

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

MATTHEW TRAVIS HOUSTON,
Appellant(s),

vs.

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

Case No: C-21-357927-1
Related Case A-22-853203-W
Docket No: 88275

RECORD ON APPEAL VOLUME 2

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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Heather L. Smith
CLERK OF THE COURT

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, Founders Club Member,
now stuck IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF

NEVADA IN AND FOR THE COUNTY OF CLARK

May 9, 2022
9:00 AM

THE STATE OF NEVADA,
Plaintiff

v.

Matthew Travis Houston,
Defendant.

CASE NO. C-21-357927-1

DEPT. NO. X and (XI)

HEARING REQUESTED &
JURY - TRIAL DEMANDED?

JOINDER
TO :

A-17-758861-C

Dept No. 28 + 29

EMERGENCY MOTION TO WITHDRAW PLEA

COMES 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,

[Signature]
Defendant in Proper Person

RECEIVED
MAR 23 2022
CLERK OF THE COURT

MEMORANDUM OF POINTS AND AUTHORITIES

NRS. 176.165 PROVIDES:

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

Failure to adequately inform a defendant of the full consequences of his/her plea creates manifest injustice which could be corrected by setting aside the conviction and allowing him/her to withdraw the guilty plea. Meyer v. State, 603 P.2d 1066 (Nev. 1979), and Little v. Warden, 34 P.3d 540 (Nev.2001).

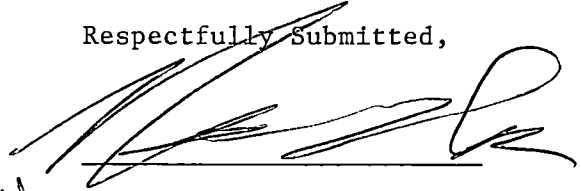
Defendant herein alleges that his/her plea is in error and must withdraw the plea pursuant to the following facts: whoever they were, they stole my trained seeing eye dog JONNY CASH and the little newborn puppy I named (and was training) George Lucas. I have suffered from BATTERED PERSON'S SYNDROME for 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 1st 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 Marylou Donnelly, and it is a fact that my theory of Daniel Schwartz, Karen Schwartz, Capital Police and other bad actors, specifically 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 found by the disability rights advocacy, i.e. civil demand for \$\$\$
9 as will your accomplices, as soon as whoever
10 is reading this decides to quit causing judicial executions,
11 i.e. errors, "cluster trucks" or whatever excuse ~~from~~ ^{my dearest} they
12 have for being just plain lazy. This is America 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 than 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 than huh? Tierra Danielle Jones,
23 David M. Jones, Rosemary McMorris-Alexander, Dan Schwartz,
24 Karen Schwartz, Redenta Blacic, Jonathon 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 you're 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 Redenta Blacic or
Jonathon 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 Derest 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

Matthew Houston

1210652

HDSP

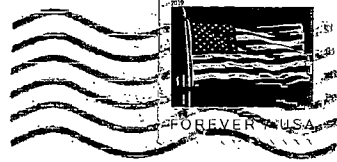
P.O. Box 650

Indian Springs, NV

89070-0650

LAS VEGAS NV 890

21 MAR 2022 PM 4 L



HIGH DESERT STATE PRISON

MAR 20 2022

UNIT 12

CEO Steven D. Grierson
cc. Deputy H. Vagnermann
Clerk, in re C-21-357927-1 + A-17-758861-C

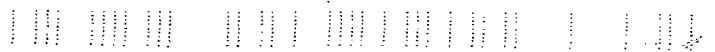
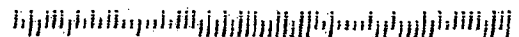
Regional Injustice Center, 3rd floor

200 Lewis Ave.

Las Vegas, NV

89155-1160

89101-830000



Elham Roohani
CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW HOUSTON,
#7035801

Defendant.

CASE NO: C-21-357927-1

DEPT NO: XI

2 DAY EXPEDITED

ORDER FOR TRANSCRIPT

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, JONATHAN E. VANBOSKERCK, Chief Deputy District Attorney, in order to create a full and accurate record on appeal and expedited because of the Court's short setting in order for the State to prepare its Court ordered Response, good cause appearing therefor,

IT IS HEREBY ORDERED that a transcript of the Initial Arraignment heard on the 4 day of August, 2021, be prepared by Kristine Santi, Court Recorder for the above-entitled Court within 2 days by April 18, 2022.

DATED this _____ day of April, 2022.

Dated this 15th day of April, 2022

Elham Roohani

DISTRICT JUDGE

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

60A C2B 965E 825D
Ellie Roohani
District Court Judge

BY /s/ Jonathan E. VanBoskerck
JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #006528

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-357927-1

7 vs

DEPT. NO. Department 11

8 Matthew Houston
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/15/2022

15 G. Cox Coxgd@clarkcountynv.gov

16 Ben Little Benard.Little@ClarkCountyNV.gov

17 DA . Motions@ClarkCountyDA.com
18
19
20
21
22
23
24
25
26
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28



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 MATTHEW HOUSTON,

10 Defendant.

)
) CASE NO. C-21-357927-1

)
) DEPT. XVII
)
)
)
)

11
12 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

13 WEDNESDAY, AUGUST 4, 2021

14 **RECORDER'S TRANSCRIPT OF PROCEEDINGS RE:**
15 **INITIAL ARRAIGNMENT**

16 APPEARANCES:

17 For the State:

HALEY A. BEZA
Deputized Law Clerk

18 For the Defendant:

19 SETH GUTIERREZ, ESQ.
Deputy Public Defender
20
21
22
23
24

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 4, 2021

2 * * * * *

3 [Case called at 9:03 a.m.]

4 THE COURT: Thirteen is Matthew Houston. This is a public defender
5 case. Is this matter resolved?

6 MR. GUTIERREZ: It is, Your Honor. Thank you. Today Mr. Houston
7 is going to plead guilty to Aggravating Stalking, a Category B Felony. The State
8 has no opposition to probation for a 24-month period. The parties stipulate to
9 recommend a 2- to 5-year suspended sentence. Parties agree Defendant will
10 receive a mental health evaluation and any treatment as a condition of probation
11 and will retain the right to argue any other terms and conditions of that probation.

12 The State will not oppose dismissal of Case 21-CR033713 after
13 rendition of sentence. Defendant is to stay away and have no contact with
14 Redenta Blacic, Rosemarie McMorris and/or Jonathan Shockely. Defendant is
15 also to stay away from 9930 West Cheyenne Avenue, Las Vegas, Nevada. The
16 State will not oppose Defendant's own recognizance release with low-level
17 electronic monitoring after his entry of plea today and with all of the above stated
18 no contact and stay away orders.

19 If he's successful in completing probation and receives an honorable
20 discharge he'll be able to withdraw his guilty plea to the Category B Felony and
21 plead guilty to a Gross Misdemeanor Aggravating Stalking with credit for time
22 served.

23 THE COURT: All right, thank you.

24 Mr. Houston, is that your understanding of the negotiations?

25 THE DEFENDANT: Yes, Judge.

1 THE COURT: And do you wish to accept the negotiations to resolve
2 your case?

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: All right. Sir, for the record, what is your legal name?

5 THE DEFENDANT: Matthew Houston.

6 THE COURT: How old are you?

7 THE DEFENDANT: Thirty-seven.

8 THE COURT: Can you speak up a little bit, sir, or get a little closer?

9 THE DEFENDANT: Thirty-seven.

10 THE COURT: All right. How far did you go in school?

11 THE DEFENDANT: Trade school.

12 THE COURT: All right. So do you read, write and understand the
13 English language?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: And are you pleading guilty to the charge of
16 Aggravating Stalking?

17 THE DEFENDANT: Yes, Judge.

18 THE COURT: Before I can accept your plea of guilty, I must make
19 sure it is freely, voluntarily and knowingly entered. Has anyone forced you to
20 plead guilty?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Has anyone threatened you or anyone closely
23 associated with you in order to get you to plead guilty?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Do you understand the sentencing range of this

1 particular charge is that the Court can sentence you to no more than 15 years, no
2 less than 2 years in prison, and you can also be fined up to \$5,000? Do you
3 understand that?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: And do you understand that sentencing is strictly up to
6 the Court; no one can promise you probation, leniency or any special treatment?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Is one of the reasons you are pleading guilty to this
9 charge is in truth and fact you are guilty of the charge?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Sir, I've got a copy of the Guilty Plea Agreement in
12 front of me. Did you authorize your attorney to sign your name at page 6 of the
13 agreement?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: Do you understand by giving that authorization you are
16 bound by the terms of the agreement?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Also, by giving that authorization it is the same as if
19 you had signed the agreement yourself?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And, sir, did you read the agreement or was it read to
22 you?

23 THE DEFENDANT: Read to me.

24 THE COURT: And did you understand everything that was read to
25 you?

1 THE DEFENDANT: Yes.

2 THE COURT: If you had any questions regarding the agreement
3 were they answered by your attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: Based upon all of the facts and circumstances of your
6 case, are you satisfied with the services of your attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: And, sir, are you a U.S. citizen?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Sir, I'm going to read to you the allegations
11 contained in the Information and ask you if you committed this criminal offense.

12 It says, on or between December 23, 2020, and June 10th, 2021, here
13 in Clark County, Nevada, that you willfully, unlawfully, feloniously, and maliciously
14 engage in a course of conduct directed towards Redenta Blacic and/or Rosemarie
15 McMorris and/or Jonathan Shockely that would cause a reasonable person to feel
16 terrorized, frightened, intimidated, harassed, or fearful for their immediate safety or
17 the immediate safety of a family or household member, by threatening to go on a
18 mass shooting rampage similar to 1 October and/or making verbal demands for
19 payment to Defendant of the sum of "Workers Comp Claim" lawful money of the
20 United States, and that course of conduct did, in fact, cause Rendenta Blacic
21 and/or Rosemarie McMorris and/or Jonathan Shockely to feel terrorized,
22 frightened, intimidated, harassed, or fearful for their immediate safety or the
23 immediate safety of a family or household member and in conjunction therewith
24 that you did threaten Redenta Blacic and/or Rosemarie McMorris and/or Jonathan
25 Shockely and/or with the intent that Redenta Blacic and/or Rosemarie McMorris

1 and/or Jonathan Shockely and/or be placed in reasonable fear of death or
2 substantial bodily harm.

3 Sir, did you do those things I just read to you?

4 THE DEFENDANT: Absolutely.

5 THE COURT: Are you entering your plea freely, voluntarily, and
6 knowingly?

7 THE DEFENDANT: Yes, Judge.

8 THE COURT: All right, the Court so finds. And we'll set a sentencing
9 date. He's OR-ed today on this case. And here's your sentencing date.

10 THE CLERK: That will be November 29th, 8:30, Department 10.

11 THE COURT: And, sir, the condition of your release is that you have
12 absolutely no contact with Redenta Blacic, Rosemarie McMorris, and/or Jonathan
13 Shockely and that you are to stay away from 9930 West Cheyenne Avenue, Las
14 Vegas, Nevada. Do you understand that, sir?

15 THE DEFENDANT: Yes, Judge.

16 MR. GUTIERREZ: And, Your Honor, that OR comes with low-level
17 electronic monitoring.

18 THE COURT: That's right, low-level electronic monitoring.

19 All right, sir, within 24 hours of your release from custody you contact
20 the probation department to sign up for your interview, all right?

21 THE DEFENDANT: All righty.

22 THE COURT: Thank you, sir.

23 ///

24 ///

25 ///


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THE DEFENDANT: Thank you.

[Proceedings concluded at 9:09 a.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



KRISTINE SANTI
Court Recorder/Transcriber

Matthew Travis Houston, pro se
No. 1210652
H.D.S. P.
P.O. Box 650
Indian Springs, NV
89070-0650

FILED

APR 18 2022

DISTRICT COURT

Sharon A. Hoffman
CLERK OF COURT

CLARK COUNTY, NEVADA

MATTHEW TRAVIS HOUSTON,
Defendant,

CASE NO: C-21-357927-1

-vs-

DEPT NO: XI

"de novo hearing requested"

THE STATE OF NEVADA,
Plaintiff.

DATE OF HEARING: 4/16/2022

TIME OF HEARING: 1:30 PM

EMERGENCY OPPOSITION TO "GUILTY PLEA
AGREEMENT" AND MOTION TO SUPPRESS DOCUMENT
FILED ON AUGUST 4TH, 2021.

COMES NOW, Defendant, Matthew Travis Houston, herein
above respectfully moves this Honorable Court for an ORDER
to strike from the record any and all events related to the events and
tangible items not limited to 8/4/2021, specifically the "GUILTY PLEA
AGREEMENT" document filed that day because in addition to the
plea having been made unknowingly and involuntarily due to reasons in
addition to the Defendant's mental health crisis during the alleged time
of plea negotiations, PAGE No. 6 of the document did in fact NOT
contain the express consent nor signature of the falsely accused
victim of judicial malpractice, prosecutorial misconduct and ineffective aid
of counsel. The question for the sake of justice is: "How could the Defendant be
expected to receive a mental health ~~24~~ evaluation before giving his express consent?"

1 The ~~second~~ question for the sake of humane treatment is:

2 "Now could the Defendant be expected to receive a mental health
3 evaluation before giving his express consent to the signing to
4 any sort of agreement?" (See page 1, line 23 of the
5 alleged "GUILTY PLEA AGREEMENT")
6

7 YOW WILL PLEASE TAKE NOTICE of the newly discovered
8 evidence included in this envelope to be put on the record:

9 Page No. 4: Informal Grievance utilized to make receipt
10 of received copies of documents included on Page No. 7 (original).

11 Page No. 5: Request for medical and mental health. (original).

12 Page No. 6: Informal Grievance utilized in attempt to
13 obtain an "ORDER TO APPEAR" submitted February 1st, 2022,
14 well before February 16th, 2022 that was missed at no
15 fault of the Defendant. The "MOTION FOR AN ORDER
16 TO APPEAR" in case no. A-17-758861-C has yet to have
17 been filed by the clerk as of March 29th, 2022 as far as
18 the Defendant knows due to wrongful conviction causing both
19 Defendants indigent status and limited ability to communicate
20 with the courts (original).

21 Page No. 7: Original receipt of receipt of discovery
22 copies of documents from Office of the Public Defender of
23 Clark County, Nevada. Defendant still has yet to receive
24 any documents, copies or originals from Social Worker
25 Cassandra Diez of the same office, as previously requested.
26 Observation of the alleged "GUILTY PLEA AGREEMENT" was
27 only upon the obtainment of these materials by the
28 Defendant on the day of February 1st, 2022.

Log Number _____

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: M.T. Houston ESO I.D. NUMBER: 1210652

INSTITUTION: HOSP UNIT: 1-D-1-B

GRIEVANT'S STATEMENT: I obtained newly discovered evidence in my case today that Gerald Little withdrew from my case on October 5th 2021 before I was even in custody and have to make record of ineffective and of counsel and may have a heart attack. Please send me to

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Matt Houston DATE: 2/1/22 TIME: 9 PM

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____ TIME: _____

GRIEVANCE RESPONSE: _____

CASEWORKER SIGNATURE: _____ DATE: _____

____ GRIEVANCE UPHELD ____ 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
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
M.T. Houston	1210652	1-D-1-B	2-3-2022

4.) REQUEST FORM TO: (CHECK BOX)

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

5.) NAME OF INDIVIDUAL TO CONTACT: possibly FWD this intel to SERT + Governor.

6.) REQUEST: (PRINT BELOW) I have now been in "fish-tank" for 45 days and in lockdown since July 14th, 2022 for a crime I did NOT commit and am suffering from PTSD for 5 years from my lawsuits and human rights, criminal justice reform advocacy. I am in fear for my life of the DEEP STATE, and that the alleged "victims" in this case may have put a hit out on me. I spoke w/ caseworker and I'm going to Ad Sen. I have court February 16, 2022. I was harassed by A. Dubbs today and prevented move to transitional housing.

7.) INMATE SIGNATURE [Signature] DOC # 1210652

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

I had to refuse meds on Dec. 20th 2021 but I may have to be re-diagnosed. I appreciate your help. Oh, sorry. I have bad memory from coma, I have to have a cane again because CUMPD stole mine and my right leg and lower back hurt bad from CCDC, and neck from C/O assault Dec. 20th, 2021.

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

Log Number _____

**NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE**

NAME: Matt Houston I.D. NUMBER: 1210652

INSTITUTION: HDSP UNIT: 1-D-1-B

GRIEVANT'S STATEMENT: My wife was for court January 24/2022
and January 25/2022. My next is Feb 16th 2022.
I CAN'T REASONABLY MY COURT DUES. I'd like to
include video for a first level grievance.
I will supply video for my library and my wife.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Matt Houston DATE: 2/1/22 TIME: 2 PM

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____ TIME: _____

GRIEVANCE RESPONSE: _____

CASEWORKER SIGNATURE: _____ DATE: _____

☐ GRIEVANCE UPHELD ☐ 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
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt



Office of the Public Defender

309 S. 3rd Street • Las Vegas NV 89101

(702) 455-4685 • Fax (702) 455-5112

Darin F. Imlay, Public Defender

F. Virginia Eichacker, Assistant Public Defender • Jason Frierson, Assistant Public Defender

January 26, 2022

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

RE: State of Nevada v. Matthew Houston
Case No. C-21-357927-1

Dear Mr. Houston:

Enclosed herein please find a copy of the discovery materials we have received regarding your case. **DO NOT SHOW YOUR DISCOVERY TO ANYONE EXCEPT YOUR ATTORNEY.** Remember this is confidential material prepared strictly for you.

Please feel free to contact me if you have any questions regarding this material or your case.

You are receiving a copy of the following:

- Motion to Dismiss Counsel
- Motion to Withdraw as Attorney of Record and Appoint Alternate Counsel in Order for Defendant to Withdraw His Guilty Plea
- State's Notice of Motion and Motion to Remand Defendant and Increase Bail Pursuant to NRS 178.484 (12) for Violating his Plea Agreement, His Release Conditions, and Disobeying District Court Orders
- Defendant's Emergency Motion to Oppose Remand and Dismiss Case in It's Entirely
- Defendant's Letters to Attorney
- Guilty Plea Agreement
- Redacted Complaint and Police Report
- Protection Order Return of Service
- Extended Protection Order on Behalf of Minor Child/Application
- Petition For a Writ of Habeas Corpus Under 28 U.S.C.
- Letters to Attorney
- Application to Proceed in Forma Pauperis for Inmate
- Civil Rights Complaint
- Medica/Dental/Mental Health Services Request

Sincerely,
DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER
/s/Benard H. Little
Benard H. Little
Deputy Public Defender

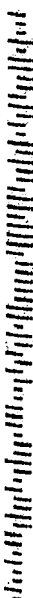
/kab
Enclosure

Page 7 of 7

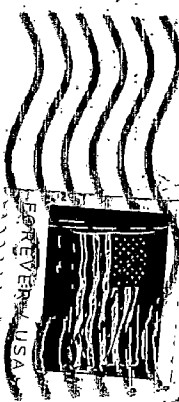
Matthew Houston
No. 1210652
HDSP
P.O. Box 650
Indian Springs, NV
89070-0650

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

89101-530000



LAS VEGAS NV 890
4 APR 2022 PM 5 L



HIGH DESERT STATE PRISON

MAR 31 2022

UNIT 9

Matthew Travis Houston, Pro Se
#1210652 / In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

FILED

APR 18 2022

Sharon A. [Signature]
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Hearing: 5/9/2022
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: *[Signature]*
Matthew Travis Houston #1210652
Petitioner-appellant/In Propria Personam



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 #5734
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Respondent

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

9 MATTHEW HOUSTON
10 ID#1210652,

11 Petitioner,

CASE NO: C-21-357927-1

12 -vs-

13 THE STATE OF NEVADA,

DEPT NO: XI

14 Respondent.

15 **STATE'S OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR AN**
16 **ORDER TO SUPPRESS HEARING FROM DECEMBER 6TH, 2021**

17 DATE OF HEARING: APRIL 25, 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 Petitioner's Emergency
22 Motion for an Order to Suppress Hearing From December 6th, 2021.

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.

26 //

27 //

28 //

1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On August 3, 2021, Matthew Houston (hereinafter “Petitioner”) was charged by way
4 of Information with Aggravated Stalking (Category B Felony – NRS 200.575). On August 4,
5 2021, Petitioner was arraigned and pled guilty to the charged crime. That same day,
6 Petitioner’s signed Guilty Plea Agreement (hereinafter “GPA”) was filed.

7 On October 5, 2021, Petitioner filed a Motion to Withdraw as Attorney of Record and
8 Appoint Alternate Counsel in Order for Defendant to Withdraw His Guilty Plea. However, on
9 December 6, 2021, Petitioner confirmed upon Court’s inquiry that he no longer wished to
10 withdraw his guilty plea. On that same date, Petitioner was sentenced to a maximum of ninety-
11 six (96) months and a minimum of twenty-four (24) months in the Nevada Department of
12 Corrections (hereinafter “NDOC”) with ninety-three (93) days credit for time served.

13 On December 8, 2021, the Judgment of Conviction was filed.

14 On January 3, 2022, Petitioner filed a Motion to Dismiss Counsel. On January 24, 2022,
15 this Court granted the Motion to Dismiss Counsel but denied his request to recuse Judge Jones
16 and denied his request for money. The Order Granting In Part, Denying In Part Defendant’s
17 Pro Per Motion to Dismiss Counsel was filed on February 1, 2022.

18 On February 18, 2022, Petitioner filed a Notice of Appeal. On March 29, 2022,
19 Petitioner filed another Notice of Appeal to and Response to this Court’s Order Granting in
20 Part, Denying in Part Petitioner’s Pro Per Motion to Dismiss Counsel from February 1, 2022.

21 On March 15, 2022, Petitioner filed an Emergency Motion to Oppose Remand and
22 Dismiss Case in its Entirety. On March 31, 2022, Petitioner filed a Notice of Motion and
23 Motion for Transcripts at the State’s Expense.

24 On April 2, 2022, Petitioner filed the instant Emergency Motion for an Order to
25 Suppress Hearing from December 6, 2021 (hereinafter “Motion”). The State’s Opposition now
26 follows.

27 **STATEMENT OF FACTS**

28 The Court relied on the following factual synopsis in sentencing Petitioner:

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

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

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

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

19 Petitioner's Presentence Investigation Report (hereinafter "PSI") at 5-6.

20 ARGUMENT

21 **I. PETITIONER'S MOTION IS NOT THE APPROPRIATE METHOD TO** 22 **CHALLENGE HIS GUILTY PLEA AFTER SENTENCING**

23 Petitioner's claims are either substantive claims or ineffective assistance of counsel
24 claims that challenge the validity of his guilty plea and sentence. Motion at 1-10. However,
25 Petitioner's ineffective assistance of counsel claims are not appropriate for the instant Motion.
26 Ineffective assistance of counsel claims must be raised in a Petition for Writ of Habeas Corpus.
27 See, NRS 34.724(2)(b); Harris v. State, 130 Nev. 435, 448, 329 P.3d 619, 628-29 (2014).
28 Additionally, Petitioner's substantive claims must be raised on direct appeal. NRS

1 34.724(2)(a); NRS 34.810(1)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523
2 (2001); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on
3 other grounds, Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

4 Furthermore, Petitioner still has time to file a timely Petition for Writ of Habeas Corpus.
5 Petitioner's Judgment of Conviction was filed on December 8, 2021. Thus, he has until
6 December 8, 2022, to timely file a Petition within the one-year deadline. Since Petitioner can
7 still timely file a Petition, this Court should deny Petitioner's Motion and require him to
8 comply with the statutory rules. Requiring Petitioner to comply with the rules does not
9 prejudice him in any way.

10 **II. THIS COURT SHOULD DECLINE TO TREAT THE MOTION AS A** 11 **PETITION**

12 As stated above, many of Petitioner's claims are appropriate for a Petition for Writ of
13 Habeas Corpus. However, this Court should decline to treat the instant Motion as a Petition
14 for Writ of Habeas Corpus because it fails to comply with the requirements of NRS 34.735,
15 which states:

16 4. You must name as respondent the person by whom you are
17 confined or restrained. If you are in a specific institution of the
18 Department of Corrections, name the warden or head of the
19 institution. If you are not in a specific institution of the Department
20 but within its custody, name the Director of the Department of
21 Corrections.

22 5. You must include all grounds or claims for relief you may have
23 regarding your conviction or sentence. Failure to raise all grounds
24 in this petition may preclude you from filing future petitions
25 challenging your conviction and sentence.

26 6. You must allege specific facts supporting the claims in the
27 petition you file seeking relief from any conviction or sentence.
28 Failure to allege specific facts rather than just conclusions may
cause your petition to be dismissed. If your petition contains a
claim of ineffective assistance of counsel, that claim will operate
to waive the attorney-client privilege for the proceeding in which
you claim your counsel was ineffective.

Petitioner's Motion does not comply with any of the above requirements outlined in
NRS 34.735. Petitioner failed to name the person by whom he is confined, the Clark County

1 Detention Center, as Respondent. Petitioner only named the State of Nevada as the
2 Respondent, and thus fails to meet the requirement set out in NRS 34.735(4). Motion at 1.
3 Additionally, Petitioner failed to meet the requirement set out in NRS 34.735(5). Petitioner
4 filed another Emergency Motion to Withdraw Plea on April 13, 2022. In that Motion, he
5 outlined a new set of claims. Therefore, he clearly did not include all grounds or claims for
6 relief he had regarding his conviction or sentence and thus failed to meet the requirement of
7 NRS 34.735(5). Lastly, Petitioner fails to meet the requirement of NRS 34.725(6). Petitioner
8 fails to allege any specific facts that support the claims in his Motion. Petitioner only makes
9 conclusory claims that are not supported by any specific facts or evidence. Therefore, this
10 Court should decline to treat Petitioner's Motion as a Petition because it fails to comply with
11 multiple requirements of NRS 34.735.

12
13 **III. EVEN IF THIS COURT TREATS PETITIONER'S MOTION AS A PETITION,
IT SHOULD STILL BE DENIED**

14 **A. Petitioner's References to Legal Terms are Misused and Unsubstantiated**

15 Petitioner rattles off numerous legal terms but fails to substantiate them in any fashion.
16 See generally Motion. He does not tie them to any facts or evidence. As such, Petitioner's
17 various claims involving unsubstantiated legal terms are only suitable for summary denial
18 under Hargrove. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

19 First, Petitioner claims the District Court should take accountability for "every single
20 wrongful conviction it has caused and malicious prosecution, judicial malpractice,
21 prosecutorial misconduct, and further miscarriages of justice." Motion at 1. He further claims
22 the allegations against him were invalid "due to the extreme conflict of interest between each
23 and every individual involved." Motion at 10. However, Petitioner does not state how the
24 District Court should take "accountability" and does not give a single example of any
25 miscarriage of justice, malpractice, or misconduct. Further, he does not identify or explain any
26 of the alleged conflict of interests between any of the people involved in this case. Thus,
27 Petitioner's claims should be summarily denied under Hargrove.

1 Next, Petitioner claims he has established a “prima facie need” for this Motion based
2 on newly discovered evidence. Motion at 1. However, again, he fails to identify what evidence
3 he is referring to and how that evidence supports the claims in his Motion. Therefore, this
4 claim should also be denied because it is bare and naked.

5 Next, Petitioner claims his guilty plea was invalid because his mental issues caused an
6 “extreme” state of paranoia and feared he would suffer physical harm if he did not accept the
7 guilty plea. Motion at 5. Petitioner again fails to substantiate his claim with any evidence.
8 There is no evidence of any mental health issues in his Presentence Investigation Report, and
9 there is no evidence mental health was discussed in plea negotiations. Simply put, there is no
10 evidence Petitioner suffers from any mental health issues outside of his own self-serving
11 statements. Thus, Petitioner’s bare and naked claim should be summarily denied.

12 Next, Petitioner claims his counsel’s failure to present expert testimony caused a
13 miscarriage of justice and amounted to egregious professional misconduct. Motion at 9.
14 Petitioner states he did not receive competent representation because he was appointed counsel
15 because he is indigent, and hired counsel is “better” because their time is paid for. Motion at
16 10. He also claims his counsel violated his duty of loyalty to Petitioner. Id. Petitioner fails to
17 support his claims with any specific facts. He does not state how his counsel violated his duty
18 of loyalty, what expert testimony they should have presented, or how his representation was
19 incompetent. Therefore, this claim should also be summarily denied.

20 Lastly, Petitioner claims his guilty plea was invalid because his plea was coerced
21 “under a kind of psychosis that would lead him to agree to anything while under the stress
22 caused by a state of reverential fear.” Motion at 10. He also claims law enforcement coerced
23 witnesses with “over-reaching tactics.” Id. Again, Petitioner fails to identify any specific facts
24 or substantiate his claims with any evidence, other than general claims of misconduct. Thus,
25 all of Petitioner’s claims should be summarily denied under Hargrove.

26 **B. Petitioner’s Substantive Claims are Procedurally Barred**

27 NRS 34.810(1) reads:

28 The court shall dismiss a petition if the court determines that:

1 (a) The petitioner's conviction was upon a plea of guilty or guilty
2 but mentally ill and the petition is not based upon an allegation
3 that the plea was involuntarily or unknowingly or that the plea was
4 entered without effective assistance of counsel.

5 (b) The petitioner's conviction was the result of a trial and the
6 grounds for the petition could have been:

7 (2) Raised in a direct appeal or a prior petition for a writ of habeas
8 corpus or postconviction relief.

9 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea
10 and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
11 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
12 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"
13 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
14 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A
15 court must dismiss a habeas petition if it presents claims that either were or could have been
16 presented in an earlier proceeding, unless the court finds both cause for failing to present the
17 claims earlier or for raising them again and actual prejudice to the petitioner." Evans v. State,
18 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001).

19 Under NRS 34.810:

20 1. The court *shall* dismiss a petition if the court determines that:

21 (a) The petitioner's conviction was upon a plea of guilty or guilty but
22 mentally ill and the petition is not based upon an allegation that the
23 plea was involuntarily or unknowingly entered or that the plea was
24 entered without effective assistance of counsel.

25 ...

26 unless the court finds both cause for the failure to present the
27 grounds and actual prejudice to the petitioner.

28 (emphasis added). Further, substantive claims are beyond the scope of habeas and waived.
NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin
v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,
Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

Here, Petitioner claims there was judicial misconduct, witness misconduct,
prosecutorial misconduct, and misconduct by law enforcement. Motion at 1, 9-10. These

1 claims can only be raised on direct appeal, and are thereby, waived. Franklin, 110 Nev. at 752,
2 877 P.2d at 1059. Regardless, Petitioner cannot show good cause or prejudice to overcome
3 such procedural bars for the following reasons.

4 A showing of good cause and prejudice may overcome procedural bars. “To establish
5 good cause, appellants *must* show that an impediment external to the defense prevented their
6 compliance with the applicable procedural rule. A qualifying impediment might be shown
7 where the factual or legal basis for a claim was not reasonably available at the time of default.”
8 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court
9 continued, “appellants cannot attempt to manufacture good cause[.]” Id. at 621, 81 P.3d at
10 526. Examples of good cause include interference by State officials and the previous
11 unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d
12 91, 95 (2012).

13 Petitioner does not even attempt to demonstrate good cause because all of the facts and
14 law were available for an appeal and there was no impediment external to Petitioner. Because
15 Petitioner makes no showing of good cause, his failure to do so should be treated as an
16 admission that he cannot. District Court Rules (DCR) Rule 13(2); Eighth Judicial District
17 Court Rules (EDCR) Rule 3.20(b); Polk v. State, 126 Nev. 180, 233 P.3d 357, 360-61 (2010).

18 Neither can Petitioner show that he suffered any prejudice. In order to establish
19 prejudice, the defendant must show ““not merely that the errors of [the proceedings] created
20 possibility of prejudice, but that they worked to his actual and substantial disadvantage, in
21 affecting the state proceedings with error of constitutional dimensions.”” Hogan v. Warden,
22 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United States v. Frady, 456 U.S. 152,
23 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause there must be a “substantial reason;
24 one that affords a legal excuse.” Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506
25 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Clearly, any
26 delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

27 In this case, Petitioner alleges misconduct by almost every person involved in his case,
28 except for himself. Petitioner’s claims are unsubstantiated and meritless. First, as stated above,

Petitioner fails to identify any specific instances of misconduct by any of the parties he mentions. He only rests on incantations of legal terms that are naked assertions suitable only for summary denial pursuant to Hargrove, 100 Nev. at 502, 686 P.2d at 225. One-line incantations of legal terms is an insufficient basis upon which to find prejudice substantial enough to ignore Petitioner's procedural default. Moreover, Petitioner does not even claim that he suffered any prejudice as a result of the alleged misconduct. Therefore, Petitioner cannot demonstrate good cause to overcome the procedural bars, or that he suffered any prejudice. As such, these meritless claims should be denied.

C. Petitioner's Guilty Plea was Freely and Voluntarily Entered

Petitioner complains that his guilty plea was involuntary because he was in a severe state of paranoia due to being separated from his service dog, and that he was in fear of physical harm if he did not accept the offer. Motion at 5. He further claims that he is a survivor of 37 years of abuse by "evil forces" and was subject to the police state brutality of law enforcement. Motion at 10. As stated above, these claims are bare and naked and should be summarily dismissed under Hargrove, 100 Nev. at 502, 686 P.2d at 225. Furthermore, they are meritless and belied by the plea canvass and Petitioner's GPA.

To determine whether a guilty plea was voluntarily entered, the Court will review the totality of the circumstances surrounding the defendant's plea. Bryant, 102 Nev. at 271, 721 P.2d at 367. A proper plea canvass should reflect that:

[T]he defendant knowingly waived his privilege against self-incrimination, the right to trial by jury, and the right to confront his accusers; (2) the plea was voluntary, was not coerced, and was not the result of a promise of leniency; (3) the defendant understood the consequences of his plea and the range of punishments; and (4) the defendant understood the nature of the charge, i.e., the elements of the crime.

Wilson v. State, 99 Nev. 362, 367, 664 P.2d 328, 331 (1983) (citing Higby v. Sheriff, 86 Nev. 774, 476 P.2d 950 (1970)). The presence and advice of counsel is a significant factor in determining the voluntariness of a plea of guilty. Patton v. Warden, 91 Nev. 1, 2, 530 P.2d 107, 107 (1975).

1 This standard requires the court accepting the plea to personally address the defendant
2 at the time he enters his plea in order to determine whether he understands the nature of the
3 charges to which he is pleading. Bryant, 102 Nev. at 271, 721 P.2d at 367. A court may not
4 rely simply on a written plea agreement without some verbal interaction with a defendant. Id.
5 Thus, a “colloquy” is constitutionally mandated and a “colloquy” is but a conversation in a
6 formal setting, such as that occurring between an official sitting in judgment of an accused at
7 plea. See id. However, the court need not conduct a ritualistic oral canvass. State v. Freese,
8 116 Nev. 1097, 13 P.3d 442 (2000). The guidelines for voluntariness of guilty pleas “do not
9 require the articulation of talismanic phrases,” but only that the record demonstrates a
10 defendant entered his guilty plea understandingly and voluntarily. Heffley v. Warden, 89 Nev.
11 573, 575, 516 P.2d 1403, 1404 (1973); see also Brady v. United States, 397 U.S. 742, 747-48,
12 90 S. Ct. 1463, 1470 (1970).

13 According to Petitioner’s GPA, Petitioner acknowledged that he was entering his plea
14 knowingly and voluntarily:

15 VOLUNTARINESS OF PLEA

16 I have discussed the elements of all of the original charge(s)
17 against me with my attorney and I understand the nature of the
18 charge(s) against me.

19 I understand that the State would have to prove each element of
20 the charge(s) against me at trial.

21 I have discussed with my attorney any possible defenses, defense
22 strategies and circumstances which might be in my favor.

23 All of the foregoing elements, consequences, rights, and waiver of
24 rights have been thoroughly explained to me by my attorney.

25 I believe that pleading guilty and accepting this plea bargain is in
26 my best interest, and that a trial would be contrary to my best
27 interest.

28 I am signing this agreement voluntarily, after consultation with my
 attorney, and I am not acting under duress or coercion or by virtue
 of any promises of leniency, except for those set forth in this
 agreement.

 I am not now under the influence of any intoxicating liquor, a
 controlled substance or other drug which would in any manner
 impair my ability to comprehend or understand this agreement or
 the proceedings surrounding my entry of this plea.

1 My attorney has answered all my questions regarding this guilty
2 plea agreement and its consequences to my satisfaction and I am
3 satisfied with the services provided by my attorney.
4 GPA at 5-6. Therefore, Petitioner's claims are belied by the GPA itself and his Motion must
5 be denied.
6 Further, Petitioner's plea canvass demonstrates that Petitioner entered his plea
7 knowingly and voluntarily. During canvassing, the Court and Petitioner stated:
8 THE COURT: And are you pleading guilty to the charge of
9 Aggravating Stalking?
10 DEFENDANT: Yes, Judge.
11 THE COURT: Before I can accept your plea of guilty, I must make
12 sure it is freely, voluntarily and knowingly entered.
13 Has anyone forced you to plead guilty?
14 DEFENDANT: No, Your Honor.
15 THE COURT: Has anyone threatened you or anyone closely
16 associated with you in order to get you to plead
17 guilty?
18 DEFENDANT: No, Your Honor
19
20 THE COURT: Is one of the reasons you are pleading guilty to this
21 charge is in truth and fact you are guilty of the
22 charge?
23 DEFENDANT: Yes, Your Honor.
24 THE COURT: Sir, I've got a copy of the Guilty Plea Agreement in
25 front of me. Did you authorize your attorney to sign
26 your name at page 6 of the agreement?
27 DEFENDANT: Yes, Judge.
28 THE COURT: Do you understand by giving that authorization you
 are bound by the terms of the agreement?
 DEFENDANT: Yes, Your Honor.
 THE COURT: Also, by giving that authorization it is the same as if
 you had signed the agreement yourself?
 DEFENDANT: Yes, Your Honor.
 THE COURT: And, sir, did you read the agreement or was it read
 to you?
 DEFENDANT: Read to me.
 THE COURT: And did you understand everything that was read to
 you?
 DEFENDANT: Yes.

1 THE COURT: Based upon all of the facts and circumstances of
2 your case, are you satisfied with the services of your
attorney?

3 DEFENDANT: Yes.

4 THE COURT: Are you entering your plea freely, voluntarily, and
5 knowingly?

6 DEFENDANT: Yes, Judge.

7 Reporter's Transcript of Proceedings, Initial Arraignment 08/04/2021, at 3-6. Thus,
8 Petitioner's claims are also belied by his plea canvassing where he affirmatively stated he
9 entered his plea freely, voluntarily, and knowingly. Petitioner's Motion must be denied
accordingly.

10 **D. Petitioner Did Not Receive Ineffective Assistance of Counsel**

11 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
12 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
13 defense." The United States Supreme Court has long recognized that "the right to counsel is
14 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
15 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
16 (1993).

17 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
18 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
19 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
20 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
21 representation fell below an objective standard of reasonableness, and second, that but for
22 counsel's errors, there is a reasonable probability that the result of the proceedings would have
23 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State
24 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-
25 part test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach
26 the inquiry in the same order or even to address both components of the inquiry if the defendant
27 makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

1 The court begins with the presumption of effectiveness and then must determine
2 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
3 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). “Effective counsel
4 does not mean errorless counsel, but rather counsel whose assistance is ‘[w]ithin the range of
5 competence demanded of attorneys in criminal cases.’” Jackson v. Warden, 91 Nev. 430, 432,
6 537 P.2d 473, 474 (1975).

7 Counsel cannot be ineffective for failing to make futile objections or arguments. See
8 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
9 “immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
10 any, to call, and what defenses to develop.” Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
11 (2002).

12 Based on the above law, the role of a court in considering allegations of ineffective
13 assistance of counsel is “not to pass upon the merits of the action not taken but to determine
14 whether, under the particular facts and circumstances of the case, trial counsel failed to render
15 reasonably effective assistance.” Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
16 (1978). This analysis does not mean that the court should “second guess reasoned choices
17 between trial tactics nor does it mean that defense counsel, to protect himself against
18 allegations of inadequacy, must make every conceivable motion no matter how remote the
19 possibilities are of success.” Id. To be effective, the constitution “does not require that counsel
20 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
21 cannot create one and may disserve the interests of his client by attempting a useless charade.”
22 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

23 “There are countless ways to provide effective assistance in any given case. Even the
24 best criminal defense attorneys would not defend a particular client in the same way.”
25 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. “Strategic choices made by counsel after
26 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
27 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
28 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel's

1 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
2 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

3 The decision not to call witnesses is within the discretion of trial counsel and will not
4 be questioned unless it was a plainly unreasonable decision. See Rhyne v. State, 118 Nev. 1,
5 38 P.3d 163 (2002); Dawson v. State, 108 Nev. 112, 825 P.2d 593 (1992). Strickland does
6 not enact Newton's third law for the presentation of evidence, requiring for every prosecution
7 expert an equal and opposite expert from the defense. In many instances cross-examination
8 will be sufficient to expose defects in an expert's presentation. When defense counsel does not
9 have a solid case, the best strategy can be to say that there is too much doubt about the State's
10 theory for a jury to convict. Harrington v. Richter, 131 S.Ct. 770, 791, 578 F.3d. 944 (2011).
11 “Strategic choices made by counsel after thoroughly investigating the plausible options are
12 almost unchallengeable.” Dawson v. State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992).

13 Even if a defendant can demonstrate that his counsel's representation fell below an
14 objective standard of reasonableness, he must still demonstrate prejudice and show a
15 reasonable probability that, but for counsel’s errors, the result of the trial would have been
16 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
17 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
18 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-89,
19 694, 104 S. Ct. at 2064–65, 2068).

20 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
21 disputed factual allegations underlying his ineffective assistance claim by a preponderance of
22 the evidence.” Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
23 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
24 be supported with specific factual allegations, which if true, would entitle the petitioner to
25 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked”
26 allegations are not sufficient, nor are those belied and repelled by the record. Id. NRS
27 34.735(6) states in relevant part, “[Petitioner] *must* allege specific facts supporting the claims
28

1 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
2 petition to be dismissed.” (emphasis added).

3 Here, Petitioner alleges that his counsel was ineffective because he is indigent and was
4 not appointed a private attorney, who would represent him adequately because their time is
5 paid for. Motion at 10. He further claims his counsel did not adhere to their duty of loyalty to
6 him as their client and failed to present expert testimony causing a miscarriage of justice.
7 Motion at 9-10. However, these claims are meritless and unsubstantiated. This claim is another
8 general claim that is nothing more than a naked assertion suitable only for summary denial
9 pursuant to Hargrove. 100 Nev. at 502, 686 P.2d at 225. Petitioner fails to explain how his
10 counsel was ineffective. He does not state how they violated their duty of loyalty and does not
11 identify the expert witness his counsel should have “present[ed].” See Motion at 9. Petitioner’s
12 failure to indicate what any expert could have offered or how it would have changed the
13 outcome of his case amounts to a failure to establish prejudice under Strickland. 466 U.S. at
14 697, 104 S. Ct. at 2069. Further, Petitioner’s decision to enter a guilty plea relieved counsel of
15 any obligation to present expert testimony. See, Woods v. State, 114 Nev. 468, 477, 958 P.2d
16 91, 97 (1998); Reuben C. v. State, 99 Nev. 845, 845-46, 673 P.2d 493, 493 (1983); Powell v.
17 Sheriff, 85 Nev. 684, 687, 462 P.2d 756, 758 (1969). Therefore, Petitioner’s failure to allege
18 specific facts and show any prejudice amounts to a bare and naked claim that must be
19 summarily denied.

20 CONCLUSION

21 Based on the foregoing, the State respectfully requests Petitioner’s Emergency Motion
22 for an Order to Suppress Hearing from December 6, 2021, should be denied.

23 DATED this 19th day of April, 2022.

24 Respectfully submitted,
25 STEVEN B. WOLFSON
26 Clark County District Attorney
Nevada Bar #01565

27 BY /s/ Taleen R. Pandukht
28 TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #05734

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 19th 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
PO BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ E. Del Padre
E. DEL PADRE
Secretary for the District Attorney's Office

Steven B. Wolfson

1 **OPPS**
2 STEVEN B. WOLFSON
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4 Nevada Bar #1565
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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
11 Plaintiff,

11 -vs-

12 MATTHEW HOUSTON
13 ID#1210652,
14 Defendant.

CASE NO: C-21-357927-1

DEPT NO: XI

15 **STATE'S OPPOSITION TO DEFENDANT'S EMERGENCY MOTION TO**
16 **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.

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1 **STATEMENT OF FACTS**

2 The Court relied on the following factual synopsis in sentencing Defendant:

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

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

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

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

Defendant's Presentence Investigation Report (hereinafter "PSI") at 5-6.

ARGUMENT

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

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

//

1 Nevada state law does not recognize freestanding claims of actual innocence in a
2 Petition for Writ of Habeas Corpus, but rather only provides for claims of actual innocence
3 where a defendant is attempting to overcome a procedural bar caused by an untimely or
4 successive petition. *See Mitchell v. State*, 122 Nev. 1269, 1273-74, 149 P.3d 33, 36 (2006);
5 *See also Clem v. State*, 119 Nev. 615, 621, 81 P.3d 521, 525-26 (2003). This is consistent with
6 the Nevada Supreme Court's adoption of the standard established in *Schlup v. Delo*. *See* 513
7 U.S. 238, 315, 115 S. Ct. 851, 861 (1995) (*quoting Herrera v. Collins*, 506 U.S. 390, 404, 113
8 S. Ct. 853, 862 (1993)) ("Schlup's claim of innocence is thus not itself a constitutional claim,
9 but instead a gateway through which a habeas petitioner must pass to have his otherwise barred
10 constitutional claim considered on the merits."). In contrast, a freestanding claim of actual
11 innocence is a claim wherein a petitioner alleges actual innocence alone, rather than actual
12 innocence supported by a claim of constitutional deficiency, warrants relief. *See Herrera*, 506
13 U.S. 390, 113 S. Ct. 853 (1993). The *Herrera* Court acknowledged that claims of actual
14 innocence based on newly discovered evidence have never been held as a ground for habeas
15 relief absent an independent constitutional violation in the underlying criminal proceeding. *Id.*
16 The Court noted such claims were traditionally addressed in the context of requests for
17 executive clemency, which power exists in every state and at the federal level. *Id.* at 414-15,
18 113 S. Ct. at 867-68. However, the Court assumed, *arguendo*, that a federal freestanding claim
19 of actual innocence may exist where a petitioner was sentenced to death and state law
20 precluded any relief. *Herrera*, 506 U.S. at 417, 113 S. Ct. at 869; *Schlup*, 513 U.S. at 317, 115
21 S. Ct. at 862. The United States Supreme Court has never found a freestanding claim of actual
22 innocence to be available in a non-capital case. *See, e.g., Herrera*, 506 U.S. at 404-405, 416-
23 417; *House v. Bell*, 547 U.S. 518, 554, 126 S. Ct. 2064, 2086 (2006); *see also Carriger v.*
24 *Stewart*, 132 F.3d 463, 476 (9th Cir. 1997); *Jackson v. Calderon*, 211 F.3d 1148, 1165 (9th
25 Cir. 2000).

26 Defendant fails to cite any Nevada authority which would allow him to raise a
27 freestanding claim of actual innocence and improperly suggests such a claim before this Court.
28 "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.

6 Therefore, Defendant’s claim should be denied.

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.

10 Actual innocence means factual innocence not mere legal insufficiency. Bousley v.
11 United States, 523 U.S. 614, 623, 118 S.Ct. 1604, 1611 (1998); Sawyer v. Whitley, 505 U.S.
12 333, 338-39, 112 S.Ct. 2514, 2518-19 (1992). To establish actual innocence of a crime, a
13 petitioner “must show that it is more likely than not that no reasonable juror would have
14 convicted him absent a constitutional violation.” Calderon v. Thompson, 523 U.S. 538, 560,
15 118 S. Ct. 1489, 1503 (1998) (emphasis added) (quoting Schlup v. Delo, 513 U.S. 298, 316,
16 115 S. Ct. 851, 861 (1995)). Actual innocence is a stringent standard designed to be applied
17 only in the most extraordinary situations. Pellegrini, 117 Nev. at 876, 34 P.3d at 530.

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

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

3 Here, Defendant claimed he never called any of the victims and that he is innocent of
4 the crime he pled guilty to. Motion at 3. However, Defendant has not alleged any specific facts
5 nor provided any evidence of his innocence apart from his own 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.

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1 CONCLUSION

2 Based on the foregoing, the State respectfully requests Defendant's Emergency Motion
3 to Withdraw Plea should be denied.

4 DATED this 21 day of April, 2022.

5 Respectfully submitted,


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

9 BY 
10 TALEEN R. PANDUKHT
11 Chief Deputy District Attorney
12 Nevada Bar #005734

13 CERTIFICATE OF MAILING

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

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

20 BY 
21 Secretary for the District Attorney's Office
22
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24
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Heather L. Hume
CLERK OF THE COURT

1 **ORDER**
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, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

11 MATTHEW HOUSTON,
12 #7035801

13 Defendant.

CASE NO: C-21-357927-1

DEPT NO: XI

ORDER FOR TRANSCRIPT

14 Upon the ex-parte application of the State of Nevada, represented by STEVEN B.
15 WOLFSON, Clark County District Attorney, by and through, KRISTINA RHOADES, Chief
16 Deputy District Attorney, and good cause appearing therefor,

17 IT IS HEREBY ORDERED that a transcript of the Status Check heard on the 6th day
18 of December, 2021, be prepared by Victoria Boyd, Court Recorder for the above-entitled
19 Court.

20 Dated this 26th day of April, 2022

21 *Elham Roohani*
22 DISTRICT JUDGE

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

CD9 6E0 AE01 316E
Ellie Roohani
District Court Judge

26 BY 

27 KRISTINA RHOADES
28 Chief Deputy District Attorney
Nevada Bar #012480

21CR019840/js/L4

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-357927-1

7 vs

DEPT. NO. Department 11

8 Matthew Houston
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/26/2022

15 G. Cox Coxgd@clarkcountynv.gov

16 Ben Little Benard.Little@ClarkCountyNV.gov

17 DA . Motions@ClarkCountyDA.com
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1 Matthew Travis Houston

2 NDOC No. 1210652

3 Petitioner

4 In proper person

FILED

APR 28 2022

CLERK OF COURT

5
6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
7 STATE OF NEVADA IN AND FOR THE
8 COUNTY OF CLARK
9

10 MATTHEW TRAVIS HOUSTON)

May 23, 2022

9:00 AM

11)
12 Petitioner,)

13 v.)

14) Case No. C-21-357927-1

15)
16 THE STATE OF NEVADA)

Dept. No. X and XI

17 Respondent.)

18 _____)
19
20 MOTION AND ORDER FOR TRANSPORTATION
21 OF INMATE FOR COURT APPEARANCE
22 OR, IN THE ALTERNATIVE,
23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE
24

25 Petitioner, Matthew Travis Houston, proceeding pro se, requests
26 that this Honorable Court order transportation for his personal appearance or, in the
27 alternative, that he be made available to appear by telephone or by video conference
28 at the hearing in the instant case that is scheduled for April 25th, 2022
29 at 9 AM, and again for April 27th @ 9am. (25th)

RECEIVED

APR 25 2022

CLERK OF THE COURT

P. 2

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison.

3 My mandatory release date is September 29th, 2025.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.

8
9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. High Desert State Prison is located approximately
28 30-45 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Calvin Johnson, Warden,
12 whose telephone number is (702) 879-6789.

13
14 Dated this 9th day of April, 2022.

15
16 Matthew Travis Houston
17 No. 1210652

18
19 Petitioner, pro se
20
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CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, certify pursuant to NRCP 5(b), that on this 9th day of April, 2022, I served the foregoing Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, Motion for Appearance by Telephone or Video Conference, by mailing a true and correct copy thereof in a sealed envelope, upon which first class postage was fully prepaid, addressed to:

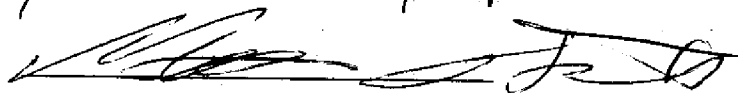
Clerk, Steven D. Grierson

Regional Justice Center, 3rd Floor
Las Vegas, NV
89155-1160

and that there is regular communication by mail between the place of mailing and the recipient address.

AFFIRMATION

Pursuant to NRS 239B.030: The undersigned does hereby affirm that the preceding motion filed does NOT contain the social security number of any person.



Matthew Travis Houston
#1210652

re: Matthew Travis Houston

No. 1210652

H. P. S. P.

P. O. Box 650

Indian Springs, NV

89070-0650

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Clerk of the Court
Regional Justice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 84281
District Court Case No. C357927

FILED

MAY - 3 2022

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 10th day of March, 2022.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"Rehearing Denied."

Judgment, as quoted above, entered this 5th day of April, 2022.

C-21-357927-1
CCJD
NV Supreme Court Clerks Certificate/Judgn
4990826



IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
May 02, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Andrew Lococo
Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 84281

FILED

MAR 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. J. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on December 8, 2021. Appellant did not file the notice of appeal, however, until February 18, 2022, well after the expiration of the 30-day appeal period. *See* NRAP 4(b); *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Herndon, J.
Herndon

cc: Hon. Tierra Danielle Jones, District Judge
Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

SUPREME COURT
OF
NEVADA

101 1947A

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 84281

FILED

APR 05 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yarnall
DEPUTY CLERK

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

J. Hardesty J.
Hardesty

J. Stiglich J.
Stiglich

J. Herndon J.
Herndon

cc: Hon. Tierra Danielle Jones, District Judge
Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Supreme Court No. 84281
District Court Case No. C357927

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: May 02, 2022

Elizabeth A. Brown, Clerk of Court

By: Andrew Lococo
Deputy Clerk

cc (without enclosures):

Matthew Travis Houston
Clark County District Attorney \ Alexander G. Chen
Hon. Tierra Danielle Jones, District Judge

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on MAY - 3 2022.

Deputy HEATHER UNGERMANN
District Court Clerk

RECEIVED
APPEALS

MAY - 3 2022

CLERK OF THE COURT

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

FILED

MAY 04 2022

1

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLERK OF COURT

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

-v3-

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

"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.

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 ~~ex~~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.

1. 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
then 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
2021158780 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 March, 2021, by Matthew Travis Houston, pro se
Page Number Four

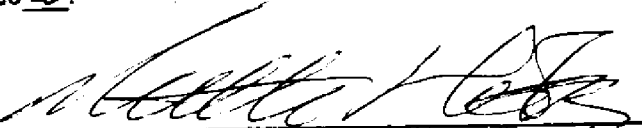
CERTIFICATE OF SERVICE BY MAILING

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
MOTION FOR AN ORDER TO SUPPRESS CRIMINAL COMPLAINT FILED 4-26-
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 #1210652
Petitioner-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-

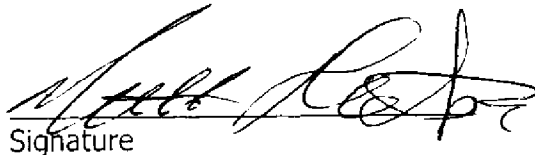
☐ Contains the social security number of a person as required by:

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

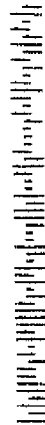
Indian Springs, NV 89070-0650

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



Reverend
Matthew Travis Houston, National Lawyers Guild
Student Member of the American Bar Association
No. 1210652 @ H.D.S.P.
P.O. Box 650
Indian Springs, NV 89070-0650

FILED

MAY 04 2022

LETTER OF MOTION TO JUDGE AMY CHELINI
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-

hearing request

Calvin Johnson, Sheriff Joe Lombardo, et al,
CCDC, Las Vegas City Jail,
ROSEMARIE McMORRIS-ALEXANDER
MGM, LVMPD, FREEMAN, Defendant(s)
Entire Event Services, State of Nevada,
TATSE # 720, Scott Pissin, HDSP, et al
Redenta Blacic, and

JOINDER TO:

A-17-758861-C

C-21-357927-1, CR21019840
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
coersion against the Plaintiff-in-Error was put on record in
complaint 21CR019840 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?"

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 any one 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 and 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?

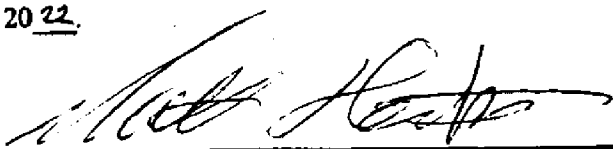
CERTIFICATE OF SERVICE BY MAILING

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
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. Grierson 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-

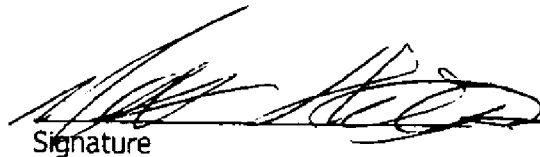
☐ Contains the social security number of a person as required by:

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 Houston, Esq.

No. 1210652

H.D.S.P.

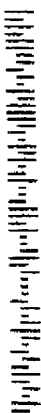
P.O. Box 650

Indian Springs, NV 89070-0650

3762

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

* OFFICIAL BUSINESS *
OF THE NATIONAL LAWYERS GUILD



US POSTAGE 2001 76

ZIP 89155-1160

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-Error,

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 303 ONE Motion 2

OTHER SIDE OF SHEET

Andrew Goldstein
CLERK OF THE COURT

PAGE NUMBER ONE OF FIVE

MDC
Name: Matthew Travis Houston # 1Z10652 @ HDSP
Address: 930 S. Casino Center Blvd P.O. Box 650
City/State/Zip: Las Vegas, NV - 89070 Indian Springs, NV
Phone: 703-553-6078 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-21-357927-1

Case No.: C-21-357927-1

Dept. No.: X and XI

☒ ORAL ARGUMENT

☒ HEARING

☒ REQUESTED

☒ JURY TRIAL DEMAND

EMERGENCY MOTION REQUESTING HEARING,

~~REDACTED~~
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

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.

ALSO Page # EIGHT, Page # NINE, Page # TEN and Page # ELEVEN

NOW SEE 24-28 OF PAGE # ONE

CLERK OF THE COURT

RECEIVED
DEC 27 2021

RECEIVED

MAR 21 2022

CLERK OF THE COURT

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 intence impulsive-control classes, and
I am also requesting intensive supervision w/
Div. of P. n 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
beause 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 \$59,000 cash for, the other
is @ MGM Excalibur at which I am
a good samaritan. Counsel failed to
ensure that my K9 seeing eye dogs
were placed in the correct "legal"
kennel @ the Animal Foundation. Counsel
failed in preparing any motion to SUPPRESS
point out 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 NUMBER THREE OF FIVE:

CRACKS TO SUPER
IN RE CLARK COUNTY
LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DETENTION SERVICES DIVISION

MEDICAL/DENTAL/MENTAL HEALTH SERVICES REQUEST

Name: HOUSTON MATTHEW ID: 7035200
LAST FIRST
Housing: 2A6U Date of Birth: 7/15/1991 Date: 12/11/2021

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

Description of Illness or Injury: IT IS REQUESTED THAT DENIED FROM
CLARK COUNTY DETENTION CENTER
FOR A MOTION
PLEASE STOP AS IN CLARK COUNTY DETENTION CENTER FROM

THE SECTION BELOW IS TO BE COMPLETED BY STAFF ONLY

Date/Time Triaged: 12/11/2021 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: CLAD

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

ACKNOWLEDGEMENT OF FEES AND SERVICES

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: [Signature] Date: 12/11/2021

Staff Signature: [Signature] Date: 12/11/2021

INMATE NAME (PLEASE PRINT)	ID#	HOUSING
<u>MATTHEW HOUSTON</u>	<u>7035200</u>	<u>2A6U</u>

DISTRIBUTION: WHITE - Medical Records YELLOW - Inmate

DSD 82 (REV. 4/2021)



PAGE NUMBER FOUR OF FIVE:
EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89156-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-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 @ NDOC intake because CCDC wellpath Pleadings: Emergency Motion never provided me w/ the wiki / definitions / paperwork on Ability, Depacete, 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 official 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 Pitorro... another was fwd to Scott Poisson. I

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

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 033713
C-17-323 614-1
C1248384 A, 21CR019840,

C1237802 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.
Respectfully submitted
X Matthew Houston
and again on the 17th day of
Matthew Travis Houston, pro se
March, 2022.

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

Matthew Travis Houston

No. 1210852

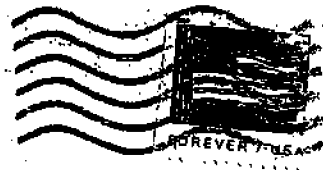
M.D.S.P.

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

MAR 22

MAR 17 2022

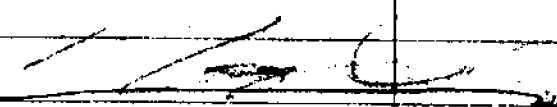
HIGH DESERT STATE PRISON

CERTIFICATE OF SERVICE
BY MAIL (NRS)

DECLARATION UNDER
PENALTY OF PERJURY

X prisoner is indigent X

Dated: December 21st, 2021

X 
MATTHEW TRAVIS HOUSTON
1210652 @ NDOC

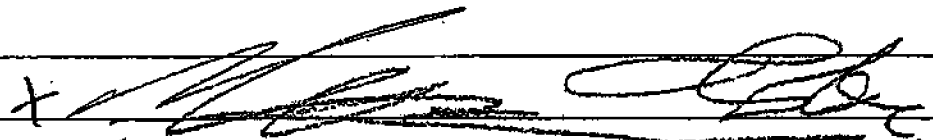
30. NAIW - Lina Sakalauskas

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 Tropic Springs NV

16 89070 - 0650

36. Animal Foundation

Matthew Houston #1210652
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
041M12254121

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

89155-1160

89101-630000

INITIALS
NSF 3703

INDIAN SPRINGS STATE PRISON
DEC 21 2021
UNIT 1 C/D

34. N.C.E.P.
Nevada Community Enrichment Program

Notice Hudson # 1210652

1155-1160

29070-065

-54

200 Leona Ave, 3rd floor
Los Vegas, NV

1155-1160

23 DEC 2021 PM 5 L

5200 LAS VEGAS NV 890



DEC 22 2021

28. Radenta Basic
OFFICE OF CONSUMER HEALTH
(OMBUDSMAN) ASSISTANCE

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

Electronically Filed
05/06/2022

Heather J. Smith
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 ~~per~~ 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. x

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. top dawghouston (R)
#1 Suite 300 - Las Vegas, NV
South Main Street
MATTHEW TRAVIS HOUSTON, pro se
FILED November 23rd 2021
AMERICAN DISTRICT COURT
FEBRUARY 4TH, 2022

IN EIGHTH 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 S. WOLFSON + PROSECUTION

EMERGENCY
MOTION FOR INJUNCTION AND
TRO 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 318 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, →

they have caused a second wrongful conviction. Furthermore,
SEGWICK is illegally using public and
state of Nevada resources to steal
from the Social Security Administration,
my doctors, my dogs, my public
safety first responders, my team of
life saving Americans. They are
stealing from my campaign funds at
Joe Lombardo for Governor of Nevada
and many charitable organizations.

"The first to speak in court sounds right,
until the cross-examination begins"
- Proverbs 18:17

When only one side of a case is heard
the evidence often seems convincing. Yet
when the whole story is told, the initial
case often crumbles. (See) PETITION FOR JUDICIAL REVIEW

pages 1-12 initially filed as a NOTICE OF APPEAL FEBRUARY 18TH, 2022
AMENDED
PAGES 5-16: VENIRE FACIAS DE NOVO

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

See 41 N.E. 383, 386.

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

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.



MATTHEW TRAVIS

AFFIDAVIT © "Brick" Houston

November 22nd 2021

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

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

AFFIDAVIT

MATTHEW TRAVIS
② "BACK" amended
HOUSTON 2/15/2022
from VII/23/2021

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 RISE
11 Attacked @ Gabe's, Iowa City - lady destroyed apartment
12 lady who sold me 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 2, 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 Lucrecia & Schoenherr attacked me in bathroom -
20 Spring / Summer 2020. Manketa Police called
21 in October 2019 when I told mother Lucrecia
22 I was ~~attacked~~ by aunt Patricia Schoenherr
23 Attacked by Anyan Warrior prison gang @
24 TLCC 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 - Southtown MS

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 NACPR 5(h) Page Number 8 (eight) x ~~Matthew Travis Houston~~
30 DATED: this 25th day of February, 2022. Case Number C325-357927-1 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) 671-4528

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"
March 7, 2022 AND FILED AS "NOTICE OF APPEAL" HOWEVER,
THIS "COMPLETE" DOCUMENT IS TO BE
Re: Case No: N/A SUBMITTED AS AN EXHIBIT 1 IN
THE RELATED CASE NUMBER TO BE ASSIGNED BY

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 civillawselfhelpcenter.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

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. 326 Matthew Travis Houston

Matthew Houston, No. 1210652

H.O.S.P. P.O. Box 650

Indian Springs, NV 89070-0650



Las Vegas P&DC 89199

FRI 25 MAR 2022 PM

Art W. Heather Ungermann, Deputy Clerk
in re case No. A-17-7S 8-661-C
in re case No. C-21-357927-1

Clerk, S. Emerson

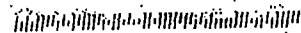
Regional Justice Center

200 Lewis Ave, 3rd Floor

Las Vegas, NV

89155-1160

* legal mail *
and
* OFFICIAL BUSINESS *



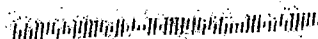
Matthew Houston No. 1240652
H.O.S.P. P.O. Box 650
Indian Springs, NV 89070-0650



Las Vegas P8DC 89199
FRI 25 MAR 2022 PM

ATTN: Heather Ungermann, Deputy Clerk
in re case No. A-17-758661-C
in re re: No. C-21-357927-1
Clerk, S. Grierson
Regional Justice Center
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155-1160

* legal mail *
and
* OFFICIAL BUSINESS *



100% DESIGN STATE HIGHWAY

MAR 23 2022

U-12

1 APPL

2 Matthew Travis Houston, # 1210652
NAME

3 P.O. Box 650
ADDRESS

4
5 Indian Springs, NV 89070-0650
CITY, STATE, ZIP CODE

6
7 TELEPHONE

8 IN PROPER PERSON

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 Matthew Travis Houston

12 Plaintiff,

13 vs.

14 Mandalay Bay Corp, et al

15 State of Nevada
Defendant

C-21-357927-1 and

Case No.: A-17-758861-C

Dept. No.: 11+29

16 CONTINUED / RENEWED
17 APPLICATION TO PROCEED INFORMA PAUPERIS
18 (Filing Fees/Service Only)

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

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

1

ALL RIGHTS RESERVED
u:\CROC\fee_waiver\packet_8\appfeewaiver_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 Hausby, 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
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> </u>	\$ <u> </u>
YEAR, MAKE, AND MODEL		
Mobile Home, House or Other Real Estate		
<u>n/a</u>	\$ <u> </u>	\$ <u> </u>
SIZE, TYPE, AND YEAR		
Bank Accounts	Value	Loan Balance
<u>n/a</u>	\$ <u> </u>	\$ <u> </u>
NAME OF BANK AND TYPE OF ACCOUNT		
<u>n/a</u>	\$ <u> </u>	\$ <u> </u>
NAME OF BANK AND TYPE OF ACCOUNT		
Other		
<u>n/a</u>	\$ <u> </u>	\$ <u> </u>
DESCRIPTION		

1 n/a \$ n/a \$ 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 (0) 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.

20 
 21 (Signature)

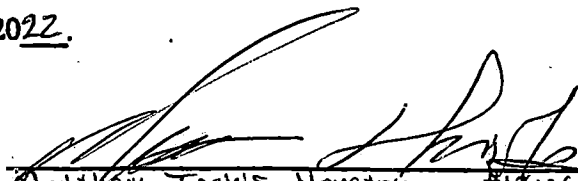
CERTIFICATE OF SERVICE BY MAILING

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 D. Grieson
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:

AFFIRMATION
Pursuant to NRS 239B.030

PERSONAL RESTRAINT PETITION w/

The undersigned does hereby affirm that the preceding 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-

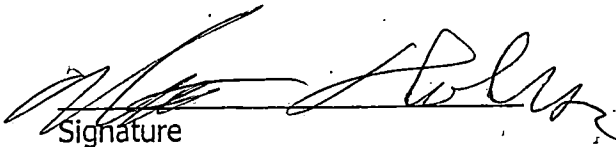
☐ Contains the social security number of a person as required by:

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
NAME

3 P.O. Box 650
ADDRESS

4 Indian Springs, NV 89070-0650
CITY, STATE, ZIP CODE

6 TELEPHONE

7 IN PROPER PERSON

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 Matthew Travis Houston

12 Plaintiff,

13 vs.

14 Mandalay Bay Corp, et al,
State of Nevada, et al

15 Defendant(s)

C-21-357927-1 and

Case No.: A-17-758861-C

Dept. No.: 11 & 29

17 **ORDER TO PROCEED IN FORMA PAUPERIS**

(Filing Fees/Service Only)

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

21 **IT IS HEREBY ORDERED,**

22 1. That Plaintiff in error, Matthew T. Houston, shall be permitted to proceed In
23 Forma Pauperis with this action as permitted by NRS 12.015.

24 2. That Matthew Travis Houston shall proceed without the prepayment costs or
25 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
26 necessary writ, pleading or paper without charge.

27 3. That the Sheriff or other appropriate officer within this State shall make
28 personal service of any necessary writ, pleading or paper without charge.

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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 ORDERD** that Matthew Travis Houston's request to waive fees
6 and costs is **DENIED** for the following reason:

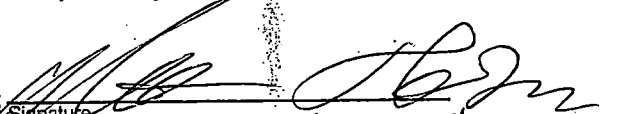
7 A. _____ The Party is not indigent.

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 P.O. Box 650
19 Indian Springs, NV 89070-0650
20 CITY, STATE, ZIP CODE

21 TELEPHONE

22 **IN PROPER PERSON**

STATE	JURISDICTIONS	Circuit	WITNESSES To Appeal:
Washington	Seattle	9th	Josh
Oregon	Portland	9th	Crystal
California	Huntington Beach / San Francisco - OR - Bel Air	9th	Jeff
Nevada	Hell	9th	SATAN
Colorado	San Luis (Pueblo / Denver)	10th	clerks
Louisiana	Baton Rouge, Houma / Thibodaux &	5th	Wayne Jackson help
Florida	Clermont, Lithia (Tampa) Jennifer Psatis help	11th	clerks
Mississippi	Bay St Louis, Biloxi	5th	clerks
Missouri	St Louis (Donna's help) ←	8th	
Minnesota	Patrick's help ←	8th	
Iowa	[Magnolia - Cedar Rapids] [Iowa City - Davenport]	8th	Magnolia Sentinel Press agent Brooke Taylor
Illinois	East St Louis	7th	Wahoo
Indiana	Indpls	7th	Latenia
Tennessee	Nashville -	6th	
New Jersey	Paramus -	3rd	
New York	Brooklyn / Queens (Pam and Chris)	2nd	
Pennsylvania		3rd	
Maryland		3rd	

Wassum,
 Pam's brothers and
 sisters

PERSONAL RESTRAINT PETITION

Page Number # 29
 (back of page number # 21)

RECEIVED
 4/14/00
 4/14/00

Heidi L. Smith
CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
KRISTINA RHOADES
Chief Deputy District Attorney
Nevada Bar #012480
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW HOUSTON, aka,
Matthew Travis Houston,
#7035801

Defendant.

CASE NO: C-21-357927-1

DEPT NO: XI

ORDER DENYING DEFENDANT'S ALL PENDING MOTIONS

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

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

///

///

///

///

///

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

Elle Roohani

District Court Judge

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

15 BY


16 KRISTINA RHOADES
17 Chief Deputy District Attorney
18 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
24 P.O. BOX 650
INDIAN SPRINGS, NV, 89070

25 BY


26 Secretary for the District Attorney's Office

27
28 21CR019840/js/L4

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-21-357927-1

7 vs

DEPT. NO. Department 11

8 Matthew Houston
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/10/2022

15 G. Cox Coxgd@clarkcountynv.gov

16 Ben Little Benard.Little@ClarkCountyNV.gov

17 DA . Motions@ClarkCountyDA.com
18
19
20
21
22
23
24
25
26
27
28

1 Matthew Travis Houston #1210652
2 Petitioner / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
MAY 11 2022

John L. ...
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

8 MATTHEW TRAVIS HOUSTON

9 Petitioner-appellant

10 vs.

11 THE STATE OF NEVADA

12 Respondent

Case No. C-21-357927-1

Dept No. 11

Docket

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that the Petitioner-appellant-plaintiff-
16 in-error and pro se litigant Matthew Travis Houston
17 will come on for hearing before the above-entitled Court on the 9th day of May, 2022,
18 at the hour of 9:00 o'clock A. M. In Department 11, of said Court.

20 CC:FILE

22 DATED: this 20th day of April, 2022.

24 BY: *Matthew Houston*
25 Matthew Travis Houston #1210652
26 Petitioner /In Propria Personam

28 RECEIVED

CLK - 5/2/22

CLERK OF THE COURT

FILED

MAY 11 2022

John J. Johnson
CLERK OF COURT

1 Matthew Travis Houston

2 NDOC No. 1210652

3 Petitioner-appellant

4 In proper person

5
6
7 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
8 STATE OF NEVADA IN AND FOR THE
9 COUNTY OF CLARK

10 MATTHEW TRAVIS HOUSTON,)

11)
12 Petitioner,)

13 v.)

14) Case No. C-21-357927-1

15)
16 THE STATE OF NEVADA,)

Dept. No. X1

17 Respondent.)
18 _____)
19

20 MOTION AND ORDER FOR TRANSPORTATION
21 OF INMATE FOR COURT APPEARANCE
22 OR, IN THE ALTERNATIVE,
23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE
24

25 Petitioner, Matthew Travis Houston, proceeding pro se, requests
26 that this Honorable Court order transportation for his personal appearance or, in the
27 alternative, that he be made available to appear by telephone or by video conference
28 at the hearing in the instant case that is scheduled for May 9th, 2022
29 at 9 am.

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison.
3 My mandatory release date is September 29th, 2025.
4

5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

☒ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

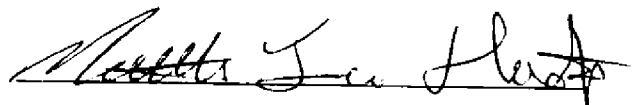
5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. High Desert State Prison is located approximately 30 - 45 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Calvin Johnson, Warden
12 whose telephone number is (702) 879-6789.

13
14 Dated this 20th day of April, 2022.

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18 Matthew Travis Houston
19 Petitioner-appellant # 1210652
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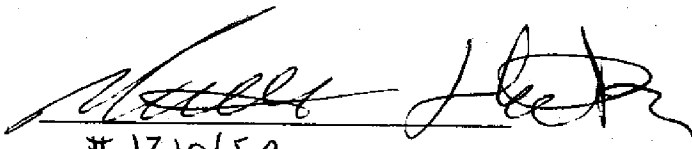
CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, certify pursuant to NRCP 5(b), that on this 20th day of April, 2022, I served the foregoing Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, Motion for Appearance by Telephone or Video Conference, by mailing a true and correct copy thereof in a sealed envelope, upon which first class postage was fully prepaid, addressed to:

Clerk of the Court

Regional Justice Center
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

and that there is regular communication by mail between the place of mailing and the recipient address.


#1210652
Matthew Travis Houston
Petitioner-appellant, pro se

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding ^{re} NOTICE OF MOTION

AND MOTION AND ORDER FOR TRANSPORTATION OF INMATE
(Title of Document) FOR COURT APPEARANCE OR,
IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE
OR VIDEO CONFERENCE??
filed in District Court Case number ~~C-21~~ C-21-357927-1 |

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

-OR-

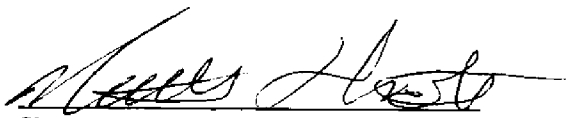
☐ Contains the social security number of a person as required by:

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

April 20th, 2022
Date

Matthew Travis Houston
Print Name

Title

Reverend Matthew Travis Houston, Esq.
No. 1210652
H.D.S.P.
P.O. Box 650
Indian Springs, NV
89070-0650

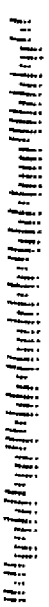
3-D-42 MAY 2022 PM 3 L

LAS VEGAS NV 890

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

3762

* OFFICIAL BUSINESS *
OF THE NATIONAL LAWYER'S GUILD
HDSP PRE-SENT April 11th 2022 Nungestrike



UNIT 3 C/D
APR 20 2022
HIGH DESERT STATE PRISON

UNIT 3 A/B
APR 20 2022
HIGH DESERT STATE PRISON



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

MATTHEW HOUSTON aka
MATTHEW TRAVIS HOUSTON,
Defendant.

CASE NO: C-21-357927-1
DEPT. NO. X

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

MONDAY, DECEMBER 6, 2021

RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: SENTENCING OR MOTION TO WITHDRAW PLEA

APPEARANCES:

For the State: KRISTINA A. RHOADES, ESQ.
Chief Deputy District Attorney

For the Defendant: ANTHONY M. GOLDSTEIN, ESQ.
BERNARD H. LITTLE, ESQ.
Deputy Public Defender

RECORDED BY: VICTORIA BOYD, COURT RECORDER

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Las Vegas, Nevada; Monday, December 6, 2021

[Proceeding commenced at 8:46 a.m.]

THE COURT: All right. Let's go to page 19, C357927, State of Nevada versus Matthew Houston. May the record reflect that he is present in custody. Mr. Goldstein is here on his behalf.

Mr. Goldstein, can we get your bar number?

MR. GOLDSTEIN: 7721.

THE COURT: Ms. Rhoades is here on behalf of the State. Ms. Rhoades, can we get your bar number?

MS. RHOADES: 12480.

THE COURT: And, Mr. Houston, it's my understanding that you no longer wish to go forward with attempting to withdraw your plea; is that correct?

THE DEFENDANT: Correct, Your Honor.

THE COURT: I see you would like to proceed to sentencing today?

THE DEFENDANT: Yes.

THE COURT: All right. So Mr. Goldstein was appointed for the limited purposes of looking into whether there was a legal basis for you to withdraw your plea. So I am going -- oh, this -- is your victim here?

MS. RHOADES: They should -- I believe they're both on BlueJeans, Your Honor.

THE COURT: Okay. Ms. --

1 MS. RHOADES: Let me just --
2 THE COURT: Can you scroll down, Victoria? I don't see
3 them.
4 MS. RHOADES: Rosemarie McMorris is here, Your Honor.
5 She is one and then -- Red Blacic?
6 THE COURT: Okay. All right. So what we're going to do
7 we're going to trail this.
8 MS. RHOADES: Okay.
9 THE COURT: I'm going to get some of these people out of
10 here. Okay. So what I'm going to do is Mr. Goldstein will be allowed to
11 withdraw as the attorney of record.
12 Mr. Little, are you prepared --
13 MR. LITTLE: Yes --
14 THE COURT: -- to confirm for the --
15 MR. LITTLE: Yes, Your Honor.
16 THE COURT: -- purpose of sentencing?
17 MR. LITTLE: Yes, Your Honor. Bernard Little, bar number
18 12025.
19 THE COURT: Okay. So Public Defender has confirmed for
20 the purpose of sentencing as Mr. Little. Mr. Little, I'm going to trail this
21 because we have a victim speaker. I'll come back to you guys.
22 MR. LITTLE: Understood.
23 MR. GOLDSTEIN: Thank you, Your Honor.
24 THE COURT: Thank you. Mr. Goldstein, is that all you have?
25 THE COURT CLERK: Yeah.

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[Matter trailed]

[Matter recalled at 9:41 a.m.]

THE COURT: Let's go to page 19, C357927, State of Nevada versus Matthew Houston. This is the date and time set for sentencing. Are both parties prepared to go forward?

MS. RHOADES: Yes, Your Honor.

THE COURT: Let the record reflect that Mr. Houston is present in custody. Mr. Little is here on his behalf and Ms. Rhoades is here on behalf of the State. This is the date and time set for a sentencing. Are both parties prepared to go forward?

MS. RHOADES: Yes, Your Honor.

THE COURT: State --

MR. LITTLE: Your Honor, I am with the one caveat. I have an application to Co-occurring Drug Court in. I haven't heard back from them, but my understanding is my client wishes to go forward today as does the State and the victims, so I believe we're prepared to go forward today.

THE COURT: All right. State, since he did bench warrant in this case, you have the right to argue.

MS. RHOADES: Thank you, Your Honor. And then I would just ask that the two victim speakers be able to speak last pursuant to statute.

THE COURT: Yes. Pursuant to statute, they'll speak last.

MS. RHOADES: Thank you. And just for the record we also have the right to argue because of the violation of the guilty plea which

1 is the State's biggest concern here. And I do have the voicemail that
2 was provided to the Court with that motion to remand him after he was
3 out of custody because I think it's important to talk about the
4 negotiations in this case.

5 THE COURT: It is.

6 MS. RHOADES: He pled to a felony. And I worked with Mr.
7 Little and we worked with him. And he made me aware of his mental
8 health issues and things like that. And so I spoke with the victims and
9 we agreed that this higher felony with probation and him having an
10 opportunity to be supervised and have no contact with them would be
11 appropriate in this case based on what he was doing.

12 And then he had the incentive further of even a drop down if
13 he was successful. And if he, you know, remained abiding by the no
14 contact orders with the three victims in this case, everybody was in
15 agreement with that.

16 Mr. Little and I talked very much about this case down in
17 Justice Court. And he worked for this negotiation for his client. His
18 client was released. And, I mean, no less than 30 days was he out that
19 he's calling the same people that are specifically named in the guilty
20 plea that he is not to contact. And so that is very concerning for the
21 State.

22 He has shown the Court that he's not going to follow the
23 Court's orders. He has shown the Court that he's not going to abide by
24 what he agreed to do. The original threats in this case are very
25 concerning.

1 To one of the victims he called and said that he was going to
2 go on a mass shooting like the one committed on October 1. So this is
3 all about his workmen's compensation that was being litigated,
4 essentially. It has been closed in such that a check has been issued to
5 him. The check was issued on October 7th, so six days after the
6 October 1 voicemail that I am going to play for the Court. Because it's
7 one thing to say the words that he was saying to these people, but it's a
8 whole other thing to actually hear the anger in the Defendant's voice, the
9 threats that he made in -- in that voicemail after he was released on low
10 level electronic monitoring with an order to have no contact with these
11 people.

12 The other threats that were made prior to this voicemail to -- to
13 Rosemarie was that -- my computer just -- I'm going to have restart that,
14 Your Honor. I'm sorry. I had it up all morning.

15 He threatened her daughters. She actually has two daughters
16 and she has no idea how this man knew about the daughters that he
17 was threatening. I mean, he threatened to kill and rape her daughters.
18 Yes, these are words, but, I mean, it appears that he has some way of
19 knowing the background and the personal information of these people
20 that he's dealing with.

21 So back to the check, Ms. McMorris is the highest authority
22 there at that -- at the company that she works for and she actually had to
23 cut the check before. She had to sign off on it before it going out for
24 him. So there's an argument there well now that this has been decided
25 and the check has been cut, that he's not going to be a problem for

1 them, but that's not true. I've talked to her extensively. They have a
2 lifetime -- for the rest of his life he can come back and relitigate this
3 issue of what they provided and what the check was. And he will always
4 have to have contact with Ms. McMorris, who is the authority over there.

5 So she has a temporary protective order. That has been
6 extended. She had one in place against him while this case was
7 pending. And, you know, she thought it was very mysterious, I guess,
8 that the day that the TPO expired was October 1, the day that he called
9 Jonathan Shockely, a named -- another named victim in the GPA and
10 threatened him and threatened Rosemarie McMorris indicating that he
11 knew where she was. Now, he knows who that is, calling her a bitch
12 and all sorts of other derogatory, angry, aggressive threatening terms
13 that he used in that voicemail. So she was very concerned about that.

14 Yes, he has mental health issues. But he's also -- you know,
15 he knows what he's doing shown by his prior actions. And another
16 concerning thing for the State is this November 2022, so this was after
17 he was back in custody and remanded, the report that Mr. Little provided
18 the reporter says his personality testing revealed him to have a style that
19 involves a degree of dangerousness, risk taking and a tendency to
20 rather impulsive, so that is concerning for the State.

21 And I think he's been given a chance. He's been given a
22 chance to show this Court that he is a candidate for community
23 supervision. He's been given a chance by this Court to show that he
24 can abide by the orders and not have contact with them. And he's
25 basically throwing it in everybody's face.

1 Looking at his history, he has a prior probation that was
2 revoked, a felony DUI Court from 2016. And then he has 2021 a
3 conviction for threatening phone call and harassment, so he has been
4 through this before. In 2010, he's got a Washington violation of
5 protection order as well.

6 And, yes, those are all things that the State knew about when
7 we came to these negotiations, but that's also why we had it the way
8 that it was and it was strict, and, you know, supposed to be beneficial for
9 him. Yes, he probably needs mental health treatment, but he is not in a
10 position to get it right now.

11 And I think to protect the safety of the community that he
12 should be sent to prison. The minimum term here is two years. I'm
13 asking for that minimum term but a longer backend, so a two to eight
14 year prison sentence. And I do want to end with this voicemail, Your
15 Honor.

16 And for the record this is the voicemail that was provided on
17 the motion to remand from the October. It was made on October 1,
18 2021 to Mr. Jonathan Shockely.

19 [Voicemail played at 9:49:32 to 9:50:07]

20 MS. RHOADES: And based on that, Your Honor, that's what
21 we're asking for a two to eight prison sentence. I have 93 days credit for
22 time served. The PSI was incorrect.

23 THE COURT: How many days?

24 MS. RHOADES: Ninety-three days is what I have.

25 THE COURT: All right. Mr. Houston, what, if anything, do you

1 want to say before I pronounce sentence against you?

2 THE DEFENDANT: Nothing, Judge.

3 THE COURT: Mr. Little.

4 MR. LITTLE: And, Your Honor, first off as the State said this
5 all kind of stems from a workers' comp case. My client fell from 45 feet
6 in the air while working in a construction site, smashed his -- his skull.
7 And that's why the Court can see he has deformity on the left hand side
8 of his face. He's also blind in that eye legally right now. It also
9 unfortunately caused traumatic brain injury which is where most of his
10 mental health issues originate from. It also caused the workers' comp
11 case that -- that the State's talking about where he unfortunately had to
12 contact these people.

13 And nothing I'm going to say is demeaning the -- or belittling
14 the pain of the victims, the fear that they had from his words, but they
15 are as the State said just words. I understand that, but with mentally ill
16 people it is an illness. It is a sickness. It is not something that they
17 control. It is not a gun that they intended to point at somebody. It is not
18 an intentional act. And in the law we recognize intent. We recognize
19 mens rea and actus rea. We recognize the difference from somebody
20 who intends to harm, threaten or hurt somebody else, choking them,
21 hitting them and injuring them versus somebody who can't control what
22 they're doing because of dramatic brain injury which Mr. Houston most
23 definitely has. That caused, unfortunately, these issues he has with
24 these people that are working his case, you know, just on -- on a
25 personal level.

1 You and I, Judge, are more experienced with this stuff
2 because a lot of our clients, a lot of criminal Defendants have mental
3 health issues. Not -- not many that are caused by a physical injury that
4 where their skull is crushed into their brain which causes the damage
5 and causes them to act radically, but we have past experience with this.

6 I mean, my -- within two or three years of having this job, I had
7 to inquire on what the policy is with the Public Defender's Office
8 because of death threats because it's a reality of the job that we do. It's
9 something that happens unfortunately with -- with our clients who have
10 mental health issues.

11 There's nothing in the discovery or the State has that says
12 that my client had the actual ability or plan to act out on these threats.
13 There's no act in furtherance that he had other than puffery, sticking out
14 his chest and talking with his chest to -- to some people that he and his
15 mental state viewed threatened him or -- or compromised his ability to
16 live.

17 It's definitely worth the -- the punishment that we agreed to.
18 Whether it's worth to prison, I think that the prison argument is missing
19 the forest through the trees.

20 As the State said, Mr. Houston is going to have the right to
21 compete with his legal claims as far as his injuries because it's a lifetime
22 injury. And so he has -- he has opened green light in order to -- to file
23 claims for his lifetime injuries that he's going to suffer with.

24 And so what person are we going to have that are filing those
25 claims that have a legal reason to contact people who work with

1 workers' comp? Do you want somebody who's had no mental health
2 treatment, no -- no supervision and just been sent to prison for two to
3 eight years and only had interaction with other prisoners and other
4 people of that ilk? And then that person is then contacting workers'
5 compensation organizations and -- and governmental organizations in
6 order to -- to get their claim through.

7 I think that is much more dangerous much more -- not in the
8 victim's best interest then it is to have somebody supervised, somebody
9 getting medical care and medical treatment, somebody who's going
10 through therapy and has an outlet to -- to say these things.

11 I've received numerous letters from Mr. Human -- Houston,
12 and he's -- I, as his counsel I believe during this litigation has been the
13 kind of outlet for him to get those feelings out. We've talked about
14 whether he means what he says or whether he's just venting. And --
15 and he said to me I'm just venting, I'm just frustrated, I don't mean what I
16 say.

17 And, yes, I gave the Court the assessment from Dr. Slagle. It
18 says that he has impulsive control issues. It says that he has voices that
19 he hears. He's got legitimate mental health issues. It doesn't rise to the
20 level of competency. But it certainly is mitigation as far as his intent
21 whether he's controlling what he says and what he does. And those
22 people need help. They -- they don't need prison because then they're
23 put in a situation that is traumatic for -- for anybody, for healthy people,
24 for me, for -- for anybody that's put in there, made worse, made sicker
25 and then put back on the streets and we expect them to be better.

1 That -- that's not a realistic expectation to have with Mr.
2 Houston. If you put him in a situation where he's in prison, he's
3 subjected to more trauma, more things that are going to make his
4 mental health issues worse. And then put him back on streets and
5 expect him to be a fine upstanding citizen. That's not just realistic and
6 that's not what's going to happen.

7 And I have attempted with my social worker to get him into
8 mental health court, unfortunately because his symptoms of mental
9 health are physically related from his traumatic brain injury, he was
10 denied because they don't take TBI cases. Inpatient for mental health,
11 same thing.

12 We discussed and I noticed that he had the prior DUI, so I
13 thought that could be in roads to get him into treatment for substance
14 abuse for an inpatient and Co-Occurring Court, but that didn't happen
15 until November 27th from my discussions with my social worker, and so
16 we don't have answers on that yet. But prison, clients say all the time,
17 it's the worst argument ever, prison isn't going to do anything for them
18 because the Court is certainly concerned for them at that point.

19 I am concerned about the victims. I am concerned about him
20 being a recidivist. And I genuinely believe that prison is only going to
21 enhance and amplify the odds of that happening. I think the only way
22 we get a hold of that and the way we stop it from happening further
23 because he has legal right to file, he has continuing injuries. Those
24 injuries are going to get more and more severe over the duration of his
25 life.

1 I think the only way we get a hold of that and stop that from
2 happening especially in this case, is going to be some sort of treatment
3 and some sort of supervision.

4 I would ask that the Court sentence him to probation under the
5 original deal. I understand that he sent a voicemail to the victim while he
6 was out. So I understand that the drop down is forfeited. It's gone.
7 He's going to be sentenced under the felony with some time, but I would
8 ask for probation.

9 If the Court sees fit to wait on the answer from Co-occurring
10 Drug Court, that would be my ask is that we see if we can get him some
11 help, get him into Co-occurring Drug Court, but either way I think the
12 only way that we make the community safer is probation in this case and
13 not prison.

14 THE COURT: Okay. Thank you very much. Just one
15 second, State, before you get them.

16 MS. RHOADES: Okay.

17 [Pause in proceedings]

18 THE COURT: Okay. State, who would you like to go first?

19 MS. RHOADES: Your Honor, I show Rosemarie McMorris on
20 there, so I will call her. I don't see Ms. Blacic on there, so I will call Ms.
21 McMorris first.

22 THE COURT: I don't either. Okay. Ms. McMorris, can you
23 hear me?

24 VICTIM SPEAKER McMORRIS: Yes. Can you hear me?

25 THE COURT: I can. If you could just raise your right hand for

1 me so the Clerk can swear you in.

2 **ROSEMARIE McMorris**

3 [having been called as a victim speaker and being first duly sworn,
4 testified as follows:]

5 THE COURT CLERK: Please state and spell your first and
6 last name.

7 VICTIM SPEAKER McMORRIS: Rosemarie McMorris, R-O-
8 S-E-M-A-R-I-E. M-C-M-O-R-R-I-S.

9 THE COURT: And, ma'am, what would you like to tell me
10 today?

11 VICTIM SPEAKER McMORRIS: I actually wrote it out, so is it
12 okay if I just read it?

13 THE COURT: Sure.

14 VICTIM SPEAKER McMORRIS: Please. Okay.

15 In July of 2020, I was forwarded a voicemail message where
16 Mr. Houston not only threatened to kill Jonathan Shockely and his
17 family, but every employee or anyone whoever muttered the word
18 Sedgwick.

19 To protect Jonathan specifically and the colleagues who work
20 for me, I filed a police report. Our company hired a security detail for
21 Jonathan, his supervisor Diane Forante (phonetic) and my homes to
22 keep our family safe. Correspondence was also issued to Mr. Houston
23 advising he would need to cease all verbal communication and only
24 communicate with Sedgwick in writing. As there was no activity at our
25 homes or near the Sedgwick office, I let my guard down -- big mistake.

1 As Mr. Houston made contact with me direct on June 11th,
2 2021 and did so on a very personal level. Just two days prior my
3 neighbor asked if I had noticed someone sitting in a car watching our
4 houses. My husband mentioned the same and said the man was
5 watching our daughters run around the yard, so he walked toward the
6 car and the guy just drove off.

7 Due to the pandemic we have been working from home. To
8 do so, phones calls are routed through my cell phone. I tried to get the
9 call to go through my AirPods, but it could not connect, so it was on
10 speaker when I received a call from Mr. Houston who stated I know
11 where you live. I will rape and murder you and your two daughters, so
12 my mother and her personal care assistant were in the kitchen and
13 overheard the threat. I heard a gasp from the other room. Then I
14 retreated inside myself.

15 Naturally the scenario with my neighbor and husband
16 replayed in my head. I could not help but to wonder how he could be so
17 specific as to state two daughters, so personal and state two daughters.
18 They're three and four years old. Why would he say rape and murder?

19 I was stunned and silent. He proceeded to curse and call me
20 out of my name, but I honestly can't recall verbatim what was said
21 before the line disconnected because I was paralyzed with fear in a way.
22 I literally have lost sleep due to nightmares as I fear the inability to
23 protect my children and potentially my disabled mother who's in a
24 wheelchair. Due to the career I have chosen, the career that provides
25 for them which has also placed them in harm's way.

1 Mr. Houston told my senior vice president that he feared
2 speaking to anyone in Sedgwick because he had been arrested and
3 understood the plea agreement and the protective order that was in
4 place when they spoke in August. Yet, the prior -- the prior protective
5 order expired on September 30th, 2021. And on October 1st, 2021, he
6 called and left another threatening voicemail message.

7 My fear is that if he is given probation as indicated in the plea
8 agreement, he will not abide by it and my children will not be safe.

9 This is my life's work. I've been in workers' comp for over 20
10 years. Mr. Houston has lifetime reopening rights in Nevada as claims do
11 not settle full and final medically for workers' comp in Nevada. And I am
12 the Operations Manager in Nevada. So unless I change careers, I and
13 my family will be exposed to him given the residency and licensing
14 requirements of workers' comp in Nevada.

15 Without Mr. Houston facing the consequences for his actions,
16 he will be sent a message that his behavior may continue and my
17 children will not be safe from him. Thank you.

18 THE COURT: Thank you, ma'am. And thank you for being
19 here.

20 State, do you have Redenta?

21 MS. RHOADES: I don't believe so. Ms. Redenta Blacic. I
22 don't see her on here, Your Honor.

23 THE COURT: Okay. All right. Well, I mean, Mr. Little or Mr.
24 Houston, I mean, I understand and I do sympathize with the fact that
25 there is some severe mental health issues going on here. However, this

1 goes so much further than expressing your frustrations. To be
2 commenting about doing awful things to someone's children based on
3 what they do for a living is just down right offensive.

4 And then, Mr. Houston, you were released from custody and
5 you went right out and engaged in the same behavior. So the State is
6 absolutely correct that you have demonstrated to me that you have no
7 intentions of following any orders that I give to you if you were released
8 from custody.

9 In accordance with the laws of the State of Nevada, you're
10 going to be adjudicated guilty of aggravated stalking. In addition to the
11 \$25 Administrative Assessment Fee, your DNA was taken in 2017, so
12 it's waived, the \$3 DNA Assessment Fee and the \$250 Indigent Defense
13 Fee, you're going to be sentenced to 24 to 96 months in the Nevada
14 Department of Corrections. And you have 93 days credit for time
15 served.

16 MS. RHOADES: Thank you.

17 THE COURT: Thank you, Counsel.

18 [Proceeding concluded at 10:05 a.m.]

19 * * * * *

20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 

24 Deloris Scott
25 Court Recorder/Transcriber

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

FILED
MAY 19 2022

DISTRICT COURT
CLARK COUNTY, NEVADA

John J. Blum
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 HATE 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. RHOADES 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

Po Box 650

Indian Springs, NV 89070-0650

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

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

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

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

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

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

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

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

1 Failure to Investigate Competency, in Defense
2 of Battered Person's Syndrome, Complex Post Traumatic (C.P.T.S.D.)
3 Stress Disorder and Traumatic Brain Injury (continued)
4 In further elaboration of Standards, the record shall reflect the following: See
5 Bouchillon v. Collins, 907 F.2d 589, 592
6 (5th Cir. 1990)

7 "a court cannot accept a guilty plea from an
8 individual that is mentally incompetent; failure
9 to investigate competency is prejudicial if there
10 is a reasonable probability that the defendant
11 was incompetent to plead guilty." The false arrest also
12 deprived Plaintiff-in-Error of his neurological exam with Dr. Qwagleri.

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. Qwagleri on August 14, 2021, his diminished mental
20 state declined. ^{See} Cases to which Benard Little and the court ignored:

21 Hull v. Kyler, 190 F.3d 88, 110 (3d Cir. 1999)

22 (trial counsel was ineffective when he failed to present any of
23 the numerous pieces of available evidence regarding competency
24 or to challenge the government's single witness at defendant's
25 short competency hearing). The now withdrawn counsel was given
26 access to Plaintiff-in-Errors team of almost a hundred experts,
27 including Dr. Okeetee at Grand Desert Psychiatry however, his
28 dereliction of duty was a direct cause of multiple wrongful convictions.

MATTHEW TRAVIS HOUSTON

No. 1210652 e H.D.S.P.

P.O. Box 650

Indian Springs, NV 89070-0650

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(s) 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 ~~involuntary~~
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

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

that a Failure to Investigate Competency, in Defence of Battered
Person's Syndrome: {or an Insanity Defense} ← which, incinuates bias.
Bias from the general public, the legal system and big insurance claims. It
is oftentimes abused by ~~defendants~~ 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 645, 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)

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

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 171.196 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

27 WHEREFORE, the undersigned prays that the court grant Plaintiff-
28 in-Error / Petitioner-appellant's Motion To Strike. x. Matthew Travis Houston

DATED: this 29th day of April, 2022. BY: Matthew Travis Houston, pro se #1210652.

1
2 CERTIFICATE OF SERVICE

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

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

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

11 Address: 200 LEWIS AVENUE, 3RD FLOOR Las Vegas, NV
12 89155-1160
13 Sent to: STEVEN D. GRIERSON,
14 CLERK OF THE COURT

15 DECLARATION UNDER PENALTY OF PERJURY

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

20 Executed at High Desert State Prison
21 on this 4th day of May, 2022.

22 Matthew Travis Houston
23 Matthew Travis Houston DOP# 1210652

24 PLAINTIFF - IN - ERROR AND
25 PETITIONER, In Proper Person
26 APPELLANT
27
28

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 OF EXEMPTORY 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.


Signature

May 4th, 2022
Date

Matthew Travis Houston
Print Name

Reverend, Savant, Doctor, CEO
Title

8 9

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

Houston
1210652
U3 D 42

Legal Work Only

CLERK OF THE COURT
STEVEN D. GRIERSON
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1160

3722

NON-MACHINABLE MAIL
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FILED

MAY 19 2022

John T. Blum
CLERK OF COURT

May 4th, 2022:

C-21-357927-1

Page Number

Seven

June 13, 2022

9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

MATTHEW TRAVIS HOUSTON
Plaintiff-in-Error

THE STATE OF NEVADA
Respondent(s)

rehearing

requested??

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 Houston*
Matthew Travis Houston

..ST9,

C-21-357927-1 ✓

C-17-323614-1

(S) A-17-758861-C

Case No. ~~2017-000000~~

Dept. No. ~~17, 18, 19~~ XI, X, and 29

FILED

MAY 25 2022

John J. Plunkett
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

MATTHEW TRAVIS HOUSTON,
Petitioner,

"MOTION FOR THE APPOINTMENT OF
FUND (OF COUNSEL) TO ACT AS STANDBY"
MOST NOT PREFERABLY ALEXIS PLUNKETT(S)
CHRISTOPHER BURK
JASON BARRUS AND ERICA TOSH,
DANIEL SCHWARTZ, LINA SAKALAUSKAS,
AND "KLE" FROM SCOTT JORDAN, et al."
REQUEST FOR EVIDENTIARY HEARING
IN EACH OF THE ABOVE CASE NUMBERS

SHERIFF VS. JOE LOMBARDO, ET AL,
MANDALAY BAY RESORT AND CASINO, ET AL,
CALVIN JOHNSON, THE
STATE OF NEVADA, et al.
N.A.I.W., 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), affidavit 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 in the attorney and ~~has been denied his court dates 1-24, 1-25, 2-6, 2-16, 4-24, 4-25~~ and like Petitioner, the legal assistants have limited knowledge and expertise.
8. The Petitioner and his assisting law clerks, by reason of their imprisonment, have a severely limited ability to investigate, or take depositions, expand the record or otherwise litigate this action.
10. The ends of justice will be served in this case by the appointment of professional and competent counsel to represent Petitioner.

State of Nevada
a "licensed"

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 Lee Hask
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 Lee Hask
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
#1210652
(LVMPD OFFICER
No. 7035801)
FOUNDATION FOR
LVMPD (Retired)

Michelle McCarthyism
Name
Chambers of
Mary Kay Holthus
200 Lewis Ave 3rd Floor
Regional Justice Center
Las Vegas, NV 89155-1160
Address

↑
See
A-17-758861-C
December of 2019
from
January of 2020

It was Mary Kay
Holthus who was
witness to the
Failure To Appear
of Brian P. Clark
on or around 12-9-2019

Chaunte Pleasant
Name
Chambers of Tierra Danielle
and David M. Jones
RJC - 3rd Floor
Lost Wages, NV
89155-1160
Address

↑
these are the
people who denied
me my mental
health clinic and
stole my K9 UNIT
Service animals
Johnny Cash and
lil' George Lucas

19 MAY 2022 PM 4 L

Clerk(s)
RJC - PO Box 551601
200 Lewis Ave, 3rd Floor
Las Vegas, NV
89155 - 1601

* LEGAL MAIL OF THE
LEGAL BEAGLE *

[illegible]

0000000000

HIGH DESIGN STATE POLISON

MAY 18 2007

UNIT 3 C/D



**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 25, 2022

Re: C-21-357927-1 / Department 11

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: **You must submit a clean pleading. You cannot refile a pleading that was previously filed in your case.**

Cordially yours,

DC Criminal Desk #7

Deputy Clerk of the Court

ORIGINAL

Matthew Travis Houston, RET. US Navy, D.E.P. 2002
Davenport, Iowa

FILED

MAY 11 2022

NDOC No. 1210652

Petitioner-appellant / Plaintiff-in-Error

Clerk of Court

In proper person

YOU WILL NOW TAKE NOTICE OF THIS LETTER OF
MOTION IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE

COUNTY OF CLARK (WHICH IS TO BE RE-FILED)
FOR CALENDAR IN ADDITION TO JUNE 1, 2022.

MATTHEW TRAVIS HOUSTON,

Plaintiff-in-Error,

AND Petitioner, -)

v. appellant,)

June 1, 2022
9:00 AM

Case No. C-21-357927-1

as result of C-17-323614-1 and

A-17-758861-C
Dept. No. XI 17, 28 and 29

THE STATE OF NEVADA,

Respondent.)

Heather, please sincerely attach this
to MOTION FOR STAY & REMITTOR
in ALL appeals to our Supreme Court of NV
as I am in Supreme Court of United States
and 9th Circuit
and each and everyone
of the others.

RENEWED EMERGENCY
MOTION AND ORDER FOR TRANSPORTATION
OF INMATE FOR COURT APPEARANCE

OR, IN THE ALTERNATIVE,

FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE
TO WHICH A THIRD ORDER IS IN USPS.

Petitioner, Matthew Travis Houston, proceeding pro se, requests

that this Honorable Court order transportation for his personal appearance, or, in the
alternative, that he be made available to appear by telephone or by video conference

at the hearing in the instant case that was scheduled for May 9th, 2022

at 9 am. Renewed for calendar(s) May 23rd, May 25th, May 26th
of 2022 and hopefully 6/1/22. DECLARATION OF HOUSTON:

This is now my second resubmission to the
court(s) of the same exact requests since FALSE
ARREST on July 14th, 2021. How redundant SMH!???

Page No. 1 of 7
aka "TITLE PAGE"

CLERK OF THE COURT

RECEIVED
MAY 23 2022

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison.
3 My mandatory release date is September 29th, 2025.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference.
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

Page No. 2 of 7

☒ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. High Desert State Prison is located approximately
30 - 45 miles from Las Vegas, Nevada.

Page No. 3 of 7

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Calvin Johnson, Warden
12 whose telephone number is (702) 879-6789.

13
14 Dated this 20th day of April, 2022.

15 Renewed this 17th day of May, 2022.

16 

17 Matthew Travis Houston

18 Matthew Travis Houston
19 Petitioner-appellant #1219652
20
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29

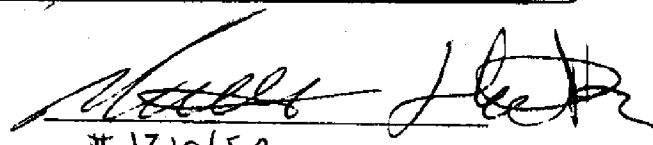
1 RENEWED CERTIFICATE OF SERVICE BY MAIL

2
3 I, the undersigned, certify pursuant to NRCF 5(b), that on this 17th day of May
4 April ~~May~~ 2022, I served the foregoing Motion and Order for
5 Transportation of Inmate for Court Appearance or, in the Alternative, Motion for
6 Appearance by Telephone or Video Conference, by mailing a true and correct copy
7 thereof in a sealed envelope, upon which first class postage was fully prepaid,
8 addressed to:

9
10 Clerk(s) of the Court, Steven D. Grierson, Heather
11 Ungermann, Chaunte Pleasant and Michelle McCarthyism
12 Regional Justice Center
13 200 Lewis Avenue, 3rd Floor
14 Las Vegas, NV 89155-1160

15
16 and that there is regular communication by mail between the place of mailing and the
17 recipient address.

18
19 x. topdawghouston®

20
21 
22 #1210652
23 Matthew Travis Houston
24 Petitioner-appellant, pro se

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding ~~NOTICE OF MOTION~~ ^{RENEWED EMERGENCY}

~~MOTION AND ORDER FOR TRANSPORTATION OF INMATE~~
(Title of Document) FOR COURT APPEARANCE OR,
IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE
OR VIDEO CONFERENCE TO WHICH A THIRD ORDER IS IN USPS 30
filed in District Court Case number (s) ~~C-21-357927-1~~

C-17-323614-1

A-17-^{and}758861-C

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

-OR-

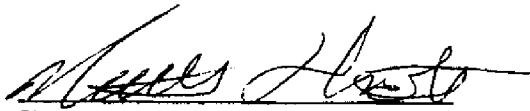
☐ Contains the social security number of a person as required by:

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

April 20th, 2022
Date

Matthew Travis Houston
Print Name

Doctor and Reverend
Title topclawyhouston®

May 17th, 2022

YOU WILL ALSO NOW
TAKE NOTICE OF
EXHIBIT CONTINUED
ON PAGE LUCKY #7

Page No. 6 of 7

Reverend Matthew Travis Houston, Esq.
No. 1210652
H.O.S.P.
P.O. Box 650
Indian Springs, NV
89070-0650

LAS VEGAS NV 8903
3-D-42 MAY 2022 PM 3 L

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

3762

* OFFICIAL BUSINESS *
OF THE NATIONAL LAWYER'S GUILD
HOSP THE-LEST Avenill 11th 2022 Nungestrike

83101-630000

|||||

UNIT 3 C/D
APR 20 2022
HIGH DESERT STATE PRISON

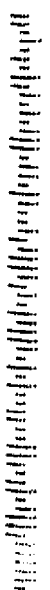
~~UNIT 3 A/B
APR 20 2022
HIGH DESERT STATE PRISON~~

Matthew Houston, one October Survivor
No. 1210652
HDSR
PO Box 650
Indian Springs, NV 89070-0650

EMERGENCY NOTICE
Clerks S. Grierson, Chante Pleasant,
Michelle McCarty and Heather Ungermann
200 Lewis Ave, 3rd Floor
PO Box 551601
Las Vegas, NV
89155-1601

LAS VEGAS NV 890
18 MAY 2022 PM 4 L

MAIL OF THE
LEGAL BEARER
OFFICIAL BUSINESS OF the State of Nevada
89155-160101



HIGH DESERT STATE PRISON
MAY 17 2022
UNIT 3 C/D

FILED

MAY 25 2022

CLERK OF COURT

0203

Matthew Travis Houston, pro se
#1210652 & HOSP

American Bar Association Student Member # classified
PO Box 650

Indian Springs, NV 89070-0650

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF

NEVADA IN AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA,
Plaintiff

v.

MATTHEW TRAVIS HOUSTON,
Defendant,
~~Petitioner-appellant and Plaintiff-in-Error.~~

CASE NO. C-21-357927-1

DEPT. NO. XI

June 15, 2022
9:00 AM

RENEWED MOTION TO WITHDRAW PLEA

COMES 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 in fact NEVER AGREED TO,
Agreement in the the case number C-21-357927-1, on the date of 4 in the month
Cassandra Diez, Benard Little, Anthony M. Goldstein and
of August in the year 2021, where defendant was then represented by Jeremy Wood 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, entitled "PLAINTIFF-IN-ERROR'S RESPONSE TO THE PERP
STATE'S OPPOSITION TO DEFENDANT'S EMERGENCY MOTION TO
Dated this 17th day of May, 2022, WITHDRAW PLEA", that
was supposed to have been submitted by Anthony M.
Goldstein. Instead of that, Respectfully submitted,
he was too worried about the
guilty thief who stole my
identity in the court of the "SUBSTITUTE JUDGE".

MEMORANDUM OF POINTS AND AUTHORITIES

NRS. 176.165 PROVIDES:

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

Failure to adequately inform a defendant of the full consequences of his/her plea creates manifest injustice which could be corrected by setting aside the conviction and allowing him/her to withdraw the guilty plea. Meyer v. State, 603 P.2d 1066 (Nev. 1979), and Little v. Warden, 34 P.3d 540 (Nev.2001).

Defendant herein alleges that his/her plea is in error and must withdraw the plea pursuant to the following facts: The courts have refused to provide any transcripts from any of the cases that caused this wrongful conviction, including C-17-323614-1, A-17-758861-C, 21CR019840, 21CR033713, 21P01275 and in Las Vegas Municipal Court C1248384A and C1237802A the failure of Las Vegas Municipal Court to respond to 3 separate petitions to 3 separate addresses constitutes an additional 2 miscarriages of manifest injustice and 3 separate dereliction of duties after the double jeopardies of both C1248384A AND C1237802A.
So the question for "our lady justice" to the peanut gallery of Linda Bell, Susan Baccus, Michelle De La Garza, Alexix Plunkett, Jason Barrus, Alex Bassett, Andrew Flahive, Elli Boehani, and a hundred more respondents is, "Is the fictitious Deep State of Nevada so inherently corrupt, bankrupted and disgusting that it cannot even afford to compensate Taken a dollar or two more so that she can learn how to read and
truthfully
oppose documents + before she publishes more lies, slander, defamation of character and further insults the last man standing?"
Now see attached "Response To Opps From the Deep State" →

Steven B. Wolfson

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #005734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-21-357927-1

MATTHEW HOUSTON
ID#1210652,

DEPT NO: XI

Defendant, petitioner-

appellant and the Plaintiff-in-Error

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

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

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

This Opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court. **OBJECTION YOUR HONOR. IF**
// this is so, then why hasn't Miss Pandukht read or
// responded to the 12 page DIRECT APPEAL filed 2/16/2022
// or the 56 pages of merited grounds, experts and factual
evidence put on record in RESPONSE filed 3/29/2022?

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

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

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

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

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

27 On April 13, 2022, Defendant filed the instant Motion to Withdraw Plea (hereinafter
28 "Motion"). The State's Opposition ^{was inept.} [REDACTED] (But be careful, because the only
29 grounds Taleen is using against ^{the Def.} [REDACTED] is the hearsay that ^{he's} [REDACTED]
30 already moved the court to have SUPPRESSED and stricken from
31 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 himself, instead of allowing the STATE OF NEVADA to publish
30 more of the defamation of character against the Defendant?

See "it" = THE STATE OF NEVADA

Because it is inherently and without-a-doubt, the most rotten definition of corrupt, Nevada state law does not recognize freestanding claims of actual innocence in a
Petition for Writ of Habeas Corpus, but rather only provides for claims of actual innocence
where a defendant is attempting to overcome a procedural bar caused by an untimely or
successive petition. See Mitchell v. State, 122 Nev. 1269, 1273-74, 149 P.3d 33, 36 (2006);
See also Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525-26 (2003). This is consistent with
the Nevada Supreme Court's adoption of the standard established in Schlup v. Delo. See 513
U.S. 238, 315, 115 S. Ct. 851, 861 (1995) (quoting Herrera v. Collins, 506 U.S. 390, 404, 113
S. Ct. 853, 862 (1993)) ("Schlup's claim of innocence is thus not itself a constitutional claim,
but instead a gateway through which a habeas petitioner must pass to have his otherwise barred
constitutional claim considered on the merits."). In contrast, a freestanding claim of actual
innocence is a claim wherein a petitioner alleges actual innocence alone, rather than actual
innocence supported by a claim of constitutional deficiency, warrants relief. See Herrera, 506
U.S. 390, 113 S. Ct. 853 (1993). The Herrera Court acknowledged that claims of actual
innocence based on newly discovered evidence have never been held as a ground for habeas
relief absent an independent constitutional violation in the underlying criminal proceeding. Id.
violation, so what is this lady even typing?
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
law library)
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 [REDACTED], Defendant's claim should be denied, because Nevada has no laws? "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} ~~own~~ 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 COP9
27 // after February 1st, 2022. So how is that "free-
28 // standing" ?

1 CONCLUSION

2 Based on the foregoing, the State respectfully requests Defendant's Emergency Motion
3 to Withdraw Plea should be denied, since they stole my service animals (30)

4 DATED this 21 day of April, 2022. and never read any
5 rights to me or presented Respectfully submitted,
6 any sort of warrant or STEVEN B. WOLFSON
7 summons. Clark County District Attorney
Nevada Bar #01565

8
9 BY  FOR

10 TALEEN R. PANDUKHT
11 Chief Deputy District Attorney
12 Nevada Bar #005734

13 CERTIFICATE OF MAILING

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

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

20 BY 

21 Secretary for the District Attorney's Office

22 and whose name is this?
23 Demand for name so they
24 can be sued too.
25
26
27
28

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

Dated this 17th day of May, 2022.

Respectfully Submitted,



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

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

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

CC: File

Dated this 17th day of May, 2022

BY: Matthew Travis Houston
Matthew Travis Houston #1210652

Matthew Houston
1240652
HOSP
PO Box 650
Indian Springs, NV
89070-0650

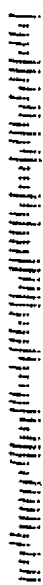
LAS VEGAS NV 890
19 MAY 2022PM 3 L

* legal mail *

NOT 3763

Regional Injustice Center
S. Grierson, Clerk
200 Lewis Ave., 3rd Floor
Las Vegas, NV
~~89070~~
89155-1160

69101-630000



HIGH DESERT STATE PRISON
MAY 18 2022
UNIT 3 C/D

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

Electronically Filed
4/19/2022 2:54 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

RESPONSE TO:

OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
TALEEN PANDUKHT
Chief Deputy District Attorney
Nevada Bar #5734
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

TRAVIS

MATTHEW HOUSTON (there is NOT
ID#1210652, any sort of "AKA" for
this Plaintiff - in Error and
Petitioner-appellant,

-VS-

THE STATE OF NEVADA, JOE LOMBARDO,
CALVIN JOHNSON, MANDALAY BAY
CONVENTION CENTER, Respondent(s).
SEDGWICK, et al, LVMPD, CCDC, et al

CASE NO: C-21-357927-1 #17, #18,
JOINDER TO
A-17-756861-C (Dept #28,
C-17-323614-1 (Dept #29,
DEPT NO: XI unknown)

"RENEWED MOTION TO SUPPRESS
HEARING FROM DECEMBER 6TH, 2021 AND

MOTION FOR AN ORDER TO TALEEN PANDUKHT TO READ 3/29/22 IN
RE STATE'S OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR AN
ORDER TO SUPPRESS HEARING FROM DECEMBER 6TH, 2021"

~~DATE OF HEARING: APRIL 25, 2022~~

MAY 23, 2022

~~TIME OF HEARING: 9:00 AM~~

9:00 AM

"rehearing requested" and "de novo hearing requested"

NOTE TO THE CLERK:

THESE 126 PAGES ARE TO BE FILED AS
ONE MOTION ENTITLED;

"RENEWED MOTION TO SUPPRESS
HEARING FROM DECEMBER 6TH, 2021 AND
MOTION FOR AN ORDER TO TALEEN PANDUKHT
TO READ 3/29/2022 IN RE STATE'S
OPPOSITION TO PETITIONER'S EMERGENCY MOTION
FOR AN ORDER TO SUPPRESS HEARING FROM
DECEMBER 6TH, 2021"

PAGE NUMBER ONE
OF ONE HUNDRED AND

— Thank you and
600 BLESS
TWENTY-SIX

RECEIVED

MAY 23 2022

CLERK OF THE COURT

1 Please take notice that POINTS AND AUTHORITIES are not validated by a
2 false arrest, a fictitious STATEMENT OF THE CASE, or heresay on record.

3 On August 3, 2021, Matthew ^{Travis} Houston (hereinafter "Petitioner") was charged by way
4 of Information with Aggravated Stalking (Category B Felony - NRS 200.575). On August 4,
5 2021, Petitioner was arraigned and ^{unknowingly and involuntarily} pled guilty to the charged crime. That same day,

6 Petitioner's ~~Guilty~~ Guilty Plea Agreement (hereinafter "GPA") was filed, which was in
fact unsigned, nor did it contain any sort of "express consent" of the Petitioner.

7 On October 5, 2021, Petitioner filed a Motion to Withdraw as Attorney of Record and
8 Appoint Alternate Counsel in Order for Defendant to Withdraw His Guilty Plea. However, on
9 December 6, 2021, Petitioner confirmed upon Court's inquiry that he no longer wished to
10 withdraw his guilty plea. ^{because Benard Little told him to apply to MENTAL HEALTH court} On that same date, Petitioner was sentenced to a maximum of ninety-
^{because DRUG COURT interviewed him October 10th, 2021.} six (96) months and a minimum of twenty-four (24) months in the Nevada Department of

11 Corrections (hereinafter "NDOC") with ninety-three (93) days credit for time served.
12

13 On December 8, 2021, the Judgment of Conviction was filed, before his "interview"
14 to DRUG COURT on December 10, 2021.

15 On January 3, 2022, Petitioner filed a Motion to Dismiss Counsel, On January 24, 2022,
and his DIRECT APPEAL was mailed at the same time as a "de novo" request.
16 this Court granted the Motion to Dismiss Counsel but denied his request to recuse Judge Jones

17 and denied his request for money. The Order Granting In Part, Denying In Part Defendant's

18 Pro Per Motion to Dismiss Counsel was filed on February 1, 2022. ^{Because Petitioner's} First notice of appeal
was hindered by ineffective aid of counsel of Benard Little et al,

19 On February 18, 2022, Petitioner filed a Notice of Appeal. On March 29, 2022,
Actually, it was titled "DIRECT APPEAL"
Petitioner filed another Notice of Appeal to and Response to this Court's Order Granting in

20 Part, Denying in Part Petitioner's Pro Per Motion to Dismiss Counsel from February 1, 2022.

21 On March 15, 2022, Petitioner filed an Emergency Motion to Oppose Remand and
(which was originally received by the Clerk of Court on October 18th, 2021.)

22 Dismiss Case in its Entirety. On March 31, 2022, Petitioner filed a Notice of Motion and

23 Motion for Transcripts at the State's Expense, ^{because Benard Little, et al failed in} providing those to the Petitioner as well.

24 On April 2, 2022, Petitioner filed the instant Emergency Motion for an Order to

25 Suppress Hearing from December 6, 2021 (hereinafter "Motion"). The State's Opposition now

26 follows, as evidence of its further procedural and prosecutorial errors,
and misconducts, because Petitioner Filed absolutely nothing on October 5th, 21.

27 ^{Now see STATEMENT OF FACTS} sort of facts, because the state relied on no sort of tangible evidence

28 or facts; The Court relied on the following factual synopsis in sentencing Petitioner; which

was based on nothing but blatant lies and heresay. This judicial and

prosecutorial misconduct violated the 2 rights of the Petitioner-appellant.

WHEREFORE, Petitioner prays for an ORDER to suppress that as well.

14 MOTION TO SUPPRESS [REDACTED] "Contact was then made with an officer of Iowa (there is no
 15 (RENEWED) Police Department. He stated that Mr. Houston had been Iowa Police
 16 responsible for (21) calls for service in Iowa City and that he was Dept.), So →
 17 mentally unstable. but it was not authorized by any
 18 judge, magistrate, or other sort of judicial officer. A warrant of arrest was issued for Mr. Houston; and on July 14,
 19 2021, he was arrested, transported to the Clark County Detention
 20 Center, and booked accordingly. Then, sometime after August 4th, 21,
 21 he was transported to Las Vegas City to face double-jeopardy
 22 charges in Las Vegas Municipal Court. Petitioner's Presentence Investigation Report (hereinafter "PSI") at 5-6, which was illegal
 23 because the Petitioner never participated in any sort of interview for an
 24 accurate PSI to be completed. ARGUMENT Illegally, Bernard Little pushed
 25 a PSI made up of ERROR and lies to the courts, which was forwarded to
 26 the offices of Pittano and Fuma, CHD E 601 LV Blvd - 89101 - P: 702-623-5155
 27 I. PETITIONER'S MOTION IS NOT THE APPROPRIATE METHOD TO
 28 CHALLENGE HIS GUILTY PLEA AFTER SENTENCING, because the
 29 prosecution thinks that it's okay to deny Petitioner's First Amendment rights.
 Petitioner's claims are either substantive claims or ineffective assistance of counsel
 claims that challenge the validity of his guilty plea and sentence. Motion at 1-10. However,
 Petitioner's ineffective assistance of counsel claims are not appropriate for the instant Motion.
 Ineffective assistance of counsel claims must be raised in a Petition for Writ of Habeas Corpus.
 See, NRS 34.724(2)(b); Harris v. State, 130 Nev. 435, 448, 329 P.3d 619, 628-29 (2014).
 Additionally, Petitioner's substantive claims must be raised on direct appeal. NRS
 (As they were well before 2/10/2022, SEE DIRECT APPEAL)
 filed that day

34.724(2)(a); NRS 34.810(1)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds, Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

Furthermore, Petitioner still has time to file a timely Petition for Writ of Habeas Corpus. Petitioner's Judgment of Conviction was filed on December 8, 2021. Thus, he has until December 8, 2022, to timely file a Petition within the one-year deadline. Since Petitioner can still timely file a Petition, this Court should deny Petitioner's Motion and require him to comply with the statutory rules. Requiring Petitioner to comply with the rules does not prejudice him in any way. So making a wrongfully convicted prisoner do more time isn't prejudice? See Taleen's error on Page 2,

II. THIS COURT SHOULD DECLINE TO TREAT THE MOTION AS A PETITION Is Taleen's errors on record not a form of prejudice against the Petitioner? lines # 7 and #8.

As stated above, many of Petitioner's claims are appropriate for a Petition for Writ of Habeas Corpus. However, this Court should ~~not~~ treat the instant Motion as a Petition for Writ of Habeas Corpus because it ~~is not~~ a work in progress to meet the requirements of NRS 34.735, which states:

4. You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections. See ~~Calvin Johnson, et al.~~

5. You must include all grounds or claims for relief you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.

6. You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

Petitioner's Motion does ~~not~~ comply with ~~the~~ the above requirements outlined in NRS 34.735. Petitioner failed to name the person by whom he is confined, the Clark County Hold on Taleen, just so we know how much you care about not making errors on record, Petitioner 4 is not at CCDC is he? He is in fact @ H.D.S.P. since December 20th, 2021. Now in Behavior Mod. Unit 3D.

1 Detention Center, as Respondent. Petitioner only named the State of Nevada as the
2 Respondent, and thus fails to meet the requirement set out in NRS 34.735(4). Motion at 1.
3 (Now see page 16 for an updated list of defendants aka
"respondents")

4 Additionally, Petitioner failed to meet the requirement set out in NRS 34.735(5). Petitioner
5 filed another Emergency Motion to Withdraw Plea on April 13, 2022. In that Motion, he
6 outlined a new set of claims. Therefore, he clearly did not include all grounds or claims for
7 relief he had regarding his conviction or sentence and thus failed to meet the requirement of
8 NRS 34.735(5). Lastly, Petitioner fails to meet the requirement of NRS 34.725(6). Petitioner
9 fails to allege any specific facts that support the claims in his Motion. Petitioner only makes
10 conclusory claims that are not supported by any specific facts or evidence. Therefore, this
11 Court should decline to treat Petitioner's Motion as a Petition because it fails to comply with
12 multiple requirements of NRS 34.735. Or does it? Let's ask Tierra Danielle

13 Jones about Petitioner's habeas filed as result of CASE #C-17-323614-1.

14 **III. EVEN IF THIS COURT TREATS PETITIONER'S MOTION AS A PETITION,
IT SHOULD STILL BE DENIED TO FURTHER VIOLATE HIS
FIRST AMENDMENT RIGHTS, RIGHT?**

15 **A. Petitioner's References to Legal Terms are Misused and Unsubstantiated**

16 Petitioner rattles off numerous legal terms but fails to substantiate them in any fashion.
17 because the prosecution neglected reading response filed 3/29/22
18 See generally Motion. He does not tie them to any facts or evidence. As such, Petitioner's
19 various claims involving unsubstantiated legal terms are only suitable for summary denial
20 under Hargrove. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

21 First, Petitioner claims the District Court should take accountability for "every single
22 wrongful conviction it has caused and malicious prosecution, judicial malpractice,
23 prosecutorial misconduct, and further miscarriages of justice." Motion at 1. He further claims
24 the allegations against him were invalid "due to the extreme conflict of interest between each
25 and every individual involved." Motion at 10. However, Petitioner does not state how the
26 District Court should take "accountability" and does not give a single example of any
27 miscarriage of justice, malpractice, or misconduct. Further, he does not identify or explain any
28 of the alleged conflict of interests between any of the people involved in this case. Thus,
29 Petitioner's claims should be summarily denied under Hargrove. The courts could take

30 accountability by actually reading the complete 12 (twelve)
pages of DIRECT APPEAL filed 2/18/2022 and all 56 (fifty-six)
pages of REPOSE filed 3/29/22.5

Next, Petitioner claims he has established a "prima facie need" for this Motion based on newly discovered evidence. Motion at 1. However, again, he fails to identify what evidence he is referring to and how that evidence supports the claims in his Motion. Therefore, this claim should also be denied because it is bare and naked. *See letter from Anthony M. Goldstein, it was included in original motion, and*

Next, Petitioner claims his guilty plea was invalid because his mental issues caused an "extreme" state of paranoia and feared he would suffer physical harm if he did not accept the guilty plea. Motion at 5. Petitioner again fails to substantiate his claim with any evidence. *See page #THREE of request for hearing de novo*

There is no evidence of any mental health issues in his Presentence Investigation Report, and *received 12/27/21* there is no evidence mental health was discussed in plea negotiations. Simply put, there is no evidence Petitioner suffers from any mental health issues outside of his own self-serving *ineffective aid of counsel* statements. Thus, Petitioner's bare and naked claim should be summarily denied. *If that's so, then why is the petitioner housed in BEHAVIOR MODIFICATION UNIT? (3-D-42)*

Next, Petitioner claims his counsel's failure to present expert testimony caused a miscarriage of justice and amounted to egregious professional misconduct. Motion at 9. *(ADSP)*

Petitioner states he did not receive competent representation because he was appointed counsel *because the false arrest made him indigent* because he is indigent, and hired counsel is "better" because their time is paid for. Motion at *Especially because he had intended to return Pitarno and Fumo.*

10. He also claims his counsel violated his duty of loyalty to Petitioner. *Id.* Petitioner fails to *Benard Little and Jeremy Wood violated NRS 180.060, especially 3(a)(b)* support his claims with any specific facts. He does not state how his counsel violated his duty *and especially especially (1) and (4).* He/they neglected providing testimony of *Dr. O'Keefe, U.M.C., University of Iowa or any of Petitioner's doctors.* of loyalty, what expert testimony they should have presented, or how his representation was *incompetent.* Therefore, this claim should also be summarily denied, *because of Taleen's failure and/or prosecutorial misconduct in neglecting to read prior motions, See 3-* Lastly, Petitioner claims his guilty plea was invalid because his plea was coerced *29-2022*

"under a kind of psychosis that would lead him to agree to anything while under the stress caused by a state of reverential fear." Motion at 10. He also claims law enforcement coerced *This is documented in the* witnesses with "over-reaching tactics." *Id.* Again, Petitioner fails to identify any specific facts *evidence that Petitioner is still moving this court to have suppressed* or substantiate his claims with any evidence, other than general claims of misconduct. Thus, *because all of it is hearsay and was obtained illegally due to factors* all of Petitioner's claims should be summarily denied under *Hargrove*, not limited to *law enforcement intimidation practices and numerous other violations*

B. Petitioner's Substantive Claims are Procedurally Barred of Petitioner's 4th Amendment Rights to be free in his own home, free from the NRS 34.810(1) reads: issue of ILLEGAL arrest / search / seizure and free from becoming victim of eating from the fruit of the POISONOUS The court shall dismiss a petition if the court determines that: *TREE.*

1 (a) The petitioner's conviction was upon a plea of guilty or guilty
2 but mentally ill and the petition is not based upon an allegation
3 that the plea was involuntarily or unknowingly or that the plea was
4 entered without effective assistance of counsel.

5 (b) The petitioner's conviction was the result of a trial and the
6 grounds for the petition could have been:

7 (2) Raised in a direct appeal or a prior petition for a writ of habeas
8 corpus or postconviction relief.

9 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea
10 and claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
11 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
12 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"
13 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
14 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). "A
15 court must dismiss a habeas petition if it presents claims that either were or could have been
16 presented in an earlier proceeding, unless the court finds both cause for failing to present the
17 claims earlier or for raising them again and actual prejudice to the petitioner." Evans v. State,
18 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001). Which is exactly why the
19 Petitioner filed his own "DIRECT APPEAL" which was
20 Under NRS 34.810: filed by the clerk on 2/18/2022.

21 1. The court *shall* dismiss a petition if the court determines that:

22 (a) The petitioner's conviction was upon a plea of guilty or guilty but
23 mentally ill and the petition is not based upon an allegation that the
24 plea was involuntarily or unknowingly entered or that the plea was
25 entered without effective assistance of counsel.

26 ...
27 unless the court finds both cause for the failure to present the
28 grounds and actual prejudice to the petitioner.

29 (emphasis added). Further, substantive claims are beyond the scope of habeas and waived.
30 NRS 34.724(2)(a); Evans v. State, 117 Nev. 609, 646-47, 29 P.3d 498, 523 (2001); Franklin
31 v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994), disapproved on other grounds,
32 Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999). The Petitioner didn't "claim"
33 anything. The truth is the truth.

34 Here, Petitioner claims there was judicial misconduct, witness misconduct,
35 prosecutorial misconduct, and misconduct by law enforcement. Motion at 1, 9-10. These
36 It's just too bad that too many bad actors FAIL to recognize fact.
37 Too bad for them at least. 7

1 claims can only be raised on direct appeal, and are thereby, waived. Franklin, 110 Nev. at 752,
2 877 P.2d at 1059. Regardless, Petitioner cannot show good cause or prejudice to overcome
3 such procedural bars for the following reasons. (Because Taleen failed to
4 read Petitioners "DIRECT APPEAL" on 2-18-22 and RESPONSE on 3-29-22)
A showing of good cause and prejudice may overcome procedural bars. "To establish
5 good cause, appellants *must* show that an impediment external to the defense prevented their
6 compliance with the applicable procedural rule. A qualifying impediment might be shown
7 where the factual or legal basis for a claim was not reasonably available at the time of default."
8 Clem v. State, 119 Nev. 615, 621, 81 P.3d 521, 525 (2003) (emphasis added). The Court
9 continued, "appellants cannot attempt to manufacture good cause[.]" Id. at 621, 81 P.3d at
10 526. Examples of good cause include interference by State officials and the previous
11 unavailability of a legal or factual basis. See State v. Huebler, 128 Nev. Adv. Op. 19, 275 P.3d
12 91, 95 (2012). Some of this interference included Petitioner being
13 heard by a "substitute judge" who has yet to be named by the court.
14 Petitioner does not even attempt to demonstrate good cause because all of the facts and
15 law were available for an appeal and there was no impediment external to Petitioner. Because
16 Petitioner makes no showing of good cause, his failure to do so should be treated as an
17 admission that he cannot. District Court Rules (DCR) Rule 13(2); Eighth Judicial District
18 Court Rules (EDCR) Rule 3.20(b); Polk v. State, 126 Nev. 180, 233 P.3d 357, 360-61 (2010).

19 Neither can Petitioner show that he suffered any prejudice. In order to establish
20 prejudice, the defendant must show "not merely that the errors of [the proceedings] created
21 possibility of prejudice, but that they worked to his actual and substantial disadvantage, in
22 affecting the state proceedings with error of constitutional dimensions." Hogan v. Warden,
23 109 Nev. 952, 960, 860 P.2d 710, 716 (1993) (quoting United States v. Frady, 456 U.S. 152,
24 170, 102 S. Ct. 1584, 1596 (1982)). To find good cause there must be a "substantial reason;
25 one that affords a legal excuse." Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506
26 (2003) (quoting Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989)). Clearly, any
27 delay in the filing of the petition must not be the fault of the petitioner. NRS 34.726(1)(a).

28 In this case, Petitioner alleges misconduct by almost every person involved in his case,
29 except for himself. Petitioner's claims are unsubstantiated and meritless. First, as stated above,
30 Hold on. Petitioner is NOT GUILTY, so why would he allege
31 "misconduct" against himself, and subject himself to self-
incrimination? Encouraging the accused to do so is prosecutorial misconduct.

1 Petitioner fails to identify any specific instances of misconduct by any of the parties he
2 (because Taleen obviously did not read the 56 page
3 mentions. He only rests on incantations of legal terms that are naked assertions suitable only
4 response that was filed March 29, 2022. Or, it is also possible
5 for summary denial pursuant to Hargrove, 100 Nev. at 502, 686 P.2d at 225. One-line
6 that she is lying.

7 incantations of legal terms is an insufficient basis upon which to find prejudice substantial
8 enough to ignore Petitioner's procedural default. Moreover, Petitioner does ~~claim~~ claim
9 that he suffered ~~any~~ prejudice as a result of the alleged misconduct. Therefore, Petitioner
10 can ~~not~~ demonstrate good cause to overcome the procedural bars, ^{and} that he suffered ~~any~~
11 prejudice. As such, these ~~claims~~ claims should be ~~read~~ read or re-read by
12 Taleen Pandukht and the judge.

13 C. Petitioner's Guilty Plea was Freely and Voluntarily Entered, NOT!
14 Now it's "complaining" that LVMPD stole ~~my~~ his dogs?

15 Petitioner complains that his guilty plea was involuntary because he was in a severe
16 state of paranoia due to being separated from his service dog, and that he was in fear of
17 physical harm if he did not accept the offer. Motion at 5. He further claims that he is a survivor
18 of 37 years of abuse by "evil forces" and was subject to the police state brutality of law
19 Petitioner being framed as an ABBRIVATED STALKER any sort
20 enforcement. Motion at 10. As stated above, these claims are bare and naked and should be
21 of offer. The Petitioner had to lie under oath just so he
22 summarily dismissed under Hargrove, 100 Nev. at 502, 686 P.2d at 225. Furthermore, they
23 could try to find his dogs, and instead of CDC releasing him,
24 are meritless and belied by the plea canvass and Petitioner's GPA.

25 he was sent to Las Vegas Municipal Court and it's "City Jail" to face
26 To determine whether a guilty plea was voluntarily entered, the Court will review the
27 and be subjected to double-jeopardy charges. If the Court
28 totality of the circumstances surrounding the defendant's plea. Bryant, 102 Nev. at 271, 721
29 reviewed the totality of the circumstances, those cases would
30 P.2d at 367. A proper plea canvass should reflect that: be reflected here. But

31 [T]he defendant knowingly waived his privilege against self-the prosecution
incrimination, the right to trial by jury, and the right to confront is hiding
his accusers; (2) the plea was voluntary, was not coerced, and was those too,
not the result of a promise of leniency; (3) the defendant prosecutorial
understood the consequences of his plea and the range of misconduct
punishments; and (4) the defendant understood the nature of the charge, i.e., the elements of the crime. at it's finest, right?

32 Wilson v. State, 99 Nev. 362, 367, 664 P.2d 328, 331 (1983) (citing Higby v. Sheriff, 86 Nev.
33 774, 476 P.2d 950 (1970)). The presence and advice of counsel is a significant factor in
34 Benard Little was nothing more than a warm body.
35 determining the voluntariness of a plea of guilty. Patton v. Warden, 91 Nev. 1, 2, 530 P.2d

36 107, 107 (1975). Taleen didn't mention Motion at 6, because that
37 shows this court how Benard Little admitted on record his OWN
38 ineffectiveness by lying about "goal setting" on page #2 (DECLARATION)
39 in his MOTION TO WITHDRAW AS ATTORNEY OF RECORD FILED 10/5/21
40 why don't we ask Benard Little about these bare and naked claims?

1 This standard requires the court accepting the plea to personally address the defendant
2 The only thing personal about that day was that the Petitioner
at the time he enters his plea in order to determine whether he understands the nature of the
3 had to lie under duress just so he could try to get his dogs back.
charges to which he is pleading. Bryant, 102 Nev. at 271, 721 P.2d at 367. A court may not
4 rely simply on a written plea agreement without some verbal interaction with a defendant. Id.
5 Thus, a "colloquy" is constitutionally mandated and a "colloquy" is but a conversation in a
6 formal setting, such as that occurring between an official sitting in judgment of an accused at
7 This was in no way any sort of conversation.
plea. See id. However, the court need not conduct a ritualistic oral canvass. State v. Freese,
8 116 Nev. 1097, 13 P.3d 442 (2000). The guidelines for voluntariness of guilty pleas "do not
9 require the articulation of talismanic phrases," but only that the record demonstrates a
10 defendant entered his guilty plea understandingly and voluntarily. Heffley v. Warden, 89 Nev.
11 573, 575, 516 P.2d 1403, 1404 (1973); see also Brady v. United States, 397 U.S. 742, 747-48,
12 90 S. Ct. 1463, 1470 (1970).

13 According to Petitioner's GPA, Petitioner acknowledged that he was entering his plea
14 knowingly and voluntarily: ^{that he didn't get to read or}
15 see until February 1st, 2022, well after August 4-5, 2021.

VOLUNTARINESS OF PLEA

16 I have discussed the elements of all of the original charge(s)
17 against me with my attorney and I understand the nature of the
charge(s) against me.

18 I understand that the State would have to prove each element of
19 the charge(s) against me at trial.

20 I have discussed with my attorney any possible defenses, defense
strategies and circumstances which might be in my favor.

21 All of the foregoing elements, consequences, rights, and waiver of
22 rights have been thoroughly explained to me by my attorney.

23 I believe that pleading guilty and accepting this plea bargain is in
my best interest, and that a trial would be contrary to my best
24 interest.

25 I am signing this agreement voluntarily, after consultation with my
attorney, and I am not acting under duress or coercion or by virtue
26 of any promises of leniency, except for those set forth in this
agreement.

27 I am not now under the influence of any intoxicating liquor, a
28 controlled substance or other drug which would in any manner
impair my ability to comprehend or understand this agreement or
the proceedings surrounding my entry of this plea.

1 My attorney has answered all my questions regarding this guilty
2 plea agreement and its consequences to my satisfaction and I am
satisfied with the services provided by my attorney.

3 GPA at 5-6. Therefore, Petitioner's claims are belied by the GPA itself and his Motion must
4 be denied. *Please take notice that the Petitioner is half-deaf*
and suffers from roaring tinnitus and C.P.T.S.D.
5 Further, Petitioner's plea canvass demonstrates that Petitioner entered his plea
6 knowingly and voluntarily. During canvassing, the Court and Petitioner stated:
7 *Petitioner has absolutely NO recollection of any of this:*

8 THE COURT: And are you pleading guilty to the charge of
Aggravating Stalking?

9 DEFENDANT: Yes, Judge.

10 THE COURT: Before I can accept your plea of guilty, I must make
sure it is freely, voluntarily and knowingly entered.
11 Has anyone forced you to plead guilty?

12 DEFENDANT: No, Your Honor.

13 THE COURT: Has anyone threatened you or anyone closely
associated with you in order to get you to plead
14 guilty?

15 DEFENDANT: No, Your Honor

16 THE COURT: Is one of the reasons you are pleading guilty to this
charge is in truth and fact you are guilty of the
17 charge?

18 DEFENDANT: Yes, Your Honor.

19 THE COURT: Sir, I've got a copy of the Guilty Plea Agreement in
front of me. Did you authorize your attorney to sign
20 your name at page 6 of the agreement?

21 DEFENDANT: Yes, Judge.

22 THE COURT: Do you understand by giving that authorization you
are bound by the terms of the agreement?

23 DEFENDANT: Yes, Your Honor.

24 THE COURT: Also, by giving that authorization it is the same as if
you had signed the agreement yourself?

25 DEFENDANT: Yes, Your Honor.

26 THE COURT: And, sir, did you read the agreement or was it read
to you?

27 DEFENDANT: Read to me.

28 THE COURT: And did you understand everything that was read to
you?

DEFENDANT: Yes.

1 THE COURT: Based upon all of the facts and circumstances of
2 your case, are you satisfied with the services of your
3 attorney?

4 DEFENDANT: Yes.

5 THE COURT: Are you entering your plea freely, voluntarily, and
6 knowingly?

7 DEFENDANT: Yes, Judge.

8 Reporter's Transcript of Proceedings, Initial Arraignment 08/04/2021, at 3-6. Thus,
9 Petitioner's claims are also belied by his plea canvassing where he affirmatively stated he
10 entered his plea freely, voluntarily, and knowingly. Petitioner's Motion must be denied
11 accordingly. *Petitioner suffers from roaring tinnitus and is almost deaf, so he just said yes because he didn't want to*

12 *D. Petitioner Did Receive Ineffective Assistance of Counsel argue with anybody. He just wanted his dogs back.*

13 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
14 prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his
15 defense." The United States Supreme Court has long recognized that "the right to counsel is
16 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
17 104 S. Ct. 2052, 2063 (1984); *see also State v. Love*, 109 Nev. 1136, 1138, 865 P.2d 322, 323
18 (1993). *Now see initial "PETITION FOR A WRIT OF HABEAS CORPUS" in an ex parte letter of T.D.J. dated November 11, 2021.*

19 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
20 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
21 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. *See also Love*, 109 Nev. at 1138, 865
22 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's
23 representation fell below an objective standard of reasonableness, and second, that but for
24 counsel's errors, there is a reasonable probability that the result of the proceedings would have
25 been different. 466 U.S. at 687-88, 694, 104 S. Ct. at 2065, 2068; Warden, Nevada State
26 Prison v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-
27 part test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach
28 the inquiry in the same order or even to address both components of the inquiry if the defendant
29 makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

30 Again, this is why Taleen Pandukht should have read ALL
of the attached but previously filed pleadings, responses and
motions. But here they are 12 again, for the court too.

1 The court begins with the presumption of effectiveness and then must determine
2 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
3 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
4 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
5 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
6 537 P.2d 473, 474 (1975). See attached "RESPONSE" filed 3/29/2022.

7 Counsel cannot be ineffective for failing to make futile objections or arguments. See
8 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
9 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
10 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
11 (2002). Again, please see attachments including 3/29/2022.

12 Based on the above law, the role of a court in considering allegations of ineffective
13 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
14 whether, under the particular facts and circumstances of the case, trial counsel failed to render
15 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
16 (1978). This analysis does not mean that the court should "second guess reasoned choices
17 between trial tactics nor does it mean that defense counsel, to protect himself against
18 allegations of inadequacy, must make every conceivable motion no matter how remote the
19 possibilities are of success." Id. To be effective, the constitution "does not require that counsel
20 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel
21 cannot create one and may disserve the interests of his client by attempting a useless charade."
22 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

23 "There are countless ways to provide effective assistance in any given case. Even the
24 best criminal defense attorneys would not defend a particular client in the same way."
25 Strickland, 466 U.S. at 689, 104 S. Ct. at 689. "Strategic choices made by counsel after
26 thoroughly investigating the plausible options are almost unchallengeable." Dawson v. State,
27 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
28 P.2d 951, 953 (1989). In essence, the court must "judge the reasonableness of counsel's

1 challenged conduct on the facts of the particular case, viewed as of the time of counsel's
2 conduct." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. *See 3/29/2022.*

3 The decision not to call witnesses is within the discretion of trial counsel and will not
4 be questioned unless it was a plainly unreasonable decision. *See Rhyne v. State*, 118 Nev. 1,
5 38 P.3d 163 (2002); Dawson v. State, 108 Nev. 112, 825 P.2d 593 (1992). Strickland does
6 not enact Newton's third law for the presentation of evidence, requiring for every prosecution
7 expert an equal and opposite expert from the defense. In many instances cross-examination
8 will be sufficient to expose defects in an expert's presentation. When defense counsel does not
9 have a solid case, the best strategy can be to say that there is too much doubt about the State's
10 theory for a jury to convict. Harrington v. Richter, 131 S.Ct. 770, 791, 578 F.3d. 944 (2011).
11 "Strategic choices made by counsel after thoroughly investigating the plausible options are
12 almost unchallengeable." Dawson v. State, 108 Nev. 112, 117, 825 P.2d 593, 596 (1992).

13 Even if a defendant can demonstrate that his counsel's representation fell below an
14 objective standard of reasonableness, he must still demonstrate prejudice and show a
15 reasonable probability that, but for counsel's errors, the result of the trial would have been
16 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
17 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). "A reasonable probability is a probability
18 sufficient to undermine confidence in the outcome." *Id.* (citing Strickland, 466 U.S. at 687-89,
19 694, 104 S. Ct. at 2064-65, 2068). *Please take notice of ALL the*
20 *attachments.*

21 The Nevada Supreme Court has held "that a habeas corpus petitioner must prove the
22 disputed factual allegations underlying his ineffective assistance claim by a preponderance of
23 the evidence." Means v. State, 120 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). Furthermore,
24 claims of ineffective assistance of counsel asserted in a petition for post-conviction relief must
25 be supported with specific factual allegations, which if true, would entitle the petitioner to
26 relief. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). "Bare" and "naked"
27 allegations are not sufficient, nor are those belied and repelled by the record. *Id.* NRS

28 34.735(6) states in relevant part, "[Petitioner] must allege specific facts supporting the claims
29 Don't hold your breath now Miss Taleen. It's sure not the
30 Petitioner's fault that you obviously did not read the
re-attached and re-filed pleadings, 14

1 in the petition[.] . . . Failure to allege specific facts rather than just conclusions may cause your
2 petition to be dismissed." (emphasis added). *why doesn't she mention Motion*

3 Here, Petitioner alleges that his counsel was ineffective because he is indigent and was
4 not appointed a private attorney, who would represent him adequately because their time is
5 paid for. Motion at 10. He further claims his counsel did not adhere to their duty of loyalty to
6 him as their client and failed to present expert testimony causing a miscarriage of justice.
7 Motion at 9-10. However, these claims are *merited quite substantial* and *is very much and a hundred percent*. This claim *is very much and a hundred percent*
8 *suitable*

9 pursuant to Hargrove, 100 Nev. at 502, 686 P.2d at 225. Petitioner fails to explain how his
10 counsel was ineffective. *because Taleen Pandukht never read the RESPONSE*
11 *He does state how they violated their duty of loyalty and does* *See Page 16*
12 *that was filed 3/29/2022* identify the expert witness his counsel should have "present[ed]." *See Motion at 9.* Petitioner's
13 failure to indicate *how were his experts able to help him when he*
14 *was kidnapped before his doctors appointment in Nevada,* what any expert could have offered or how it would have changed the
15 outcome of his case amounts to a failure to establish prejudice under Strickland, 466 U.S. at
16 697, 104 S. Ct. at 2069. Further, Petitioner's decision to enter a guilty plea relieved counsel of
17 *Petitioner did NOT make any* *See his lost service dogs that he will*
18 any obligation to present expert testimony. *See, Woods v. State, 114 Nev. 468, 477, 958 P.2d*
19 *never get back.*
20 91, 97 (1998); Reuben C. v. State, 99 Nev. 845, 845-46, 673 P.2d 493, 493 (1983); Powell v.

21 Sheriff, 85 Nev. 684, 687, 462 P.2d 756, 758 (1969). Therefore, Petitioner's failure to allege
22 specific facts and show any prejudice amounts to a bare and naked claim that must be
23 summarily denied, *because Benard Little failed to call any*
24 *witnesses including DR OKEEKEE (Grand Desert Psychiatry),*
25 *University of Iowa, V.M.C., or* **CONCLUSION** *even get records from C.C.D.C.*

26 Based on the foregoing, the State respectfully requests Petitioner's Emergency Motion
27 for an Order to Suppress Hearing from December 6, 2021, should be denied.

28 DATED this 19th day of April, 2022.

29 Also, Benard Little told
30 the Petitioner that he
would be going to mental

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

health court, not H.D.S.P.,
so the question for the sake of
justice is: "Where are we
at again, YOUR HONOR?" 15

BY /s/ Taleen R. Pandukht
TALEEN R. PANDUKHT
Chief Deputy District Attorney
Nevada Bar #05734

CERTIFICATE OF MAILING

I hereby certify that service of the above and foregoing was made this 19th 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
PO BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ E. Del Padre
E. DEL PADRE
Secretary for the District Attorney's Office

RENEWED LIST OF RESPONDENTS AND DEFENDANTS

1) STEVEN B. WOLFSON #1565 2) CALVIN JOHNSON, 3) T.L.V.C.C.
4) TALEEN PANDUKHT #5374 5) JOE LOMBARDO, 6) N.C.E.P.
7) LAURA A. GOODMAN #013390 8) LVMPD, 9) NUERO RESTORATIVE
10) KRISTINA A. RHOADES #12480 11) MDSP, 12) LAS VEGAS RECOVERY CENTER
13) BRIAN P. CLARK #4236 14) CCDC, 15) CHOICES GROUP
16) LUKAS MCCOURT, 17) RODDY SCOTT 18) Naphcare / 19) Wellpath
20) DARIN F. IMLAY #5674 21) CLARK MCCOURT, LLC 22) Las Vegas City Jail
23) BENARD LITTLE #12025 24) DAVID KELLY #7413 25) #8645 F. EDGE
26) JEREMY WOOD, 27) CASSONDRA DIEZ 28) CAPITAL POLICE MONTERO #C6056
29) ALEX BASSETT, 30) KAYLEIGH LOPATC 31) GGRM 32) LISA ANDERSON
33) RADENTA BLACIC, 34) ANTHONY M. GOLDSTEIN 35) #720 36) FREEMAN, 37) PSAV
38) NICOLE GARCIA, 39) TYLER ORE, 40) MURCHISON 41) LAW, 42) ENCORE EVENTS SERVICES
43) ERICA TOSH, 44) JASON BARRUS 45) DAN SCHWARTZ, 46) NAIW
47) ANDREW FLAIVE, 48) GENEX 49) LINA SAKALAUSKAS, 50) SEDGWICK
51) JONATHAN SHOCKLEY, 52) DIANNE FERRANTE 53) KAREN SCHWARTZ
54) ROSEMARY MCMORRIS-ALEXANDER 55) JACK BERNSTEIN, 56) SCOTT POISSON
57) TIERRA DANIELLE JONES 58) RYAN KERBOW #11403 59) KYLIE
60) ELLIE ROOHANI, 61) GENE PORTER 62) CHRISTOPHER BURK
63) MELISSA DE LA GARZA, 64) MICHAEL P. VILLANI, 65) JESSICA FLORES 66) BERNSTEIN & POISSON
67) DAVID M. JONES, 68) ROBERT JONES #9920 69) MARY KAY HOLTHUS
70) OFFICE OF CONSUMER HEALTH ASSISTANCE 71) DEPT. OF ADMIN. HEARINGS DIVISION

where we go one, one go all

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

5/9/2022

Hearing: 4/25/2022

Time: 9:00 AM

and 5/10/2022

Matthew Travis Houston,

Petitioner-appellant
and Plaintiff in Error

CASE NO: C-21-357927-1

DEPT NO: XI

-VS-

THE STATE OF NEVADA,

de novo hearing requested

Respondant, RENEWED DEMAND FOR DE NOVO 4/11/2022

NOW SEE: RENEWED MOTION FOR DE NOVO TO BE 4/27/2022 9AM

EMERGENCY MOTION FOR AN ORDER TO SUPPRESS

HEARING FROM DECEMBER 6TH, 2021.

COMES NOW, the Appellant, Matthew Travis Houston

and in proper moves this Honorable Court to take accountability for

every single wrongful conviction it has caused. Malicious

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 Travis Houston*

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

(all of the pages) Page 1 in proper personam

1 NRS 34.740 Petition: Expeditious judicial examination.
2 ~~CEIP~~ 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.

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

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)

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. Fluker*, 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 *Harlow 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. Cockerham*, 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. Singletary*, 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 Benard Little was an authority figure who held Appellant's 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 prisoner's default of a claim of ineffective
23 assistance of counsel at trial).

24 PLEASE TAKE NOTICE that the plaintiff-in-error / petitioner -
25 appellant's 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,
2 179, 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. Rocco*, 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, ~~¶~~ Bernard Little
28 should NOT have been re-appointed after admitting ineffectiveness.

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. Lydon*, 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); *Rhines 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" *Pose*, at 510.

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Is the claim procedurally barred?

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

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

Generally, prisoners can show "cause" and "prejudice" by demonstrating ineffective assistance. *Murray v. Carrier*, 477 U.S. 478, 488, 91 L.Ed.2d 397 (1986) (ineffective assistance can ~~constitute~~ constitute "cause"); *Dretke v. Haley*, 541 U.S. 386, 380, 124 S.Ct. 1847, 158 L.Ed. 659 (2004); *Coleman v. Thompson*, 501 U.S. 722, 750, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991); *Harrington v. Richter*, 562 U.S. 86, 131 S.Ct. 770, 785, 178 L.Ed.2d 624 (2011) (does not require a state court 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 1019, 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. Mages*,
18 358 F.3d 1002, 1004 (8th Cir.2004)(same);
19 *Hawkins v. Mullin*, 291 F.3d 658, 670 (10th Cir.2002)
20 (same); *Bryant 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 petitioner-

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.

Law Offices of Anthony M. Goldstein

March 16, 2022

Mat
Higl

Page Number Eleven
(#11)

DEMAND FOR JUDICIAL OPINION:
How can this court re-appoint
an attorney who recused
himself? What kind of
kangaroo meat house 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 427.

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76-1114
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Matthew Houston

#1210652

HO SP

P.O. Box 650

Indian Springs, NV
89070-0650

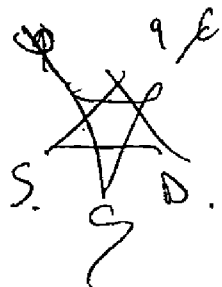
HIGH DESERT STATE PRISON

MAR 20 2022

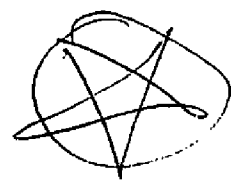
UNIT 12

Louis the
Page Number Fourteenth
(#14)

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



OF
DEMAND



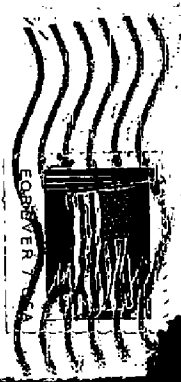
666, or
whatever number this is:

(swear AFFIDAVIT OF TRUTH)
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 (SUBSTITUTE JUDGE?) you call yourself. It can't be
Tierra Firma because you're not of this
planet Earth...

CEO Steven D. Grierson, Clerk
cc. Deputy H. Ungermann
in re C-21-357927-1
+ A-17-758861-C

21 MAR 2022 PM 4 L

LAS VEGAS NV 890



MATTHEW TRAVIS HOUSTON, pro se

H.D.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)

Electronically Filed

03/29/2022

Alvin S. Smith
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

MATTHEW TRAVIS HOUSTON,

Plaintiff-in-error
(petitioner-appellant),

-vs-

CASE NO.: A-17-758861-C

DEPT NO.: 28 and 29

CASE NO.: C-21-357927-1

DEPT NO.: XI

THE STATE OF NEVADA,

Respondant.

PART II OF

PERSONAL RESTRAINT PETITION

EMERGENCY 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;

HEARING DATE: 04/06/2022

TIME: 1:30 PM

PLEASE TAKE NOTICE that it is asked of this court,

"why did the Plaintiff-in-error have to become wrongfully

convicted to Fire Bernard Little?" Mr. Little submitted

his MOTION TO WITHDRAW AS COUNSEL on October 5th,

2021 and during that time a pro se MOTION TO DISMISS the

Fraudulent charges was submitted to the clerk. The petitioner-

appellant is in opposition to "the state of being without legal

significance" of Judge Tierra Jones especially because he still

has not been provided the name of the "substitute judge"

who appointed Anthony M. Goldstein to properly withdraw petitioner-

appellant's VOIDED guilty plea. This dereliction of duty has caused

nothing more than a miscarriage of justice adding insult to injury.

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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, Benard Little or 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.

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 Diez, 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 [^{-you-}petitioner-appellant] authorized Benard
24 Little [or someone from their office] to act as a POWER
25 OF ATTORNEY so that [^{-you-}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?

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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 of 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 "a conspiracy is 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 EXNORATE THE PETIONER-APPELLANT?"

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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 2021 CLERK # 49-56" (See page 49-56) OF COURT". The originals are at the offices of Benard 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:

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1 Interview With District Attorney Jim Garrison

0 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 It's origins can be traced in the tremendous

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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 facism 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.

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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
27 What is the reason behind the smoke and mirrors
28 of the Regional Injustice Center? Invasion or control?

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

EMERGENCY MOTION TO OPPOSE REMAND
AND DISMISS CASE
IN IT'S 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 in case. This warrants
equitable tolling. It also shows procedural error(s).
• shows grounds for emotional distress ~~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
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 show~~
a comparrison and contrast will be shown of the relationship

-2 between potential world conspiracy and what's witnessed

-1 as truth. And to ask this court again: Is there
0 a conspiracy against Matthew Travis Houston, or just

1 ~~the~~ ~~the~~ ~~the~~ A WORLDWIDE GOVERNMENT CONSPIRACY

2 TO CONCEAL THE TRUTH FROM THE PUBLIC?

3 In the short span of six years, twenty-three
4 English scientists who worked on Star Wars-type
5 projects have died under questionable circumstances.

6 All of them had worked on different facets of
7 electronic warfare, which includes UFO research. A
8 list of the deceased and the dates and circumstances
9 of their deaths follows.

10

11 1. 1982. Professor Keith Bowden: killed in auto crash.

12 2. July 1982. Jack Wolfenden: died in glider accident.

13 3. November 1982. Ernest Brockway: suicide.

14 4. 1983 Stephen Drinkwater: suicide by strangulation.

15 5. April 1983. Lieutenant-Colonel Anthony Godley:
16 missing, declared dead.

17 6. April 1984. George Franks: suicide by hanging.

18 7. 1985. Stephen Oke: suicide by hanging.

19 8. November 1985. Jonathan Wash: suicide by
20 jumping from a building.

21 9. 1986. Dr. John Brittan: suicide by carbon-
22 monoxide poisoning.

23 10. October 1986. Arshad Sharif: suicide by
24 placing a rope around his neck, tying it to a
25 tree, and then driving away at high speed. Took
26 place in Bristol, one hundred miles away from his home
27 in London.

28

29

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- 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. Antar 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 Gooding: 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 Becham: 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 Rollie Schoenherr, ^{ruled a} suicide however
- 22
- 23 Coincidences? body found in Wisconsin shot up inside a
- 24 truck with its doors locked. Numerous bullets. 25. Uncle Randall Schoenherr,
- 25 2019. Died by being poisoned. - Author's Note pages 396-397
- 26 from The Doomsday Conspiracy by (In re) "judgement",
- 27 Sidney Sheldon, 1991. A bit of science will now show
- 28 this court there's absolute ZERO coincidences in the fact
- that Rosemary McMorris is scamming big insurance:

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1 JUDGEMENT UNDER UNCERTAINTY:

2 HEURISTICS AND BIASES,^{*} by Amos Tversky

3 and Daniel Kahneman

4 *This article originally appeared in Science, vol. 185,
5 1974. The research was supported by the Advanced Research
6 Projects Agency of the Department of Defense and was monitored
7 by the Office of Naval Research under contract
8 N00014-79-C-0438 to the Oregon Research Institute, Eugene.
9 Additional support for this research was provided by the Research and
10 Development Authority of the Hebrew University, Jerusalem, Israel.

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 ~~about~~...", "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

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?

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

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

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.

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

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 2 years, each hospital
27 recorded the days on which more than 60%
28 of the babies born were boys.

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

3 The larger hospital (~~22~~) (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

1 Imagine an urn filled with balls of which
2 $2/3$ are of one color and $1/3$ 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 $2/3$ red balls and $1/3$ 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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Misconceptions of chance are not limited to naive subjects. A study of the statistical institutions of experienced research psychologists⁸ revealed a lingering belief in what may be called "the law of small numbers," according to which even small samples are highly representative of the populations from which they are drawn. The responses of these investigators reflected the expectation that a valid hypothesis about a population will be represented by a statistically significant result in a sample with little regard for its size. As a consequence, the researchers put too much faith in the results of small samples and grossly overestimated the replicability of such results. In the actual conduct of research, this bias leads to the selection of samples of inadequate size and to overinterpretation of findings.

Insensitivity to predictability. People are sometimes called upon to make such numerical predictions as the future value of stock, the demand for a commodity, or the outcome of a football game. Such predictions are often made by representativeness. For example, suppose one is given a description of a company and is asked to predict its future profit. If the description of the company is very favorable, a very high profit will appear most representative of that description; if the description is mediocre, a mediocre performance will 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, than 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.¹⁰

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.

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

14 The failure to recognize the import of regression can have
15 pernicious consequences, as illustrated by the following observation.¹²
16 In a discussion of flight training, experienced instructors noted that
17 praise for an exceptionally smooth landing is typically followed by a
18 poorer landing on the next try, while harsh criticism after a rough
19 landing is usually followed by an improvement on the next try. The
20 instructors concluded that verbal rewards are detrimental to learning,
21 while verbal punishments are beneficial, contrary to accepted
22 psychological doctrine. This conclusion is unwarranted because of the
23 presence of regression toward the mean. As in other cases of
24 repeated examination, an improvement will usually follow a poor
25 performance and a deterioration will usually follow an outstanding
26 performance, even if the instructor does not respond to the
27 trainee's achievement on the first attempt. Because the
28 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 one 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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1 instances of less frequent classes. However, availability is
2 affected by factors other than frequency and probability.

3 Consequently, the reliance on availability leads to predictable
4 biases, some of which are illustrated below.

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

19 In addition to familiarity, there are other factors, such as
20 salience, which affect the retrievability of instances. For example,
21 the impact of seeing a house burning on the subjective probability of
22 such accidents is probably greater than the impact of reading
23 about a fire in the local paper. Furthermore, recent
24 occurrences are likely to be relatively more available than earlier
25 occurrences. It is a common experience that the subjective
26 probability of traffic accidents rises temporarily when one
27 sees a car overturned by the side of the road.
28

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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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1 estimate the number of distinct committees of various sizes,
2 their estimates were a decreasing ~~and~~ monotonic function of
3 committee size.¹⁶ For example, the median estimate of
4 the number of committees of 2 members was 70, while
5 the estimate for committees of 8 members was 20 (the
6 correct answer is 45 in both cases).

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

17 Illusory correlation. Chapman and Chapman¹⁷ have
18 described an interesting bias in the judgement of the frequency
19 with which two events co-occur. They presented naive judges
20 with information concerning several hypothetical mental patients.
21 The data for each patient consisted of a clinical diagnosis and
22 a drawing of a person made by the patient. Later the judges
23 estimated the frequency with which each diagnosis (such as
24 paranoia or suspiciousness) had been accompanied by various
25 features of the drawing (such as peculiar eyes). The subjects
26 markedly overestimated the frequency of co-occurrence of
27 natural associates, such as suspiciousness and peculiar eyes. This
28 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 tests. 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.

In sufficient 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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1 the direction of the anchoring bias can sometimes be
2 inferred from the structure of the event. The chain-like
3 structure of conjunction leads to overestimation, the
4 funnel-like structure of disjunctions leads to underestimation.

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

22 By collecting subjective probability distributions for many
23 different quantities, it is possible to test the judge for
24 proper calibration. A judge is properly (or externally)
25 calibrated in a set of problems if exactly 11% of the
26 true values of the assessed quantities falls below his stated
27 values of X_{11} . For example, the true values should
28 fall below X_{01} for 1% of the quantities and above X_{99} for

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