervision

55+

五

GROUND NUMBER SIX

23. (f) SIX:

Ground ~~XXXX~~ Petitioner-appellant was unlawfully deprived of his right to file a timely DIRECT APPEAL. See page -12- in the original PETITION FOR POST-CONVICTION RELIEF, which technically is this, because of the judicial negligence of Ellie

Supporting FACTS (Tell your story briefly without citing cases or law.): Reekans in coercion with the prosecutorial misconduct and threats of Kristina A. Rhodes as certified by the record within fictitious ~~ORDER~~ "ORDER" issued May 10, 2022. This prosecutorial misconduct was aided and abetted by Taleen Pandukht's feeble attempts at arguing the truth with negligent falsehood utilizing further over-reaching tactics of retaliation and slandering the Petitioner. The courts failure to respond in a timely manner and in responding with further fraudulence has caused further irreparable harm to the already bruised and broken Petitioner-appellant and Plaintiff-in-Error.

Now See attached EXHIBIT 1 Manually Filed With District Court Clerks Office, pages #23-25 of this § 2241 "RENEWED" PETITION which is a copy of "ORDER DENYING DEFENDANT'S ALL PENDING MOTIONS" eFiled 05/10/2022 12:53 PM however the Date of Hearing shows April 25th, 2022 at 9 AM case No. C-21-357927-1 dept. No. XI.

P. 129

Electronically Filed
05/10/2022 12:53 PM

Steven B. Wolfson
CLERK OF THE COURT

1 **ORDR**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **KRISTINA RHOADES**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #012480**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**

12 **-vs-**

13 **MATTHEW HOUSTON, aka,**
14 **Matthew Travis Houston,**
15 **#7035801**

16 **Defendant.**

CASE NO: C-21-357927-1

DEPT NO: XI

17 **ORDER DENYING DEFENDANT'S ALL PENDING MOTIONS**

18 **DATE OF HEARING: April 25, 2022**
19 **TIME OF HEARING: 9:00 A.M.**

20 **THIS MATTER** having come on for hearing before the above entitled Court on the
21 **4th day of April, 2022,** the Defendant not being present, the Plaintiff being represented by
22 **STEVEN B. WOLFSON,** District Attorney, through **KRISTINA RHOADES,** Chief Deputy
23 **District Attorney,** without argument, based on the pleadings and good cause appearing
24 **therefor,**

25 **///**

26 **///**

27 **///**

28 **///**

1 IT IS HEREBY ORDERED that the Defendant's Pro Se Emergency Motion For an
2 Order to Suppress Hearing from December 6, 2021, shall be, and it is DENIED.

3 IT IS HEREBY ORDERED that the Defendant's Emergency Motion Requesting
4 Hearing De Novo, and Release to Intensive Supervision, shall be, and it is DENIED ~~IN~~
5 ~~ADVANCE.~~

6 IT IS HEREBY ORDERED that the Defendant's Emergency Motion to Withdraw
7 Plea, shall be, and it is DENIED ~~IN ADVANCE.~~

8 IT IS HEREBY ORDERED that the Defendant's Pro-Se Motion for An Order to
9 Appear By Phone Or Video and Notice of Motion, shall be, and it is DENIED ~~IN ADVANCE~~
as moot.

10 All motions are denied without
11 prejudice.

Dated this 10th day of May, 2022

Elham Roohani

DISTRICT JUDGE

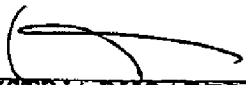
91A 558 52A4 8EDC

Ellie Roohani

District Court Judge

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

15
16 BY


KRISTINA RHOADES
Chief Deputy District Attorney
Nevada Bar #012480

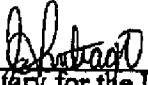
19 CERTIFICATE OF SERVICE

20 I certify that on the 10 day of May, 2022, I mailed a copy of the foregoing Order

21 to:

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

25 BY


Secretary for the District Attorney's Office

26
27
28 21CR019840/js/L4

ABA No 04662784
Retired

Electronically Filed
06/10/2022

Stewart G. Smith
CLERK OF THE COURT

Member of the
American Bar Association
Matthew Travis Houston, pro se

Amended this 16th day
of March, 2022.

H.D.S.P. No. 1210652 ORIGINAL WAS

P.O. Box 650

Initially mailed from H.D.S.P. December 27th, 2021

Indian Springs, NV

RENEWED NOTICE mailed from H.D.S.P. February 10th, 2022

89070-0650

which was certified via USPS. February 11th, 2022

RECEIVED BY CLERK February 17th, 2022

FILED BY CLERK February 18th, 2022

DISTRICT COURT
CLARK COUNTY, NEVADA

MATTHEW TRAVIS HOUSTON,
Plaintiff in Error.
(Petitioner-appellant),

-VS-

THE STATE OF NEVADA,
Respondent.

CASE No.: C-21-357927-1

DEPT No.: XI

"ORDER TO APPEAR IS REQUESTED"
as is

"hearing requested" followed by a
CASE No.: Dept.
Joinder to #A-17-758861-C #29.

That hearing is April 6th, 2022.

RECEIVED
MAR 23 2022
CLERK OF THE COURT

PETITION FOR JUDICIAL REVIEW

PLEASE TAKE NOTICE that this request for a complete,
fair and impartial review was originally submitted to the court as
page No. 2 of what was titled "DIRECT APPEAL" by the petitioner-
appellant and filed by the clerk as "NOTICE OF APPEAL". Due to
the dereliction of duty by individuals other than the petitioner-
appellant, the "DIRECT APPEAL", the "NOTICE OF APPEAL" and now
this PETITION FOR JUDICIAL REVIEW are being filed by an
indigent prisoner under increased duress.

WHEREFORE, the petitioner-appellant prays that this court
will read and consider ALL of the enclosed pages, both front and back...

Page No. 1

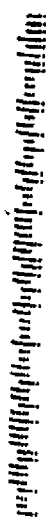
RECEIVED

APR 05 2022
CLERK OF THE COURT

Matthew Houston
1210652
H.D.S.P.
P.O. Box 650
Indian Springs, NV
89070-0650

CEO Steven D. Grierson, Clerk
cc. Deputy H. Ungermann
in re C-21-357927-1
+ A-17-758861-C
Regional Justice Center, 3rd Floor
200 Lewis Ave.
Las Vegas, NV
89155 - 1160

BS19E-1160



LAST VEGAS NV 890
21 MAR 2022 PM 5



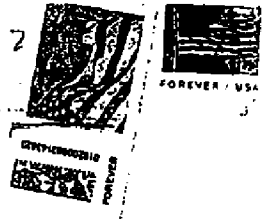
MAR 20 2022

A.22.758861.C
A.22.856372.C
P.13

11:00 AM 11/15/2021 1210672

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PO Box 650
INDIAN SPRINGS, NV
89070-0650

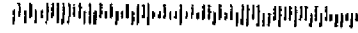
LAS VEGAS NV 890
9 MAR 2022 PM 3 L



DEPUTY OF THE CLERK
ATTN: HEATHER UNGERMANN
CLERK OF THE COURT
STEVEN D. GRIERSON
IN RE: C-21-357927-1
Regional Justice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

RECEIVED
MAR 14 2022
CLERK OF THE COURT

89101-830000



2022 MAR 03
HIGH DESERT STATE PRISON

Page Number 55

Page Number 55

P.86

TO THE CLERK: PLEASE FWD THIS NEWLY DISCOVERED EVIDENCE TO EACH CHAMBER OF EACH AND EVERY SINGLE JUDICIAL OFFICER INMATE REQUEST FORM (NOW SEE 9.)

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Matthew Houston	1210652	3-D-11A	5-10-2022

4.) REQUEST FORM TO: (CHECK BOX)

☐ CASEWORKER	☐ MEDICAL	☒ LAW LIBRARY	☐ MENTAL HEALTH	☐ CANTEEN	☐ DENTAL
☐ EDUCATION	☐ VISITING	☐ SHIFT COMMAND			
☐ LAUNDRY	☐ PROPERTY ROOM	☐ OTHER	HIGHLY DISSENT		

5.) NAME OF INDIVIDUAL TO CONTACT: clerk

6.) REQUEST: (PRINT BELOW) Apparently as I am stuck in the BMU "program" I am unable to visit law library. Do you know if this is true?

(so I know which title to request copy of)
Second, I am seeking the U.S. CIVIL STATUTE LIST OR TABLE OF CONTENTS TO TORTS PERTAINING
#360 - OTHER PERSONAL INJURY AND
#362 - PERSONAL INJURY - MEDICAL MALPRACTICE

7.) INMATE SIGNATURE [Signature] DOC # 1210652

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE
 LOL) PREFERABLY THE UNMARRIED FEMALES JUSTO LMFAO!!!

BMU & SMU are not authorized to attend law library

X. Today is June 2nd, 2022. I did receive initial copy of "DRAFT PLEADINGS" for insurance purposes AKA "SEOGWICK", however Senior KURRY still avoids signing off on my "LEGAL MAIL BRASS SLIPS".

10.) RESPONDING STAFF SIGNATURE Garcia DATE 5/24/22

FWD: EVIDENCE TO SUPREME COURT OF NY
THANK YOU BRICK, US NAVY JOE RUDOLF - DEP 2002
SAYS THE VOICES IN HIS HEAD AS THEY ALL DEAD

1	H.S.P. No. 1210652 P.O. Box 650 Indian Springs, NV 89070-0650 United States Navy M.E.P.S. Veteran, Delayed Entry Program 2002 Student Member of the American Bar Association (retired)	03/29/2022 <i>Alvin J. Spurr</i> CLERK OF THE COURT
2		
3	DISTRICT COURT	
4	CLARK COUNTY, NEVADA	
5		
6	MATTHEW TRAVIS HOUSTON,	CASE NO: A-17-758861-C
7	Plaintiff-in-error (petitioner-appellant),	DEPT No.: 28 and 29
8	-vs-	CASE No: C-21-357927-1
9		DEPT No: XI
10	THE STATE OF NEVADA,	PART II OF
11	Respondant.	PERSONAL RESTRAINT PETITION
12	EMERGENCY NOTICE OF APPEAL TO AND	
13	"RESPONSE TO "ORDER GRANTING IN PART, DENYING"	
14	IN PART DEFENDANT'S PRO PER MOTION	
15	TO DISMISS COUNSEL" FROM 2/1/2022;	
16	HEARING DATE: 04/06/2022 TIME: 1:30 PM	
17	<u>PLEASE TAKE NOTICE</u> that it is asked of this court,	
18	"why did the Plaintiff-in-error have to become wrongfully	
19	convicted to Eric Bernard Little?" Mr. Little submitted	
20	his MOTION TO WITHDRAW AS COUNSEL on October 5 th ,	
21	2021 and during that time a pro se Motion TO DISMISS the	
22	fraudulent charges was submitted to the clerk. The petitioner-	
23	appellant is in opposition to "the state of being without legal	
24	significance" of Judge Tierra Jones especially because he still	
25	has not been provided the name of the "substitute judge"	
26	who appointed Anthony M. Goldstein to properly withdraw petitioner-	
27	appellant's VOIDED guilty plea. This dereliction of duty has caused	
28	nothing more than a miscarriage of justice, adding insult to injury, while	
29	defaming the character Page Number: 1 of an innocent man.	

CLERK OF THE COURT

MAR 29 2022

RECEIVED

HOSP No. 1210652
P.O. Box 650
Indian Springs, NV 89070-0650

1 Perhaps a cause of this neglect of duty is the fact
2 that there are other objective factors showing both
3 cause and prejudice as there is much more in this
4 case to blame besides bad lawyering. Additionally, the
5 claim of ineffective aid of counsel was reinforced by the
6 Supreme Court of Nevada's dismissal of DIRECT APPEAL
7 No. 84281 on March 10th, 2022. Had either Anthony
8 M. Goldstein, Jeremy Wood, or Benard Little of the attorney
9 from the cases in Las Vegas Municipal Court adhered to
10 any sort of principle than the petitioner-appellant
11 would not have been as prejudiced by the malicious courts of Nevada.
12 Primarily, it is the fact that the judge, prosecution
13 and alleged "victim" in this case are females, causing a
14 sexist bias against the petitioner-appellant who had already, while
15 in a state of trauma been subjected to a double-jeopardy.
16 Not only was petitioner-appellant made victim of sexist
17 bigotry, but he became more of the scapegoat to the evil forces of
18 stereotypical racism after being told by Benard Little that "because
19 he was white, he would not qualify for aid from the Bail Bond Project."
20 Social worker Cassandra Drez, also from the Clark County
21 Public Defender's office, was also a hindrance to justice
22 when she had informed petitioner-appellant that "it would be a
23 conflict of interest if [petitioner-appellant] authorized Benard
24 Little for someone from their office to act as a POWER
25 OF ATTORNEY so that [petitioner-appellant] could have the
26 overly-inflated bond paid in full." But why would any of that even
27 matter to the social worker who would not accept complete
28 medical records from all of the petitioner-appellant's team of doctors?

Page Number 2

HDSP No. 1210652
P.O. Box 650
Indian Springs, NV 89070-0650

1 PLEASE TAKE NOTICE that it is asked of this court,
2 "is there a state wide conspiracy to conceal the truth
3 about the exploitation of the injured worker(s) from the
4 citizens of Nevada?" There surely must be in the case(s)
5 of Matthew Travis Houston.

6 The temerity of dispute resolution has escalated into the most
7 extreme sort of prejudice, which has been swept under the
8 rug by those individuals causing a broken system. In this
9 case involving Daniel Schwartz, with potential organized criminal
10 operations possibly involving Scott Poisson in the State of Florida,
11 and Alexis Plunkett out of the State of Ohio, the theory of
12 a conspiracy causing legal, medical and judicial malpractice
13 against the Plaintiff-in-error has been further validated externally
14 to the now dismissed counsel with additional shady characters including
15 but not limited to: Karen Schwartz, Lina Sakalauskas, Gene Porter and
16 both David Jones and Tierra Danielle Jones. External to the
17 procedural errors causing this illegal incarceration is the fact that
18 big business was able to coerce LVMPD into acting as a modern
19 day Gestapo. Therefore it is asked to this court,

20 "is a conspiracy possible... is it not?" In fact, it
21 is no conspiracy that Sedgwick's interest off of the petitioner-
22 appellant is making quite a bit of money when not having to
23 pay the injured worker(s) their legally and rightfully
24 entitled benefits. (Now if you please skip ahead to page 49-55) You
25 WILL PLEASE TAKE NOTICE of this now amended:

26 "EMERGENCY OPPOSITION OF REMAND

27 AND MOTION TO DISMISS No. C-21-357927-1

28 AND EXHONORATE THE PETITIONER-APPELLANT?

Page Number 3

(See pages 49-55) →

P. 34 - now 80-86 →

P. 34

No. 1210652 @ H.B.S.P.
P.O. Box 650
Indian Springs, NV 89070-0650

To date, the Appellant's "PETITION FOR JUDICIAL REVIEW OF THE EVENTS OF DECEMBER 6th, 2021" has been ignored by the courts, even before the illegal arrest of the petitioner-appellant on July 14th, 2021 because judicial ineptitude and procedural mishandlements ought NEVER happen. However, due to particular individual's acts in temerity and carelessness, these errors throw monkeywrenches into particular parts of the machine, therefore preventing the lawful turnings in the wheels of justice from working towards the forces of good, and all that it is of. It is hereby asked to this court, "are these most cruel and inhumane injustices to be accepted by our judicial system and ^{the} people of the State of Nevada?"

It was asked by the most falsely accused Appellant, (OFFICIALLY before ^{See # page 49} the 13th of October, 2021) that this case be opposed and completely dismissed, as proven by the original motion's pages "1-6" which were put on record by the clerk when they were stamped "RECEIVED OCT 18TH 2021 CLERK # 49-56 (See page 18TH)". The originals are at the offices of Bernard Little, et al who neglected their duties in providing this court with truth, contributing to malpractice and is an additional cause of this wrongful conviction. This error shows the tendency of judicial officers of Las Vegas to parade the elements of oppression and facism. As a result, the Appellant prays that prosecutorial malice, misconduct, wanton disregard and careless neglect be lessened, if not completely eliminated while reading of the observations and the theory of District Attorney Mr. Jim Garrison who is, most unfortunately no longer with us. May he provide this court with motivation in a reminder to all of the call of duty in encouragement to unhinder, repair and more equally balance the scale of justice in the community of Lost Wages, Nevada that is still part of the good old United States of America:

Page Number 4

Co. Box 650
Indian Springs, NV 89070-0650

Interview With District Attorney Jim Garrison,

as he is clearly in opposition to government interference:

1 I was with the artillery supporting the division
2 that took Dachau; I arrived there the day
3 after it was taken, when bulldozers were making
4 pyramids of human bodies outside the camp. What
5 I saw there has haunted me ever since. Because
6 the law is my profession, I've always wondered
7 about the judges throughout Germany who sentenced
8 men to jail for picking pockets at a time when
9 their own government was jerking gold from the
10 teeth of men murdered in gas chambers. I'm
11 concerned about all of this because it isn't a
12 German phenomenon; it's a human phenomenon. It
13 can happen here, because there has been no change
14 and there has been no progress and there has
15 been no increase of understanding on the part of
16 men for their fellow man.

17
18 What worries me deeply, and I have seen it exemplified
19 in this case, is that we in America are in great
20 danger of slowly evolving into a proto-facist state.
21 It will be a ~~different~~ different kind of facist state
22 from the one of the Germans evolved; theirs grew
23 out of depression and promised bread and work, while
24 ours, curiously enough, seems to be emerging from
25 prosperity. But in the final analysis, it's based on
26 power and on the inability to put human goals and
27 human conscience above the dictates of the state.
28 Its origins can be traced in the tremendous

Page Number 5

P.36

P.O. Box 650
Indian Springs, NV 89070-0650

1 war machine we've built since 1945, the "military-
2 industrial complex" that Eisenhower vainly warned
3 us about, which now dominates every aspect of our
4 life. The power of the states and Congress has
5 gradually been abandoned to the Executive Department,
6 because of war conditions; and we've seen the
7 creation of an arrogant, swollen bureaucratic complex
8 totally unfettered by the checks and balances of
9 the Constitution.

10
11 In a very real and terrifying sense, our Government
12 is the CIA and the Pentagon, with Congress reduced
13 to a debating society. Of course, you can't spot
14 this trend to fascism by casually looking around. You
15 can't look for such familiar signs as the swastika,
16 because they won't be there. We won't build
17 Dachaus and Auschwitzes; the clever manipulation of
18 the mass media is creating a concentration camp of the
19 mind that promises to be far more effective in keeping
20 the populace in line. We're not going to wake up one
21 morning and suddenly find ourselves in gray uniforms
22 goose-stepping off to work. But this isn't the test.
23 The test is: What happens to the individual who
24 dissents? In Nazi Germany he was physically
25 destroyed; here, the process is more subtle,
26 but the end results can be the same.

P.O. Box 650
Indian Springs, NV 89070-0650

1 I've learned enough about the machinations of the
2 CIA in the past year to know that this is no
3 longer the dream world America I once believed
4 in. The imperatives of the population explosion,
5 which inevitably will lessen our belief in the
6 sanctity of the individual human life, combined
7 with the awesome power of the CIA and the
8 defense establishment, seem destined to seal the
9 fate of the America I knew as a child and bring
10 us into a new Orwellian world where the citizen
11 exists for the state and where raw power justifies
12 any and every immoral act. I've always had a
13 kind of knee-jerk trust in my Government's
14 basic integrity, whatever political blunders it may
15 make. But I've come to realize that in Washington,
16 deceiving and manipulating the public are viewed by
17 some as the natural prerogatives of office. Huey
18 Long once said, "Facism will come to America in the
19 name of anti-facism." I'm afraid, based on my
20 own experience that facism will come to America
21 in the name of national security.

22
23 JFK Lancer, "Jim Garrison's Playboy Interview,
24 Part Three," accessed 4 Dec. 2012:

25 <http://www.jfklancer.com/Garrison4.html>

26 Any opinion Gee Jon? NOW SEE P. 134 and P. 135... I didn't think so.

27 What is the reason behind the smoke and mirrors

28 of the Regional Injustice Center? Invasion or control?

Page Number 7

P.38

P.O. Box 650
Indian Springs, NV 89070-0650

(See) EXHIBIT : (pages #49-55)

EMERGENCY MOTION TO OPPOSE REMAND
AND DISMISS CASE
IN ITS ENTIRETY

* drawn October 13th, 2021 @ C.C.D.C.

* certified by U.S.P.S. October 13th, 2021

* recieved by Clerk of the Court October 18th, 2021

* was fwd to Clark County Public Pretender

instead of filed into ^{this} case. This warrants

equitable tolling. It also shows proceedural error(s).

* shows grounds for emotional distress ^{endured} ~~endured~~

by the Def. since the court incurred error

contributed to the cause of ^{aid of} ineffective counsel

leading to wrongful conviction as the court failed in

responding to Benard Little's motion to WITHDRAW (See p.125-
p.127)

he had submitted on October 5th, 2021. These

procedural errors greatly prejudiced the Defendant, but

perhaps the most significant bias shown towards the

Defendant was when he was told on record that he

was not eligible nor was he accepted to Mental

Health court because he survived fatal traumatic brain

injuries and other catastrophic injuries. This in itself

is a civil rights lawsuit as the results of this case

show that the courts of Clark County, Nevada must view

the disabled as inferior, ^(are obviously not) and entitled to the privileges of normal citizens.

* to illustrate to the court and for the sake of justice, ~~it will now~~

a comparison and contrast will be shown ~~to~~ of the relationship

between potential Page Number 8 world conspiracy and

what's known as truth.

p.39

-last. And to ask this court again: Is there
 a conspiracy against Matthew Travis Houston, or just
~~the~~ ~~the~~ ~~the~~ A WORLDWIDE GOVERNMENT CONSPIRACY
 TO CONCEAL THE TRUTH FROM THE PUBLIC?

In the short span of six years, twenty-two
 English scientists who worked on Star Wars-type
 projects have died under questionable circumstances.
 All of them had worked on different facets of
 electronic warfare, which includes UFO research. A
 list of the deceased and the dates and circumstances
 of their deaths follows.

1. 1982. Professor Keith Bowden: killed in auto crash.
2. July 1982. Jack Wolfenden: died in glider accident.
3. November 1982. Ernest Brockway: suicide.
4. 1983 Stephen Drinkwater: suicide by strangulation.
5. April 1983. Lieutenant-Colonel Anthony Godley:
 missing, declared dead.
6. April 1984. George Franks: suicide by hanging.
7. 1985. Stephen Oke: suicide by hanging.
8. November 1985. Jonathan Wash: suicide by
 jumping from a building.
9. 1986. Dr. John Brittan: suicide by carbon-
 monoxide poisoning.
10. October 1986. Arshad Sharif: suicide by
 placing a rope around his neck, tying it to a
 tree, and then driving away at high speed. Took
 place in Bristol, one hundred miles away from his home
 in London.

P.O. Box 650
Indian Springs, NV 89070-0650

- 1 11. October 1986. Vimal Dajihai: suicide by jumping
- 2 from a bridge in Bristol, one hundred miles from
- 3 his home in London.
- 4 12. January 1987. Artur Singh-Gida: missing,
- 5 declared dead.
- 6 13. February 1987. Peter Pepell: suicide by
- 7 crawling under car in garage.
- 8 14. March 1987. David Sands: suicide by
- 9 driving car into café at high speed.
- 10 15. April 1987. Mark Wisner: death by self-strangulation
- 11 16. April 10, 1987. Stuart Goerling: killed in Cyprus.
- 12 17. April 1987. Shani Warren: suicide by drowning.
- 13 18. May 1987. Michael Baker: killed in auto-crash.
- 14 19. May 1988. Trevor Knight: suicide.
- 15 20. August 1988 Alistair Beckham: suicide
- 16 by self-electrocution.
- 17 21. August 1988: Brigadier Peter Ferry,
- 18 suicide by self-electrocution.
- 19 22. Date unknown: Victor Moore;
- 20 (23. Mitchell Ryan Suicide → November 18th, 2014 Houston, brother,
- 21 suicide by hanging. 24. Uncle Rellie Schoenherr, ruled a
- 22 Coincidences? body found in Wisconsin shot up inside a
- 23 truck with its doors locked. Numerous bullets. 25. Uncle Randall Schoenherr,
- 24 2019. Died by being poisoned. - Author's Note, pages 396-397
- 25 from The Doomsday Conspiracy by (In re) "judgement",
- 26 Sidney Sheldon, 1991. A bit of science will now show
- 27 this court there's absolutely ZERO coincidences in the fact
- 28 that Rosemary McMorris is scamming big insurance.

Page Number 10

P. 41

JUDGEMENT UNDER UNCERTAINTY:

HEURISTICS AND BIASES,* by Amos Tversky and Daniel Kahneman

Many decisions are based on beliefs concerning the likelihood of uncertain events such as the outcome of an election, the guilt of a defendant, or the future value of the dollar. These beliefs are usually expressed in statements such as "I think that...", "chances are...", "it is unlikely that..." and so forth. Occasionally, beliefs concerning uncertain events are expressed in numerical form as odds or subjective probabilities. What determines such beliefs? How do people assess the probability of an uncertain event or the value of an uncertain quantity? This article shows that people rely on a ^{limited} number of heuristic principles which reduce the complex tasks of assessing probabilities and predicting values to simpler judgemental operations. In general, these heuristics are quite useful, but sometimes they lead to severe and systematic errors.

* This article originally appeared in Science, vol. 185, 1974. The research was supported by the Advanced Research Projects Agency of the Department of Defence and was monitored by the Office of Naval Research under contract N00014-73-C-0438 to the Oregon Research Institute, Eugene. Additional support for this research was provided by the Research and Development Authority of the Hebrew University, Jerusalem, Israel.

Po Box 650
Indian Springs, NV 89070

SUMMARY

This article described three heuristics that are employed in making judgements under uncertainty: (i) representativeness, which is usually employed when people are asked to judge the probability that an object or event A belongs to class or process B; (ii) availability of instances or scenarios, which is often employed when people are asked to assess the frequency of a class or the plausibility of a particular development; and (iii) adjustment from an anchor, which is usually employed in numerical prediction when a relevant value is available. These heuristics are highly economical and usually effective, but they lead to systematic and predictable errors. A better understanding of these heuristics and of the biases to which they lead could improve judgements and decisions in situations of uncertainty.

CONCLUDING NOTES AND

ATTACHED EXHIBIT(S)

WHEREFORE, the Plaintiff-in-error-petitioner-appellant prays that a competent reader of this document (preferably the judge who is to NOT be biased) has had some time to let this all sink in while these pleadings seem to be lost within the bureaucratic ineptitude and temerity of Clark County and the careless State of Nevada. In observing the next few pages, further proof substantiating grounds from page No. 1 will illustrate just how dereliction of duty added insult to injury.

Page Number 43

P. 74

NO 1210652 C MUST
PO Box 650
Indian Springs, NV 89070

1 Pages of the EXHIBIT numbered 45-48 are
2 original documents showing proof that ~~White~~ David Kelly, #7143,
3 #C6056 Capital Police Montero, Radenta Black, Rosemary McMorris-
4 Alexander, Jonathan Shockley, Sheriff Joe Lombardo,
5 Tierra Danielle Jones, Bernard Little, #12025 Jeremy Wood,
6 Cassandra Diez, Michael P. Villani, Steven B. Wolfson, #001565
7 #12480 Kristina A. Rhoades, David M. Jones, Laura Goodman, #013390
8 #5674 Elli Roshani, Darin E. Tonlay, Detective F. Edge, #8645
9 and other bad actors not limited to WMPD Robert Jones
10 #9920 all knew and were made fully aware that the
11 Plaintiff-in-error-Petitioner-appellant was in no sort of
12 way deemed to be competent by the court as result
13 of these bad actors conspiring to commit (as proven by
14 the false arrest and now plea) coercion, legal malpractice,
15 and other crimes against Matthew Travis Houston.

16 The question to justice is why would David Kelly,
17 Montero, F. Edge, Kristina A. Rhoades and other individuals
18 mix up their false allegations to the court while
19 misinterpreting the Nevada Revised Statutes to ruin
20 the life of the totally permanently disabled advocate
21 for injured workers? Apparently this court must
22 believe that the rich MUST get richer while the poor
23 must suffer into debtors prison and other cruel and
24 unusual punishments especially when the court illegally
25 denied Houston his First Amendment Right to Petition
26 the courts for redress of grievances even before the clerk
27 denied the filing of his initial habeas petition March, 7th 2022
28 and demanded \$220.⁰⁰ How is Joe Biden gonna pay that?
(SEE PAGE No. 28) Page Number 44



PERSONAL RESTRAINT PETITION,
Page No. 28 of ^(and now continued) PETITION FOR A WRIT OF HABEAS
CORPUS AND Letter of Motion To:

CLARK COUNTY COURTS
EIGHTH JUDICIAL DISTRICT COURT
LAS VEGAS TOWNSHIP JUSTICE COURT



REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155
(702) 871-4528

Steven D. Grierson
Clerk of the Court

PLEASE TAKE NOTICE THAT THE ORIGINAL
PETITION FOR POST-CONVICTION RELIEF WAS
PREPARED AS PART OF "DIRECT APPEAL"
AND FILED AS "NOTICE OF APPEAL" HOWEVER,
THIS "COMPLETE" DOCUMENT IS TO BE
SUBMITTED AS AN EXHIBIT 1 IN
THE RELATED CASE NUMBER TO BE ASSIGNED BY
THE CLERK TITLED:

Dear: Matthew Travis Houston:

Matthew Travis Houston vs. Gene Porter, et al

This office is in receipt of Petition for Writ of Habeas Corpus. We are unable to process for
the reason(s) stated below.

which is to be JOINDER TO A-17-758861-C.

- ☒ Filing fee in the sum of \$270.00 is required by money order, cashier's check, or personal check
(must be pre-printed).
- ☐ Document(s) cannot be filed as presented. Please refer to our website www.clarkcountycourts.us
for the proper paperwork to file.
- ☐ Please contact the Legal Aid Office for further assistance (702)386-1070 or
civillawselfhelpcenter.org

- ☐ Other PAGE NUMBER 29 is to be filed by
petitioner, plaintiff in way too many FEDERAL JURISDICTIONS.
TO INSURE THAT THE DOCUMENTS ARE PROPERLY PROCESSED, PLEASE RETURN
THIS LETTER WHEN THE REQUESTED ITEMS ARE RETURNED TO US.

Sincerely,
Clerk of the Court
#56

Deputy Clerk, Deputy

RECEIVED
MAR 29 2022
CLERK OF THE COURT

TO the clerk: 28 pages total... March 10th, 2022

The next 20 pages is ~~are~~ my original petition,
followed an application to proceed in forma
pauperis. I would like that also on the
record for my pro se 3rd party personal injury
case No. A-17-758861-C. Thank you,

X. Matthew Travis Houston

28

Social Security Administration

Important Information

notice to principle is
notice to the agency
notice to the agency
is notice to principle

Social Security Administration
P.O. Box 17707
Baltimore, MD 21235-7707
Date: November 24, 2021



0026976 00025976 2 AB 0461 1117MCTTS1E1 T135 P4

MATTHEW TRAVIS HOUSTON
C/O CLARK COUNTY
DETENTION CTR
330 S CASINO CTR BLVD
LAS VEGAS NV 89101-6102

Thank you so much L.V.M.P.D.
for destroying the law office in
Iowa ss city, Iowa of the
FBI BAICK HOUSTON

LAW FIRM...

* PLEASE TAKE NOTICE OF

MY TRUE A.K.A, WHICH THE READER OF THIS DOCUMENT
CAN OBSERVE IN THE 9th CIRCUIT OF THE DISTRICT OF NEVADA...
We are sending you this letter in both a standard print version and a large
print version. You will receive them in separate envelopes.

Good news! We are writing to tell you about a program that helps people
receiving disability benefits to go to work. It also may help people who are
already working to earn more money.

Ticket to Work and Self-Sufficiency is the name of the program. It was
established by Congress and is run by Social Security. It may help you get a
job if you want one or help you get a better job. Enclosed with this letter is
your Ticket to Work. The Ticket to Work is a very important paper that you
should keep in a safe place.

And don't worry. The Ticket to Work and Self-Sufficiency Program is
voluntary. You do not have to take part in this program to keep receiving
your disability benefits. But, if you want to work, we have many special rules
to help you. These special rules may help you keep some of your cash benefits
and will let you keep your Medicaid or Medicare coverage while you work.

How The Program Works

You can take the enclosed Ticket to Work to any of the Employment
Networks we have approved to help you or to a State vocational
rehabilitation (VR) agency. When you and an Employment Network or State
VR agency agree to work together, they will help you with services and
supports to get and keep a job.

It won't cost you anything. Social Security will pay any Employment
Network or State VR agency that helps you go to work.

And this is very important. If you are working with an Employment Network
or State VR agency and you meet certain other requirements, we will not
begin a medical review to decide if you are still disabled. For more
information, please read the enclosed pamphlet.

Page Number 45

OF NOTICE OF APPEAL TO AND RESPONSE TO ORDER GRANTING IN
PART, DENYING IN PART DEFENDANTS PRO PER MOTION TO DISMISS COUNSEL
FROM 2/1/2022.

See Next Page

P.76

How To Find An Employment Network Or State VR Agency

If you are interested, you can get a list of Employment Networks or find the State VR agency in your area by calling toll-free 1-866-968-7842 (TTY 1-866-833-2967) Monday through Friday from 8:00AM - 8:00PM, EST.

On the Internet, you can search for Employment Networks and State VR agencies by visiting www.choosework.net and selecting "Find Help." You may receive a call from an Employment Network or State VR agency in your area to see if you are interested in the program.

If You Have Questions

If you have any questions about this program, please call toll-free 1-866-968-7842 (TTY 1-866-833-2967).

For general questions about Social Security benefits, please visit Social Security's website at www.socialsecurity.gov. You also may call Social Security toll-free at 1-800-772-1213 (TTY 1-800-325-0778), or you may write or visit any Social Security office. They also can give you information about other employment supports that help people with disabilities go to work.

If you visit a Social Security office, please bring this letter and your Ticket to Work with you.

Health Care Options

Need health insurance or know someone who does? Visit www.HealthCare.gov or call 1-800-318-2596 to get more information. If you are deaf or hard of hearing, you may call (TTY) 1-855-889-4325.

Suspect Social Security Fraud?

If you suspect Social Security fraud, please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

Social Security Administration

Enclosure(s):

Ticket to Work

Your Ticket To Work (SSA Publication No. 05-10061)

Page Number 46
OF NOTICE OF APPEAL TO AND RESPONSE TO "ORDER GRANTING IN PART, DENYING IN PART DEFENDANT'S PRO PER MOTION TO DISMISS COUNSEL" FROM 2/1/2022.

p.77

Social Security Administration
Retirement, Survivors, and Disability Insurance
Important Information

BNC#: 21B1528J20793
 MATTHEW T HOUSTON
 C/O CLARK COUNTY
 DETENTION CTR
 330 S CASINO CTR BLVD
 LAS VEGAS NV 89101-6102

(FORM SSA-4926-SM-D1)

Your New Benefit Amount

BENEFICIARY'S NAME: MATTHEW T HOUSTON

Your Social Security benefit will increase by 5.9% in 2022 because of a rise in the cost of living. You can use this letter as proof of your benefit amount if you need to apply for food, rent, or energy assistance. You can also use it to apply for bank loans or for other business. Keep this letter with your important financial records.

How Much You Will Get	
Your monthly benefit before deductions	\$1,375.00
Deductions:	
Medicare Medical Insurance (If you did not have Medicare as of November 18, 2021, or if someone else pays your premium, we show \$0.00)	\$0.00
Medicare Prescription Drug Plan (We will notify you if the amount changes in 2022. If you did not elect withholding as of November 1, 2021, we show \$0.00)	\$0.00

Page Number 47

C-21-357927-1

P. 78

U.S. Federal tax withholding	\$0.00
Voluntary Federal tax withholding	\$0.00
(If you did not elect voluntary tax withholding as of November 18, 2021, we show \$0.00)	
After we take any other deductions, you will receive the payment you are due for December 2021 on or about January 3, 2022.	\$1,754.00

The information above shows your monthly benefit amount before and after deductions. Please remember, we will pay you in the month following the month for which it is due.

The Treasury Department requires Federal benefit payments to be made electronically. If you still receive a paper check, please visit the Department of the Treasury's Go Direct website at www.godirect.gov to request electronic payments.

If you disagree with any of these amounts, you must file an appeal with us within 60 days from the date you receive this letter. We will assume you got this letter 5 days after the date of the letter, unless you show us that you did not get it within the 5-day period. The fastest and easiest way to file an appeal is to visit

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- Visit us at www.ssa.gov online.
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{eventually we'll get to Part III} A.M.T.H.

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1 JUDGEMENT UNDER UNCERTAINTY:

2 HEURISTICS AND BIASES*, by Amos Tversky

3 and Daniel Kahneman

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11
 12 Many decisions are based on beliefs concerning the likelihood of
 13 uncertain events such as the outcome of an election, the guilt
 14 of a defendant, or the future value of the dollar. These
 15 beliefs are usually expressed in statements such as "I think
 16 that..." "chances are..." "it is unlikely that..." and so
 17 forth. Occasionally, beliefs concerning uncertain events are
 18 expressed in numerical form as odds or subjective
 19 probabilities. What determines such beliefs? How do people
 20 assess the probability of an uncertain event or the value
 21 of an uncertain quantity? This article shows that people rely
 22 on a limited number of heuristic principles which reduce the complex
 23 tasks of assessing probabilities and predicting values to simpler
 24 judgemental operations. In general, these heuristics are
 25 quite useful, but sometimes they lead to severe and
 26 systematic errors.

27 The subjective assessment of probability resembles the
 28 subjective assessment of physical quantities such as

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1 distance or size. These judgements are all based on
2 data of limited validity, which are processed according
3 to heuristic rules. For example, the apparent distance
4 of an object is determined in part by its clarity.
5 The more sharply the object is seen, the closer it
6 appears to be. This rule has some validity, because
7 in any given scene the more distant objects are seen
8 less sharply than nearer objects. However, the
9 reliance on this rule leads to systematic errors in the
10 estimation of distance. Specifically, distances are often
11 overestimated when visibility is poor because the contours of
12 objects are blurred. On the other hand, distances are
13 often underestimated when visibility is good because objects
14 are seen sharply. Thus, the reliance on clarity as an
15 indication of distance leads to common biases. Such biases
16 are found in the intuitive judgement of probability. This
17 article describes three heuristics that are employed to
18 assess probabilities and to predict values. Biases to
19 which these heuristics lead are enumerated, and the
20 applied and theoretical implications of these observations
21 are discussed.

22 REPRESENTATIVENESS

23 Many of the probabilistic questions for which people are
24 concerned belong to one of the following types:
25 What is the probability that object A belongs to class B?
26 What is the probability that event A originates from
27 process B? What is the probability that process B
28 will generate event A?

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1 In answering such questions, people typically rely on
2 the representativeness heuristic, in which probabilities are
3 evaluated by the degree to which A is representative
4 of B, that is, by the degree to which A resembles B.
5 For example, when A is highly representative of B,
6 the probability that A originates from B is judged
7 to be high. On the other hand, if A is not
8 similar to B, the probability that A originates
9 from B is judged to be low.
10 For an illustration of judgement by representativeness,
11 consider an individual who has been described by a
12 former neighbor as follows: "Steve is very shy and
13 withdrawn, invariably helpful, but with little interest
14 in people, or in the world of reality. A meek and
15 tidy soul, he has a need for order and structure,
16 and a passion for detail." How do people assess
17 the probability that Steve is engaged in a particular
18 occupation from a list of possibilities (for example,
19 farmer, salesman, airline pilot, librarian, or physician)?
20 How do people order these occupations from most to
21 least likely? In the representativeness heuristic,
22 the probability that Steve is a librarian, for example,
23 is assessed by the degree to which he is representative
24 of, or similar to, the stereotype of a librarian.
25 Indeed, research with problems of this type has shown that
26 people order the occupations by probability and by similarity
27 in exactly the same way.¹ This approach to the judgement
28 of probability leads to serious errors, because similarity, or

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1 representativeness, is not influenced by several
2 factors that should affect judgements of
3 probability.

4 Insensitivity to prior outcomes. One of the
5 factors that have no effect on representativeness
6 but should have a major effect on probability is the
7 prior probability, or base-rate frequency, of the
8 outcomes. In the case of Steve, for example,
9 the fact that there are many more farmers than
10 librarians in the population should enter into any
11 reasonable estimate of the possibility that Steve
12 is a librarian rather than a farmer. Considerations
13 of base-rate frequency, however, do not affect the
14 similarity of Steve to the stereotypes of librarians
15 and farmers. If people evaluate possibility of
16 representativeness, therefore, prior possibilities will
17 be neglected. This hypothesis was tested in an
18 experiment where prior probabilities were manipulated.²

19 Subjects were shown brief personality descriptions
20 of several individuals, allegedly sampled at random
21 from a group of 100 professionals—engineers and
22 lawyers. The subjects were asked to assess
23 for each description, the probability that it belonged
24 to an engineer rather than a lawyer. In one
25 experimental condition, subjects were told that the
26 group from which the descriptions had been drawn
27 consisted of 70 engineers and 30 lawyers. In
28 another condition, subjects were told that the

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1 group consisted of 30 engineers and 70 lawyers.
 2 The odds that any particular description belongs
 3 to an engineer rather than to a lawyer should
 4 be higher in the first condition, where there is a
 5 majority of engineers, than in the second
 6 condition, where there is a majority of lawyers.
 7 Specifically, it can be shown by applying Bayes'
 8 rule that the ratio of these odds should be
 9 $(.7/.3)^2$, or 5.44, for each description. In a
 10 sharp violation of Bayes' rule, the subjects
 11 in the two conditions produced essentially the
 12 same probability judgements. Apparently, subjects
 13 evaluated the likelihood that a particular description
 14 belonged to an engineer rather than to a lawyer
 15 by the degree to which this description was
 16 representative of the two stereotypes, with little
 17 or no regard for the prior ~~probabilities~~ ~~of~~ ~~the~~
 18 probabilities of the categories.
 19 The subjects used prior probabilities correctly
 20 when they had no other information. In the
 21 absence of a personality sketch, they judged the
 22 probability that an unknown individual is an engineer
 23 to be .7 and .3, respectively, in the two base-rate
 24 conditions. However, prior probabilities were
 25 effectively ignored when a description was introduced,
 26 even when the description was totally uninformative.
 27 The responses to the description illustrate this
 28 phenomenon.

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1 Dick is a 30-year-old man. He is married
2 with no children. A man of high
3 ability and high motivation, he promises
4 to be quite successful in his field.
5 He is well liked by his colleagues.
6

7 This description was intended to convey no information
8 relevant to the question of whether Dick is an
9 engineer or a lawyer. Consequently, the probability
10 that Dick is an engineer should equal the proportion
11 of engineers in the group, as if no description had
12 been given. The subjects, however, judged the
13 probability of Dick being an engineer to be .5
14 regardless of whether the stated proportion of
15 engineers in the group was .7 or .3. Evidently,
16 people respond differently when given no evidence
17 and when given worthless evidence. When no
18 specific evidence is given, prior probabilities are
19 properly utilized; when worthless evidence is given,
20 prior probabilities are ignored.³

21 ~~Insensitivity to sample size.~~ To evaluate the
22 probability of obtaining a particular result in a sample
23 drawn from a specific population, people typically
24 apply the representativeness heuristic. That is,
25 they assess the likelihood of a sample result,
26 for example, that the average height in a
27 random sample of ten men will be 6 feet, by
28 the similarity of this result to the corresponding

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1 parameter (that is to the average height in the
2 population of men). The similarity of a simple
3 statistic to a population parameter does not
4 depend on the size of the sample. Consequently,
5 if probabilities are assessed by representativeness,
6 that the judged probability of a sample statistic
7 will be essentially independent of sample size.
8 Indeed, when subjects assessed the distributions
9 of average height for samples of various sizes,
10 they produced identical distributions. For example,
11 the probability of obtaining an average height greater
12 than 6 feet was assigned the same value for
13 samples of 1,000, 100, and 10 men.⁴ Moreover,
14 subjects failed to appreciate the role of sample
15 size even when it was emphasized in the formulation
16 of the problem. Consider the following question:

17
18 A certain town is served by two hospitals.
19 In the larger hospital about 45 babies
20 are born each day, and in the smaller
21 hospital about 15 babies are born each day.
22 As you know, 50% of all babies are boys.
23 However, the exact percentage varies from day
24 to day. Sometimes it may be higher than
25 50%, sometimes lower.

26 For a period of 1 year, each hospital
27 recorded the days on which more than 60%
28 of the babies born were boys.

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1 which hospital do you think recorded
2 more such days?

3 The larger hospital ~~(21)~~ (21)

4 The smaller hospital (21)

5 About the same - (that is,

6 within 5% of each other) (53)

7

8 The values in parenthesis are the number of
9 undergraduate students who chose each answer.

10 Most subjects judged the probability of
11 obtaining more than 60% boys to be the same in
12 the small and in the large hospital, presumably
13 because these events are described by the same
14 statistic and are therefore equally representative of
15 the general population. In contrast, sampling
16 theory entails that the expected number of days
17 on which more than 60% of the babies are boys is
18 much greater in the small hospital than in the
19 large one, because a large sample is less likely
20 to stray from 50%. This fundamental notion
21 of statistics is evidently not part of people's
22 repertoire of intuitions.

23 A similar insensitivity to sample size has
24 been reported in judgements of posterior probability,
25 that is, of the probability that a sample has been
26 drawn from one population rather than from another.
27 Consider the following example:

28

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1 Imagine an urn filled with balls of which
2 $\frac{2}{3}$ are of one color and $\frac{1}{3}$ of another.
3 One individual has drawn 5 balls from
4 the urn, and found that 4 were red and
5 1 was white. Another individual has drawn
6 20 balls and found that 12 were red and
7 8 were white. Which of the two individuals
8 should feel more confident that the urn
9 contains $\frac{2}{3}$ red balls and $\frac{1}{3}$ white balls,
10 rather than the opposite? What odds
11 should each individual give?
12

13 In this problem, the correct posterior odds are
14 8 to 1 for the 4:1 sample and 16 to 1 for the 12:8
15 sample, assuming equal prior probabilities. However, most
16 people feel that the first sample provides much stronger
17 evidence for the hypothesis that the urn is predominantly
18 red, because the proportion of red balls is larger in the
19 first than in the second sample. Here again,
20 intuitive judgements are dominated by the sample
21 proportion and are essentially unaffected by the size of
22 the sample, which plays a critical role in the
23 determination of the actual posterior odds.⁵ In addition,
24 intuitive estimates of posterior odds are far less
25 extreme than the correct values. The underestimation
26 of the impact of evidence has been observed
27 repeatedly in problems of this type.⁶ It has
28 been labeled "conservatism".

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1 Misconceptions of chance. People expect that a
2 sequence of events generated by a random process
3 will represent the essential characteristics of that
4 process even when the sequence is short. In
5 considering tosses of a coin for heads or tails, for
6 example, people regard the sequence H-T-H-T-T-H
7 to be more likely than the sequence H-H-H-T-T-T,
8 which does not appear random; and also more
9 likely than the sequence H-H-H-H-T-H, which
10 does not represent the fairness of the coin.
11 Thus, people expect that the essential characteristics
12 of the process will be represented, not only globally
13 in the entire sequence, but also locally in each of
14 its parts. A locally representative sequence, however,
15 deviates systematically from chance expectation:
16 it contains too many alternations and too few runs.
17 Another consequence of the belief in local
18 representativeness is the well-known gambler's fallacy.
19 After observing a long run of red on the roulette
20 wheel, for example, most people erroneously believe
21 that black is now due, presumably because the
22 occurrence of black will result in a more
23 representative sequence than the occurrence of an
24 additional red. Chance is commonly viewed as a self-
25 correcting process in which a deviation in one direction
26 induces a deviation in the opposite direction to restore
27 the equilibrium. In fact, deviations are not "corrected"
28 as a chance process unfolds, they are merely diluted.

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1 Misconceptions of chance are not limited to
2 naive subjects. A study of the statistical
3 institutions of experienced research psychologists &
4 revealed a lingering belief in what may be
5 called "the law of small numbers," according to
6 which even small samples are highly representative
7 of the populations from which they are drawn.
8 The responses of these investigators reflected
9 the expectation that a valid hypothesis about a
10 population will be represented by a statistically
11 significant result in a sample with little regard
12 for its size. As a consequence, the researchers
13 put too much faith in the results of small samples
13 and grossly overestimated the replicability of such
14 results. In the actual conduct of research, this
15 bias leads to the selection of samples of inadequate
16 size and to overinterpretation of findings.
17 Insensitivity to predictability. People
18 are sometimes called upon to make such numerical
19 predictions as the future value of stock, the
20 demand for a commodity, or the outcome of a
21 football game. Such predictions are often made by representativeness.
22 For example, suppose one is given a description of a company
23 and is asked to predict its future profit. If the
24 description of the company is very favorable, a very high
25 profit will appear most representative of that description;
26 if the description is mediocre, a mediocre performance will
27 appear most representative. The degree to which

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1 the description is favorable is unaffected by the reliability
2 of that description or by the degree to which it permits
3 accurate prediction. Hence, if people predict solely in
4 terms of the favorableness of the description, their
5 predictions will be insensitive to the reliability of the
6 evidence and to the expected accuracy of the prediction.

7 This mode of judgement violates the normative statistical
8 theory in which the extremeness and the range of predictions
9 are controlled by considerations of predictability. When
10 predictability is nil, the same prediction should be made in
11 all cases. For example, if the descriptions of companies
12 provide no information relevant to profit, then the same value
13 (such as average profit) should be predicted for all companies.
14 If predictability is perfect, of course, the values predicted
15 will match the actual values and the range of predictions
16 will equal the range of outcomes. In general, the higher the
17 predictability, the wider the range of predicted values.

18 Several studies of numerical prediction have demonstrated
19 that intuitive predictions violate this rule, and that subjects
20 show little or no regard for considerations of predictability.⁹
21 In one of these studies, subjects were presented with several
22 paragraphs, each describing the performance of a student teacher
23 during a particular practice lesson. Some subjects were asked to
24 evaluate the quality of a lesson described in the paragraph in
25 percentile scores, relative to a specified population. Other
26 subjects were asked to predict, also in percentile scores,
27 the standing of each student teacher 5 years after the practice
28 lesson. The judgements made under the two conditions were identical.

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1 That is, the prediction of a remote criterion (success of a teacher after
2 5 years) was identical to the evaluation of the information on which
3 the prediction was based (the quality of the practice lesson). The
4 students who made these predictions were undoubtedly aware of the
5 limited predictability of teaching competence on the basis of a single
6 trial lesson 5 years earlier; nevertheless, their predictions were as extreme
7 as their evaluations.

8 The illusion of validity. As we have seen, people often predict by
9 selecting the outcome (for example, an occupation) that is most
10 representative of the input (for example, the description of a person).
11 The confidence they have in their prediction depends primarily on the
12 degree of representativeness (that is, on the quality of the match
13 between the selected outcome and the input) with little or no regard
14 for the factors that limit predictive accuracy. Thus, people express
15 great confidence in the prediction that a person is a librarian when given
16 a description of his personality which matches the stereotype of
17 librarians, even if the description is scanty, unreliable, or outdated.

18 The unwarranted confidence which is produced by a good fit between
19 the predicted outcome and the input information may be called the
20 illusion of validity. This illusion persists even when the judge is
22 aware of the factors that limit the accuracy of his predictions. It is
23 a common observation that psychologists who conduct selection interviews
24 often experience considerable confidence in their predictions, even when
25 they know of the vast literature that shows selection interviews to
26 be highly fallible. The continued reliance on the clinical interview for
27 selection, despite repeated demonstrations of its inadequacy, amply
28 attests to the strength of this effect.

29 The internal consistency of a pattern of inputs is a major detriment

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1 of one's confidence in predictions based on these inputs. For example,
 2 people express more confidence in predicting the final grade point
 3 average of a student whose first-year record includes many A's
 4 and C's. Highly consistent patterns are most often observed when
 5 the input variables are highly redundant or correlated. Hence,
 6 people tend to have great confidence in predictions based on redundant
 7 input variables. However, an elementary result in the statistics of
 8 correlation asserts that, given input variables of stated validity,
 9 a prediction based on several such inputs can achieve higher
 10 accuracy when they are independent of each other than when they
 11 are redundant or correlated. Thus, redundancy among inputs
 12 decreases accuracy even as it increases confidence, and people are
 13 often confident in predictions that are quite likely to be off the mark.
 14 Misconceptions of regression. Suppose a large group of
 15 children has been examined on two equivalent versions of an aptitude
 16 test. If one selects ten children from among those who did best on
 17 one of the two versions, he will usually find their performance on
 18 the second version to be somewhat disappointing. Conversely, if
 19 one selects ten children from among those who did worst on one
 20 version, they will be found, on the average, to do somewhat better
 21 on the other version. More generally, consider two variables X and Y
 22 which have the same distribution. If one selects individuals whose
 23 average X score deviates from the means of X by k units, then
 24 the average of their Y scores will usually deviate from the mean of
 25 Y by less than k units. These observations illustrate a general
 26 phenomenon known as regression toward the mean, which was
 27 first documented by Galton more than 100 years ago.
 28

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In the normal course of life, one encounters many instances of regression toward the mean, in the comparison of the height of fathers and sons, of the intelligence of husbands and wives, or of the performance of individuals on consecutive examinations. Nevertheless, people do not develop correct intuitions about this phenomenon. First, they do not expect regression in many contexts where it is bound to occur. Second, when they recognize the occurrence of regression, they often invent spurious causal explanations for it.¹¹ We suggest that the phenomenon of regression remains elusive because it is incompatible with the belief that the predicted outcome should be maximally representative of the input, and, hence, that the value of the outcome variable should be as extreme as the value of the input variable.

The failure to recognize the import of regression can have pernicious consequences, as illustrated by the following observation.¹² In a discussion of flight training, experienced instructors noted that praise for an exceptionally smooth landing is typically followed by a poorer landing on the next try, while harsh criticism after a rough landing is usually followed by an improvement on the next try. The instructors concluded that verbal rewards are detrimental to learning, while verbal punishments are beneficial, contrary to accepted psychological doctrine. This conclusion is unwarranted because of the presence of regression toward the mean. As in other cases of repeated examination, an improvement will usually follow a poor performance and a deterioration will usually follow an outstanding performance, even if the instructor does not respond to the trainee's achievement on the first attempt. Because the instructors had praised their trainees after good landings and

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1 admonished them after poor ones, they reached the erroneous and
2 potentially harmful conclusion that punishment is more effective
3 than reward.

4 Thus, the failure to understand the effect of regression leads
5 are to overestimate the effectiveness of punishment and to
6 underestimate the effectiveness of reward. In social interaction,
7 as well as in training, rewards are typically administered when
8 performance is good, and punishments are typically administered
9 when performance is poor. By regression alone, therefore, behavior
10 is most likely to improve after punishment and most likely to
11 deteriorate after reward. Consequently, the human condition is
12 such that, by chance alone, one is most often rewarded for punishing
13 others and most often punished for rewarding them. People are
14 generally not aware of this contingency. In fact, the elusive
15 role of regression in determining the apparent consequences of
16 reward and punishment seems to have escaped the notice of
17 students of this area.

18 AVAILABILITY

19 There are situations in which people assess the frequency
20 of a class or the probability of an event by the ease with which
21 instances or occurrences can be brought to mind. For example,
22 one may assess the risk of heart attack among middle-aged people
23 by recalling such occurrences among one's acquaintances. Similarly,
24 one may evaluate the probability that a given business venture
25 will fail by imagining various difficulties it could encounter. This
26 judgemental heuristic is called availability. Availability is a useful
27 clue for assessing frequency or probability, because instances of
28 large classes are usually recalled better and faster than

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instances of less frequent classes. However, availability is affected by factors other than frequency and probability. Consequently, the reliance on availability leads to predictable biases, some of which are illustrated below.

Biases due to the retrievability of instances. when the size of a class is judged by the availability of its instances, a class whose instances are easily retrieved will appear more numerous than a class of equal frequency whose instances are less retrievable. In an elementary demonstration of this effect, subjects heard a list of well-known personalities of both sexes and were subsequently asked to judge whether the list contained more names of men than of women. Different lists were presented to different groups of subjects. In some of the lists the men were relatively more famous than the women, and in others the women were relatively more famous than the men. In each of the lists, the subjects erroneously judged that the class (sex) that had the more famous personalities was the more numerous.¹³

In addition to familiarity, there are other factors, such as salience, which affect the retrievability of instances. For example, the impact of seeing a house burning on the subjective probability of such accidents is probably greater than the impact of reading about a fire in the local paper. Furthermore, recent occurrences are likely to be relatively more available than earlier occurrences. It is a common experience that the subjective probability of traffic accidents rises temporarily when one sees a car overturned by the side of the road.

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Biases due to the effectiveness of a search set.

Suppose one samples a word (of three letters or more) at random from an English text. Is it more likely that the word starts with *r* or that *r* is the third letter? People approach this problem by recalling words that begin with *r* (road) and words that have *r* in the third position (car) and assess the relative frequency by the ease with which words of the two types come to mind. Because it is much easier to search for words by their first letter than by their third letter, most people judge words that begin with a given consonant to be more numerous than words in which the same consonant appears in the third position. They do so even for consonants, such as *r* or *k*, that are more frequent in the third position than in the first.¹⁴

Different tasks elicit different search sets. For example, suppose you are asked to rate the frequency with which abstract words (thought, love) and concrete words (door, water) appear in written English. A natural way to answer this question is to search for contexts in which the word could appear. It seems easier to think of contexts in which an abstract concept is mentioned (love in love stories) than to think of contexts in which a concrete word (such as door) is mentioned. If the frequency of words is judged by the availability of the contexts in which they appear, abstract words will be judged as relatively more numerous than concrete words. This bias has been observed in a recent study¹⁵ which showed that the judged frequency of occurrence of abstract words was much higher than that of concrete words, equated in objective frequency. Abstract words were also judged to appear in a much greater variety of contexts than concrete words.

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Biases of imaginability. Sometimes one has to assess the frequency of a class whose instances are not stored in memory but can be generated according to a given rule. In such situations, one typically generates several instances and evaluates frequency or probability by the ease with which the relevant instances can be constructed. However, the ease of constructing instances does not always reflect their actual frequency, and this mode of evaluation is prone to biases. To illustrate, consider a group of 10 people who form committees of k members, $2 \leq k \leq 8$. How many different committees of k members can be formed? The correct answer to this problem is given by the binomial coefficient $(10/k)$ which reaches a maximum of 252 for $k=5$. Clearly, the number of committees of k members defines a unique group of $(10-k)$ nonmembers. One way to answer this question without computation is to mentally construct committees of k members and to evaluate their number by the ease with which they come to mind. Committees of few members, say 2, are more available than committees of many members, say 8. The simplest scheme for the construction of committees is a partition of the group into disjoint sets. One readily sees that it is easy to construct five disjoint committees of 2 members, while it is impossible to generate even two disjoint committees of 8 members. Consequently, if frequency is assigned by imaginability, or by availability for construction, the small committees will appear more numerous than larger committees, in contrast to the correct bell-shaped function. Indeed, when naive subjects were asked to

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estimate the number of distinct committees of various sizes, their estimates were a decreasing ~~monotonic~~ monotonic function of committee size.¹⁶ For example, the median estimate of the number of committees of 2 members was 20, while the estimate for committees of 8 members was 20 (the correct answer is 45 in both cases).

Imaginability plays an important role in the evaluation of probabilities in real-life situations. The risk involved in an adventurous expedition, for example, is evaluated by imagining contingencies with which the expedition is not equipped to cope. If many such difficulties are vividly portrayed, the expedition can be made to appear exceedingly dangerous, although the ease with which disasters are imagined need not reflect their actual likelihood. Conversely, the risk involved in an undertaking may be grossly underestimated if some possible dangers are either difficult to conceive of or simply do not come to mind.

Illusory correlation. Chapman and Chapman¹⁷ have described an interesting bias in the judgement of the frequency with which two events co-occur. They presented naive judges with information concerning several hypothetical mental patients. The data for each patient consisted of a clinical diagnosis and a drawing of a person made by the patient. Later the judges estimated the frequency with which each diagnosis (such as paranoia or suspiciousness) had been accompanied by various features of the drawing (such as peculiar eyes). The subjects markedly overestimated the frequency of co-occurrence of natural associates, such as suspiciousness and peculiar eyes. This effect was labelled illusory correlation. In their erroneous

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1 judgements of the data to which they had been exposed,
2 naive subjects "rediscovered" much of the common, but
3 unfounded, clinical lore concerning the interpretation of the
4 draw-a-person test. The illusory correlation effect was
5 extremely resistant to contradictory data. It persisted
6 even when the correlation between symptom and diagnosis
7 was actually negative, and it prevented the judges from
8 detecting relationships that were in fact present.

9 Availability provides a natural account for the illusory-
10 correlation effect. The judgement of how frequently
11 two events co-occur could be based on the strength
12 of the associative bond between them. When the
13 association is strong, one is likely to conclude that the
14 events have been frequently paired. Consequently, strong
15 associates will be judged to have occurred together frequently.
16 According to this view, the illusory correlation between
17 suspiciousness and peculiar drawing of the eyes, for example,
18 is due to the fact that suspiciousness is more readily
19 associated with the eyes than with any other part of the body.

20 Lifelong experience has taught us that, in general,
21 instances of large classes are recalled better and faster than
22 instances of less frequent classes; that likely occurrences are
23 easier to imagine than unlikely ones; and that the associative
24 connections between events are strengthened when the events
25 frequently co-occur. As a result, man has at his disposal
26 a procedure (the availability heuristic) for estimating the
27 numerosity of a class, the likelihood of an event, or the
28 frequency of co-occurrences, by the ease with which the

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relevant mental operations of retrieval, construction, or association can be performed. However, as the preceding examples have demonstrated, this valuable estimation procedure results in systematic errors.

ADJUSTMENT AND ANCHORING

In many situations, people make estimates by starting from an initial value that is adjusted to yield the final answer.

The initial value, or starting point, may be suggested by the formulation of the problem, or it may be the result of a partial computation. In either case, adjustments are typically insufficient.¹⁸ That is, different starting points yield different estimates, which are biased toward the initial values. We call this phenomenon anchoring.

Insufficient adjustment. In a demonstration of the anchoring effect, subjects were asked to estimate various quantities, stated in percentages (for example, the percentage of African countries in the United Nations). For each quantity, a number between 0 and 100 was determined by spinning a wheel of fortune in the subjects' presence.

The subjects were instructed to indicate first whether that number was higher or lower than the value of the quantity, and then to estimate the value of the quantity by moving upward or downward from the given number.

Different groups were given different numbers for each quantity, and these arbitrary numbers had a marked effect on estimates. For example, the median estimates of the percentage of African countries in the United Nations were 25 and 45 for groups that received 10 and 65,

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respectively, as starting points. Payoffs for accuracy did not reduce the anchoring effect.

Anchoring occurs not only when the starting point is given to the subject, but also when the subject bases his estimate on the result of some incomplete computation. A study of intuitive numerical estimation illustrates this effect. Two groups of high school students estimated, within 5 seconds, a numerical expression that was written on the blackboard. One group estimated the product

$$8 \times 7 \times 6 \times 5 \times 4 \times 3 \times 2 \times 1,$$

while another group estimated the product

$$1 \times 2 \times 3 \times 4 \times 5 \times 6 \times 7 \times 8.$$

To rapidly answer such questions, people may perform a few steps of computation and estimate the product by extrapolation or adjustment. Because adjustments are typically insufficient, this procedure should lead to underestimation. Furthermore, because of the result of the first few steps of multiplication (performed from left to right) is higher in the descending sequence than in the ascending sequence, the former expression should be judged larger than the latter. Both predictions were confirmed. The median estimate for the ascending sequence was 512, while the median estimate for the descending sequence was 2,250. The correct answer is 40,320.

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Biases in the evaluation of conjunctive and disjunctive events.

In a recent study by Bar-Hillel¹⁹ subjects were given the opportunity to bet on one of two events. Three types of events were used: (i) simple events, such as drawing a red marble from a bag containing 50% red marbles and 50% white marbles; (ii) conjunctive events, such as drawing a red marble seven times in succession, with replacement, from a bag containing 90% red marbles and 10% white marbles; and (iii) disjunctive events, such as drawing a red marble at least once in seven successive tries, with replacement, from a bag containing 10% red marbles and 9% white marbles. In this problem, a significant majority of subjects preferred to bet on the conjunctive event (the probability of which is .48) rather than on the simple event (the probability of which is .50). Subjects also preferred to bet on the simple event rather than on the disjunctive event, which has a probability of .52. Thus, most subjects bet on the less likely event in both comparisons. This pattern of choices illustrates a general finding. Studies of choice among gambles and of judgements of probability indicate that people tend to overestimate the probability of conjunctive events²⁰ and to underestimate the probability of disjunctive events. These biases are readily explained as effects of anchoring. The stated probability of the elementary event (success at any one stage) provides a natural starting point for the estimation of the probabilities of both conjunctive and disjunctive events. Since adjustment from the starting point is typically insufficient, the final estimates remain too close to the

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probabilities of the elementary events in both cases. Note that the overall probability of a conjunctive event is lower than the probability of each elementary event, whereas the overall probability of a disjunctive event is higher than the probability of each elementary event. As a consequence of anchoring, the overall probability will be overestimated in conjunctive problems and underestimated in disjunctive problems.

Biases in the evaluation of compound events are particularly significant in the context of planning. The successful completion of an undertaking, such as the development of a new product, typically has a conjunctive character; for the undertaking to succeed, each of a series of events must occur. Even when each of these events is very likely, the overall probability of success can be quite low if the number of events is large. The general tendency to overestimate the probability of conjunctive events leads to unwarranted optimism in the evaluation of the likelihood that a plan will succeed or that a project will be completed on time. Conversely, disjunctive structures are typically encountered in the evaluation of risks. A complex system, such as a nuclear reactor or a human body, will malfunction if any of its essential components fails. Even when the likelihood of failure in each component is slight, the probability of an overall failure can be high if many components are involved. Because of anchoring, people will tend to underestimate the probabilities of failure in complex systems. Thus,

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the direction of the anchoring bias can sometimes be inferred from the structure of the event. The chain-like structure of conjunction leads to overestimation, the funnel-like structure of disjunctions leads to underestimation.

Anchoring in the assessment of subjective probability distributions. In decision analysis, experts are often required to express their beliefs about a quantity, such as the value of the Dow Jones average on a particular day, in the form of a probability distribution. Such a distribution is usually constructed by asking the person to select values of the quantity that correspond to specified percentiles of his subjective probability distribution. For example, the judge may be asked to select a number, X_{90} , such that his subjective probability that this number will be higher than the value of the Dow Jones average is .90. That is, he should select the value X_{90} so that he is just willing to accept 9 to 1 odds that the Dow Jones average will not exceed it. A subjective probability distribution for the value of the Dow Jones average can be constructed from several such judgements corresponding to different percentiles.

By collecting subjective probability distributions for many different quantities, it is possible to test the judge for proper calibration. A judge is properly (or externally) calibrated in a set of problems if exactly 11% of the true values of the assessed quantities falls below his stated values of X_{11} . For example, the true values should fall below X_{11} for 11% of the quantities and above X_{99} for

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1 1% of the quantities. Thus, the true values should fall in
2 the confidence interval between X_{01} and X_{99} on 98% of
3 the problems.

4 Several investigators²¹ have obtained probability distribution
5 for many quantities from a large number of judges. These
6 distributions indicated large and systematic departures from
7 proper calibration. In most studies, the actual values of the
8 assessed quantities are either smaller than X_{01} or greater than
9 X_{99} for about 30% of the problems. That is, the subjects
10 state overly narrow confidence intervals which reflect more
11 certainty than is justified by their knowledge about the
12 assessed quantities. This bias is common to naive and
13 to sophisticated subjects, and it is not eliminated by
14 introducing proper scoring rules, which provide incentives
15 for external calibration. This effect is attributable,
16 in part at least to anchoring.

17 To select X_{90} for the value of the Dow Jones
18 average, for example, it is natural to begin by thinking
19 about one's best estimate of the Dow Jones and to adjust
20 this value upward. If this adjustment—like most others—
21 is insufficient, then X_{90} will not be sufficiently extreme. A
22 similar anchoring effect will occur in the selection of X_{10} , which
23 is presumably obtained by adjusting one's best estimate
24 downward. Consequently, the confidence interval between X_{10}
25 and X_{90} will be too narrow, and the assessed probability
26 distribution will be too tight. In support of this interpretation, it can
27 be shown that subjective probabilities are systematically altered by a procedure in
28 which one's best estimate does not serve as an anchor.

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Subjective probability distributions for a given quantity (the Dow Jones average) can be obtained in two different ways: (i) by asking the subject to select values of the Dow Jones that correspond to specified percentiles of his probability distribution and (ii) by asking the subject to assess the probabilities that the true value of the Dow Jones will exceed some specified values. The two procedures are formally equivalent and should yield identical distributions. However, they suggest different modes of adjustment from different anchors. In procedure (i), the natural starting point is one's best estimate of the quantity. In procedure (ii), on the other hand, the subject may be anchored on the value stated in the question. Alternatively, he may be anchored on even odds, or a 50-50 chance, which is a natural starting point in the estimation of likelihood. In either case, procedure (ii) should yield less extreme odds than procedure (i).

To contrast the two procedures, a set of 24 quantities (such as the air distance from New Delhi to Peking) was presented to a group of subjects who assessed either X_{10} or X_{90} for each problem. Another group of subjects received the median judgement of the first group for each of the 24 quantities. They were asked to assess the odds that each of the given values exceeded the true value of the relevant quantity. In the absence of any bias, the second group should retrieve the odds specified to the first group, that is 9:1. However, if even odds or the stated value serve as anchors, the odds of the second group should be less extreme, that is, closer to 1:1. Indeed, the median odds stated by this group, across all problems, were 3:1.

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When the judgements of the two groups were tested for external calibration, it was found that subjects in the first group were too extreme, in accord with earlier studies. The events that they defined as having a probability of .10 actually obtained in 24% of the cases. In contrast, subjects in the second group were too conservative. Events to which they assigned an average probability of .34 actually obtained in 26% of the cases. These results illustrate the manner in which the degree of calibration depends on the procedure of elicitation.

DISCUSSION

This article has been concerned with cognitive biases that stem from the reliance on judgemental heuristics. These biases are not attributable to motivational effects such as wishful thinking or the distortion of judgements by payoffs and penalties. Indeed, several of the severe errors of judgement reported earlier occurred despite the fact that subjects were encouraged to be accurate and were rewarded for the correct answers.

The reliance on heuristics and the prevalence of biases are not restricted to laymen. Experienced researchers are also prone to the same biases when they think intuitively.

For example, the tendency to predict the outcome that best represents the data, with insufficient regard for prior probability, has been observed in the intuitive judgements of individuals who have had extensive training in statistics.

Although the statistically sophisticated avoid elementary errors, such as the gambler's fallacy, their intuitive judgements

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1 are liable to similar fallacies in more intricate and less
2 transparent problems.

3 It is not surprising that useful heuristics such as
4 representativeness and availability are retained, even though
5 they occasionally lead to errors in prediction or estimation.

6 What is perhaps ~~unintentionally~~ surprising is the failure of
7 people to infer from lifelong experience such fundamental
8 statistical rules as regression toward the mean, or the
9 effect of sample size on sampling variability. Although
10 everyone is exposed, in the normal course of life, to numerous
11 examples from which these rules could have been induced, very
12 few people discover the principles of sampling and regression on
13 their own. Statistical principles are not learned from everyday
14 experience because the relevant instances are not coded appropriately.
15 For example, people do not discover that successive lines
16 in a text differ more in average word length than do successive
17 pages, because they simply do not attend to the average word
18 length of individual lines or pages. Thus, people do not learn
19 the relation between sample size and sampling variability, although
20 the data for ~~learning~~ such learning are abundant.

21 The lack of an appropriate code also explains why people
22 usually do not detect the biases in their judgements of
23 probability. A person could conceivably learn whether his
24 judgements are externally calibrated by keeping a tally of
25 the proportion of events that actually occur among those
26 to which he assigns the same probability. However, it is not
27 natural to group events by their judged probability. In the
28 absence of such grouping it is impossible for an individual to

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discover, for example, that only 50% of the predictions to which he has assigned a probability of .9 or higher actually came true.

The empirical analysis of cognitive biases has implications for the theoretical and applied role of judged probabilities. Modern decision theory²⁴ regards subjective probability as the quantified opinion of an idealized person. Specifically, the subjective probability of a given event is defined by the set of bets about this event that such a person is willing to accept. An internally consistent, or coherent, subjective probability measure can be derived for an individual if his choices among bets satisfy certain principles, that is, the axioms of the theory. The derived probability is subjective in the sense that different individuals are allowed to have different probabilities for the same event. The major contribution of this approach is that it provides a rigorous subjective interpretation of probability that is applicable to unique events and is embedded in a general theory of rational decision.

It should perhaps be noted that, while subjective probabilities can sometimes be inferred from preferences among bets, they are normally not formed in this fashion. A person bets on team A rather than team B because he believes that team A is more likely to win; he does not infer this belief from his betting preferences. Thus, in reality, subjective probabilities determine preferences among bets and are not derived from them, as in the axiomatic theory of rational decision.²⁵

The inherently subjective nature of probability has led many students

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1 to the belief that coherence, or internal consistency, is the
2 only valid criterion by which judged probabilities should be
3 evaluated. From the standpoint of the formal theory of
4 subjective probability, any set of internally consistent
5 probability judgements is as good as any other. This criterion
6 is not entirely satisfactory, because an internally consistent set
7 of subjective probabilities can be incompatible with other beliefs
8 held by the individual. Consider a person whose subjective
9 probabilities for all possible outcomes of a coin-tossing game
10 reflect the gambler's fallacy. That is, his estimate of the
11 probability of tails on a particular toss increases with the
12 number of consecutive heads that preceded that toss. The
13 judgements of such a person could be internally consistent and
14 therefore acceptable as adequate subjective probabilities according
15 to the criterion of the formal theory. These probabilities,
16 however, are incompatible with the generally held belief that a
17 coin has no memory and is therefore incapable of generating
18 sequential dependencies. For judged probabilities to be considered
19 adequate, or rational, internal consistency is not enough. The
20 judgements must be compatible with the entire web of beliefs held
21 by the individual. Unfortunately, there can be no simple formal
22 procedure for assessing the compatibility of a set of probability
23 judgements with the judge's total system of beliefs. The rational
24 judge will nevertheless strive for compatibility, even though
25 internal consistency is more easily achieved and assessed. In
26 particular, he will attempt to make his probability judgements
27 compatible with his knowledge about the subject matter, the laws
28 of probability, and his own judgemental heuristics and biases.

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SUMMARY

This article described three heuristics that are employed in making judgements under uncertainty: (i) representativeness, which is usually employed when people are asked to judge the probability that an object or event A belongs to a class or process B; (ii) availability of instances or scenarios, which is often employed when people are asked to assess the frequency of a class or the plausibility of a particular development; and (iii) adjustment from an anchor, which is usually employed in numerical prediction when a relevant value is available. These heuristics are highly economical and usually effective, but they lead to systematic and predictable errors. A better understanding of these heuristics and of the biases to which they lead could improve judgements and decisions in situations of uncertainty.

Electronically Filed
4/21/2022 2:48 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

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-21-357927-1

12 MATTHEW HOUSTON
13 ID#1210652,

DEPT NO: XI

14 Defendant, petitioner,
15 appellant and the Plaintiff in Error

15 PLAINTIFF - IN-ERROR'S RESPONSE TO THE ~~STATE~~
16 DEEP STATE'S OPPOSITION TO DEFENDANT'S EMERGENCY MOTION TO
17 WITHDRAW PLEA

17 DATE OF HEARING: MAY 9, 2022
18 TIME OF HEARING: 9:00 AM

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

23 This Opposition is made and based upon all the papers and pleadings on file herein, the
24 attached points and authorities in support hereof, and oral argument at the time of hearing, if
25 deemed necessary by this Honorable Court. OBJECTION YOUR HONOR. IF
26 "this is so, then why hasn't Miss Pandukht read or
27 "responded to the 12 page DIRECT APPEAL filed 2/18/2022
28 "or the @ 56 pages of merited grounds, experts and factual
29 evidence put on record in RESPONSE filed 3/24/2022?

After the ignored POINTS AND AUTHORITIES of the false arrest of Houston on 7-14-21, a STATEMENT OF CASE must be truthful.

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

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

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

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

On April 13, 2022, Defendant filed the instant Motion to Withdraw Plea (hereinafter "Motion"). The State's Opposition ^{was inept.} ~~was~~ (But be careful, because the only grounds Taleen is using against ^{the Def.} ~~the~~ is the hearsay that ^{he's} ~~he's~~ already moved the court to have ² SUPPRESSED and stricken from the record). why did Taleen blantly 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.

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). (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.

"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"
 6 So, "freestanding" the ~~the~~ Defendant's claim should be denied, because Nevada has no laws. ^{vs. freestanding}

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 ^{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 CP9
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 animals.

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

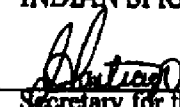

TALEB R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734

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 for the District Attorney's Office

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

GROUND NUMBER SEVEN

23.(g) Ground ~~SEVEN~~ SEVEN: The Eighth Judicial District Court of Clark County, Nevada in intentionally withholding the production of multiple case transcripts as result of the Petitioner-appellant being subjected to multiple "double-jeopardy" wrongful convictions.

Supporting FACTS (Tell your story briefly without citing cases or law.): One FACT is that today is May 14th, 2022 and legally as a pro se litigant I cannot submit this ORIGINAL DOCUMENT to the courts or another human soul until this kangaroo court system provides me with ALL complete and accurate transcripts to ALL of the cases and events that caused this second wrongful conviction as result of the initial manifest injustices numbered ~~A-17-758861-C~~ A-17-758861-C and C-17-323614-1, and thats just the tips of the icebergs from whatever concept of a jurisdiction that the Eighth Judicial District Court attempts to define and abide by. Ground EIGHT will help to explain that to the reader a little more clearly while pushing them deeper into the rabbit hole. This is however the DEEP STATE OF NEVADA; so is there any truth to the limits that there may be as to how far down we shall plunge?

DA Student Member of the
 PP American Bar Association
 Representative of the National Law Party
 Advocate of the National Lawyers Guild

Electronically Filed
 05/06/2022

Thomas Shinn
 CLERK OF THE COURT

Matthew Travis Houston #1210652, pro se

2 High Desert State Prison

3 P.O. Box 650 - Indian Springs, NV - 89070

4

5

DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

DATE OF HEARING: APRIL 6TH, 2022

8

MATTHEW TRAVIS HOUSTON

(See) Case No.: A-17-758861-C,

9

Petitioner,

Case No. C-21-357927-1

10

Dept. No. X and XI April 6th, 2022 1:30 PM

11

v.

Direct Appeal submitted to the

12

Supreme Court of Nevada #84281

13

THE STATE OF NEVADA

Dismissed March 10th, 2022

14

Respondent

"REQUESTING AN ORDER TO APPEAR"

15

PERSONAL RESTRAINT PETITION and continued

16

PETITION FOR A WRIT OF HABEAS CORPUS, and

17

MOTION FOR PRODUCTION OF COMPLETE CASE TRANSCRIPTS

18

COMES NOW, Petitioner Matthew Travis Houston,

19

herein above respectfully moves this Honorable Court

20

for an ORDER of habeas corpus, an ORDER TO

21

APPEAR and an ORDER to produce, at the State's

22

expense due to Petitioner proceeding in forma pauperis

23

and indigent, the ~~part~~ complete case transcripts of

24

C-21-357927-1, CR 033713, C1248384A, C1237802A,

25

A-17-758861-C, C-17-323614-1 and 21-CR-019840.

26

This petition and motions are made based on the

27

accompanying Memorandum of Points and Authorities.

28

DATED: this 15th day of February, 2022.

29

Page Number 1

BY: Matthew Travis Houston #1210652

30

Case Number C-21-357927-1 in proper person

RECEIVED
 MAR 29 2022
 CLERK OF THE COURT

CLASH & Houston, P.C. topdawghouston(R)

#1 Suite 300 - Las Vegas, NV
South Main Street

MATTHEW TRAVIS HOUSTON, pro se

FILED November 23rd 2021
AMENDED FEBRUARY 4th 2022

IN EIGHTEENTH JUDICIAL DISTRICT COURT

IN AND FOR THE STATE OF NEVADA

COUNTY OF CLARK + CITY OF LAS VEGAS

JOINDER TO UNITED STATES DISTRICT COURT

MATTHEW TRAVIS HOUSTON Case No. C-21-357927

Plaintiff in error Dept. No. -10 and 11

VS. de novo hearing requested
"JURY TRIAL DEMAND"

STATE OF NEVADA

EMERGENCY

MOTION FOR DISCIPLINARY SANCTIONS

TO BE ISSUED ON J. WOLFSON + PROSECUTION

EMERGENCY

MOTION FOR INJUNCTION AND

TPD FROM KAREN SCHWARTZ

DAN SCHWARTZ AND ANY AND

ALL AGENTS OF SEDGWICK et al

EMERGENCY MOTION FOR BOND REDUCTION

TO PREVENT FURTHER INJURY (S)

EMERGENCY JOINDER TO

SUPREME COURT OF NEVADA #758861

EA-17-758861-C3

EMERGENCY JOINDER TO A-758861-C

TO JUDGE MARY K. HOLTHUS,

Page Number Two (2)
Case Number C-21-357927-1

POINTS AND AUTHORITIES

(and accompanying affidavits)

1 ABUSE OF PROCESS employment of the criminal or
 2 civil process for a use other than one which is
 3 intended by law; 2 the improper use of process after it
 4 has been issued, that is, a perversion of it."

5 32 A. 2d 413, 415

6 "Malicious use of civil process has to do with
 7 the wrongful initiation of such process, while abuse of civil
 8 process is concerned with a perversion of a process
 9 after it is issued." Id.

10 - Barron's Law Dictionary 7th Ed. **GROUND**

11 Since surviving Route 91 mass shooting Sept. 30th

12 2016, SEDGWICK has only added insult to injury.

13 More than once they've intentionally ignored

14 my pleas and requests for recovery. Before 9/30/16

15 I had never been evicted. Workers compensation has

16 contributed directly and indirectly to evictions from

17 Holiday Royale, (cause of action = grounds)

18 Southbeach Resort, (when wrongfully convicted and

19 4200 Paradise, (became Plaintiff in Error)

20 and RISE AT RIVERFRONT CROSSINGS.

21 SEDGWICK has stolen \$30,000 from my social

22 security, which is ILLEGAL pursuant to the law

23 of bankruptcy. Their scam unnecessarily hindered and

24 delayed my claim for 5 years due not only to

25 SEDGWICK contributing to imprisonments @ CCDC

26 and MDOC, facilities that are inhumane, cruel, risky

27 and havens for disease and "situations" and causes

28 of further disability not to mention COVID-19. By

29 them hanging MDOC over my head, →

Page Number 3 (three)

Case Number G-21-357921-1

1 they have caused a second wrongful conviction. Furthermore
 2 SEDGWICK is illegally using public and
 3 state of Nevada resources to steal
 4 from the Social Security Administration,
 5 my doctors, my dogs, my public
 6 safety first responders, my team of
 7 life saving / medicals, they're
 8 stealing from my campaign funds of
 9 Joe Lombardo for Governor of Nevada
 10 and many charities organizations.

11
 12 "The first to speak in court sounds right,
 13 until the cross-examination begins."

14 - Poorvika 10/17/21
 15 When only one side of a case is heard,
 16 the evidence often seems convincing. Yet
 17 when the whole story is told, the initial
 18 case often crumbles. (See) PETITION FOR JUDICIAL REVIEW

19 pages 1-12 initially filed as a NOTICE OF APPEAL FEBRUARY 18TH, 2022.

20 AMENDED
 PAGES 5-16: VENIRE FACIAS DE NOVO

21 Proceeding to a second trial is awarded
 22 where a finding by the court "is so defective,
 23 uncertain, or ambiguous upon its face that no
 24 judgement can be rendered upon it."

25 See 41 N.E. 383, 386.

26 Now, if this court would be so kind to read this completely,
 27 it will see that the Petitioner can demonstrate a prima facie need for the
 28 transcripts, pleadings, and any and all other transcribed material
 29 with regards to the above - entitled cases. See page #1, lines 24-25.

Page Number 4 (four)

Case Number C-21-357927-1

JUDGEMENT UNDER UNCERTAINTY:

HEURISTICS AND BIASES,* by Amos Tversky and Daniel Kahneman

Many decisions are based on beliefs concerning the likelihood of uncertain events such as the outcome of an election, the guilt of a defendant, or the future value of the dollar. These beliefs are usually expressed in statements such as "I think that...", "chances are...", "it is unlikely that...", and so forth. Occasionally, beliefs concerning uncertain events are expressed in numerical form as odds or subjective probabilities. What determines such beliefs? How do people assess the probability of an uncertain event or the value of an uncertain quantity? This article shows that people rely on a number of limited heuristic principles which reduce the complex tasks of assessing probabilities and predicting values to simpler judgemental operations. In general, these heuristics are quite useful, but sometimes they lead to severe and systematic errors.

* This article originally appeared in Science, vol. 185, 1974. The research was supported by the Advanced Research Projects Agency of the Department of Defence and was monitored by the Office of Naval Research under contract N00014-73-C-0438 to the Oregon Research Institute, Eugene. Additional support for this research was provided by the Research and Development Authority of the Hebrew University, Jerusalem, Israel.

~~Matthew Travis~~
AFFIDAVIT ^{MATTHEW TRAVIS} ^{© "Brick" Houston}

edited 11/23/2021
 again on 2/15/2022

1 November 22nd 2021
 2 ABUSED Defense is a **VALID** excuse:
 3 e Parkville / Parkland Behavioral Health
 4 Southaven, Mississippi
 5 Dilezards in New Orleans -
 6 snowstorms in Memphis, TN
 7 Ka Cash in animal control -
 8 Clark County, Nevada - Public Defender
 9 Bernard Little never got my emails from
 10 2017, 2018, 2019, 2020 because I
 11 was sending to wrong email.
 12 subpoena every email &
 13 matthewtravishouston@gmail.com
 14 mattrhoustonenterprises@gmail.com
 15 © Subpoena all Facebook Instagram topdaughouston
 16 Sedgwick has been exploiting me since
 17 I woke up from coma. Just ask
 18 Karen Schwartz, She caused -MTH
 19 evictions from Holiday Royale 11/23/2001
 20 South Beach Resort and 4200
 21 Paradise, NeuroRestorative and Nevada
 22 Community Enrichment Program - Her
 23 stealing - \$3600 from Sedgwick / Encore
 24 and her telephone communications had LVMPD
 25 arrest me @ my business @ 555
 26 Washington and South Beach Resort.
 27 Subpoena All house arrest officers
 28 from 2017, 2018 and LVMPD @ NeuroRestorative
 29 oakey & Rainbow - Page Number 6 (six) of Page Number 18
 Case Number C-21-357927-1 A WRIT OF HABEAS CORPUS

Page 19
OF PETITION FOR
A WRIT OF
HABEAS CORPUS

AFFIDAVIT

MATTHEW TRAVIS
"BACK" amended
HOUSTON 2/15/2022
From

- 1 ABUSE DEFENCE is a VALID EXCUSE
- 2 HOUSTON'S claims justify his actions based upon
- 3 his history of victimization and Battered person syndrome
- 4 History of being assaulted in city jail of Las Vegas
- 5 and contracting COVID-19 @ CCDC
- 6 being assaulted @ CCDC
- 7 survived attack by security @ University of Iowa
- 8 Hospital when trying to see my team
- 9 Attacked @ The Vine, Iowa City
- 10 Attacked @ DC's, Iowa City
- 11 Attacked @ Gabe's, Iowa City - lady destroyed apartment
- 12 lady who sold her Johnny Cash to me stole \$, a
- 13 different female, she damaged apartment @ also.
- 14 Abducted in Las Vegas downtown leaving El Cortez
- 15 in March 2020. Robbed by females, also attacked
- 16 by Taxi driver. Transit authority report, iPhone PICS
- 17 Robbed by 2 w females August 2020, LVMPD report.
- 18 Dennis W Houston told me I was coronavirus - Spring 2020
- 19 Lurera & Schoenherr attacked me in bathroom -
- 20 Spring / Summer 2020. Manhattan Police called
- 21 in October 2019 when I told mother Lurera
- 22 I was ^{attacked} ~~robbed~~ by aunt Patricia Schoenherr
- 23 Attacked by Bryan Warrior prison gang @
- 24 TLVCC and numerous other confrontations including
- 25 the January 2021 - attacked by SWAT / law enforcement
- 26 in Assumption Parish, St Charles Parish, Orleans
- 27 Parish, Thomas Jefferson Parish and ~~others~~
- 28 and Slidell, Louisiana, after insurrection in WA, DC.
- 29 February 2021 - Parkland Mental Health - Southron

Case Number C-21-357927-1

Page Number 17 of 17

Page 19 of Petition
for a writ of habeas

Page 20 of PETITION FOR A
WRIT OF HABEAS CORPUS

1 Memorandum of Points and Authorities In Support of request
2 for transcripts at State's expense:

3 The Petitioner respectfully requests that this Court
4 order the production of the transcripts, papers, pleadings and
5 any other documents with regard to the above entitled cases.
6 That these documents are to be furnished to the Petitioner at the
7 State's Expense, due to his poverty.

8 That only with proper review of those documents of the
9 above-entitled cases will the Petitioner be able to adequately
10 prepare a post-conviction petition or direct appeal, that would
11 allege all issues and grounds for relief that he is seeking.

12 Peterson vs. Warden, 87 Nev. 134, 483 P. 2d 204 (1971)
13 holds that:

14 " ... does not contemplate that a record will be
15 furnished at State Expense upon mere unsupported
16 request of a petitioner who is unable to pay for
17 them... so must he satisfy the points and raise
18 merit and such merit will be supported by review
19 of the record ..."

20 Moreover, the Petitioner would be prejudiced absent the Court's
21 granting of the within motion. Petitioner would not have means
22 necessary to file a proper person petition for writ of habeas corpus,
23 post-conviction or direct appeal to the Nevada Supreme Court,
24 that would allow the petitioner to allege all available issues.

25 WHEREFORE, Petitioner Matthew Travis Houston prays that
26 the Court enter an order directing the reporter to prepare the
27 foregoing requested transcripts. Affirmation pursuant to NRS 239B.030
28 this document does NOT contain the social security number of any person.
29 NACPE 5(b) Page Number (Eight) x
30 DATED: this 25th day of February, 2022. Case Number C-21-357927-1

Matthew Travis Houston, pro se



PERSONAL RESTRAINT PETITION,
(and now continued)
Page No. 28 of PETITION FOR A WRIT OF HABEAS
CORPUS
AND Letter of Motion To:
CLARK COUNTY COURTS
EIGHTH JUDICIAL DISTRICT COURT
LAS VEGAS TOWNSHIP JUSTICE COURT



REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155
(702) 871-4528

Steven D. Grierson
Clerk of the Court

PLEASE TAKE NOTICE THAT THE ORIGINAL
PETITION FOR POST-CONVICTION RELIEF WAS
PREPARED AS PART OF "DIRECT APPEAL"
AND FILED AS "NOTICE OF APPEAL" HOWEVER,
THIS "COMPLETE" DOCUMENT IS TO BE
SUBMITTED AS AN EXHIBIT 1 IN
THE RELATED CASE NUMBER TO BE ASSIGNED BY

March 7, 2022

Re: Case No: N/A

Dear: Matthew Travis Houston:

THE CLERK TITLED:
Matthew Travis Houston vs. Gene Porter, et al

This office is in receipt of Petition for Writ of Habeas Corpus. We are unable to process for
the reason(s) stated below.

which is to be JOINDER TO A-17-758861-C.

- ☒ Filing fee in the sum of \$270.00 is required by money order, cashier's check, or personal check
(must be pre-printed).
- ☐ Document(s) cannot be filed as presented. Please refer to our website www.clarkcountycourts.us
for the proper paperwork to file.
- ☐ Please contact the Legal Aid Office for further assistance (702)386-1070 or
civilawselfhelpcenter.org

- ☐ Other PAGE NUMBER 29 is to be filed by
petitioner, plaintiff in way to many FEDERAL JURISDICTIONS.
TO INSURE THAT THE DOCUMENTS ARE PROPERLY PROCESSED, PLEASE RETURN
THIS LETTER WHEN THE REQUESTED ITEMS ARE RETURNED TO US.

Sincerely,
Clerk of the Court
#56

Deputy Clerk, Deputy

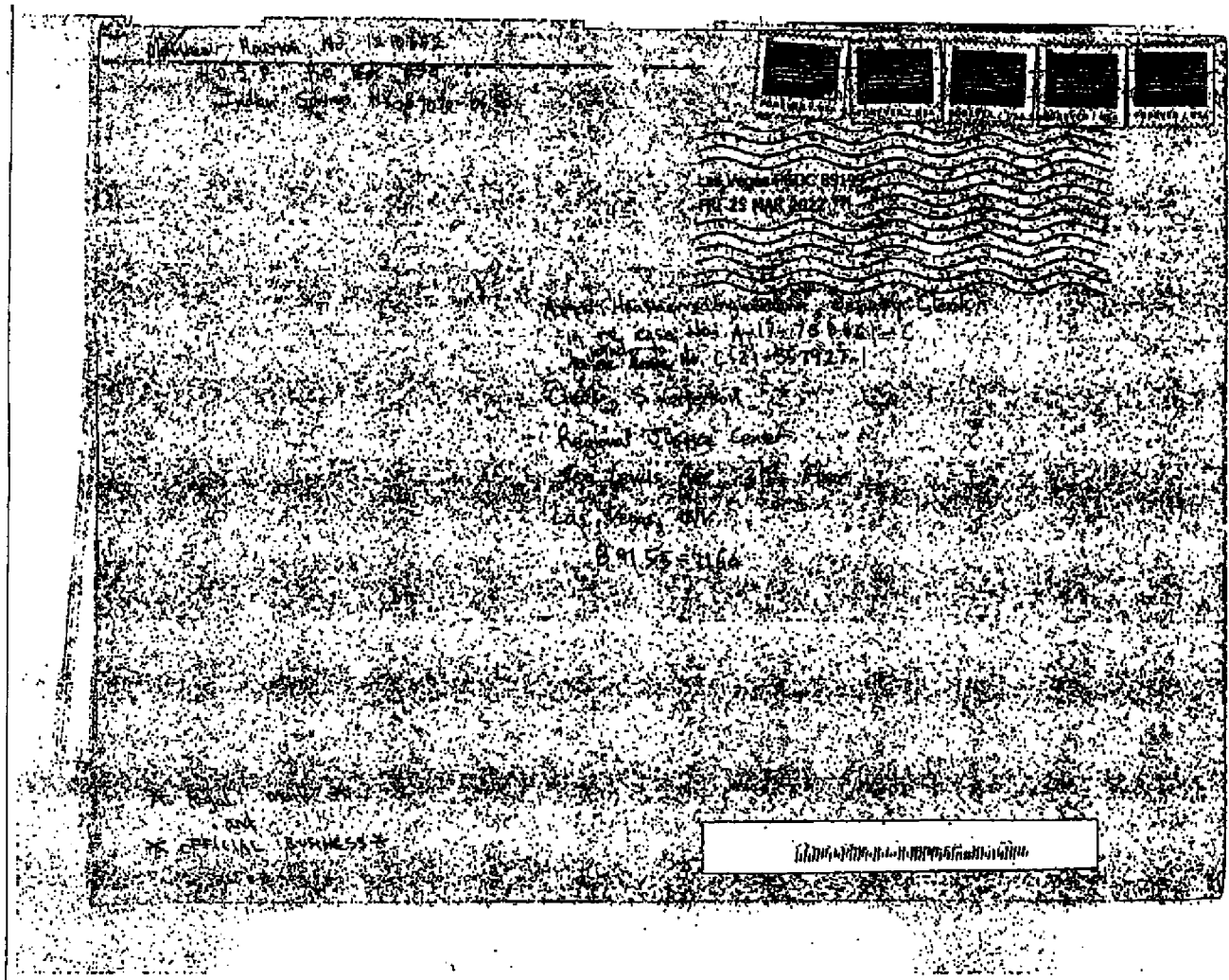
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MAR 29 2022
CLERK OF THE COURT

To the Clerk: 28 pages total... March 10th, 2022

The next 20 pages is my original petition,
followed an application to proceed in forma
pauperis. I would like that also on the
record for my pro se 3rd party personal injury
case No. A-17-758861-C. Thank you,

X.

Matthew Travis Houston





ST 2

1 APPL

2 Matthew Travis Houston, # 1210652

3 NAME

4 P.O. Box 650

5 ADDRESS

6 Indian Springs, NV 89070-0650

7 CITY, STATE, ZIP CODE

8 TELEPHONE

9 IN PROPER PERSON

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 Matthew Travis Houston

13 Plaintiff,

14 vs.

15 Mandalay Bay Corp, et al

16 State of Nevada
17 Defendant

18 C-21-357927-1 and

19 Case No.: A-17-758861-C

20 Dept. No.: 11+29

21 CONTINUED / RENEWED
22 APPLICATION TO PROCEED INFORMA PAUPERIS
23 (Filing Fees/Service Only)

24 Pursuant to NRS 12.015, and based on the following Affidavit, I request
25 permission from this Court to proceed without paying court costs or other costs and fees
26 as provided in NRS 12.015, because I lack sufficient financial ability. I would
27 also like to state for the record that I have been
28 bankrupted again by the malicious prosecution of Tierra
29 Jones, Steve Wolfson and whatever judge tried
30 interfering with my indemnity after this case was
31 seen by Mary K. Mathus, back when the scamdemic
was still hypnotizing the masses. I am still moving
this court to impose SANCTIONS on Brian Clark, Bernstein
& Poisson and way too many other defendants. This is
application also for the filing fee to be applied towards my
PETITION FOR HABEAS CORPUS AS RESULT OF CASE C-21-357927-1

© Clark County Civil Resource Center
Civil-IFP Costs/Fees

ALL RIGHTS RESERVED
c:\cric\fee_waiver\packet_happfee\waiver_0501.wpd

RECEIVED

MAR 29 2022

CLERK OF THE COURT

Page 21 of PETITION FOR A WRIT OF HABEAS CORPUS

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Matthew Travis Hasty, after being duly sworn, depose and state as follows:

I wish to file with this Court the pleading submitted with this Application. I cannot pay the filing fees and costs of this action because I lack sufficient income, assets, or other resources. Including myself, there are 1 adults and 0 children age(s) n/a in my household.

My total monthly income is:

From all sources including employment, self-employment, social security, child support, etc \$ 0
Any other household income from another member of the household is \$ 0

My employer is n/a located at n/a, my job title is n/a.

The following represents a list of all of my assets and their value:

Automobile	Value	Loan Balance
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
YEAR, MAKE, AND MODEL		
Mobile Home, House or Other Real Estate		
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
SIZE, TYPE, AND YEAR		
Bank Accounts	Value	Loan Balance
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
Other		
<u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>
DESCRIPTION		

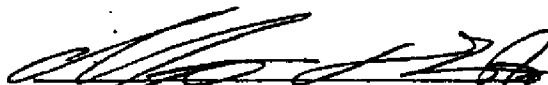
1 n/a \$ nk \$ n/a
 2 n/a \$ n/a \$ n/a

3 The following represents my total monthly expenses:

4 Rent or Mortgage	\$ <u>n/a</u>
5 Phone, Gas, Electricity, and Other Utilities	\$ <u>n/a</u>
6 Food	\$ <u>n/a</u>
7 Child Care	\$ <u>n/a</u>
8 Insurance	\$ <u>n/a</u>
9 Medical	\$ <u>n/a</u>
10 Transportation	\$ <u>n/a</u>
11 Other: Auto Insurance	\$ <u>n/a</u>
12 None	\$ <u>n/a</u>
13 TOTAL MONTHLY EXPENSES	indigent \$ <u>n/a (e) ZERO</u>

15 I request the Court hold a hearing on this Application if the Court is inclined to deny
 16 same, so that I may testify as to my indigent status. I declare under penalty of perjury
 17 that the foregoing is true and correct.

18 DATED this 10th day of March, 2022.

19
 20
 21 
 22 (Signature)

CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 10th day of March, 2022, I mailed a true and correct copy of the foregoing, "Amended Complaint ~~and~~ Application To Proceed In forma Pauperis" and PETITION FOR A WRIT OF HABEAS CORPUS by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Regional Injustice Center
Clerk of the Court
Stephen S. Erickson
200 Lewis Ave., 3rd Floor
Las Vegas, NV
89155-1160

CC:FILE

DATED: this 10th day of March, 2022.


Matthew Travis Houston #1210652
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Page Number 26 of
PETITION FOR A WRIT OF HABEAS CORPUS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding PERSONAL RESTRAINT PETITION w/ Amended Complaint

and 2nd Application to Proceed In Forma Pauperis for

(Title of Document)
Case No. A-17-758861-C and initial application to proceed in forma pauperis for case No. C-21-357927-1, both filed in District Court Case numbers A-17-758861-C and C-21-357927-1

☒ Does not contain the social security number of any person.

-OR-

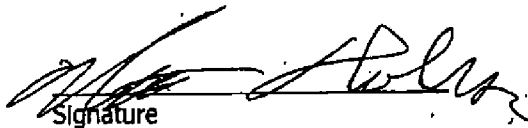
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.


Signature

March 10th 2022
Date

Matthew Travis Houston
Print Name

retired
Title

PAGE NUMBER 27 OF PETITION
FOR A WRIT OF HABEAS CORPUS

1 APPL
2 Matthew Travis Houston #1210652
3 NAME
4 P.O. Box 650
5 ADDRESS
6 Indian Springs, NV 89070-0650
7 CITY, STATE, ZIP CODE

8 TELEPHONE
9 IN PROPER PERSON

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 Matthew Travis Houston

13 Plaintiff,)
14 vs.) Case No.: C-21-357927-1 and
15 Mandalay Bay Corp et al,)
16 State of Nevada, et al) Case No.: A-17-758861-C
17 Defendant(s)) Dept. No.: 11 & 29

18 **ORDER TO PROCEED IN FORMA PAUPERIS**
19 (Filing Fees/Service Only)

20 Upon consideration of Plaintiff in error's Application to Proceed In Forma
21 Pauperis and it appearing that there is not sufficient income, property, or resources with
22 which to maintain the action and good cause appearing therefore:

23 **IT IS HEREBY ORDERED,**

- 24 1. That Plaintiff in error, Matthew T. Houston shall be permitted to proceed In
25 Forma Pauperis with this action as permitted by NRS 12.015.
26 2. That Matthew Travis Houston shall proceed without the prepayment costs or
27 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
28 necessary writ, pleading or paper without charge.
3. That the Sheriff or other appropriate officer within this State shall make
personal service of any necessary writ, pleading or paper without charge.

© Clark County Civil Resource Center
CML-IFP Costs/Fees

ALL RIGHTS RESERVED
u:\CRC\fee_waiver\packet_81ordfeewaiver_0501.wpd

page 24 of PETITION FOR A WRIT OF
HABEAS CORPUS

RECEIVED
MAR 29 2022
CLERK OF THE COURT

1 4. That if the Plaintiff ^(in error) Matthew Travis Houston, prevails in this
2 action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing
3 party to pay into the court, within five (5) days, the costs which would have been
4 incurred by the prevailing party, and those costs must then be paid as provided by law.

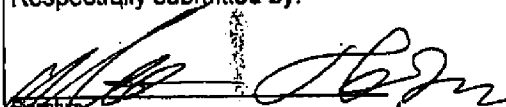
5 IT IS HEREBY ORDERED that Matthew Travis Houston's request to waive fees
6 and costs is DENIED for the following reason:

- 7 A. _____ The Party is not indigent.
8 B. _____ Other: _____
9

10 DATED this _____ day of _____, 20____.

11
12 _____
13 DISTRICT COURT JUDGE

14 Respectfully submitted by:

15
16 
17 Matthew Travis Houston #1210652
18 PRINT NAME
19 P.O. Box 650
20 ADDRESS
19 Indian Springs, NV 89070-0650
20 CITY, STATE, ZIP CODE

21 TELEPHONE _____
22 IN PROPER PERSON
23
24
25
26
27
28

CASE NO. C-21-357927-1

DEPT. NO. X and XI

FILED

APR - 2 2022

Alma A. Blum
CLERK OF COURT

Matthew Travis Houston

Appellant

vs.

State of Nevada

Respondent

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
REQUEST FOR TRANSCRIPTS AT
STATE EXPENSE

The Appellant respectfully request that this Court order the production of the transcripts, papers, pleadings, and any other documents with regard to the above-entitled case. That these documents are to be furnished to the petitioner at State Expense, due to his poverty.

That only with proper review of those documents of the above-entitled case will the petitioner be able to adequately prepare a post-conviction petition, or a discrep appeal, that would allege all issues and grounds for relief that he is seeking. PETERSON vs. WARDEN, 87 Nev. 134, 483 P.2d 204 (1971), holds that:

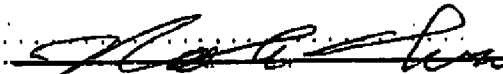
" . . . does not contemplate that a record will be furnished at State Expense upon mere unsupported request of a petitioner who is unable to pay for them. . . so must he satisfy the

1 points raise merit and such merit
2 will be supported by review of the
3 record. . . "

4 Moreover, the Appellant would be prejudiced absent the Court's
5 granting of the within motion. Petitioner would not have means
6 necessary to file a proper person petition for writ of habeas
7 corpus, post-conviction or direct appeal to the Nevada Supreme
8 Court, that would allow the petitioner to allege all available
9 issues.

10 WHEREFORE, Appellant Matthew T. Hovst prays that this Court
11 enter an order directing the reporter to prepare the foregoing
12 requested transcripts.

13 DATED this 5th day of March, 2022.

14 

15
16
17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

no



**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

INMATE CORRESPONDENCE

May 26, 2023

Re: C-21-357927-1 / Department 17

State of Nevada

vs

Matthew Houston, Defendant

- ☐ A court order is required to complete the request.
- ☒ Documents are sealed. Court order is required to reproduce. (PSI)
- ☐ Documents requested are not in court file at this time.
- ☐ Transcripts have not been filed. Court order required.
- ☐ Copies are \$.50 per page or by court order.
- ☐ Consult your law library for this information.
- ☐ District Court does/does not show any outstanding District Court warrants under the above referenced defendant name.
- ☐ Other:

Cordially yours,
DC Criminal Desk #48
Deputy Clerk of the Court

GROUND NUMBER EIGHT

1 (h) EIGHT: The Las Vegas Municipal Court in the City of Las Vegas,
 2 Nevada is intentionally, deliberately and indifferently withholding
 3 the production of case transcripts from # C1248384A and
 4 # C1237802A

5 Supporting FACTS (Tell your story briefly without citing cases or law.): Please see the
 6 attached certificate of service and improvised
 7 affidavit of the Petitioner on Page #136, which shows
 8 three valid attempts of the Petitioner in his advocacy
 9 to resolve disputes with Las Vegas Municipal Courts. PLEASE
 10 take notice that at the bottom of Page #136 is listed
 11 three separate addresses, to which the Petitioner has
 12 mailed via U.S.P.S. to ALL THREE of those addresses and
 13 as of August 11th, 2022 he has yet to have received any
 14 sort of response from that directly-related "jurisdiction".

P.131

CAVEAT AND
NOTICE OF DEMAND

IN RE Case Numbers C1248384A
TO: LAS VEGAS MUNICIPAL COURTS and C1237802A
AND LAS VEGAS "CITY JAIL" FROM
NEVADA DEPARTMENT OF CORRECTIONS
ON AN INFORMAL GRIEVANCE FORM

(NAME) MATTHEW HOUSTON (PRO SE) I.D. NUMBER: 1210652

@ INSTITUTION: HDSP IN UNIT: 3-D-23

GRIEVANT'S STATEMENT: Multiple attempts to represent myself have been made on my behalf, professionally and politely in the above mentioned case numbers to which your organizations have illegally, deliberately and indifferently ignored my pleadings from Dec. 27, 2021, NOTICES OF APPEALS filed 2/18/22 and additional letters of Motion.

SWORN DECLARATION UNDER PENALTY OF PERJURY

~~INMATE SIGNATURE:~~ Matthew Houston DATE: 6/2/22 TIME: 6 PM

~~GRIEVANCE COORDINATOR SIGNATURE:~~ DATE: TIME:

~~GRIEVANCE REQUEST:~~ To COMPENSATE PLAINTIFF-IN-ERRORS for incurred damages as result of FALSE ARREST(s) \$36,500,000.00 for C1248384A and \$36,500,000.00 for C1237802A (payments) are demanded as LAS VEGAS MUNICIPAL COURTS, ET AL are

~~CASEWORKER SIGNATURE:~~ well over 5 months in DEFAULT.

~~GRIEVANCE UPHOLD~~ ~~GRIEVANCE DENIED~~ ~~ISSUE NOT GRIEVABLE PER AR 740~~

~~GRIEVANCE COORDINATOR APPROVAL:~~ DATE:

~~INMATE AGREES~~ ~~INMATE DISAGREES~~

~~INMATE SIGNATURE:~~ DATE:

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

Original: To inmate when complete, or attached to formal grievance → filed into C-21-357927-1
Canary: To Grievance Coordinator → mailed to Las Vegas Municipal Courts @ 100 E Clark
Pink: Inmate's receipt when formal grievance filed → mailed to Po Box 3960-89127 Ave, 89101
Gold: Inmate's initial receipt → mailed to "PRE-TRIAL SERVICES" @ Po Box 3920

2:22-CV-00693-JAD-NJK-P.136X89127-4
2:21-CV-00499-JAD-DJA P.136

GROUND NUMBER NINE:

23(f) Ground **NINE:** The Las Vegas Municipal Court in the City of Las Vegas,
Nevada is denying the petitioner appellant's rights to
represent himself and illegally preventing him from
communicating with the court due to his being subject to

Supporting FACTS (Tell your story briefly without citing cases or law.): double-jeopardy.
SEE ATTACHED EMERGENCY LETTER OF MOTION

P. 132

LAS VEGAS MUNICIPAL COURT

MATTHEW TRAVIS HOUSTON,
Plaintiff In Error,
CITY OF LAS VEGAS MUN. COURT D/B/A
STATE OF NEVADA ET AL

Case No. C1248384A
and
Case No. C1237802A

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM
"HEARING REQUESTED"

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

INSTITUTION: HDSP UNIT #: 9-D-6

EJOC CASE AND
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1(+225)

ON THIS MOST UNHOLY 27th DAY of the year 2023:

EMERGENCY LETTER OF MOTION TO THE
CLERKS AND ALL DECENT FOLKS ON EARTH:
As this is a multi-jurisdictional "OBJECTION",
can y'all please file the attached
motion into ALL of my cases?
This includes the double-jeopardy
tickets in LAS VEGAS MUNICIPAL COURT
#C1248384A and #C1237802A and
the now-dismissed double-jeopardy cases
of 21CR033713 + 21CR019840 in the
JUSTICE COURT, LAS VEGAS TOWNSHIP? The blank
case, highlighted in pink is for the new case to
be filed when my FILE-STAMPED COPY is returned
as an EXHIBIT. Highlighted in yellow-green is to
be filed into A-22-853203-W w/ RECOVERING

Original: Attached to Grievance
Pink: Inmate's Copy

~~TRANSPORT ORDER INTO~~
all cases including but NOT

GROUND NUMBER TEN:

23 (j) TEN The Petitioner was victim of prosecutorial
 (a) Ground ~~misconduct~~ as Petitioner suffered from the ineffective aid
 of counsel of ALEXIS M. DUECKER, ESQ D/B/A
 AND LAW, PLLC D/B/A SDS CHARTERED D/B/A SOFOS

Supporting FACTS (Tell your story briefly without citing cases or law.):

NOT AT ANY TIME did the Petitioner -
 Appellant, Matthew Travis Houston, request to be
 appointed attorney-of-record. He did NOT
 request NANCY BECKER to appoint ANTHONY
 M. GOLDSTEIN, nor did Mr. Houston request
 the OFFICE OF APPOINTED COUNSEL D/B/A
 DREW CHRISTENSEN, ESQ to appoint ALEXIS M.
 DUECKER, ESQ.

The evidence of the prosecutorial
 misconduct of CLARK COUNTY DISTRICT ATTORNEY
 RONALD JAMES EVANS is illustrated in the
 attached Minute Order printed 10/07/2022
 from the hearing June 01, 2022, and is
 attached in the included COMPLAINT that
 has been mailed via USPS - Doc-509
 "Brass-Slip" procedures on more than one
 occasion!

FROM: 1210652

TO: STATE BAR OF NEVADA ET AL

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: REVEREND MATTHEW TRAVIS HOUSTON ^{CHTD} I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT #: 4-D-39

CASE /
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

As the STATE BAR OF NEVADA has failed to respond
to the complaint I'd previously mailed regarding
CRAIG MUELLER AND ASSOCIATES, ET AL (SEE
LVJC No. 22A001793) that negligence is in
addition to the association's negligence during
Plaintiff's complaints not limited to EJDC No.
A-17-758861-C, which is retroactive from
the events of both September 20, 2016, and
September 30, 2016. Retroactivity is meritorious
and validly tolled from well before December 31,
2011. SEE EJDC No.(s) A-19-800219-W and A-22-853203-W.

Attached is the initial phase of
MATTHEW TRAVIS HOUSTON v. AMD LAW, PLLC

I would appreciate a response and explanation.

Original:
Pink:

Attached to Grievance
Inmate's Copy

X. Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, CHTD
ABA No. 04662784

(15)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
MATTHEW TRAVIS HOUSTON
JEREMY BEAN, ET AL. *(Plaintiffs)*
vs. *(Defendant)*
Case No. 2:23-cv-00031-RFB-DJA

→ GROUND NUMBER TEN ←

How to File a Complaint Against an Attorney

-Ineffective and of counsel of ALEXIS M. DUECKER
If you wish to file a complaint it may be sent by letter via U.S. Mail or fax to the closest State Bar address listed at the bottom of this section.

An online complaint will be accepted. However, all correspondence from the State Bar will be in writing via US Mail. If you send attachments, you should confirm that they were received. You may be required to send attachments in hard copy.

The Office of Bar Counsel usually completes the initial review of all complaints within ten business days of receipt.

Your correspondence should contain at least the following information:

1. Name of the attorney.
2. A brief description of the nature of the case the attorney was engaged to handle.
3. A chronological review of events, actions, or conversations between you and the named attorney which led you to conclude that the attorney's actions are improper.
4. Copies of letters or documents which serve as material evidence of the allegations you have raised against the attorney.
5. The names, addresses and phone numbers of those persons who have direct knowledge of the allegations you have raised.
6. An acknowledgment of whether you have attempted to first resolve this matter by contacting the attorney directly.

Once we have received your complaint we will review it to determine if there is an issue under the Rules of Professional Conduct. If more information is needed you will be notified. If you have raised an issue under the Rules of Professional Conduct, we will forward a letter to the attorney and direct him or her to respond to our office in writing within ten (10) business days with an explanation. Based on the attorney's response, we will then determine what further investigation might be necessary.

If it is determined that your complaint is basically a fee dispute, we will forward the forms which are utilized for the filing of a complaint with the Fee Dispute Arbitration Committee.

The investigation and review process can take as little as one month or as long as six months or more. You will be kept informed of the status of the matter as it progresses. You should recognize, however, that the Disciplinary Board cannot and does not give legal advice, does not have jurisdiction over damage or malpractice claims against attorneys and cannot alter or affect in any way the outcome of private legal matters in court. If you need additional advice on your case, you must obtain the assistance of your own private attorney.

In Southern Nevada please contact:

State Bar of Nevada Office of Bar Counsel
3100 W. Charleston Blvd., Las Vegas, NV 89102
TEL (702) 382-2200 or (800) 254-2797 FAX (702) 382-8747

In Northern Nevada please contact:

State Bar of Nevada Office of Bar Counsel
9456 Double R Blvd. Suite B, Reno, NV 89521
TEL (775) 329-4100 FAX (775) 329-0522
complaint@nvbar.org

①

YOUR INFORMATION

First, Middle and Last Name: Matthew Travis Houston
 Your Address: NDGC No 1210652 - HSP - PO Box 650
 City: Indian Springs State: NV Zip: 89070

ATTORNEY INFORMATION

Attorney Name: Alexis M. Duecker
 Law Firm Name: AMD LAW, PLLC aka SMS CHARTERED
 Attorney Address: 340 E. Warm Springs Road, Suite No 110
 Attorney City: Las Vegas State: NV Zip: 89119

PREVIOUS CONTACT WITH THE STATE BAR OF NEVADA

Have you previously contacted the State Bar of Nevada regarding this matter?

☒ Yes ☐ No

If "Yes", when and where did you contact us? Retrospectively from SEPT. 30, 2016

If known, what was the file number for the case or claim: directly related to EDC No A-27-756861-C

HIRING THE ATTORNEY

Did you hire/retain the attorney about whom you are complaining? *

☐ Yes ☒ No

If you answered yes:

When did the representation begin: July 13, 2022

What was the fee arrangement: court appointed by Elham Ruchani

How much have you paid the lawyer to date: \$0 (not including postage)

Brief description of the nature of the case the attorney was engaged to handle (i.e. personal injury, criminal, malpractice): petition for a writ of habeas corpus - post conviction relief i.e. direct appeal/plea withdraw

If you answered no:

What is your connection to the lawyer: EDC C-21-357927-1 / A-22-853203-W

WITNESSES

#7: Darion M. Geenan (702) 762-1347

Names and contact information for other persons who can provide additional information concerning your complaint:

#1: JOSHUA GRAINER (714) 916-7431

#2: GARY WASSUM (610) 762-4143

#3: Patrick Lawrence Phillips (763) 267-9914

#4: Chris Carletto (646) 825-0707 #5: Scott Lee, Jr. (563) 777-019

#6: Scott Lee, Sr. (563) 221-1157 #7: Darion M. Geenan

If your case is related to a court case or other proceeding, please provide the following information:

(For example: Smith v. Jones, Case Number 1234, Eighth Judicial District Court)

Case Name: Houston v. Johnson, et al

Case Number: A-22-853203-W, Eighth Judicial District Court

(2)

Name of court or agency: EIGHTH JUDICIAL DISTRICT COURT (e-jtc)

EXPLANATION OF GRIEVANCE

Complaint details: Nothing occurred during my petition(s) for postconviction relief because the EJC misappointed ALEXIS A. DUECKER in an act of retaliation to further block, hinder and thwart my pleadings for justice and truth, retroactively from September 20, 2016. AMP LAW, P.C. neglected to visit me since their misappointment on July 13, 2021. In addition to ineffective aid of counsel, the SUPPLEMENTAL PETITION filed in January, 2022, was fraudulent.

In order for us to better understand and investigate your claim, please provide specific information regarding your grievance. In the space above, please provide *in narrative form* a comprehensive and detailed description of the persons and events involved in the conduct which you believe constitutes a breach of professional ethics. In essence, please provide us a story about what occurred in the legal matter underlying your complaint. It is not necessary for you to cite specific Rules of Professional Conduct. However, it is very important that a complete and thorough explanation of events and dates be provided. There is no limit to the amount of spaces that can, and should, be utilized. Explain what measures you have taken to resolve this matter directly with the attorney

Written Materials

Please provide, if applicable, the following materials to the State Bar of Nevada:

- A copy of any written fee agreement with the attorney. If there was no written agreement, please explain your understanding regarding payment to your attorney in your explanation of grievance.
- Copies of the front and back sides of all canceled checks and/or copies of receipts showing payments made by you to the attorney.
- Copies of any pertinent court documents, particularly pleadings and judicial orders, in your possession.
- Copies of all correspondence between you and the attorney.

PLEASE SEE ATTACHED:

③

STATEMENT OF FACTS: Kidnapped from his home

1
2. Iowa, On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter "Petitioner-Appellant")
3 was abducted from his hotel room at the Best Western located at [REDACTED] 3041
4 St. Rose Parkway in Henderson, Nevada, as he was not served with any sort of
5 summons or WARRANT, nor was told or read that he had any kind of rights. This
6 false arrest prevented Petitioner-Appellant from attending his appointment the very
7 next day at Nevada Retina Specialists, with Dr. Tyson Ward on July 15, 2021, while
8 this continued imprisonment of his person also prevented him from attending his medical
9 disability rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
10 of which had been scheduled by the abductors, 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 CCHC was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J.W.
14 and Bernard Little, provided misinformation regarding the lack of a directly related "City Jail
15 Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a
16 potential release from custody, that he did not see a detainer hold - when, in fact, there was.
17 This coercion of the client by his previous representation created a second double-jeopardy -
18 in LAS VEGAS MUNICIPAL COURT #1248384A + #C1237802A, with the first being by J. W.
19 in the EIGHTH JUDICIAL DISTRICT COURT 21-CR-019840 + 21-CR-033713. A. Goldstein NEVER visited
20 Mr. Houston. These traumatic events are a cruel and unusual punishment being inflicted upon an abuse,
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 ~~in~~ their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any
28 time ~~did~~ Mr. Houston extort, harass, threaten, or "aggravated stalk" any of the
29 parties involved with his cases or any other individual, business, or entity
30. In fact it is Mr. Houston who is the victim of crime. (4)

C-21-357927-1

**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 Nevada

Attorney
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 ~~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

PRINT DATE: 10/07/2022

Page 5 of 7

Minutes Date: April 25, 2022

C-21-357927-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	July 13, 2022
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C-21-357927-1	State of Nevada vs Matthew Houston
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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. Evans, Ronald James Houston, Matthew State of Nevada	Attorney Attorney Defendant Plaintiff
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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

PRINT DATE: 10/07/2022

Page 2 of 5

Minutes Date: July 13, 2022

C-21-357927-1

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

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

PRINT DATE: 10/07/2022

Page 3 of 5

Minutes Date: July 13, 2022

STATE OF NEVADA

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH VITAL STATISTICS

CERTIFICATE OF DEATH

CASE FILE NO. 4253483

202103102

STATE FILE NO.

TYPE OR
PRINT IN
PERMANENT
BLACK INK

DECEDENT

IF DEATH
OCCURRED IN
INSTITUTION SEE
HANDBOOK
REQUIRING
COMPLETION OF
RESIDENCE
ITEMS

PARENTS

Cremation

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF
DEATHCONDITIONS IF
ANY WHICH
GAVE RISE TO
IMMEDIATE
CAUSE
STATING THE
UNDERLYING
CAUSE LAST

1a DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) Karl Nii-Boi OKAI-KOI		2. DATE OF DEATH (Mo/Day/Year) December 06, 2021	
3a CITY, TOWN OR LOCATION OF DEATH Las Vegas		3b HOSPITAL OR OTHER INSTITUTION -Name (If not either, give street or P.O. Box or final residence D.O. or hospital) 1147 June Ave. Home	
5 RACE (Specify) Black	6 Hispanic Origin? Specify No - Non-Hispanic	7a AGE-Last birthday (Years) 40	7b UNDER 1 YEAR MOS DAYS HOURS
9a STATE OF BIRTH (If not USA, name country) England	9b CITIZEN OF WHAT COUNTRY United States	10 EDUCATION 12	11 MARRIAL STATUS (Specify) Never Married
13 SOCIAL SECURITY NUMBER 103-78-2059	14a USUAL OCCUPATION (Give Kind of Work Done During Most of)		14b KIND OF BUSINESS OR INDUSTRY
Computer Operator		Information Technology	
15a RESIDENCE - STATE Nevada	15b COUNTY Clark	15c CITY, TOWN OR LOCATION Las Vegas	15d STREET AND NUMBER 1147 June Ave.
16 FATHER/PARENT - NAME (First Middle Last Suffix) Naa Shorne DOWUONA		17 MOTHER/PARENT - NAME (First Middle Last Suffix) Naa Shorne DOWUONA	
18a INFORMANT- NAME (Type or Print) Naa Shorne DOWUONA		18b MAILING ADDRESS (Street or R.F.D. No. City or Town, State, Zip) 2333 Webster Ave. Apt 2G Bronx, New York 10458	
19a BURIAL, CREMATION, REMOVAL, OTHER (Specify) Cremation		19b CEMETERY OR CREMATORY - NAME Palm Crematory	
19c LOCATION Las Vegas, NV 89101		20a NAME AND ADDRESS OF FACILITY Affordable Cremation and Burial Services 2127 W Charleston Blvd Las Vegas, NV 89102	
20b FUNDAL DIRECTOR - SIGNATURE (If Person Acting as Such) ABRAHAM ESPINOSA		20c FUNDAL DIRECTOR OF LICENSE NUMBER FD956	
20d NAME AND ADDRESS OF FACILITY Affordable Cremation and Burial Services 2127 W Charleston Blvd Las Vegas, NV 89102			
21a TRADE CALL - NAME AND ADDRESS			
21b To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated (Signature & Title) MELANIE R ROUSE			
21c DATE SIGNED (Mo/Day/Yr) December 13, 2021		21d HOUR OF DEATH 11:00	
21e NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) Melanie R Rouse 1704 Pinto Lane Las Vegas, NV 89106			
22a NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) Melanie R Rouse 1704 Pinto Lane Las Vegas, NV 89106			
24a REGISTRAR (Signature) SUSAN ZANNIS		24b DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) December 13, 2021	
24c SIGNATURE AUTHENTICATED		24d DEATH DUE TO DOMESTIC VIOLENCE YES ☐ NO ☒	
25 IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).) (a) Intraoral Gunshot Wound			
(b) DUE TO, OR AS A CONSEQUENCE OF:			
(c) DUE TO, OR AS A CONSEQUENCE OF:			
(d) DUE TO, OR AS A CONSEQUENCE OF:			
PART II OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part I			
26a ACC. SUICIDE HOW, OBJECT OR PENDING INVEST (Specify) Suicide	26b DATE OF INJURY (Mo/Day/Yr) December 06, 2021	26c HOUR OF INJURY	26d DESCRIBE HOW AND BY WHAT MEANS Shot Self
28a INJURY AT WORK (Specify Yes or No) No	28b PLACE OF INJURY- At home, farm, street, factory, office, etc (Specify) Home	28c LOCATION 1147 June Avenue	28d STREET OR R.F.D. No. 1147 June Avenue
28e CITY OR TOWN Las Vegas		28f STATE Nevada	

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA. This copy was issued by the Southern Nevada Health District from State certified documents authorized by the State Board of Health pursuant to NRS 440.170

AMD LAW



340 E. Warm Springs Rd. Ste. 110
Las Vegas, Nevada 89119
Tel: 775.526.3529
Cell: 702.743.0107
Fax: 775.562.2694

July 20, 2022

Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

Re: Pleasure Speaking With You

Hi Matthew!

Thank you for taking the time to talk with me today regarding your matters. Please feel free to jot down a few ideas and mail them to me at: 340 East Warm Springs Rd. Ste. 110, Las Vegas, Nevada 89119. My office number is 775-526-3529. My cell phone is 702-743-0107, but it may be a bit more difficult to reach via phone. I prefer letters, so that I can keep track of our conversations better. I will prepare the Stipulation to Set the Briefing Schedule in this matter like you and I discussed and as soon as it is filed, I will mail you a file stamped copy. Also, I will mail you the transcripts I get as I receive them, along with everything else I can get.

I look forward to your letter!

Best Regards,

Alexis Duecker, Esq.

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL OBTAIN INTEL ON
NV Bar # ANDREW PLANIVE

NAME: Houston DOC#: 1210652 UNIT: 3A2

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: SPS CHARTERED RECEIPT FROM

CERTIFIED MAIL: 340 E. Warm Springs Rd MS. ALEXIS

REGISTERED MAIL: Ste 110 — SDS CHARTERED —

DATE: LV, NV - 89119 OFFICER: Squitt

WITNESS SIGNATURE: [Signature] DOC#: 1210652 DATE: 7.25.22

DOC - 3020 (REV. 7/01)

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: Houston DOC#: 1210652 UNIT: 3A34

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: PTMPOI / Lupo Ben / Supr. 4 of NV

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____ OFFICER: Squitt

WITNESS SIGNATURE: [Signature] DOC#: 1210652 DATE: 11-8-2022

DOC - 3020 (REV. 7/01)

11-18-2022
TO: ALEXIS M. DUECKER
8687 W. SAHARA AVE #201
LAS VEGAS, NV
89117

FROM: MATTHEW TRAVIS HOUSTON
#1210652

Hello,

Please know that on 11-11-2022 I was
jumped by a couple ~~Cripps~~ wannabe
Cripps Rollin 4015 when they popped my
door to go to visit. Shift Commander
C/O Garcia was responsible for the negligence
and breach of security - the attackers
were "Frank 3A-31" and "Anthony 3A-36".

I will submit last names and BAC #(s)
when obtained. Was in infirmary 4 days
than moved to 3A-22.

#1

Now every bit of my Brandeis Brief(s) are missing (oo)
Luckily legal mail included my
powers of attorney contacts and phone #(s)
I had listed on receipt copies.

All of my property (legal work) was
again hijacked by these **NDOC**
bafoung and who knows what else.

So, as much as I used to be a
peace-loving, multi-ethnicity hippy, I
have no choice but to invoke the

Seperation of Powers known ~~as~~ only as:
DID JAIMIE STILZ withdraw from No. 84886
because

WHITE LIVES MATTER? OR
because the illegal
~~because of the illegal~~ State of NY

destroyed my law offices in Iowa City
and CCDC / NDOC destroyed my law offices

in YOUR Nevada - Can you please
schedule a visit to answer my question of
"Why is Tierra Jones the black devil-?"
P # 2

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Steven D. Grlerson
CLERK OF THE COURT

Steven D. Grlerson

1 **SUPP**
2 **AMD LAW, PLLC**
3 **ALEXIS M. DUECKER, ESQ.**
4 Nevada Bar No. 15212
5 340 E. Warm Springs Rd. Ste. 110
6 Las Vegas, Nevada 89119
7 Telephone: (702) 743-0107
8 Facsimile: (702) 796-4898
9 Email: alexis@teamsfos.com
10 *Attorney for Petitioner*

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **MATTHEW TRAVIS HOUSTON,**

14 **Petitioner,**

15 **vs.**

16 **THE STATE OF NEVADA,**

17 **Respondent.**

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

**SUPPLEMENT TO PETITION FOR
WRIT OF HABEAS CORPUS (POST-
CONVICTION)**

Date of Hearing: May 3, 2023
Time of Hearing: 9:00 a.m.

AMD LAW

8687 W. Sahara Ave., Ste. 201

Las Vegas, Nevada 89117

Telephone: (702) 743-0107 Fax: (702) 796-4898

18 1. Name of institution and county in which you are presently imprisoned or where and
19 how you are presently restrained of your liberty: **High Desert State Prison, Clark County,**
20 **Nevada.**

21 2. Name and location of court which entered the judgment of conviction under attack:
22 **Eighth Judicial District Court, Dept. X, 200 Lewis Avenue, Las Vegas, Nevada 89101.**

23 3. Date of judgment of conviction: **December 8, 2021.**

24 4. Case Number: **C-21-357927-1.**

25 5(a). Length of Sentence: **24 months to 96 months.**

26 5(b). If sentence is death, state any date upon which execution is scheduled: **N/A.**

27 6. Are you presently serving a sentence for a conviction other than the conviction
28 under attack in this motion? **Yes.**

1 **7. Nature of offence involved in conviction being challenged: COUNT I**
2 **AGGRAVATED STALKING**

3 **8. What was your plea? (check one)**

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(a) Not guilty

(b) Guilty X

(c) Guilty but mentally ill

(d) Nolo contendere (Alford)

9. In you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: N/A.

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one) N/A

(a) Jury

(b) Judge without a jury.

11. Did you testify at trial? N/A

12. Did you appeal from the judgment of conviction? No.

13. If you did appeal, answer the following:

(a) Name of Court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: N/A

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to the judgment in any court, state or federal? No.

16. If your answer to No. 15 was "yes," give the following information: N/A

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application, or any other post-conviction proceeding? No. If so, identify:

(a) Which of the ground is the same: N/A

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1 (b) The proceedings in which these grounds were raised: N/A

2 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in
3 response to this question. Your response may be included on paper which is 8 ½ by 11
4 inches attached to this petition. Your response may not exceed five handwritten or
5 typewritten pages in length.) N/A

6 18. If any of the grounds listed in No. 23(a), (b), (c) and (d), or listed on any additional
7 pages you have attached, were not previously presented in any other court, state or federal, list
8 briefly what grounds were not so presented, and give your reasons for not presenting them. (you
9 must relate specific facts in response to this question. Your response may be included on paper
10 which is 8 ½ by 11 inches attached to this petition. Your response may not exceed five handwritten
11 or type written pages in length.) N/A

12 19. Are you filing this petition more than 1 year following the filing of the judgment of
13 conviction or the filing of a decision on direct appeal? No.

14 20. Do you have any petition or appeal now pending in any court, either state or federal
15 as to the judgment under attach? No. If yes, state what court and the case number: N/A

16 21. Give the name of each attorney who represented you in the proceeding resulting in
17 your conviction and on direct appeal:

18 1. Trial:

19 a. Bernard Little, Esq., Public Defender

20 2. Direct Appeal

21 a. N/A.

22 22. Do you have any future sentences to serve after you complete the sentence imposed
23 by the judgment under attack? No.

24 23. State concisely every ground on which you claim that you are being held
25 unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach
26 pages stating additional ground and facts supporting same.

27 (a) Ground One: Petitioner received ineffective assistance of trial counsel in violation of
28 his rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United

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States Constitution and/or under state law or the Nevada Constitution because of trial counsel's failure to file a Notice of Appeal depriving Petitioner of his right to a direct appeal.

Supporting Facts (Tell your story briefly without citing cases or law):

Petitioner untimely filed his Notice of Appeal, because he was pro se, and counsel was ineffective for failing to perfect the Notice of Appeal on Petitioner's behalf.

(b) Ground Two: Petitioner received ineffective assistance of trial counsel in violation of his rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United States Constitution and/or under state law or the Nevada Constitution when defense counsel conceded that Houston did breach the terms of the Guilty Plea Agreement.

Supporting Facts (Tell your story briefly without citing cases or law):

Petitioner never conceded that he breach the terms of the guilty plea agreement, and counsel was ineffective for conceding that he breached the agreement and for failing to request an evidentiary hearing regarding the breach of the guilty plea agreement.

(c) Ground Three: Petitioner received ineffective assistance of trial counsel in violation of his rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United States Constitution and/or under state law or the Nevada Constitution when defense counsel conceded that Houston did breach the terms of the Guilty Plea Agreement.

Despite a record that demonstrates a need for mental health treatment, trial counsel did not consider a guilty but mentally ill plea.

///

///

///

///

///

///

///

///

1 See Supplemental Points and Authorities provided for additional argument in support of
2 all claims.

3 WHEREFORE, Petitioner requests that the Court grant petitioner relief to which petitioner
4 may be entitled in this proceeding.

5 DATED this January 27, 2023.

7 Submitted By:

8 **AMD LAW**

10 /s/Alexis M. Duecker, Esq.
11 ALEXIS M. DUECKER, ESQ.
12 Nevada Bar No. 15212
13 340 E. Warm Springs Rd. Ste. 110
14 Las Vegas, Nevada 89119
15 Attorney for Petitioner

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VERIFICATION

I, Alexis M. Duecker, Esq. declare under penalty of perjury as follows:

That I am the attorney of record for Petitioner / Defendant Matthew Houston; that I have read the foregoing supplement and know the contents thereof; that the same are true and correct to the best of my knowledge, information and belief, except for those matters state therein on information and belief, and as to those matters, I believe them to be true; that Petitioner/Defendant personally authorized me to commence this Supplemental Petition for Writ of Habeas Corpus.

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

1/27/2023

Executed On

/s/Alexis M. Duecker, Esq.

Signature

1 **MEMORDANUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 Petitioner, Matthew Houston (hereinafter "Houston"), pled guilty to one count of
5 Aggravated Stalked, a B felony. The facts surrounding Houston's crime stem from his traumatic
6 brain injury suffered while he was at work years earlier. After Houston sustained his traumatic
7 brain injury, he retained private counsel to help him with his personal injury claim. But, during
8 that representation, Houston became aggressive, agitated, and ultimately threatened the life of his
9 private counsel. Houston had no history of such aggressive behavior before his traumatic brain
10 injury. Due to these injuries, Houston missed a court date and could not communicate with counsel
11 to inform him of the court date. And Houston was deprived of his right to a direct appeal when
12 trial counsel failed to perfect the notice of appeal.

13 **II.**

14 **PROCEDURAL BACKGROUND**

15 In April 2021, Houston was charged with one count of Making Threats or Conveying False
16 Information Concerning Act of Terrorism, a Category B felony. (Petitioner's Appendix "PA", 1)
17 At the time set for preliminary hearing, Houston waived his preliminary hearing and bound up on
18 these negotiations:

19 Houston would plead guilty to one count of Aggravated Stalking (B Felony), non-
20 opposition to probation for a twenty-four (24) month period. Houston would have to receive a
21 mental health evaluation and any treatment as a condition of probation and retain the right to argue
22 any other terms. The State would not oppose the dismissal of Case No. 21CR033713 after rendition
23 of sentence. Defendant is to stay away and have no contact with Redenta Blacic, Rosemarie
24 McMorris, and/or Jonathan Schockely. Defendant is also to stay away from 9930 West Cheyenna
25 Avenue, Las Vegas, Nevada. The State would not oppose Defendant's own recognizance release
26 with low-level electronic monitoring after entry of plea. If Houston successfully completed
27 probation and received an honorable discharge, he would be entitled to a gross misdemeanor
28

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1 Aggravated Stalking drop down. PA 3. Houston executed a Guilty Plea Agreement for the same
2 on August 4, 2021. PA 7.

3 After this seemingly very favorable negotiation, two months later trial counsel moves to
4 withdraw as counsel due to Mr. Houston wanting to withdraw his plea. PA 16. The Motion was
5 filed October 5th and was to be heard October 11th. PA 16. Houston missed this new court date and
6 a bench warrant was issued. PA 22. At the October 11th hearing, another public defender, Mr.
7 Ramsey, filled in for Mr. Little, and made zero representations about any reason for Houston not
8 attending the hearing, and the court issued a no bail bench warrant. PA 20.

9 At the bench warrant return hearing, again counsel made no representations about why
10 Houston did not make it to court. PA 26. Houston made his own representations, but it seemed as
11 though counsel did not seek to contact Houston about his next court date. PA 28.

12 At sentencing in December 2021, Rosemarie McMorris, a named victim, testified, and the
13 Court ultimately sentenced Houston to twenty-four (24) months to ninety-six (96) months in the
14 Nevada Department of Corrections. PA 33.

15 Houston tried to file a direct appeal on his own, though he missed the deadline to file the
16 Notice of Appeal. PA 49, PA 62.

17 Houston timely filed his own Petition for Writ of Habeas Corpus on May 26, 2022. Houston
18 has filed several other petitions to hopefully sustain some kind of relief. Thus, Houston brings the
19 instant petition to address his claims through his current counsel of record.

20 III.

21 GROUNDS FOR RELIEF

22 Each of the Grounds for Relief contemplated in this Supplemental Petition are based on
23 ineffective assistance of trial and appellate counsel. The U.S. Supreme Court has held that before
24 deciding whether to plead guilty, a defendant is entitled to "the effective assistance of competent
25 counsel." McMann v. Richardson, 397 U.S. 759 (1970); Strickland v. Washington, 466 U.S. 668
26 (1984). To prevail on a claim of ineffective assistance of trial counsel, a Defendant must prove he
27 was denied "reasonably effective assistance" of counsel by satisfying the two-prong test set forth
28 in Strickland. Strickland, 466 U.S. at 688; see State v. Love, 109 Nev. 1136 (1993). Under the

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1 Strickland test, a Defendant must show first that his counsel's representation fell below an
 2 objective standard of reasonableness, and second, that but for counsel's errors, there is reasonable
 3 probability that the result of the proceeding would have been different. Strickland, 466 U.S. at
 4 687-88; Warden, Nevada State Prison v. Lyons, 100 Nev. 430 (1984) (adopting the Strickland two-
 5 part test).

6 A. Petitioner received ineffective assistance of trial counsel in violation of his
 7 rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United States
 8 Constitution and/or under state law or the Nevada Constitution because of trial counsel's
 9 failure to file a Notice of Appeal depriving Petitioner of his right to a direct appeal.

10 The Nevada Supreme Court has noted that "an attorney has a duty to perfect an appeal
 11 when a convicted defendant expresses a desire to appeal or indicates dissatisfaction with a
 12 conviction. Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). If counsel fails to file an appeal
 13 after a convicted felon makes a timely request, the defendant (at least previously) was entitled to
 14 the "Lozada remedy," consisted of filing a post-conviction petition with assistance of counsel. The
 15 petitioner did not have to identify the potential appellate claims in making an appeal deprivation
 16 claim. Rather, it is enough to receive the relief contemplated by Lozada if a petitioner shows that
 17 he was deprived of his right to a direct appeal without his consent. Id. at 357.

18 The remedy contemplated by Lozada was replaced by revisions to the Nevada Rules of
 19 Appellate Procedure, although the basis for obtaining relief remains generally the same. Now,
 20 under NRAP 4(c), an untimely notice of appeal is filed by the Clerk of the Court when a
 21 deprivation claim is timely asserted in a post-conviction petition, and the trial court makes findings
 22 that the petitioner "has established a valid appeal-deprivation claim." NRAP 4(c); see also Toston
 23 v. State, 127 Nev. 971 (2011); Roe v. Flores-Ortega, 528 U.S. 470 (2000). The Nevada Supreme
 24 Court then hears the direct appeal in the same manner it would hear any other direct appeal.

25 The Strickland prejudice prong requires a presumption of prejudice when a defendant is
 26 deprived of a direct appeal he would have taken but for counsel's deficient performance, and a
 27 defendant does not have to show the merits of any claims that could have been raised on direct
 28 appeal. See Lozada, 110 Nev. at 357. In Roe, the Supreme Court unambiguously held that where

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1 a criminal defendant is deprived of the right to a direct appeal, that the defendant is “entitled to a
2 new appeal without any further showing.” Roe, 528 U.S. at 485, citing Rodriguez v. United States,
3 395 U.S. 327 (1969). These same requirements are repeated in Toston, and therefore, under federal
4 and state law, the “reasons” for the failure to file an appeal are largely irrelevant. Toston, 267 P.3d
5 at 800.

6 As acknowledged in Toston, an attorney’s duty to in face file a direct appeal arises,
7 irrespective of whether the conviction arose from a guilty plea or verdict following a trial, when
8 the defendant informs counsel that he would like to appeal. Id. at 800 citing Lozada, 871 P.2d at
9 949 (“Assuming Lozada’s trial counsel failed to perfect an appeal without Lozada’s consent,
10 Lozada presumably suffered prejudice because he was deprived of his right to appeal.”); and citing
11 Davis v. State, 115 Nev. 17, 974 P.2d 658, 660 (1999)(“[I]f the client does express a desire to
12 appeal, counsel is obligated to file the notice of appeal on the client’s behalf”).

13 Here, trial counsel had an obligation to perfect an appeal because Houston was not satisfied
14 with his sentence and conviction and likely made it obvious he wanted to appeal, because he was
15 not sentenced to probation like had been previously agreed upon. Because trial counsel failed to
16 inform Houston of the deadline to file his Notice of Appeal, Houston was deprived of his right to
17 a direct appeal.

18 **B. Petitioner received ineffective assistance of trial counsel in violation of his**
19 **rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United States**
20 **Constitution and/or under state law or the Nevada Constitution when defense counsel**
21 **conceded that Houston did breach the terms of the Guilty Plea Agreement.**

22 Houston contends that counsel was ineffective for conceding his only defense at
23 sentencing—like conceding his guilt at trial without his consent. The United States Supreme Court
24 held that counsel’s choice to admit a client guilt as a defense strategy against the client’s objection
25 violates the Sixth Amendment. See McCoy v. Louisiana, 138 S. Ct. 1500 (U.S. 2018). The Nevada
26 Supreme Court has similarly held that when counsel concedes guilt during the guilt-innocence
27 phase of trial against a client’s wishes, counsel provides ineffective assistance of counsel. Jones v.
28 State, 110 Nev. 730, 737 (1994). “A lawyer may make a tactical determination of how to run a

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1 trial, but the due process clause does not permit the attorney to enter a guilty plea or admit facts
 2 that amount to a guilty plea without the client's consent." Id. Counsel's performance falls below
 3 an objective standard of reasonableness when a concession of guilt erodes any doubt that might
 4 have been raised in the jury's mind by Defendant's protestations of innocence. Id. In a case in
 5 which counsel improperly concedes guilt, the Court can presume the prejudice prong of Strickland
 6 has been satisfied. Id.

7 When the State enters a plea agreement, "it is held to the most meticulous standards of both
 8 promise and performance... The violation of the terms of the spirit of the plea bargain requires
 9 reversal." Citti v. State, 107 Nev. 89, 91, 807 P.2d 724, 726 (1991) (internal quotations and
 10 citations omitted). The district court must hold an evidentiary hearing to determine whether a
 11 defendant has breached a plea agreement "and if so whether the breach is sufficiently material to
 12 warrant releasing the prosecution from its promises." Gamble v. State, 95 Nev. 904, 907, 604 P.2d
 13 335, 337 (1979).

14 The district court conducted no evidentiary hearing to determine whether Houston
 15 breached the GPA. A defendant has the right to receive actual notice of hearings. See generally
 16 Solis-Ramirez v. Eighth Judicial District Court In and For Cnty. of Clark, 112 Nev. 344, 913 P.2d
 17 1293 (1996). A casual inspection of the record shows that trial counsel was ineffective for failing
 18 to request an evidentiary hearing to determine whether Houston freed the State from their
 19 obligations in the GPA.

20 Here, it was imperative that counsel not concede that Petitioner breached the agreement,
 21 as that opened up the State for the right to argue for a prison sentence versus probation. PA 8.
 22 During sentencing, the Court found that Houston breached the terms of the plea agreement by
 23 bench warranting in the court. PA 35. Defense counsel stood silent. PA 35. Houston explained that
 24 he was likely in the hospital at that date, and if defense counsel had contacted Houston, they could
 25 have asked for a continuance until Houston was well again. Houston did not concede that he
 26 breached the terms of the guilty plea agreement.

27 Counsel's implicit concession to the Court that Houston did breach the terms of the guilty
 28 plea agreement "completely eroded any doubt" that might have been raised in the Court's mind

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1 that Houston did not breach the guilty plea agreement. This concession was prejudicial because
 2 the concession weighed against Houston and likely led the Court to impose a harsher sentence than
 3 what was originally contemplated by the parties. This situation is analogous to guilt-innocence
 4 phase of the concession in Jones, because at that time the Court had not entirely decided whether
 5 Houston breached the guilty plea agreement, so a concession of "guilt" as to the breach at this
 6 point was improper. As in Jones how prejudice can be presumed when there is an improper
 7 concession of guilt, the same standard should apply here, because this concession likely led to a
 8 harsher sentence imposed by the Court.

9 Because of Petitioner's ineffective assistance of counsel, this Court should vacate
 10 Petitioner's current sentence and impose the sentence that was originally contemplated or hold a
 11 new sentencing hearing. Again, Petitioner would also request an evidentiary hearing to flesh out
 12 why trial counsel thought Houston's position was indefensible.

13 C. Petitioner received ineffective assistance of trial counsel in violation of his
 14 rights as guaranteed by the Fifth, Sixth, or Fourteenth Amendments to the United States
 15 Constitution and/or under state law or the Nevada Constitution when defense counsel failed
 16 to inquire into a Guilty But Mental Ill plea.

17 Counsel was ineffective for failing to ask about a "guilty but mentally ill" plea. The entire
 18 sentencing theme is that Houston has mental health issues and how best to address those issues.
 19 PA 36; PA 39. Counsel was aware of Houston's mental health issues, and the State knew of these
 20 issues as well so trial counsel should have had sought to negotiate a guilty but mentally ill plea.

21 The are benefits of a guilty but mentally ill plea that could have directly benefitted Houston
 22 during his time in custody, and Petitioner requests an evidentiary to determine why counsel had
 23 not considered this option.

IV.

CONCLUSION

Ultimately, Houston did not receive effective assistance of trial counsel and appellate counsel as enumerated above. Houston understands the severity of the crime to which he pled guilty, and that is why at this time he would just appreciate the opportunity to: (1) have a new and fair sentencing where the State is bound to their original agreement; (2) be given the right to a direct appeal; and (3) alternatively, have an evidentiary hearing to present these issues.

AMD LAW

/s/Alexis M. Duecker, Esq.

ALEXIS M. DUECKER, ESQ.
Nevada Bar No. 15212
340 E. Warm Springs Rd. Ste. 110
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Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of AMD LAW, PLLC and that, pursuant to NRCF 5(b), on January 27, 2023, I served a true and correct copy of the foregoing Supplemental Petition for Writ of Habeas Corpus (Post-Conviction) via first class mail in envelopes addressed to:

Clark County District Attorney
200 Lewis Ave.
Las Vegas, Nevada 89155

Reverend Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

And via the court's electronic filing system, as permitted by local practice to the following person(s):

Steven B. Wolfson
Clark County District Attorney
PDMotions@ClarkCountyDA.com

By: /s/ Alexis M. Duecker
An Employee of AMD LAW

3B35

Matthew Houston # 1210652
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.

INMATE SIGNATURE:

DOC#: 1210652

DATE: 7-6-64

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
2/10/2023 2:57 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Matthew Houston, Plaintiff(s)

vs.

Calvin Johnson, Defendant(s)

Case No.: A-22-853203-W

Department 17

NOTICE OF HEARING

Please be advised that the Plaintiff / Inmate's - Emergency Motion to Dismiss Counsel and Recuse Elham Roohani in the above-entitled matter is set for hearing as follows:

Date: March 13, 2023

Time: 9:00 AM

Location: RJC Courtroom 03E
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

MAILED PINK COPY TO AMP LAW PLLC
340 E. Warm Springs Rd #110 Las Vegas, NV
NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM 89119

NAME: Matthew Travis Houston I.D. NUMBER: 1210652
INSTITUTION: HDSP UNIT #: 4-D-39
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED
GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

To: Alexis M. Duecken, Esq

DATED: May 31, 2023 RE: A-22-853203-W

FROM: An INNOCENT man, both actually AND factually;

- 1) Why did you publish lies about me in the
"SUPPLEMENT PETITION"? I've NEVER
threatened anybody in my life, most especially
any of the individuals who committed, and are
STILL TO THIS DAY committing legal malpractice
against me, among a variety of other crimes.
- 2) Why have you failed to investigate the FALSE
police reports made by ROSEMARIE MC MORRIS-ALEXANDER,
JONATHAN SHOCKLEY, JASON LEWIS, and REDENTA BLACIC?
- 3) Attached is the "STATEMENT OF FACTS" explaining
the kidnapping of my person and destruction of my
estate. Your presence is requested at the attached
NOTICE OF HEARING to help grant my PAROLE. I

Original:
Pink:

Attached to Grievance
Inmate's Copy

have attached a stamped
envelope for you to mail a
letter of reference to the Nevada Board of Parole
Commissioners to assist in my re-entry to society.

X M. T. H.

ABA # 04662784

DOC-3097 (01/02)

1 REV. MATTHEW TRAVIS HOUSTON, CHTB
2 Petitioner/In Propria Persona
3 Post Office Box ~~666~~ 650
4 Indian Springs, Nevada 89070 - 0650
5 NDCL No. 1210652
6 ABA No. 04662784

FILED
JUN 06 2023
[Signature]
CLERK OF COURT

7
8 IN THE EIGHTH JUDICIAL DISTRICT COURT OF
9 THE STATE OF NEVADA IN AND FOR THE
10 COUNTY OF CLARK

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 MATTHEW TRAVIS HOUSTON,

15 Defendant,

Case No. C-21-357927-1

Dept. No. 17

16 MOTION TO WITHDRAW COUNSEL

17 "HEARING REQUESTED"

18 Date of Hearing: _____

June 27, 2023
9:00 AM

19 Time of Hearing: _____

20 'ORAL ARGUMENT REQUESTED, Yes X No _____

21 COMES NOW, Defendant, Matthew Travis Houston, proceeding in proper
22 person, moves this Honorable Court for an ORDER Granting him permission to withdraw his
23 present counsel of record in the proceeding action, namely, Alexis M. Duecker dba
24 AMD LAW, PLLC - SDS CHARTERED

25 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
26 which are hereby incorporated by this reference, the Points and Authorities herein, and attached

27 ~~Affidavit of Defendant~~ Declaration of Defendant, as a 'STATEMENT OF FACTS':

28 DATED: this 24 day of May, 2023.

BY: *[Signature]*
REV. MATTHEW TRAVIS HOUSTON, CHTB #1210652
Defendant/In Propria Personam

RECEIVED
MAY 30 2023
CLERK OF COURT

STATEMENT OF FACTS: Kidnapped from his home in

1
2. Iowa City, On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter ^{"Plaintiff-in-Error/-"} ~~"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, SEDAWICK's Dianne Ferrante, and her
11 alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.

12 The Petitioner-Appellant's attempt at release from CDEU was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood
14 and Bernard Little, provided misinformation regarding the lack of a directly related "Entry 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 #1248334A + #C1237802A; with the first being by J. Wood

19. in the EIGHTH JUDICIAL DISTRICT COURT 21-CR-019840 + 21-CR-033713. ^{Anthony M. Goldstein /} ~~Alexis M. Duerker NEVER~~
20. ^{visited} Mr. Houston. These traumatic events are a cruel and unusual punishment being inflicted upon an abused

21 and innocent man, who was forced into an involuntary relocation, with unnecessary hardships
22 causing the eviction of his law office located at 435 South Linn Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).

24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDAWICK and the prosecutions' most unlawful use
26 of overreaching tactics in their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any
28 time did Mr. Houston harass, extort, threaten, or "aggravated stalking" any of the
29 parties involved with any of his cases, neither did he act aggressively
30 towards any other individual, business or entity. Mr. Houston is a victim of crimes. ②

WHY TO DISMISS COUNSEL

AMD LAW - Alexis M. Duecker

- #1. I still have not been provided any transcripts to any of my cases. EJDc appointed her just to stall the process of my obtainment of freedom and justice. Never provided a PSI.
- #2. Who is SMS CHARTERED? SOS CHARTERED
- #3. (warm springs address)
- Why Sahara address?
- #4. Why was my mail returned from her Sahara Ave. address?
- #5. Why surprised un-announced visit Nov. 10, 2022, causing rioting and my trip to the infirmary?
- #6. Why 2nd surprise visit w/ PR BAILEY?
- #7. I have not been provided any further records of A-22-853203-W, which is error because I'd requested STANDBY COUNSEL, not attorney of record. So where's Emily Strand? Where's my retired social security judge in Des Moines? Why have I still not been informed of who the mystery visitor was from November 10, 2022?

(3)

SEE ALSO Case No. 2:22-cv-01740-JAD-EJY Doc. 21, 04/24/2023 P. 117/278
(HAND-DRAWN COPY - SEE PREVIOUS ACTION AND
2:22-cv-00051-RFB-DTA Document 10 Filed 2/12/23 P. 4 of 14
NAME: Matthew Travis Houston, #1210652

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: January 20th, 2023

TO: ALEXIS M. DUECKER
SD'S CHARTERED
AMO LAW, PLLC
340 East Warm Springs Road, Ste No. 110
Las Vegas, NV 89119

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: A-22-853203-W

DEPT. NO.: 10 → 11 → 17

CASE NAME: Houston v. Johnson et al

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON, CHTD

NDOC. No. 1210652 @ HDS/P

ABA No. 04662784

22010 Cold Creek Road

P.O. Box 650

Indian Springs, NV

89070-0650

(4)

POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s)

of record, were appointed by the Court to represent the defendant, who was an indigent, in Case

Number, A-22-853203-W, in Department No. 11, now Department 17.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and

deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of

professional responsibility and integrity. This carried from the time of hiring to and through the

attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a

... prompt accounting of all his client's ... property in his possession." This is echoed in Canon 2 of

the Code of Professional Responsibility of the American Bar Association, which states in pertinent

part EC 2-32: "A lawyer should protect the welfare of his client by ... delivering to the client all

papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the

ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with

applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460,

24 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney

refusing to deliver to a former client his documents after being requested to do so by the client. The

court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney

censored.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada
9 Supreme Court Rules 173, 176 and 203.

10

11 DATED: this 24 day of May, 2023.

12

13

BY: Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON #124652
Defendant/In Propria Personam

14

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POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. ... If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

DATED: this 24 day of May, 2023.

Respectfully submitted,

BY: Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON #1240652
Defendant /In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

REV. MATTHEW TRAVIS HOUSTON, CHTD
NDOC No. 1210652

HDS P
PO Box 650

Indian Springs, NV 89070-0650

LAS VEGAS, NV 890
26 MAY 2023 PM 3 L

40/P

EIGHTH JUDICIAL DISTRICT COURT
CHAMBERS OF THE HON. JENNIFER SCHWARTZ
FWD: Department 17 Law Clerk
200 Lewis Avenue
Las Vegas, NV

C-21-357927-1

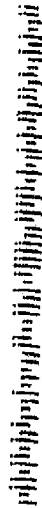
Case No. ~~C-21-357927-1~~

#MET00

ABA No. 04662784

89155

89101-630000



CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 24
day of May, 2023, I mailed a true and correct copy of the foregoing, "MOTION
TO WITHDRAW COUNSEL"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

BOOK - Dept. 17
200 Lewis Ave.
Las Vegas, NV
89155

Alexis M. Duecker
SPS Chartered
340 East Warm Springs
Ste. 110
Las Vegas, NV 89119

CC:FILE

DATED: this 24 day of May, 2023

Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, LHO #1210652
Defendant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:
ABA No. 04662784



**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

June 12, 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: **Letter to CONVICTION REVIEW UNIT**

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 # 48

Deputy Clerk of the Court

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Matthew Houston ID NUMBER: 1210652
INSTITUTION: HDSP UNIT #: 4-D-34
CASE / GRIEVANCE #: C-21-357929-1 GRIEVANCE LEVEL: EXHAUSTED
GRIEVANT'S STATEMENT CONTINUATION PG. 1 OF 1

TO: CONVICTION REVIEW UNIT

DATE: May 27, 2023

Hello,

My name is Matthew and I am a wrongfully convicted inmate at HIGH DESERT STATE PRISON. As I am actually innocent and factually innocent, I am writing to request an application and to obtain any other sort of assistance in my pursuit for justice. The HDSP Law Library said to write Dan Silverstein, Maryanne Miller, Christopher Halli, Robert Daskas, Jeffrey J. Witthun, and /or Brigid D. Duffy. If anything else is required, please let me know and I

Original:
Pink:

Attached to Grievance
Inmate's Copy

appreciate your help.

- Matthew Houston

JUN 01 2023

RECEIVED

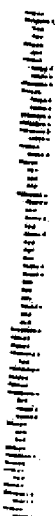
MATTHEW HOUSTON
No. 1210652
H D S P
PO Box 650
Indian Springs, NV
89070-0650

CONVICTION REVIEW UNIT
attn: Dan Silverstein, Maryanne Miller,
Christopher Lalli, Robert Daskas,
Jeffrey J. Withman, Brigida D. Duffy
200 Lewis Avenue
Las Vegas, NV
89101

LAS VEGAS NV 890
30 MAY 2023 PM 3 L



89101-630000



PLEASE SEE ATTACHED:

Why is the RTC forwarding my
motions to Alexis' old address?

RETURN SERVICE REQUESTED

STEVEN D. GRIERSON, Clerk of the Court
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS NV 89155-1160

2039

149 FREDMAN 89070

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



**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

June 30, 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: Notice Of Motion And Motion For Modification Of 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 # 27
Deputy Clerk of the Court

PLEASE SEE ATTACHED:

Why did Elham Roohani
appoint AMD LAW, PLLC to my
postconviction case when I
NEVER asked for counsel?

RETURN SERVICE REQUESTED

STEVEN D. GRIERSON, Clerk of the Court
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS NV 89155-1160

43034

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

443 FRED/NMP 89070

10/11/23 10:11 AM



**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

July 01, 2023

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

Case Number: A-22-853203-W
Department: Department 17

Plaintiff: 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 Title - Objection To States Response

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 # 27

Deputy Clerk of the Court

PLEASE SEE ATTACHED:

- 1) Is Jennifer L.S. Schwartz going to remove AMD LAW, PLLC?
- 2) why didn't she remove her on March 13, 2023 ?

RETURN SERVICE REQUESTED

EVAN D. GRIERSON, Clerk of the Court
20 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS NV 89155-1160

149 FREDDIE 89070

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

12125



**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

July 06, 2023

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

Case Number: A-22-853203-W
Department: Department 17

Plaintiff: 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: **Emergency Motion For An Order To Determine The Relationship, If Any,
Between The Hon. Jennifer Schwartz, Daniel L. Schwartz, And Karen
Schwartz Aka Genex As A Notice Of Motion**

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 # 27



**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

July 13, 2023

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

Case Number: A-22-853203-W
Department: Department 17

Plaintiff: 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: Renewed Emergency Motion under NRAP 27 (e) For Transcript S at State's
Expense of Directly Related Cases A-17-758861-C and C-17-323614-1;
A-19-800219-W and A-19-800402-W**

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 # 27

Deputy Clerk of the Court



**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

July 13, 2023

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

Case Number: A-22-853203-W
Department: Department 17

Plaintiff: 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: Notice Of Hearing To Craig Mueller And Associates And Larry Phillips

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 # 27

Deputy Clerk of the Court

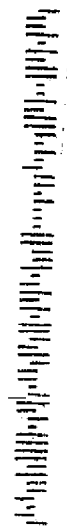
STEVEN D. GRIERSON, Clerk of the Court
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS NV 89155-1160

RETURN SERVICE REQUESTED

12F25

149 FROM 89070

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





**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

July 20, 2023

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

Case Number: A-22-853203-W
Department: Department 17

Plaintiff: 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: **Emergency Letter Of Motion To The Hon. Jennifer L. , S. Swchwartz And
Notice Of Motion**

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 # 27

Deputy Clerk of the Court

AMD LAW



340 E. Warm Springs Rd. Ste. 110
Las Vegas, Nevada 89119
Tel: 775.526.3529
Cell: 702.743.0107
Fax: 775.562.2694

June 14, 2023

Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

Re: Letter Received June 14, 2023 dated June 9, 20203

Hi Matthew!

Thank you for writing me. In court the other day, I was coming to talk to you to let you know that I thought we had a good chance of "winning" our petition and I wanted to talk to you about what that looked like. I only stated that you "threatened counsel" because that is what you pled guilty to. You entered into a guilty plea for threatening counsel. I would have never included something in the petition that you had not been found guilty of. If you would like, I will gladly tell the court that you do not agree with that sentence, and I can ask the court to strike it or take judicial notice that you do not agree with that. That would not change the substance of the writ in anyway, so I am more than happy to do that.

I did find it troubling that you think I am not on your side. You have written me a lot of letters, like a lot of other clients in your situation have, so I am unable to respond to every letter. I apologize if you think I should have communicated more. I will do that going forward, but obviously I have been working on your matter. You spoke with my doctor who came and evaluated you, and I have sent you copies of every filing.

With regards to why I did not inquire into the false police reports, those claims are waived when you enter a guilty plea agreement unfortunately. When you and I spoke on the phone in the beginning, I explained that certain claims are waived. When someone enters a guilty plea, most claims for anything related prior to the entry of the guilty plea are likely waived.

Procedurally, if we do not win on this writ, then we can appeal that decision. If we do not win on appeal, then you can contact the federal public defender's office, and they might be interested in taking on your matter. So, I don't want your hopes to go down if we don't win this petition.



Page 2 of 2

Again, I think we have a good chance of winning on one of the claims—the direct appeal deprivation claim.

Your next court date is June 28, 2023. There, you will get to decide what you would like to do. The court is looking into competency proceedings, and if you would like me to withdraw, I certainly can, and I will help whoever your next counsel is.

Let me know your thoughts, and I will work with you.

Best Regards,

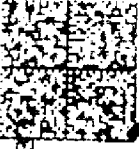
Alexis Duecker, Esq.



Alexis Drecker, Esq.

LAS VEGAS NV 890

14 JUN 2022 PM 3:13



US POSTAGE

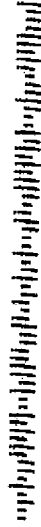
14 JUN 2022 PM 3:13

LD39

Matthew Houston #121065239
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

**ATTORNEY-CLIENT
PRIVILEGE**

89070-



I have had ZERO communication w/ AMD LAW since the court appointed her to my case without my permission to act as attorney-of-record to further block, thwart, and hinder my efforts at postconviction relief. See MINUTE ORDERS from 6.01.2022 and 7.13.2022.

AMD LAW



340 E. Warm Springs Rd. Ste. 110
Las Vegas, Nevada 89119
Tel: 775.526.3529
Cell: 702.743.0107
Fax: 775.562.2694
admin@amdllaw.com

It was in fact the prosecution's coercion of the court and their prosecutorial misconduct by Ronald James Evans, June 14, 2023

Drew Christensen and The Hon. Elham Roohani.
Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

Re: Letter Received June 14, 2023 dated June 9, 20203

I NEVER threatened anybody, and I most
Hi Matthew! Certainly did NOT threaten a fellow advocate/lawer

As I was
denied my
4TH, 5TH, 6TH,
8TH, 14TH AND
I was never
found guilty
of anything,
and if you
wouldn't
include that,
than why
did you?

Thank you for writing me. In court the other day, I was coming to talk to you to let you know that I thought we had a good chance of "winning" our petition and I wanted to talk to you about what that looked like. I only stated that you "threatened counsel" because that is what you pled guilty to. You entered into a guilty plea for threatening counsel. ~~I would have never threatened you~~ If you would like, I will gladly tell the court that you do not agree with that sentence, and I can ask the court to strike it or take judicial notice that you do not agree with that. That would not change the substance of the writ in anyway, so I am more than happy to do that. (Than why haven't you?)

I did find it troubling that you think I am not on your side. You have written me a lot of letters, like a lot of other clients in your situation have, so I am unable to respond to every letter. I apologize if you think I should have communicated more. I will do that going forward, but obviously I have been working on your matter. You spoke with my doctor who came and evaluated you, and I have sent you copies of every filing. You haven't responded to anything I've wrote, until now, and you're NOT on my side because the prosecution appointed you.

With regards to why I did not inquire into the false police reports, those claims are waived when you enter a guilty plea agreement unfortunately. When you and I spoke on the phone in the beginning, I explained that certain claims are waived. When someone enters a guilty plea, most claims for anything related prior to the entry of the guilty plea are likely waived. I did NOT

enter into a 'GPA' -- the filed GPA does NOT have my signature, nor did I give my express consent to Brandon Little to authorize my signature. Procedurally, if we do not win on this writ, then we can appeal that decision. If we do not win on appeal, then you can contact the federal public defender's office and they might be interested in taking on your matter. So, I don't want your hopes to go down if we don't win this petition.

I give my
express consent
to Brandon Little
to authorize my signature.

Than why haven't you
provided me with the address / phone #
Federal Public Defender?



Page 2 of 2

Again, I think we have a good chance of winning on one of the claims—the direct appeal deprivation claim.

Your next court date is June 28, 2023. There, you will get to decide what you would like to do. The court is looking into competency proceedings, and if you would like me to withdraw, I certainly can, and I will help whoever your next counsel is.

Let me know your thoughts and I will work with you.

Best Regards,

Alexis Duecker, Esq.

Same day as
when my now missed
(rescheduled) parole hearing was (is).

This is receipt of the ONLY letter I received from AMP LAW since she was mis appointed by the malicious prosecution and their prosecutorial misconduct:

Alexis Dwyer, Esq.



ATTORNEY-CLIENT
PRIVILEGE

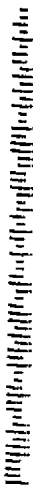
Matthew Houston #12106522
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

LAS VEGAS NV 890

14 JUN 2023 PM 3:11

4259

89070-



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, 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706-0677

Video Conference Location:
HIGH DESERT STATE PRISON, 22010 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

**PLEADING
CONTINUES
IN NEXT
VOLUME**