1 2 3 4 5 6 7 8 9	Electronically Filed 10/20/2015 03:49:03 PMNOAS DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER Nevada Bar #0824 MELINDA SIMPKINS, ESQ. Deputy Special Public Defender Nevada Bar #7911 DEANNA M. MOLINAR, ESQ. Deputy Special Public Defender Nevada Bar #12045 330 South Third Street, Suite #800 Las Vegas, Nevada 89155 (702) 455-6266 (702) 380-6948 fax msimpkins@clarkcountynv.gov Attorney for KEAUNDRA DEBERRYCLERK Efectionically Filed 10/20/2015 03:49:03 PMEIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION	2 a.m. an
11	CLARK COUNTY, NEVADA	
12		
12	In the Matter of the Parental Rights as to:	
14	AAMIYAH DE'NASIA LAMB,	
15		
16	Minors.) Case No.: D-11-446967-R) Dept. No. D) Courtroom: 11	
17) Coultroom. IT	
18		
19	JOINT NOTICE OF APPEAL	
20	TO: THE STATE OF NEVADA, STEVE WOLFSON, DISTRICT ATTORNEY,	
21 22	COUNTY OF CLARK, STATE OF NEVADA and DEPARTMENT OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, FAMILY DIVISION, IN AND FOR THE COUNTY OF CLARK.	
22		
24	NOTICE is hereby given that Respondent, KEAUNDRA DEBERRY., by	
25	and through her attorneys, DAVID M. SCHIECK, Special Public Defender and	
26	MELINDA E. SIMPKINS, ESQ., and DEANNA M. MOLINAR, ESQ., Deputy	
27	Special Public Defenders, and subject minors AAMIYAH LAMB and	
28	CHRISTOPHER BYNUM, by and through CHRISTAL DIXON, ESQ. hereby	
	appeal to the Supreme Court of the State of Nevada from the Decision on	
	Docket 69047 Document 2015-32364	

Remand filed on September 21, 2015, and served on counsel by mail on 1 September 21, 2015, as to the above-captioned minor children. 2 DATED this 20th day of October, 2015 3 DAVID M. SCHIECK 4 SPECIAL PUBLIC DEFENDER 5 ma 6 By DEANNA M. MOLINAR, ESQ. Deputy Special Public Defender 7 Nevada Bar #12045 8 330 So. Third St., Suite #800 Las Vegas, Nevada 89155 9 (702) 455-6265 10 11 By CHRISTAL DIXON, ESQ. 12 Clark County, Nevada Children's Attorney Project 13 Nevada Bar #9009 725 E. Charleston Blvd. 14 Las Vegas, Nevada 89104 (702) 386-1070 15 16 17 **CERTIFICATE OF MAILING** 18 I certify that on the 21 day of October, 2015, I mailed a true and correct 19 copy of the above and foregoing Joint Notice of Appeal in the Post Office at Las 20 Vegas, Nevada, enclosed in a sealed envelope upon which first-class postage was 21 fully prepaid, addressed to the following: 22 Ronald Cordes, Esq. Deputy District Attorney, Family Division 23 601 No. Pecos Rd. Las Vegas, Nevada 89101 24 25 26 27 VERONIČÁ AYALA 28 2

	Electronically Filed 10/20/2015 03:50:17 PM
1 2 3 4 5 6 7 8 9	ASTA CLARK COUNTY SPECIAL PUBLIC DEFENDER DAVID M. SCHIECK Nevada Bar #0824 MELINDA E. SIMPKINS, ESQ. Deputy Special Public Defender Nevada Bar #7911 DEANNA M. MOLINAR, ESQ. Deputy Special Public Defender Nevada Bar #12045 330 South Third Street, Suite #800 Las Vegas, Nevada 89155 (702) 455-6265 Attorneys for KEAUNDRA DEBERRY DISTRICT COURT JUVENILE DIVISION CLARK COUNTY, NEVADA
10	In the Matter of
11	the Parental Rights as to:
12	AAMIYAH DE'NASIA LAMB, CHRISTOPHER LAMONT BYNUM, JR
13) Case No.: D-11-446967-R Minors.) Dept. No. D) Courtroom: 11
14	JOINT CASE APPEAL STATEMENT
15	1. Appellants filing this case appeal statement: Keaundra Deberry, Aamiyah
16 17	Lamb and Christopher Bynum.
18	2. Judge issuing the decision, judgment, or order appealed from: Honorable
19	Robert W. Teuton.
20	3. All parties involved in this appeal (the use of et al. to denote parties is
21	prohibited): Keaundra Deberry, Appellant; Aamiyah Lamb, minor, Co-Appellant;
22	Christopher Bynum, Jr., minor, Co-Appellant; The State of Nevada, Respondent.
23	
24	///
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27	111
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F	

.-----:

1	4. Name, law firm address, and telephone number of all counsel on appeal		
2	and party or parties whom they represent:		
3 4	4 Clark County, Nevada Clark County, Nevada 4 Special Public Defender District Attornev MELINDA E. SIMPKINS, ESQ. RONALD CORDES, ES	2 	
5		orney	
6		101	
7	7 Las Vegas, Nevada 89155 (702) 455-6265		
8	Counsel for Appellant, Counsel for Respondent	t,	
9	9		
10	I Clark County, Nevada		
11	125 E. Chaneston Bivu.		
12	2 Las Vegas, Nevada 89104 (702) 386-1070		
13			
14	Subject Minors		
15	6. Whether Appellant was represented by appointed or retained counsel in		
16	the District Court: Appointed.		
17	7. Whether Appellant is represented by appointed or retained counsel on		
18	appeal: Appointed.		
19	8. Whether Appellant was granted leave to proceeding forma pauperis, and		
20	the date of entry of the district court order granting such leave: N/A		
21	9. Date proceedings commenced in the District Court (e.g., date complaint,		
22	indictment, information, or petition was filed): Petition to Terminate Parental Rights		
23	filed on May 24, 2011.		
24	10. Description of the nature of the action and result in the district court,		
25	including the type of judgment or order being appealed and the relief granted by the		
26	district court: Appeal from district court's Decision on Remand filed September 21,		
27	2015 granting respondent's petition to terminate appellant's parental rights as to co-		
28	appellants.		

11. Whether case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court or Court of Appeals: The case has previously been the subject of an appeal in the Supreme Court of the State of Nevada, Case No. 63311. 12. Whether the appeal involves child custody or visitation: Case involves child custody. DATED this 20th day of October, 2015. DAVID M. SCHIECK CLARK COUNTY SPECIAL PUBLIC DEFENDER MOLINAR, ESQ. Deputy Special Public Defender Nevada Bar #12045 330 So. Third Street, Suite #800 Las Vegas, Nevada 89155 (702) 455-6265 Βv CHRISTAL DIXON, ESQ. Clark County, Nevada Children's Attorney Project Nevada Bar #9009 725 E. Charleston Blvd. Las Vegas, Nevada 89104 (702) 386-1070

CERTIFICATE OF MAILING I certify that on the <u>2</u> day of October, 2015, I mailed a true and correct copy of the above and foregoing Case Appeal Statement in the Post Office at Las Vegas, Nevada, enclosed in a sealed envelope upon which first-class postage was fully prepaid, addressed to the following: Ronald Cordes, Esq. Deputy District Attorney, Family Division 601 No. Pecos Rd. Las Vegas, Nevada 89101 VERONIC

Electronically Filed 10/14/2015 08:29:28 AM

CLERK OF THE COURT

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

TO TIDE

IN THE MATTER OF:

MINOR'S NAME: CHRISTOPHER BYNUM JR., 5

AAMIYAH LAMB,

1

2

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CASE NO. D-11-446967-R DEPT. D

I	
8	EX PARTE MOTION FOR TYPEWRITTEN TRANSCRIPT
9	I respectfully request a transcript of the hearing that was held in front of Judge:
10	Robert Teuton on January 26, 2015, March 10, 2015 and March 25, 2015 for purposes of appeal
11	to the Nevada Supreme Court.
12 13	Submitted by: Name: Deanna Molinar, Esq.
14	Relationship: Attorney for Keaundra Deberry
15	Address: 330 S. 3 rd St., Suite 800
16	City, State, Zip Code: Las Vegas, NV 89101
17	Telephone Number: (702) 455-6266 Fax Number: (702) 380-6948
18	Signature: 1 Joanne Deri
19	ORDER FOR PRODUCTION OF TYPEWRITTEN TRANSCRIPT
20	This matter coming before the Court upon Ex Parte Application, the Court having
21	reviewed the matter, and good cause appearing therefore:
22 23	IT IS HEREBY ORDERED that the above requested transcript is made available and
24	released to the above named individual and that such transcript is to be made at County expense.
25	DATED this day of, 2015.
26	i Atalt
27	ROBERT TEUTON
28	District Court Judge
I	

Page 1 of 1

In the Matter of the Parental Rights of: Aamiyah Lamb, Christopher Bynum, Jr., Minor(s).

Location: Family Juvenile Judicial Officer: Teuton, Robert W. Hearing Master: Kurtz, Thomas G. Filed on: 05/24/2011 Case Number History: Cross-Reference Case D446967 Number: Supreme Court No.: 63311

CASE INFORMATION

d J-10-3199	059-P1 (Companion Case) 059-PC (Companion Case)	Case Type: Case Status:	Termination of Parental Rights - State 09/22/2015 Closed
Statistical Cl 09/22/2015 08/06/2014 05/14/2013	Settled/Withdrawn With Judicial Conference or Hearing Judgment Reached (Bench Trial) Settled/Withdrawn With Judicial Conference or Hearing	Case Flags:	Order After Hearing Required Proper Person Mail Returned Order / Decree Logged Into Department Appealed to the Nevada Supreme Court Override - 5 & Under A
DATE	CASE ASSIGNMENT		

Current Case Assignment

Case Number Court Date Assigned Judicial Officer Hearing Master

D-11-446967-R Family Juvenile 05/05/2015 Teuton, Robert W.

Kurtz, Thomas G.

	PARTY INFORMATION	
Petitioner	State of Nevada	<i>Lead Attorneys</i> Cordes, Ronald L <i>Retained</i> 702-455-5612(W)
Respondent	Bynum, Christopher Lamont	
	Deberry, Keaundra Louise DOB: 11/20/1986	Simpkins, Melinda E. <i>Retained</i> 702-455-6265(W)
	Lamb, Joseph	
	Virgil, Graves	
Subject Minor	Bynum, Christopher Lamont, Jr. DOB: 03/28/2009	Dixon, Christal, ESQ <i>Retained</i> 702-386-1070(W)
	Lamb, Aamiyah De'nasia DOB: 01/04/2004	Dixon, Christal, ESQ <i>Retained</i> 702-386-1070(W)

DATE

EVENTS & ORDERS OF THE COURT

EVENTS

05/24/2011

CASE SUMMARY Case No. D-11-446967-R

	CASE NO. D-11-44696/-K
	Petition for Termination of Parental Rights Filed by: Petitioner State of Nevada Petition to Terminate Parental Rights
05/26/2011	Affidavit for Service by Publication Filed By: Petitioner State of Nevada Affidavit for Service by Publication
06/02/2011	Order for Service by Publication Filed By: Petitioner State of Nevada Order for Publication of Notice
06/10/2011	Notice of Hearing Filed By: Petitioner State of Nevada Notice of Hearing to Terminate Parental Rights
06/15/2011	Affidavit of Service Filed By: Petitioner State of Nevada <i>Affidavit of Service by Certified Mailing</i>
07/05/2011	Affidavit of Publication Filed By: Petitioner State of Nevada <i>Affidavit of Publication</i>
01/11/2012	Notice of Rescheduling of Hearing Notice of Rescheduling of Hearing
02/01/2012	Stipulation and Order Filed By: Petitioner State of Nevada Stipulation and Order to Continue the Termination of Parental Rights Petition
04/05/2012	Stipulation and Order Filed By: Respondent Deberry, Keaundra Louise Stipulation and Order
06/11/2012	Motion Filed By: Attorney Perez, Romeo R. Party 2: Respondent Deberry, Keaundra Louise Motion to Withdraw as Counsel of Record
06/25/2012	Request Filed By: Respondent Deberry, Keaundra Louise <i>Request for Order Shortening Time</i>
06/28/2012	Order Shortening Time Filed By: Respondent Deberry, Keaundra Louise Order Shortening Time
07/11/2012	Transformation Counsel
08/07/2012	Ex Parte Filed By: Respondent Deberry, Keaundra Louise <i>Ex Parte Request to Allow Witness to Appear by Telephonic Equipment</i>
08/13/2012	Order Filed By: Respondent Deberry, Keaundra Louise Order Granting Keaundra Deberry's Request to Allow Witness to Appear by Telephonic Equipment
08/14/2012	Tre-trial Memorandum Filed By: Petitioner State of Nevada <i>RUSHPetitioner's Pre-Trial Memorandum</i>
08/31/2012	Motion

CASE SUMMARY CASE NO. D-11-446967-R

	CASE NO. D-11-446967-R
	Filed By: Respondent Deberry, Keaundra Louise Motion to Allow Witness to Appear by Communication Equipment
09/05/2012	Ex Parte Motion Party: Respondent Deberry, Keaundra Louise Ex Parte Motion for Order Shortening Time on Motion to Allow Witness to Appear by Communication Equipment
09/10/2012	Given Contensing Time Filed By: Respondent Deberry, Keaundra Louise Order Shortening Time
11/02/2012	Pre-trial Memorandum Filed By: Petitioner State of Nevada Pretrial Memorandum Pursuant to EDCR 7.27
12/06/2012	Receipt of Copy Filed By: Petitioner State of Nevada <i>Receipt of Copy</i>
01/02/2013	The sector of Rescheduling of Hearing
04/22/2013	Administrative Reassignment to Department O Case Reassigned from Judicial Officer Jones, Steven E
04/29/2013	Decision Decision
04/30/2013	Notice of Entry of Order Filed By: Petitioner State of Nevada Notice of Entry of Order
05/06/2013	State TPR Case Transfer from Family Domestic to Juvenile
05/14/2013	Findings of Fact, Conclusions of Law and Judgment Party: Petitioner State of Nevada Findings of Fact, Conclusions of Law and Order Terminatng Parental Rights
05/23/2013	Notice of Entry of Order Notice of Entry of Order
05/28/2013	Notice of Appeal Filed By: Respondent Deberry, Keaundra Louise <i>Notice of Appeal</i>
05/28/2013	Case Appeal Statement Filed By: Respondent Deberry, Keaundra Louise <i>Case Appeal Statement</i>
06/06/2013	Request Filed By: Respondent Deberry, Keaundra Louise <i>Request for Transcript of Proceedings</i>
07/09/2013	Motion for Extension of Time to Prepare Transcripts
07/09/2013	Certificate of Mailing
07/29/2013	Transcript of Proceedings Transcript re Non-Jury Trial Vol1 Wednesday August 15 2012
07/29/2013	Certificate Certification of Transcripts/Notification of Completion
07/29/2013	Document Filed Final Billing of Transcripts
07/29/2013	

CASE SUMMARY CASE NO. D-11-446967-R

	Transcript of Proceedings Transcript re All Pending Motions Vol II Wednesday September 12 2012
07/29/2013	Certificate Certification of Transcripts/Notification of Completion
07/29/2013	Document Filed Final Billing of Transcripts
07/29/2013	Transcript of Proceedings <i>Transcript re Trial Vol III Friday November 2 2012</i>
07/29/2013	Certificate Certification of Transcripts/Notification of Completion
07/29/2013	Document Filed <i>Final Billing of Transcripts</i>
07/29/2013	Transcript of Proceedings <i>Transcript re Non-Jury Trial Vol IV Friday March 15 2013</i>
07/29/2013	Certificate Certification of Transcripts/Notification of Completion
07/29/2013	Document Filed Final Billing of Transcripts
07/30/2013	Receipt of Copy Filed By: Petitioner State of Nevada Transcripts And Certification Of August 15, 2012, September 12,2012, November 2,2012 And March 15, 2013 Hearings For Deanna M Molinar Esq
01/27/2014	Administrative Reassignment Case reassigned from Judge Cynthia N. Giuliana
08/06/2014	Domestic Notice to Statistically Close Case Domestic Notice to Statistically Close Case
12/11/2014	NV Supreme Court Clerks Certificate/Judgment -Remanded Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand
12/24/2014	Notice of Withdrawal Filed by: Respondent Deberry, Keaundra Louise Notice of Withdrawal of Counsel
01/21/2015	Notice of Change of Hearing Notice of Rescheduling of Hearing
01/23/2015	Notice of Appearance Filed By: Subject Minor Lamb, Aamiyah De'nasia <i>Notice of Appearance</i>
01/28/2015	Ex Parte Order Filed By: Subject Minor Lamb, Aamiyah De'nasia <i>Ex Parte Order Re: Representation</i>
01/29/2015	Notice of Entry of Order Filed By: Subject Minor Lamb, Aamiyah De'nasia Notice of Entry of Order
09/21/2015	Decision Decision on Remand
09/22/2015	Notice of Entry Notice of Entry

CASE SUMMARY Case No. d-11-446967-r

10/14/2015	Ex Parte Motion Party: Respondent Deberry, Keaundra Louise <i>Ex Parte Motion for Typewritten Transcript</i>
10/20/2015	We Notice of Appeal Filed By: Respondent Deberry, Keaundra Louise Joint Notice of Appeal
10/20/2015	Case Appeal Statement Filed By: Respondent Deberry, Keaundra Louise Joint Case Appeal Statement
	HEARINGS
08/26/2011	 Hearing for Termination of Parental Rights (9:00 AM) (Judicial Officer: Jones, Steven E) Resource: Court Clerk Davila, Leticia Resource: Courtroom Courtroom 08 Events: 06/10/2011 Notice of Hearing On for Status Check; Journal Entry Details: Department of Family Services (DFS) represented by Michelle Jordan. Mr. Perez stated the mother, Keaundra Louise Deberry, is currently in Louisiana. Ms. Kuhlman stated she just received new information and needs to investigate further, therefore, requested a 30 day status check. COURT ORDERED, matter set for a STATUS CHECK on 10/7/11 at 10:00 a.m.; On for Status Check Parties Present: Attorney Kuhlman, Jennifer I Attorney Perez, Romeo R.
10/07/2011	 Status Check (10:00 AM) (Judicial Officer: Jones, Steven E) Resource: Court Clerk Davila, Leticia Resource: Courtroom Courtroom 08 Non Jury Trial; Journal Entry Details: Department of Family Services (DFS) represented by Michelle Jordan. At the request of counsel, COURT ORDERED, matter set for TRIAL on 1/23/12 at 1:30 p.m.; Non Jury Trial Parties Present: Attorney Kuhlman, Jennifer I Attorney Perez, Romeo R.
01/30/2012	 Non-Jury Trial (1:30 PM) (Judicial Officer: Jones, Steven E) Resource: Court Clerk Davila, Leticia Resource: Courtroom Courtroom 08 Events: 01/11/2012 Notice of Rescheduling of Hearing TPR Matter Continued; STO submitted 03/29/12 - set for trial setting Journal Entry Details: Prior to court counsel advised matter has been stipulated to a continuance and will be submitting same forthwith.; Matter Continued
04/10/2012	 Trial Setting (10:00 AM) (Judicial Officer: Jones, Steven E) Resource: Court Clerk Davila, Leticia Resource: Courtroom Courtroom 08 Non Jury Trial; Journal Entry Details: Deputy District Attorney Nicole Cannizzaro, present. Attorney Aaron Grigsby appearing on behalf of Attorney Romeo Perez, representing the Respondent, Keaundra Louise Deberry. At the request of counsel, COURT ORDERED, matter set for TRIAL on 7/11/12 at 10:30 a.m. in front of Judge Teuton.; Non Jury Trial
07/03/2012	Motion for Withdrawal (10:30 AM) (Judicial Officer: Jones, Steven E) Resource: Court Clerk Davila, Leticia

CASE SUMMARY Case No. D-11-446967-R

	Resource: Courtroom Courtroom 08 Events: 06/11/2012 Motion Romeo Perez' Motion To Withdraw As Counsel Of Record OST signed 06/27/12 Matter Continued;	I
	Journal Entry Details: Attorney Frank Toti appearing on behalf of Attorney Romeo Perez. Ms. Kuhlman stated the trial is set for next week, she has not objection to the Motion to Withdraw, however, she does want to trial to go forward. COURT ORDERED, MATTER CONTINUED to 7/11/12 at 9:00 a.m. to be hearing prior to the time of trial. ; Matter Continued Parties Present: Attorney Kuhlman, Jennifer I	
07/11/2012	Non-Jury Trial (9:00 AM) (Judicial Officer: Teuton, Robert W.) Resource: Courtroom Courtroom 11 TPR	
07/11/2012	Motion for Withdrawal (9:00 AM) (Judicial Officer: Teuton, Robert W.) Resource: Courtroom Courtroom 11 Romeo Perez' Motion to Withdraw as Counsel fo Record	
07/11/2012	All Pending Motions (9:00 AM) (Judicial Officer: Teuton, Robert W.) Resource: Court Clerk Ardesch, Rosa Resource: Courtroom Courtroom 11 Granted in Part; Journal Entry Details:	
	MOTION FOR WITHDRAWAL: ROMEO PEREZ' MOTION TO WITHDRAW AS COUNSEL OF RECORDNON-JURY TRIAL TPR Michelle Jordan, from the Department of Family Services, also present. Upon Court's inquiry, Respondent Keaundra Deberry stated she intend to reunite with her children and advised she started a new job with Wendy's and will be on a 60 to 90 day probation period. Ms. Kuhlman, Esq., advised the State will issue a subpoena for Ms. Deberry's presence at trial. Following statements, COURT FINDS and ORDERED: Romeo Perez' Motion to Withdraw as counsel of record is GRANTED. Order Appointing Counsel, FILED IN OPEN COURT. Matter set for CONFIRMATION of Counsel on 07/13/12 at 1:30 pm. Trial CONTINUED to 08/15/12 at 9:00 am. ; Granted in Part	
	Parties Present: Attorney Kuhlman, Jennifer I Respondent Deberry, Keaundra Louise Attorney Perez, Romeo R.	
07/13/2012	 Status Check (1:30 PM) (Judicial Officer: Teuton, Robert W.) Resource: Court Clerk Ardesch, Rosa Resource: Courtroom Courtroom 11 Confirmation of Counsel Matter Heard; Journal Entry Details: Deanna Molinar, bar #12045, also present on behalf of Respondent Keaundra Deberry. Arguments regarding Respondent's request for a continuance. COURT FINDS and 	
	ORDERED: Deputy Special Public Defenders Melissa Simpkins and Deanna Molinar CONFIRMED as attorney for Respondent Keaundra Deberry. Trial scheduled 08/15/12 at 9:00 am, STANDS.; Matter Heard Parties Present: Attorney Simpkins, Melinda E. Attorney Kuhlman, Jennifer I	
07/18/2012	 Minute Order (1:30 PM) (Judicial Officer: Teuton, Robert W.) Resource: Court Clerk Vinson, Debra Resource: Courtroom Courtroom 11 Minute Order - No Hearing Held; Journal Entry Details: COURT ORDERED, matter SET for Status Check Re: Trial on 8/8/12 at 9 a.m. Counsel shall be present to update this Court on the status of the trial. CLERK'S NOTE: Court Clerk placed copies of the minute order in the Clerk's Office folders of Jennifer Kuhlman and Melinda Simpkins on 7/18/12. ; Minute Order - No Hearing Held 	

CASE SUMMARY CASE NO. D-11-446967-R

08/08/2012	Status Check (9:00 AM) (Judicial Officer: Teuton, Robert W.)					
	Resource: Court Clerk Ardesch, Rosa					
	Resource: Courtroom Courtroom 11 Re: TPR Trial					
	Matter Heard;					
	Journal Entry Details:					
	Michelle Douglas, from the Department of Family Services present. Following statements, COURT FINDS and ORDERED: Trial scheduled 08/15/12 at 9:00 am, STANDS. ; Matter Heard					
	Parties Present: Attorney Simpkins, Melinda E.					
	Attorney Kuhlman, Jennifer I					
	Attorney Molinar, Deanna M					
08/15/2012	Trial (9:00 AM) (Judicial Officer: Teuton, Robert W.)					
	08/15/2012, 09/12/2012					
	Resource: Court Clerk Vinson, Debra					
	Resource: Courtroom Courtroom 11 TPR Trial (Full Day)					
	Matter Continued;					
	Matter Continued;					
	Matter Continued; Matter Continued;					
	Journal Entry Details:					
	Michelle Douglas, Supervisor at Department of Family Services, also present. Counsel advised					
	there are some out of state witness problems and Michelle Douglas will not be able to testify					
	this afternoon due to an appointment with her doctor. Arguments by counsel regarding the Respondent's ex parte request to have the therapist testify telephonically. Further arguments					
	regarding whether the therapist is a percipient or an expert witness. Court NOTED the Order					
	which was submitted for telephonic testimony was date-specific to today. COURT ORDERED,					
	the following: Trial CONTINUED. If Respondent Deberry needs some documentation for her employer to get time off next month, this Court will provide whatever is needed. If there is a					
	need for the therapist to appear telephonically next date, coursel shall file a motion, properly					
	notice the District Attorney, and give the District Attorney an opportunity to oppose the					
	motion. New trial date SET. Court cleared its morning calendar for 9/13/12 in case the trial goes longer than one (1) full day. 9/12/12 8:30 AM TPR TRIAL;					
	Matter Continued					
	Parties Present: Attorney Simpkins, Melinda E.					
	Attorney Kuhlman, Jennifer I					
	Respondent Deberry, Keaundra Louise Attorney Molinar, Deanna M					
00/12/2012						
09/12/2012	Motion (8:30 AM) (Judicial Officer: Teuton, Robert W.) Resource: Court Clerk Vinson, Debra					
	Resource: Courtroom 11					
	Events: 08/31/2012 Motion					
	Respondent's Motion to Allow Witness to Appear by Communication Equipment & reset to 09/12 at 8.30am					
	Denied;					
	Denied					
09/12/2012	All Pending Motions (8:30 AM) (Judicial Officer: Teuton, Robert W.)					
09/12/2012	Resource: Court Clerk Vinson, Debra					
	Resource: Courtroom Courtroom 11					
	MINUTES					
	Matter Heard;					
	Journal Entry Details:					
	TPR TRIALRESPONDENT'S MOTION TO ALLOW WITNESS TO APPEAR BY					
	COMMUNICATION EQUIPMENT Michelle Jordan, Department of Family Services, also					
	present. Ms. Kuhlman advised the state cannot go forward today as Respondent, Keaundra Deberry, was unable to get back into the jurisdiction and one of the key witnesses is on					
	medical leave. Ms. Kuhlman further advised she was not served with the motion and her due					
	process rights have been violated. Court advised the Special Public Defender's Office needs to					
	step up and follow proper procedure. Court NOTED this case was filed sixteen (16) months ago and advised the next trial date will be a date certain. Arguments by counsel regarding					
	1 0					

CASE SUMMARY CASE NO. D-11-446967-R

Respondent's motion. Court advised there is no rule or statute which allows a witness to testify telephonically and ORDERED, Respondent's Motion to Allow Witness to Appear by Communication Equipment is DENIED. Thereafter, the witness in question, Jane Fortune, was contacted in open court telephonically for a date in which she would be able to testify in person. Ms. Fortune advised she would be available in person for trial on November 2, 2012. COURT ORDERED, the following: Trial date SET as DATE CERTAIN. Ms. Kuhlman shall prepare the order. 11/2/12 9 AM TPR TRIAL - FULL DAY; Matter Heard

Parties Present: Attorney Simpkins, Melinda E. Attorney Kuhlman, Jennifer I Attorney Molinar, Deanna M

11/02/2012

Trial (9:00 AM) (Judicial Officer: Teuton, Robert W.)
 11/02/2012, 12/14/2012, 03/15/2013
 Resource: Court Clerk Ardesch, Rosa
 Resource: Courtroom Courtroom 11
 TPR Trial - Date Certain (1/2 Day)
 Matter Continued;

Matter Continued; & reset to 03/15/13 @ 9am

Matter Heard;

Journal Entry Details:

Ron Cordes, from the Clark County District Attorney's office, present on behalf of the State of Nevada. Department of Family Services (DFS) represented by Michelle Douglas. Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar, present on behalf of Keaundra Louise Deberry. COURT FINDS: For the record, Ms. Deberry was authorized to appear telephonically since her testimony had previously been taken (she was subject to examination and cross-examination). This morning, the Court spent considerable time calling two different numbers (318-617-8349 and 843-487-8256) and received voice mailbox messages; she has not answered the phones. Pursuant to Court rules, it is incumbent on the person that is going to appear telephonically to make arrangements to be available at a specified time. At this point, the Court will proceed in Ms. Deberry's absence. Ms. Simpkins stated she is requesting a continuance as Ms. Deberry has been in almost constant contact with her office for the past two weeks and she had made arrangements with her employer so that she could be present for today's hearing. Mr. Cordes advised the State is opposed to a continuance. COURT ORDERED, the MOTION to CONTINUE is DENIED. Continued testimony and exhibits. See worksheets. COURT FINDS: Respondent Keaundra Louise Deberry called the courtroom at 10:56:18. The Court advised Ms. Deberry that the Court did attempt to call her before proceeding with testimony and advised that at this time, the Court will be hearing closing arguments and she will be allowed to listen in. Closing arguments. The Court stated it will ISSUE a WRITTEN DECISION. ;

Matter Continued;

Matter Continued;

& reset to 03/15/13 @ 9am

Matter Heard; Journal Entry Details:

Department of Family Services (DFS) represented by Michelle Douglas. Pursuant to stipulation of the parties, COURT ORDERED, matter continued to 01/29/13 at 1:30 pm.; Matter Continued;

Matter Continued;

& reset to 03/15/13 @ 9am

Matter Heard;

Journal Entry Details:

Mr. Cordes, Esq., requested to invoke the Exclusionary Rule. COURT SO ORDERED. Mr. Cordes advised the State waives opening statements and refers the Court to their Pre-trial Memorandum. For the record, Mr. Cordes stated that Christopher Bynum Sr. has not appeared today and the State has information that Mr. Bynum, Sr. in incarcerated in the State of Louisiana. Additionally, Graves Virgil or Joseph Lamb had not participated for purposes of this hearing. Ms. Simpkins, Esq. made opening statements for the Defense. Testimony and Exhibits. See worksheets. COURT FINDS and ORDERED: Following the lunch recess, the matter was recalled and the Court stated, for the record, that in the event the trial does not conclude today, Respondent shall be authorized to appear telephonically from Louisiana. Continued testimony and exhibits. See worksheets. Matter CONTINUED to 12/14/12 9:00 am (full day).;

Matter Continued

	CLARK COUNTY DISTRICT COURT - FAMILY JUVENILE
	CASE SUMMARY
	CASE NO. D-11-446967-R
	Parties Present: AttorneySimpkins, Melinda E.AttorneyCordes, Ronald LPetitionerState of NevadaRespondentDeberry, Keaundra LouiseAttorneyMolinar, Deanna MAttorneyCordes, Ronald LAttorneyMolinar, Deanna MAttorneyMolinar, Deanna MAttorneySimpkins, Melinda E.AttorneyCordes, Ronald LAttorneyCordes, Ronald LAttorneySimpkins, Melinda E.AttorneyCordes, Ronald LPetitionerState of NevadaRespondentDeberry, Keaundra LouiseAttorneyMolinar, Deanna M
01/26/2015	Hearing (10:00 AM) (Judicial Officer: Teuton, Robert W.)
	Resource: Court Clerk Ardesch, Rosa Resource: Courtoom Courtroom 11 Hearing Set; Journal Entry Details: <i>Case heard simultaneously with J-10-319959-P1. Chief Deputy District Attorney Ron Cordes,</i> <i>present on behalf of the State of Nevada and the Department of Family Services. (Aamiyah</i> <i>De'Nasia Lamb, Christopher Lamont Bynum, Jr.) Department of Family Services (DFS)</i> <i>represented by Launa Locascio. Deputy Special Public Defenders Deanna Molinar and</i> <i>Melinda Simpkins, present on behalf of natural mother (not present). Christal Dixon, CAP</i> <i>attorney, present. Following statements, COURT FINDS and ORDERED: Trial set on</i> <i>03/10/15 at 9:30 am, in courtroom 11. The Trial will be limited to the one issue that the</i> <i>Supreme Court identified, which was inappropriate finding of parental fault because of the</i> <i>exclusion of testimony or evidence in the juvenile case. Regarding VISITATION: The therapist</i> <i>is instructed to facilitate visitation between mom and the children, consistent with the best</i> <i>interest of the children so they do not suffer unnecessary trauma.</i> ; <i>Hearing Set</i> <i>Parties Present: Attorney Cordes, Ronald L</i> <i>Petitioner State of Nevada</i>
	Attorney Dixon, Christal, ESQ
	Attorney Molinar, Deanna M
03/10/2015	 Trial (9:30 AM) (Judicial Officer: Teuton, Robert W.) Resource: Court Clerk Ardesch, Rosa Resource: Courtroom Courtroom 11 Hearing Set; Journal Entry Details: Chief Deputy District Attorney Ron Cordes, present. (Aamiyah De'Nasia Lamb, Christopher Lamont Bynum, Jr.) Department of Family Services (DFS) represented by Michelle Maese. Christal Dixon, CAP attorney, present. Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar, present with Keaundra Louise Deberry. There were no opening statements. Testimony and Exhibits. See worksheets. COURT FINDS and ORDERED: The Court noted the State's OBJECTION to Respondent's Exhibit A, and OVERRULED. Exhibit A shall be ADMITTED. Respondent's Exhibit's B through G are marked for identification, but not admitted into evidence. The Court makes no ruling on the visitation issue today. Matter set for Closing Arguments on 03/25/15 at 9:30 am, in courtroom 11. ;
03/25/2015	Parties Present: Attorney Simpkins, Melinda E. Attorney Cordes, Ronald L Petitioner State of Nevada Respondent Deberry, Keaundra Louise Attorney Dixon, Christal, ESQ Attorney Molinar, Deanna M Image: Court Clerk Ardesch, Rosa Resource: Court Clerk Ardesch, Rosa Resource: Court Clerk Ardesch, Rosa Resource: Courtroom Courtroom 11 Closing Arguments Decision Made; Journal Entry Details: Chief Deputy District Attorney Ron Cordes, present. Christal Dixon, CAP attorney, present.

CASE SUMMARY CASE NO. D-11-446967-R

04/08/2015

09/21/2015

11:00 am.;		
Decision Made	1	
Parties Present: A		Simpkins, Melinda E.
	lttorney	Cordes, Ronald L
	Petitioner	State of Nevada
	lttorney	Dixon, Christal, ESQ
А	lttorney	Molinar, Deanna M
Decision (11:00 /	AM) (Judi	icial Officer: Teuton, Robert W.)
Resource: Court Cler		
Resource: Courtroon	n Courtroo	m 11
Off Calendar,		
Journal Entry Deta		
COURT ORDEREI	D, OFF CA	ALENDAR.;
Off Calendar		
Decision (3:30 P)	M) (Judici	ial Officer: Teuton, Robert W.)
Resource: Court Cler	rk Ardesch	, Rosa
Resource: Courtroon		
Minute Order - No		Ield;
Journal Entry Deta	uls:	
		V. Teuton Decision on Remand This Court issued an Order
		ts of Joseph Lamb, Christopher Bynum and the natural mothe
		s to minor children Aamiyah L. and Christopher B. on April 29
		dra Deberry, appealed. The Supreme Court reversed and
		w trial. In re Parental Rights as to A.L., 337 P.3d 758 (2014).
		the exclusion of a medical report, offered by Ms. Deberry in the
		ig, to rebut evidence by the Department that an injury suffered
Christopher B. was	s the result	of intentional or negligent conduct by Ms. Deberry. The matt
came on calendar,	following	remand, on January 26, 2015, and a trial was set for March 1
came on calendar, 2015. Closing argu	following uments wer	remand, on January 26, 2015, and a trial was set for March 1 re made on March 25, 2015, and the matter was taken under
came on calendar, 2015. Closing argu advisement. The De	following i uments wer epartment	remand, on January 26, 2015, and a trial was set for March 1 re made on March 25, 2015, and the matter was taken under of Family Services was present at these proceedings and
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came on calendar, 2015. Closing argu advisement. The Do represented by Chi March 10 (her pres	following uments wer epartment ief Deputy sence on M	remand, on January 20, 2015, and a trial was set for March 1 re made on March 25, 2015, and the matter was taken under of Family Services was present at these proceedings and District Attorney Ronald Cortes. Natural mother was present farch 25 was waived by the Court) and was represented by
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national conferences on child neglect, physical and sexual abuse in Huntsville, Alabama and San Diego, California. Additionally, she attended and presented at an International child abuse conference in Sweden in the fall of 2014. One of her presentations specifically concerned evaluation of burn injuries of children to determine if the burns were accidental or intentional. She is an Associate Professor at the Louisiana School of Medicine. She is certified by the American Board of Pediatric Physicians in the specialty of child abuse and neglect. She has testified in more than 50 trials involving child abuse and neglect. Dr. Mehte was recognized by the Court as an expert in the area of child abuse and neglect over the objection of Ms. Deberry s counsel. Dr. Mehte testified that the case involving Christopher B. was staffed with her in 2010. She reviewed digital photographs that were taken sometime after the injury had been sustained. She was told that the explanation given for the injury was that the child had attempted to kiss an iron causing the injury. She found that the injury pattern to the child s cheek was not consistent with the explanation provided. The burn was described by her as being triangular in appearance. The burn itself was throughout the triangle (that is, the burn was consistent with the entire surface of the iron, and not just the edge, contacting the skin). that there was a sharp edged linear mark to the face with no smearing of the burn. She testified that when a part of the body approaches a hot object, such as an iron, upon touching the object the body instinctively pulls away. This type of action commonly causes a linear imprint to the flesh. In this case, the burn was to a curved part of the body (cheek). Had the burn occurred by the iron falling there would have been smearing of the burn and not the distinct linear outline that she observed. The distinct linear outline was the result of the iron being applied with pressure to the cheek. She testified that a child would not apply pressure because of the instinctive motion to withdraw or pull the iron away from the face. Dr. Mehte testified regarding the degree of the burn. First degree burns were described as only involving the epidermis, or the surface layer of the skin. Second degree burns go through the epidermis and actually reach the dermus, the area immediately below the epidermis. Second degree burns were described as causing mild blistering or, if deeper penetration of the skin occurs, large blisters. Finally, third degree burns were described as burning all the way through the top two layers and actually reaching the nerve area of the skin. She opined that the burn suffered by Christopher B. was most definitely a second degree burn but she could not exclude the possibility that it was a third degree burn. Dr. Mehte opined that, to a reasonable degree of medical certainty, the injury was not caused by the child kissing the iron. Although an accidental cause of the injury was possible she could not conceive of such an explanation. Ms. Deberry moved to introduce the written report from Dr. Neumann, the Louisiana physician who examined Christopher B. in 2010. The four page report and accompanying fax transmittal sheet dated March 24, 2010, was marked as Respondent s exhibit A. The Department objected based on no evidentiary foundation being established, the same objection that was made before the hearing master. The Supreme Court stated, in the decision reversing this Court s order terminating parental rights: [Respondent] asserts that Dr. Neuman s report was improperly excluded in the juvenile proceedings, leading the district court to find abuse without hearing material rebuttal evidence. DFS does not address [Respondent s] argument on appeal. We conclude that DFS has confessed error on this issue. 337 P.3d 758, 762. This Court notes that, like the proceeding in the Juvenile case, no evidentiary foundation has been established for admission of Dr. Neuman s report. However, the law of the case doctrine mandates that the report be admitted into evidence at this time. See Geissel v Galbraith, 105 Nev. 101, 103; 769 P.2d 1294, 1296 (1989). Dr. Neuman s report, dated 5/11/10 and marked as Respondent exhibit A, is therefore admitted. Dr. Neuman's report includes the following information: III. History: Received a report stating that the child's father burned him in the face with an iron. IV. Looks like burn from hot iron tip; triangular shape. [This Court notes that there is a portion of the report missing. That this is labeled section IV is surmised from the preceding section being labeled section III and the subsequent section being labeled section V V. Left cheek 1 degree burn with iron approx. 1 month ago. Did not go to Dr. treated with Neosporin ointment and cocoa butter VII Remarks and recommendations: Well healed burn scar on left cheek 1 inch all 3 sides. No evidence of abuse. Child is happy, playful and well adjusted. This Court has reviewed the testimony of Dr. Mehtle and the medical record from the physician in Louisiana who examined the child approximately 1 month after the burn was inflicted. The Court finds Dr. Mehtle s testimony to be compelling. Her credentials to form the medical opinion that this was a non-accidental injury are overwhelming. The credentials of the Louisiana physician are unknown. Although Dr. Mehtle was handicapped by the fact that the child was not personally examined (he had been removed from the State shortly after the injury occurred), she nevertheless testified to multiple, consistent facts (set forth, supra) which can only lead to the conclusion that the burn was intentional. The Court finds clear and convincing evidence that the minor child was physically abused. The Court has reviewed its prior decision that the parental rights of Keundra Deberry be terminated and affirms that decision. The additional testimony received concerning the injury to Christopher Bynum reaffirms the Court s finding that there have been no behavioral changes of Keundra Deberry that would warrant return of these children to her care. Ms. Deberry has continued to insist that the burn was accidental in

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nature in spite of all physical evidence being to the contrary. ; Minute Order - No Hearing Held

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1	Alun D. Lahum
2	CLERK OF THE COURT
3	EIGHTH JUDICIAL DISTRICT COURT FAMILY DIVISION
4	CLARK COUNTY, NEVADA
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6	
7	In the Matter of the Parental Rights as to:)
8	AAMIYAH DE'NASIA LAMB,) CASE NO. D 11446967 R CHRISTOPHER LAMONT BYNUM, JR.,)
9) DEPT. D
10	Minors.))
11)
12	
13	DECISION ON REMAND
14	This Court issued an Order terminating the parental rights of Joseph Lamb,
15	
16	Christopher Bynum and the natural mother, Keaundra Louise Deberry, as to minor
17	children Aamiyah L. and Christopher B. on April 29, 2013. Natural mother,
18	Keaundra Deberry, appealed. The Supreme Court reversed and remanded the matter
19	for a new trial. In re Parental Rights as to A.L., 337 P.3d 758 (2014). The decisive
20	issue on appeal was the exclusion of a medical report, offered by Ms. Deberry in the
21	underlying juvenile proceeding, to rebut evidence by the Department that an injury
22	suffered by Christopher B. was the result of intentional or negligent conduct by Ms.
23	
24	Deberry.
25	The matter came on calendar, following remand, on January 26, 2015, and a
26	trial was set for March 10, 2015. Closing arguments were made on March 25, 2015,
27	and the matter was taken under adsumentation with the Department of Family Services was
28 ROBERT W. TEUTON	Distinsed Watutory) Dismissal With Judicial Conf/Hrg Default Judgment Dispositions:
DISTRICT JUDGE FAMILY DIVISION, DEPT. D LAS VEGAS NV 89101	Disposed After Trial Start Dudgment Reached by Trial

present at these proceedings and represented by Chief Deputy District Attorney Ronald Cordes. Natural mother was present March 10 (her presence on March 25 was waived by the Court) and was represented by Special Public Defender Deanna Molinar and Chief Special Public Defender Melinda Simpkins. Additionally, Christal Dixon, Esq., appointed after the remand to represent the minor children, was also present.

The parties agreed that the only issue on remand was that of parental fault and the only factual dispute to be resolved concerned the medical testimony and evidence. Additionally, the parties stipulated that the portion of J-319959 that was admitted in the first trial, the transcript of the first Termination Trial and the video of Dr. Mehte's testimony from J-319959 proceeding, may be considered in this trial.

The Court heard testimony from Dr. Meha Mehte, the witness who had testified in the previous Juvenile proceeding that the injury suffered by Christopher B. was non-accidental the result of intentional or negligent conduct by Ms. Deberry. Dr. Mehte obtained her Bachelor's degree from Emory University in 1991. She had a 18 scholarship to attend school in Scotland the year following her graduation from 19 Emory and then attended the Medical College of Georgia from 1992 to 1996. She did $\mathbf{20}$ 21 her pediatric internship at the University of Kentucky from 1993 to 1996 and stayed 22 at the University an additional year as the primary pediatric resident. She then 23 worked at the Cincinnati Children's Hospital where she engaged in a fellowship 24 program training doctors in the evaluation of neglect, physical and sexual abuse of 25 children. The fellowship was comprised of six doctors who met weekly to review 26 cases as well as engage in literature review. She left the Cincinnati Children's 27

ROBERT W. TEUTON DISTRICT JUDGE

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1 Hospital to begin work at Sunrise Hospital in Las Vegas, Nevada. She was employed 2 at Sunrise Hospital in 2003 and worked for 9 ½ years as Medical Director of both the 3 Southern Nevada Child Abuse Assessment Center and Child Abuse at Sunrise 4 5 Hospital. Dr. Mehte has been employed for the past two years as the Medical 6 Director of the Aubrey Hepburn Care Program of the New Orleans Children's 7 Hospital in New Orleans, Louisiana. She testified that the program is a child abuse 8 evaluation program. While employed in Las Vegas she directly evaluated alleged 9 child abuse cases which presented at Sunrise Hospital. She also conducted 10 multidisciplinary reviews of suspected child abuse cases which presented at other 11 12 hospitals twice per month, which included meetings with child welfare agency 13 investigators and police officers. These reviews utilized photographs of child injuries 14 in lieu of direct physical examinations of the children. Dr. Mehte testified that her 15 standard procedure was to develop alternative theories for injuries and exclude them 16 before classifying a particular incident as caused by abuse or neglect. Dr. Mehte has 17 attended and presented at two national conferences on child neglect, physical and 18 sexual abuse in Huntsville, Alabama and San Diego, California. Additionally, she 19 20 attended and presented at an International child abuse conference in Sweden in the 21 fall of 2014. One of her presentations specifically concerned evaluation of burn 22 injuries of children to determine if the burns were accidental or intentional. She is an 23 Associate Professor at the Louisiana School of Medicine. She is certified by the 24 American Board of Pediatric Physicians in the specialty of child abuse and neglect. 25 She has testified in more than 50 trials involving child abuse and neglect. Dr. Mehte 26 27 28

ROBERT W. TEUTON DISTRICT JUDGE

was recognized by the Court as an expert in the area of child abuse and neglect over the objection of Ms. Deberry's counsel.

Dr. Mehte testified that the case involving Christopher B. was staffed with her 4 5 in 2010. She reviewed digital photographs that were taken sometime after the injury 6 had been sustained. She was told that the explanation given for the injury was that the child had attempted to kiss an iron causing the injury. She found that the injury pattern to the child's cheek was not consistent with the explanation provided. The burn was described by her as being triangular in appearance. The burn itself was 10throughout the triangle (that is, the burn was consistent with the entire surface of the 11 iron, and not just the edge, contacting the skin), that there was a sharp edged linear 12 13 mark to the face with no smearing of the burn. She testified that when a part of the 14 body approaches a hot object, such as an iron, upon touching the object the body 15 instinctively pulls away. This type of action commonly causes a linear imprint to the 16 flesh. In this case, the burn was to a curved part of the body (cheek). Had the burn 17 occurred by the iron falling there would have been smearing of the burn and not the 18 distinct linear outline that she observed. The distinct linear outline was the result of 19 20 the iron being applied with pressure to the cheek. She testified that a child would not 21 apply pressure because of the instinctive motion to withdraw or pull the iron away 22 from the face. Dr. Mehte testified regarding the degree of the burn. First degree 23 burns were described as only involving the epidermis, or the surface layer of the skin. 24 Second degree burns go through the epidermis and actually reach the dermis, the area 25 immediately below the epidermis. Second degree burns were described as causing 26 mild blistering or, if deeper penetration of the skin occurs, large blisters. Finally, 27

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ROBERT W. TEUTON DISTRICT JUDGE third degree burns were described as burning all the way through the top two layers and actually reaching the nerve area of the skin. She opined that the burn suffered by Christopher B. was most definitely a second degree burn but she could not exclude the possibility that it was a third degree burn. Dr. Mehte opined that, to a reasonable degree of medical certainty, the injury was not caused by the child "kissing" the iron. Although an accidental cause of the injury was possible she could not conceive of such an explanation.

Ms. Deberry moved to introduce the written report from Dr. Neumann, the Louisiana physician who examined Christopher B. in 2010. The four page report and accompanying fax transmittal sheet dated March 24, 2010, was marked as Respondent's exhibit A. The Department objected based on no evidentiary foundation being established, the same objection that was made before the hearing master. The Supreme Court stated, in the decision reversing this Court's order terminating parental rights:

[Respondent] asserts that Dr. Neuman's report was improperly excluded in the juvenile proceedings, leading the district court to find abuse without hearing material rebuttal evidence. DFS does not address [Respondent's] argument on appeal. We conclude ... that DFS has confessed error on this issue.

337 P.3d 758, 762. This Court notes that, like the proceeding in the Juvenile case, no
evidentiary foundation has been established for admission of Dr. Neuman's report.
However, the law of the case doctrine mandates that the report be admitted into
evidence at this time. See <u>Geissel v Galbraith</u>, 105 Nev. 101, 103; 769 P.2d 1294,

1	
2	1296 (1989). Dr. Neuman's report, dated 5/11/10 and marked as Respondent
3	exhibit A, is therefore admitted. Dr. Neuman's report includes the following
4	information:
5	III. History: Received a report stating that the child's father burned
6	him in the face with an iron.
7	IV. Looks like burn from hot iron tip; triangular shape. [This Court
8	notes that there is a portion of the report missing. That this is labeled
9	section IV is surmised from the preceding section being labeled
10	section III and the subsequent section being labeled section V]
11 12	V. Left cheek – 1 degree burn with iron approx. 1 month ago. Did not
12	go to Dr. treated with Neosporin ointment and cocoa butter
13	go to Dr. treated with Neosporth onthinent and cocoa butter
15	
16	VII Remarks and recommendations: Well healed burn scar on left
17	cheek 1 $\frac{1}{2}$ inch all 3 sides. No evidence of abuse. Child is happy,
18	playful and well adjusted.
19	This Court has reviewed the testimony of Dr. Mehtle and the medical record
20	from the physician in Louisiana who examined the child approximately 1 month after
21	the burn was inflicted. The Court finds Dr. Mehtle's testimony to be compelling.
22	Her credentials to form the medical opinion that this was a non-accidental injury are
23	overwhelming. The credentials of the Louisiana physician are unknown. Although
24 25	Dr. Mehtle was handicapped by the fact that the child was not personally examined
23 26	(he had been removed from the State shortly after the injury occurred), she
20	nevertheless testified to multiple, consistent facts (set forth, supra) which can only
28	
DISTRICT JUDGE	
FAMILY DIVISION, DEPT. D LAS VEGAS NV 89101	6

ROBERT W. TE DISTRICT JUD lead to the conclusion that the burn was intentional. The Court finds clear and convincing evidence that the minor child was physically abused.

The Court has reviewed its prior decision that the parental rights of Keundra Deberry be terminated and affirms that decision. The additional testimony received concerning the injury to Christopher Bynum reaffirms the Court's finding that there have been no behavioral changes of Keundra Deberry that would warrant return of these children to her care. Ms. Deberry has continued to insist that the burn was accidental in nature in spite of all physical evidence being to the contrary.

DATED this 21st day of September, 2015.

ROBERT W. TEUTON DISTRICT COURT JUDGE

	Electronically Filed 09/22/2015 03:57:50 PM
1	NEO DISTRICT COURT Atom & Comm
2 3	FAMILY DIVISION CLERK OF THE COURT CLARK COUNTY, NEVADA
4 5	In the Matter of the Parental Rights as to :
6 7	AAMIYAH DE'NASIA LAMB, CHRISTOPHER LAMONT BYNUM, JR., CASE NO. D-11-446967-R DEPT. D
8	Minors.
9	DECISION ON REMAND
10	Please take notice that a DECISION ON REMAND was entered in the foregoing action
11	and the following is a true and correct copy thereof.
12	Dated: SEPTEMBER 21, 2015.
13	Jaime E. Serrano, Jr. Law Clerk
14	Family Division, Department D
15	
16	CERTIFICATE OF SERVICE
17	A copy of the foregoing <u>DECISION ON REMAND</u> was: Placed in the attorney folders for the Plaintiff and Defendant and/or placed in the U.S.
18	Mail to the following persons:
19	
20	DDA Ron Cordes SPD Deanna Molinar Attorney for DFS Attorneys for Natural Mother, K. Deberry
21	601 S. Pecos Rd. 330 S. Third St., 8 th Floor
22	Las Vegas, NV 89101 Las Vegas, NV 89155
23	CHRISTAL DIXON, ESQ. Attorney for the Minor Children
24	725 E. Charleston Blvd. Las Vegas, NV 89104
25	Anie E lenno ha
26	Jaime E. Serrano, Jr
27	Law Clerk Family Division, Department D
28	
ROBERT W. TEUTON DISTRICT JUDGE	
FAMILY DIVISION, DEPT. D LAS VEGAS NV 89101	

Termination of Pare Rights - State	ental	COURT N	MINUTES	August 26, 2011
D-11-446967-R	In the Matter of Bynum, Jr., M		ntal Rights of: Aam	iyah Lamb, Christopher
August 26, 2011	9:00 AM	Heari	ng for Terminatio	n of Parental Rights
HEARD BY: Jones,	Steven E		COURTROOM:	Courtroom 08
INTAKE OFFICER:				
PARTIES:				
COURT CLERK: Le	eticia Davila			
CHARGES:				
PLEAS:				
DISPOSITION:				
SENTENCE:				
	J	OURNAL	ENTRIES	

- Department of Family Services (DFS) represented by Michelle Jordan.

Mr. Perez stated the mother, Keaundra Louise Deberry, is currently in Louisiana. Ms. Kuhlman stated she just received new information and needs to investigate further, therefore, requested a 30 day status check.

COURT ORDERED, matter set for a STATUS CHECK on 10/7/11 at 10:00 a.m.

FUTURE HEARINGS:	

Termination of Pare Rights - State	ental	COURT MINUTES	October 07, 2011
D-11-446967-R	In the Matter of Bynum, Jr., Mi	of the Parental Rights of: Aam inor(s).	iyah Lamb, Christopher
October 07, 2011	10:00 AM	Status C	heck
HEARD BY: Jones,	Steven E	COURTROOM:	Courtroom 08
INTAKE OFFICER:			
PARTIES:			
COURT CLERK: Le	eticia Davila		
PLEAS:			
DISPOSITION:			
SENTENCE:			
	J	OURNAL ENTRIES	

- Department of Family Services (DFS) represented by Michelle Jordan.

At the request of counsel, COURT ORDERED, matter set for TRIAL on 1/23/12 at 1:30 p.m.

FUTURE HEARINGS:

Termination of Pare Rights - State	ental	COURT MINUTES	January 30, 2012
D-11-446967-R	In the Matter Bynum, Jr., M	of the Parental Rights of: Aam Iinor(s).	iyah Lamb, Christopher
January 30, 2012	1:30 PM	Non-Jury	Trial
HEARD BY: Jones,	Steven E	COURTROOM:	Courtroom 08
INTAKE OFFICER:			
PARTIES:			
COURT CLERK: Le	eticia Davila		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
		JOURNAL ENTRIES	

- Prior to court counsel advised matter has been stipulated to a continuance and will be submitting same forthwith.

FUTURE HEARINGS:	:
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Termination of Pare Rights - State	ental	COURT MINUTES	April 10, 2012
D-11-446967-R	In the Matter of Bynum, Jr., Mi	of the Parental Rights of: Aam inor(s).	iyah Lamb, Christopher
April 10, 2012	10:00 AM	Trial Set	ting
HEARD BY: Jones,	Steven E	COURTROOM:	Courtroom 08
INTAKE OFFICER:			
PARTIES:			
COURT CLERK: Le	eticia Davila		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
	J	OURNAL ENTRIES	

- Deputy District Attorney Nicole Cannizzaro, present.

Attorney Aaron Grigsby appearing on behalf of Attorney Romeo Perez, representing the Respondent, Keaundra Louise Deberry.

At the request of counsel, COURT ORDERED, matter set for TRIAL on 7/11/12 at 10:30 a.m. in front of Judge Teuton.

FUTURE HEARINGS:	
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Termination of Pa Rights - State	rental	COURT MINUTES	July 03, 2012
D-11-446967-R	In the Matter Bynum, Jr., N	of the Parental Rights of: Aamiyal /linor(s).	h Lamb, Christopher
July 03, 2012	10:30 AM	Motion for Withd	Irawal
HEARD BY: Jone	s, Steven E	COURTROOM: Co	ourtroom 08
INTAKE OFFICE	R:		
PARTIES:			
COURT CLERK:	Leticia Davila		
CHARGES:]
PLEAS:			
DISPOSITION:			
SENTENCE:			
		JOURNAL ENTRIES	

- Attorney Frank Toti appearing on behalf of Attorney Romeo Perez.

Ms. Kuhlman stated the trial is set for next week, she has not objection to the Motion to Withdraw, however, she does want to trial to go forward.

COURT ORDERED, MATTER CONTINUED to 7/11/12 at 9:00 a.m. to be hearing prior to the time of trial.

FUTURE HEARINGS:	

Termination of Par Rights - State	rental	COURT MINUTES	July 11, 2012
D-11-446967-R	In the Matter Bynum, Jr., M	of the Parental Rights of: Aam Iinor(s).	iyah Lamb, Christopher
July 11, 2012	9:00 AM	All Pending	Motions
HEARD BY: Teut	on, Robert W.	COURTROOM:	Courtroom 11
INTAKE OFFICER	k:		
PARTIES: Respondent: Deb	erry, Keaundra	Louise	
COURT CLERK:	Rosa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
		JOURNAL ENTRIES	

- MOTION FOR WITHDRAWAL: ROMEO PEREZ' MOTION TO WITHDRAW AS COUNSEL OF RECORD...NON-JURY TRIAL TPR

Michelle Jordan, from the Department of Family Services, also present.

Upon Court's inquiry, Respondent Keaundra Deberry stated she intends to reunite with her children and advised she started a new job with Wendy's and will be on a 60 to 90 day probation period.

Ms. Kuhlman, Esq., advised the State will issue a subpoena for Ms. Deberry's presence at trial.

Following statements, COURT FINDS and ORDERED:

Romeo Perez' Motion to Withdraw as counsel of record is GRANTED.

Order Appointing Counsel, FILED IN OPEN COURT.

Matter set for CONFIRMATION of Counsel on 07/13/12 at 1:30 pm.

Trial CONTINUED to 08/15/12 at 9:00 am.

FUTURE HEARINGS:

Termination of P Rights - State	arental	COURT MINUTES	July 13, 2012
D-11-446967-R	In the Matte Bynum, Jr., J	r of the Parental Rights of: Aamiyah Minor(s).	Lamb, Christopher
July 13, 2012	1:30 PM	Status Check	
HEARD BY: Tet	1ton, Robert W.	COURTROOM: Cou	irtroom 11
INTAKE OFFICE	R:		
PARTIES: Not Present: De	berry, Keaundra	a Louise Attorney: Simpkins,	Melinda E.
COURT CLERK:	Rosa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
		IOURNAL ENTRIES	

- Deanna Molinar, bar #12045, also present on behalf of Respondent Keaundra Deberry.

Arguments regarding Respondent's request for a continuance.

COURT FINDS and ORDERED:

Deputy Special Public Defenders Melissa Simpkins and Deanna Molinar CONFIRMED as attorney for Respondent Keaundra Deberry.

Trial scheduled 08/15/12 at 9:00 am, STANDS.

FUTURE HEARINGS:

Termination of P Rights - State	arental	COURT MINUTES	July 18, 2012
D-11-446967-R	In the Matter Bynum, Jr., M	of the Parental Rights of: Aam linor(s).	iyah Lamb, Christopher
July 18, 2012	1:30 PM	Minute C	Irder
HEARD BY: Teu	ton, Robert W.	COURTROOM:	Courtroom 11
INTAKE OFFICE	R:		
PARTIES:			
COURT CLERK:	Debra Vinson		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
		JOURNAL ENTRIES	

- COURT ORDERED, matter SET for Status Check Re: Trial on 8/8/12 at 9 a.m. Counsel shall be present to update this Court on the status of the trial.

CLERK'S NOTE: Court Clerk placed copies of the minute order in the Clerk's Office folders of Jennifer Kuhlman and Melinda Simpkins on 7/18/12.

Termination of Par Rights - State	ental	COURT MINUTES	August 08, 2012
D-11-446967-R	In the Matter of Bynum, Jr., M	of the Parental Rights of: Aam inor(s).	iyah Lamb, Christopher
August 08, 2012	9:00 AM	Status C	heck
HEARD BY: Teuto	on, Robert W.	COURTROOM:	Courtroom 11
INTAKE OFFICER	:		
PARTIES:			
Not Present: Debe Not Present: Debe	2 ·		kins, Melinda E. 1ar, Deanna M
COURT CLERK: R	losa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
	J	OURNAL ENTRIES	

- Michelle Douglas, from the Department of Family Services present.

Following statements, COURT FINDS and ORDERED: Trial scheduled 08/15/12 at 9:00 am, STANDS.

Termination of Par Rights - State	ental	COURT MINUTES	August 15, 2012
D-11-446967-R	In the Matter o Bynum, Jr., M	of the Parental Rights of: Aa inor(s).	miyah Lamb, Christopher
August 15, 2012	9:00 AM	Tri	al
HEARD BY: Teuto	on, Robert W.	COURTROOM	Courtroom 11
INTAKE OFFICER	:		
PARTIES: Respondent: Debe		Louise Attorne linar, Deanna M	y: Simpkins, Melinda E.
COURT CLERK: D	Debra Vinson		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			

JOURNAL ENTRIES

- Michelle Douglas, Supervisor at Department of Family Services, also present.

Counsel advised there are some out of state witness problems and Michelle Douglas will not be able to testify this afternoon due to an appointment with her doctor.

Arguments by counsel regarding the Respondent's ex parte request to have the therapist testify telephonically. Further arguments regarding whether the therapist is a percipient or an expert witness. Court NOTED the Order which was submitted for telephonic testimony was date-specific to today.

COURT ORDERED, the following:

Trial CONTINUED. If Respondent Deberry needs some documentation for her employer to get time off next month, this Court will provide whatever is needed.

If there is a need for the therapist to appear telephonically next date, counsel shall file a motion, properly notice the District Attorney, and give the District Attorney an opportunity to oppose the motion.

New trial date SET. Court cleared its morning calendar for 9/13/12 in case the trial goes longer than one (1) full day.

9/12/12 8:30 AM TPR TRIAL

Termination of Pare Rights - State	ental	COURT MINUTE	5	September 12, 2012
D-11-446967-R	In the Matte Bynum, Jr., 1	6	s of: Aam	niyah Lamb, Christopher
September 12, 2012	8:30 AM	All	Pending	Motions
HEARD BY: Teuto	n, Robert W.	COURT	ROOM:	Courtroom 11
INTAKE OFFICER:				
PARTIES: Not Present: Deber Not Present: Deber			-	kins, Melinda E. nar, Deanna M
COURT CLERK: De	ebra Vinson			
CHARGES:				
PLEAS:				
DISPOSITION:				
SENTENCE:				
		JOURNAL ENTRIE	S	

- TPR TRIAL...RESPONDENT'S MOTION TO ALLOW WITNESS TO APPEAR BY COMMUNICATION EQUIPMENT

Michelle Jordan, Department of Family Services, also present.

Ms. Kuhlman advised the state cannot go forward today as Respondent, Keaundra Deberry, was unable to get back into the jurisdiction and one of the key witnesses is on medical leave.

Ms. Kuhlman further advised she was not served with the motion and her due process rights have been violated. Court advised the Special Public Defender's Office needs to step up and follow proper procedure.

Court NOTED this case was filed sixteen (16) months ago and advised the next trial date will be a date certain.

Arguments by counsel regarding Respondent's motion. Court advised there is no rule or statute which allows a witness to testify telephonically and ORDERED, Respondent's Motion to Allow Witness to Appear by Communication Equipment is DENIED.

Thereafter, the witness in question, Jane Fortune, was contacted in open court telephonically for a date in which she would be able to testify in person. Ms. Fortune advised she would be available in person for trial on November 2, 2012.

COURT ORDERED, the following:

Trial date SET as DATE CERTAIN.

Ms. Kuhlman shall prepare the order.

11/2/12 9 AM TPR TRIAL - FULL DAY

Termination of Pare Rights - State	ental CC	OURT MINUTES	November 02, 2012
D-11-446967-R	In the Matter of th Bynum, Jr., Minor	8	miyah Lamb, Christopher
November 02, 2012	9:00 AM	Tri	al
HEARD BY: Teuto	n, Robert W.	COURTROOM	Courtroom 11
INTAKE OFFICER:			
PARTIES:			
Petitioner: State of		Attorney: Cord	
Respondent: Debe			y: Simpkins, Melinda E.
	Attorney: Molina	r, Deanna M	
COURT CLERK: Ro	osa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
	IOU	RNAL ENTRIES	

- Mr. Cordes, Esq., requested to invoke the Exclusionary Rule. COURT SO ORDERED.

Mr. Cordes advised the State waives opening statements and refers the Court to their Pretrial Memorandum.

For the record, Mr. Cordes stated that Christopher Bynum Sr. has not appeared today and the State has information that Mr. Bynum, Sr. in incarcerated in the State of Louisiana. Additionally, Graves Virgil or Joseph Lamb had not participated for purposes of this hearing.

Ms. Simpkins, Esq. made opening statements for the Defense.

Testimony and Exhibits. See worksheets.

COURT FINDS and ORDERED: Following the lunch recess, the matter was recalled and the Court stated, for the record, that in the event the trial does not conclude today, Respondent shall be authorized to appear telephonically from Louisiana.

Continued testimony and exhibits. See worksheets.

Matter CONTINUED to 12/14/12 9:00 am (full day).

Termination of Pare Rights - State	ental	COURT MINUTES	December 14, 2012
D-11-446967-R	In the Matter of Bynum, Jr., M	of the Parental Rights of: Aar inor(s).	niyah Lamb, Christopher
December 14, 2012	9:00 AM	Tria	1
HEARD BY: Teuto	n, Robert W.	COURTROOM:	Courtroom 08
INTAKE OFFICER:			
PARTIES:			
Not Present: State Not Present: Deber		Attorney: Cord Louise Attorney: Moli	
COURT CLERK: Ro	osa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
	J	OURNAL ENTRIES	

- Department of Family Services (DFS) represented by Michelle Douglas.

Pursuant to stipulation of the parties, COURT ORDERED, matter continued to 01/29/13 at 1:30 pm.

CARINGS:

Termination of Pa Rights - State	arental	COURT MINUTES	March 15, 2013
D-11-446967-R	In the Matter Bynum, Jr., M	of the Parental Rights of: Aamiya inor(s).	ah Lamb, Christopher
March 15, 2013	9:00 AM	Trial	
HEARD BY: Teu	ton, Robert W.	COURTROOM: C	Courtroom 11
INTAKE OFFICE	R:		
PARTIES:			
Petitioner: State	of Nevada	Attorney: Cordes,	Ronald L
Respondent: Del	-	-	impkins, Melinda E.
	Attorney: Mo	linar, Deanna M	
COURT CLERK:	Rosa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			

JOURNAL ENTRIES

- Ron Cordes, from the Clark County District Attorney's office, present on behalf of the State of Nevada.

Department of Family Services (DFS) represented by Michelle Douglas.

Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar, present on behalf of Keaundra Louise Deberry.

COURT FINDS: For the record, Ms. Deberry was authorized to appear telephonically since her testimony had previously been taken (she was subject to examination and cross-

examination). This morning, the Court spent considerable time calling two different numbers (318-617-8349 and 843-487-8256) and received voice mailbox messages; she has not answered the phones. Pursuant to Court rules, it is incumbent on the person that is going to appear telephonically to make arrangements to be available at a specified time. At this point, the Court will proceed in Ms. Deberry's absence.

Ms. Simpkins stated she is requesting a continuance as Ms. Deberry has been in almost constant contact with her office for the past two weeks and she had made arrangements with her employer so that she could be present for today's hearing.

Mr. Cordes advised the State is opposed to a continuance.

COURT ORDERED, the MOTION to CONTINUE is DENIED.

Continued testimony and exhibits. See worksheets.

COURT FINDS: Respondent Keaundra Louise Deberry called the courtroom at 10:56:18. The Court advised Ms. Deberry that the Court did attempt to call her before proceeding with testimony and advised that at this time, the Court will be hearing closing arguments and she will be allowed to listen in.

Closing arguments.

The Court stated it will ISSUE a WRITTEN DECISION.

Termination of Par Rights - State	rental	COURT MINUTES	January 26, 2015
D-11-446967-R	In the Matter o Bynum, Jr., Mi	of the Parental Rights of: Aan nor(s).	niyah Lamb, Christopher
January 26, 2015	10:00 AM	Heari	ng
HEARD BY: Teut	on, Robert W.	COURTROOM:	Courtroom 11
INTAKE OFFICEF	k:		
PARTIES: Petitioner: State o Not Present: Lam Dixon, Christal, E Not Present: Debo	b, Aamiyah De'r SQ	Attorney: Cord asia;Bynum, Christopher La ouise Attorney: Molin	amont, Jr Attorney:
COURT CLERK:	Rosa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			

JOURNAL ENTRIES

- Case heard simultaneously with J-10-319959-P1.

Chief Deputy District Attorney Ron Cordes, present on behalf of the State of Nevada and the Department of Family Services.

(Aamiyah De'Nasia Lamb, Christopher Lamont Bynum, Jr.) Department of Family Services (DFS) represented by Launa Locascio.

Deputy Special Public Defenders Deanna Molinar and Melinda Simpkins, present on behalf

of natural mother (not present).

Christal Dixon, CAP attorney, present.

Following statements, COURT FINDS and ORDERED:

Trial set on 03/10/15 at 9:30 am, in courtroom 11. The Trial will be limited to the one issue that the Supreme Court identified, which was inappropriate finding of parental fault because of the exclusion of testimony or evidence in the juvenile case.

Regarding VISITATION: The therapist is instructed to facilitate visitation between mom and the children, consistent with the best interest of the children so they do not suffer unnecessary trauma.

Termination of Pa Rights - State	arental	COURT MINUTES	March 10, 2015
D-11-446967-R	In the Matter Bynum, Jr., N	of the Parental Rights of: Aamiya Ainor(s).	h Lamb, Christopher
March 10, 2015	9:30 AM	Trial	
HEARD BY: Teu	ton, Robert W.	COURTROOM: Co	ourtroom 11
INTAKE OFFICE	R:		
PARTIES:			
Petitioner: State Respondent: Del	berry, Keaundra	Attorney: Cordes, F Louise Attorney: Sin olinar, Deanna M	Ronald L mpkins, Melinda E.
Not Present: Lan Dixon, Christal,	5	'nasia;Bynum, Christopher Lamo	ont, Jr Attorney:
COURT CLERK:	Rosa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
		JOURNAL ENTRIES	

- Chief Deputy District Attorney Ron Cordes, present.

(Aamiyah De'Nasia Lamb, Christopher Lamont Bynum, Jr.) Department of Family Services (DFS) represented by Michelle Maese.

Christal Dixon, CAP attorney, present.

Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar, present with

Keaundra Louise Deberry.

There were no opening statements.

Testimony and Exhibits. See worksheets.

COURT FINDS and ORDERED:

The Court noted the State's OBJECTION to Respondent's Exhibit A, and OVERRULED. Exhibit A shall be ADMITTED. Respondent's Exhibit's B through G are marked for identification, but not admitted into evidence.

The Court makes no ruling on the visitation issue today.

Matter set for Closing Arguments on 03/25/15 at 9:30 am, in courtroom 11.

FUTURE HEARINGS:	

Termination of Pare Rights - State	ntal CO	OURT MINUTES	March 25, 2015
D-11-446967-R	In the Matter of the Bynum, Jr., Minor(e Parental Rights of: Aamiya s).	ah Lamb, Christopher
March 25, 2015	10:00 AM	Hearing	
HEARD BY: Teutor	n, Robert W.	COURTROOM: C	Courtroom 11
INTAKE OFFICER:			
PARTIES:			
Petitioner: State of Not Present: Deber Not Present: Lamb, Dixon, Christal, ES	ry, Keaundra Louis , Aamiyah De'nasia	Attorney: Cordes, se Attorney: Simpkin ;Bynum, Christopher Lame	ns, Melinda E.
Not Present: Deber	ry, Keaundra Louis	se Attorney: Molinar	, Deanna M
COURT CLERK: Ro	osa Ardesch		
CHARGES:			
PLEAS:			
DISPOSITION:			
SENTENCE:			
	JOUI	RNAL ENTRIES	

- Chief Deputy District Attorney Ron Cordes, present.

Christal Dixon, CAP attorney, present.

Deputy Special Public Defenders Melinda Simpkins and Deanna Molinar, present.

Counsel made CLOSING ARGUMENTS.

The Court will issue a written DECISION by 04/08/15 at 11:00 am.

Termination of Pa Rights - State	rental	COURT MINUTES	April 08, 2015
D-11-446967-R	In the Matter Bynum, Jr., N	of the Parental Rights of: Aamiyah Iinor(s).	Lamb, Christopher
A	11.00 AN	Desision]
April 08, 2015	11:00 AM	Decision	
HEARD BY: Teut	on, Robert W.	COURTROOM: Cou	urtroom 11
INTAKE OFFICE	k:		
PARTIES:			
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- COURT ORDEREI	D, OFF CALEN	DAR.	

Termination of Pare Rights - State	ental	COURT MINUTES	September 21, 2015
D-11-446967-R	In the Matter Bynum, Jr., M	of the Parental Rights of: Aam linor(s).	iyah Lamb, Christopher
September 21, 2015	3:30 PM	Decisio	on
HEARD BY: Teutor	n, Robert W.	COURTROOM:	Courtroom 11
INTAKE OFFICER:			
PARTIES:			
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		JOURNAL ENTRIES	

- Composed by Judge Robert W. Teuton

Decision on Remand

This Court issued an Order terminating the parental rights of Joseph Lamb, Christopher Bynum and the natural mother, Keaundra Louise Deberry, as to minor children Aamiyah L. and Christopher B. on April 29, 2013. Natural mother, Keaundra Deberry, appealed. The Supreme Court reversed and remanded the matter for a new trial. In re Parental Rights as to A.L., 337 P.3d 758 (2014). The decisive issue on appeal was the exclusion of a medical report, offered by Ms. Deberry in the underlying juvenile proceeding, to rebut evidence by the Department that an injury suffered by Christopher B. was the result of intentional or negligent conduct by Ms. Deberry. The matter came on calendar, following remand, on January 26, 2015, and a trial was set for March 10, 2015. Closing arguments were made on March 25, 2015, and the matter was taken under advisement. The Department of Family Services was present at these proceedings and represented by Chief Deputy District Attorney Ronald Cortes. Natural mother was present March 10 (her presence on March 25 was waived by the Court) and was represented by Special Public Defender Deanna Molinar and Chief Special Public Defender Melinda Simpkins. Additionally, Christal Dixon, Esq., appointed after the remand to represent the minor children, was also present.

The parties agreed that the only issue on remand was that of parental fault and the only factual dispute to be resolved concerned the medical testimony and evidence. Additionally, the parties stipulated that the portion of J-319959 that was admitted in the first trial, the transcript of the first Termination Trial and the video of Dr. Mehte s testimony from J-319959 proceeding, may be considered in this trial.

The Court heard testimony from Dr. Meha Mehte, the witness who had testified in the previous Juvenile proceeding that the injury suffered by Christopher B. was non accidental the result of intentional or negligent conduct by Ms. Deberry. Dr. Mehte obtained her Bachelor s degree from Emory University in 1991. She had a scholarship to attend school in Scotland the year following her graduation from Emory and then attended the Medical College of Georgia from 1992 to 1996. She did her pediatric internship at the University of Kentucky from 1993 to 1996 and stayed at the University an additional year as the primary pediatric resident. She then worded at the Cincinnati Children's Hospital where she engaged in a fellowship program training doctors in the evaluation of neglect, physical and sexual abuse of children. The fellowship was comprised of six doctors who met weekly to review cases as well as engage in literature review. She left the Cincinnati Children's Hospital to begin work at Sunrise Hospital in Las Vegas, Nevada. She was employed at Sunrise in 2003 and worked for 9 years as Medical Director of both the Southern Nevada Child Abuse Assessment Center and Child Abuse at Sunrise Hospital. Dr. Mehte has been employed for the past two years as the Medical Director of the Aubrey Hepburn Care Program of the New Orleans Children s Hospital in New Orleans, Louisiana. She testified that the program is a child abuse evaluation program. While employed in Las Vegas she directly evaluated alleged child abuse cases which presented at Sunrise Hospital. She also conducted multidisciplinary reviews of suspected child abuse cases which presented at other hospitals twice per month, which included meetings with child welfare agency investigators and police officers. These reviews utilized photographs of child injuries in lieu of direct physical examinations of the children. Dr. Mehte testified that her standard procedure was to develop alternative theories for injuries and exclude them before classifying a particular incident as caused by abuse or neglect. Dr. Mehte has attended and presented at two national conferences on child neglect, physical and sexual abuse in Huntsville, Alabama and San Diego, California. Additionally, she attended and presented at an International child abuse conference in Sweden in the fall of 2014. One of her presentations specifically concerned

evaluation of burn injuries of children to determine if the burns were accidental or intentional. She is an Associate Professor at the Louisiana School of Medicine. She is certified by the American Board of Pediatric Physicians in the specialty of child abuse and neglect. She has testified in more than 50 trials involving child abuse and neglect. Dr. Mehte was recognized by the Court as an expert in the area of child abuse and neglect over the objection of Ms. Deberry s counsel.

Dr. Mehte testified that the case involving Christopher B. was staffed with her in 2010. She reviewed digital photographs that were taken sometime after the injury had been sustained. She was told that the explanation given for the injury was that the child had attempted to kiss an iron causing the injury. She found that the injury pattern to the child s cheek was not consistent with the explanation provided. The burn was described by her as being triangular in appearance. The burn itself was throughout the triangle (that is, the burn was consistent with the entire surface of the iron, and not just the edge, contacting the skin), that there was a sharp edged linear mark to the face with no smearing of the burn. She testified that when a part of the body approaches a hot object, such as an iron, upon touching the object the body instinctively pulls away. This type of action commonly causes a linear imprint to the flesh. In this case, the burn was to a curved part of the body (cheek). Had the burn occurred by the iron falling there would have been smearing of the burn and not the distinct linear outline that she observed. The distinct linear outline was the result of the iron being applied with pressure to the cheek. She testified that a child would not apply pressure because of the instinctive motion to withdraw or pull the iron away from the face. Dr. Mehte testified regarding the degree of the burn. First degree burns were described as only involving the epidermis, or the surface layer of the skin. Second degree burns go through the epidermis and actually reach the dermus, the area immediately below the epidermis. Second degree burns were described as causing mild blistering or, if deeper penetration of the skin occurs, large blisters. Finally, third degree burns were described as burning all the way through the top two layers and actually reaching the nerve area of the skin. She opined that the burn suffered by Christopher B. was most definitely a second degree burn but she could not exclude the possibility that it was a third degree burn. Dr. Mehte opined that, to a reasonable degree of medical certainty, the injury was not caused by the child kissing the iron. Although an accidental cause of the injury was possible she could not conceive of such an explanation.

Ms. Deberry moved to introduce the written report from Dr. Neumann, the Louisiana physician who examined Christopher B. in 2010. The four page report and accompanying fax transmittal sheet dated March 24, 2010, was marked as Respondent s exhibit A. The Department objected based on no evidentiary foundation being established, the same objection that was made before the hearing master. The Supreme Court stated, in the decision reversing this Court s order terminating parental rights:

[Respondent] asserts that Dr. Neuman s report was improperly excluded in the juvenile proceedings, leading the district court to find abuse without hearing material rebuttal

evidence. DFS does not address [Respondent s] argument on appeal. We conclude that DFS has confessed error on this issue.

337 P.3d 758, 762. This Court notes that, like the proceeding in the Juvenile case, no evidentiary foundation has been established for admission of Dr. Neuman s report. However, the law of the case doctrine mandates that the report be admitted into evidence at this time. See Geissel v Galbraith , 105 Nev. 101, 103; 769 P.2d 1294, 1296 (1989). Dr. Neuman s report, dated 5/11/10 and marked as Respondent exhibit A, is therefore admitted. Dr. Neuman s report includes the following information:

III. History: Received a report stating that the child s father burned him in the face with an iron.

IV. Looks like burn from hot iron tip; triangular shape. [This Court notes that there is a portion of the report missing. That this is labeled section IV is surmised from the preceding section being labeled section III and the subsequent section being labeled section V]V. Left cheek 1 degree burn with iron approx. 1 month ago. Did not go to Dr. treated with Neosporin ointment and cocoa butter

VII Remarks and recommendations: Well healed burn scar on left cheek 1 inch all 3 sides. No evidence of abuse. Child is happy, playful and well adjusted.

This Court has reviewed the testimony of Dr. Mehtle and the medical record from the physician in Louisiana who examined the child approximately 1 month after the burn was inflicted. The Court finds Dr. Mehtle s testimony to be compelling. Her credentials to form the medical opinion that this was a non-accidental injury are overwhelming. The credentials of the Louisiana physician are unknown. Although Dr. Mehtle was handicapped by the fact that the child was not personally examined (he had been removed from the State shortly after the injury occurred), she nevertheless testified to multiple, consistent facts (set forth, supra) which can only lead to the conclusion that the burn was intentional. The Court finds clear and convincing evidence that the minor child was physically abused.

The Court has reviewed its prior decision that the parental rights of Keundra Deberry be terminated and affirms that decision. The additional testimony received concerning the injury to Christopher Bynum reaffirms the Court s finding that there have been no behavioral changes of Keundra Deberry that would warrant return of these children to her care. Ms. Deberry has continued to insist that the burn was accidental in nature in spite of all physical evidence being to the contrary.

FUTURE HEARINGS:	
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STATE'S

EXHIBITS

CASE NOD 446967

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	OI DATE		ED AI OBJ	DMITTEE DA
1. J-10-319959-PC- "J" FILE	Val	R	Snl	1/2/15
1. J-10-319959-PC- "J" FILE 2. ASSESS MENT LETTER- 6-617	1/2/1	2	M	1/2/10
3. BIRTH OFRITIFICATE FOR AAMIYAH DE'NASIA LAMB	1/2/	2	NO	UN
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Attachment #3

RESPONDENT'S EXHIBITS

CASE NO. P 446967

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	O DATE		ED AI , OBJ		EC DA
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D. WILCOHESS LC (PAY STUB) PAY PERIOD ENDINGS D. WILCOHESS LC (PAY STUB) PAY PERIOD ENDINGS 10-21-12 D. W MUNICIPAL COURT. CASE & CO 716427A	10/		4E5	12	12
C. WILCOHESS LCC (PAY STUB) PAY PERIOD ENDING	1/2/10		NB	1/2	2
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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE NOTICE OF DEFICIENCY ON APPEAL TO NEVADA SUPREME COURT

DAVID M. SCHIECK, SPECIAL PUBLIC DEFENDER 330 S. THIRD ST., SUITE 800 LAS VEGAS, NV 89155

DATE: October 22, 2015 CASE: D446967

RE CASE: In the Matter of the Parental Rights of: AAMIYAH DE'NASIA LAMB; CHRISTOPHER LAMONT BYNUM, JR.

NOTICE OF APPEAL FILED: October 20, 2015

YOUR APPEAL <u>HAS</u> BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- Solution Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- □ \$24 District Court Filing Fee (Make Check Payable to the District Court)**
- Solo − Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- □ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- □ Order
- □ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. <u>The district court clerk shall apprise appellant of the deficiencies in</u> <u>writing</u>, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

**Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.

Certification of Copy

State of Nevada County of Clark SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

JOINT NOTICE OF APPEAL; JOINT CASE APPEAL STATEMENT; EX PARTE MOTION FOR TYPEWRITTEN TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION ON REMAND; DECISION ON REMAND/CERTIFICATE OF SERVICE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

In the Matter of the Parental Rights of:

AAMIYAH DE'NASIA LAMB; CHRISTOPHER LAMONT BYNUM, JR., Case No: D446967

Dept No: FAMILY JUVENILE

Minor(s),

now on file and of record in this office.

- STATE IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 22 day of October 2015 OF THE Steven D. Grierson, Clerk of the Court Heather Ungermann, Deputy Clerk đ i strategi