

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
PARENTAL RIGHTS AS TO M.M.L.,
JR., A MINOR

Supreme Court No. 69210

District Court No. D-14-497399-R

APPELLANT'S APPENDIX VOL. II

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 17th day of May 2016, a copy of the foregoing Appellant's Appendix Vol II was served as follows:

BY ELECTRONIC FILING TO

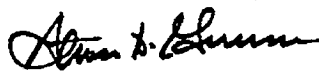
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/s/ Aaron Grigsby
An employee of the Grigsby Law Group



CLERK OF THE COURT

1 **ORDER**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **CHRISTOPHER J. LALLI**
6 **Assistant District Attorney**
7 **Nevada Bar #005398**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
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11 **Attorney for Plaintiff**

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

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

11 **-vs-**

12 **MISTIE PETERSON,**
13 **#2807096**

14 **Defendant.**

CASE NO: C-14-298115-1

DEPT NO: IX

15 **ORDER OF COMMITMENT**

16 **THIS MATTER** came before the Court on the 8th day of May, 2015, when doubt arose
17 **as to competence of the Defendant, the Defendant being present with counsel, BELINDA**
18 **HARRIS, Deputy Public Defender, the State being represented by STEVEN B. WOLFSON,**
19 **District Attorney, through BARTER PACE, his Deputy, and the Court having considered the**
20 **reports of Dr. Louis Mortillaro and Dr. Charles Colosimo, licensed and practicing**
21 **psychologists and/or psychiatrists in the State of Nevada, finds the Defendant incompetent,**
22 **and that she is dangerous to herself and to society and that commitment is required for a**
23 **determination of her ability to receive treatment to competency and to attain competence, and**
24 **good cause appearing, it is hereby**

25 **ORDERED** that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the
26 **Division of Mental Health and Developmental Services of the Department of Human**
27 **Resources, shall convey the Defendant forthwith, together with a copy of the complaint, the**
28 **commitment and the physicians' certificate, if any, into the custody of the Administrator of**

1 the Division of Mental Health and Developmental Services of the Department of Human
2 Resources or his designee for detention and treatment at a secure facility operated by that
3 Division; and, it is

4 FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be
5 transported to a public or private mental health facility she must:

6 1. First be examined by a licensed physician or physician assistant or an
7 advanced practitioner of nursing to determine whether the person has a medical problem, other
8 than a psychiatric problem, which requires immediate treatment; and

9 2. If such treatment is required, be admitted to a hospital for the appropriate
10 medical care; and, it is

11 FURTHER ORDERED that the Defendant is required to submit to said medical
12 examination which may include, but is not limited to, chest x-rays and blood work; and, it is

13 FURTHER ORDERED that the cost of the examination must be paid by Clark County,
14 unless the cost is voluntarily paid by the Defendant or on her behalf, by her insurer or by a
15 state or federal program of medical assistance; and, it is

16 FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held
17 in such custody until a court orders her release or until she is returned for trial or judgment as
18 provided in NRS 178.450, 178.455 and 178.460; and, it is

19 FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against
20 the Defendant are suspended until the Administrator or his designee finds her capable of
21 standing trial as provided in NRS 178.400; and, it is

22 FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination
23 and of the transportation of the Defendant to and from the custody of the Administrator of the
24 Division of Mental Health and Developmental Services of the Department of Human
25 Resources or his designee are chargeable to Clark County; and, it is


26 FURTHER ORDERED that the Administrator of the Division of Mental Health and
27 Developmental Services of the Department of Human Resources or his designee shall keep
28 the Defendant under observation and evaluated periodically; and, it is

1 FURTHER ORDERED that the Administrator or his designee shall report in writing to
2 this Court and the Clark County District Attorney whether, in his opinion, upon medical
3 consultation, the Defendant is of sufficient mentality to be able to understand the nature of the
4 criminal charge against her and, by reason thereof, is able to aid and assist her counsel in the
5 defense interposed upon the trial or against the pronouncement of the judgment thereafter. The
6 administrator or his designee shall submit such a report within 6 months after this order and at
7 6 month intervals thereafter. If the opinion of the Administrator or his designee about the
8 Defendant is that she is not of sufficient mentality to understand the nature of the charge
9 against her and assist her own defense, the Administrator or his designee shall also include in
10 the report his opinion whether:


11 1. There is a substantial probability that the Defendant can receive treatment
12 to competency and will attain competency to stand trial or receive pronouncement of judgment
13 in the foreseeable future; and

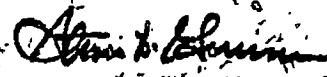
14 2. The Defendant is at that time a danger to herself or to society.

15 DATED this 15th day of May, 2015.

16
17 
18 DISTRICT JUDGE

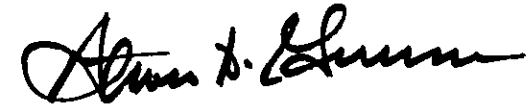
19 STEVEN B. WOLFSON
20 District Attorney
Nevada Bar #001565

21 BY 
22 CHRISTOPHER J. LALLI
23 Assistant District Attorney
Nevada Bar #005398

24
25 
26 SEP 02 2015
27 CERTIFIED COPY
28 DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

kb

FFCL
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CLERK OF THE COURT

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Parental Rights as to

MYREON MARTELLI LATTIMORE, JR.,

A Minor(s).

Case No. D-14-497399-R
Department 0
Courtroom 21

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER TERMINATING PARENTAL RIGHTS OF MISTIE LEE PETERSON**

The above-entitled matter came on for a trial before the Court on the 10th day of September, 2015. Present at the hearing were the Petitioners, the Department of Family Services (DFS), by and through Case Manager Angelique Gray, and Clark County District Attorney STEVEN B. WOLFSON, by and through his Deputy District Attorney Stephanie Richter. Romeo Perez, Esq., was present on behalf of Respondent mother, Mistie Lee Peterson, who was not present. Frank Toti was present as the Guardian ad Litem for Mistie Lee Peterson. James Vitale, Esq., was present on behalf of Respondent legal or legally presumed father, Myreon Lattimore Sr., who was not present. All notices required by law and orders of this Court were served as proved by the pleadings on file herein. The State has met its burden by clear and convincing evidence, and the Court, being fully advised in the premises on the facts and the law, makes its Findings of Fact, Conclusions of Law and final Order as follows:

FINDINGS OF FACT

I

The Court has jurisdiction of the subject matter involved and of the parties.

Non-Trial Dispositions:

- | | |
|--|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Settled/Withdrawn: |
| <input type="checkbox"/> Dismissed - Want of Prosecution | <input type="checkbox"/> Without Judicial Conf/Hrg |
| <input type="checkbox"/> Involuntary (Statutory) Dismissal | <input type="checkbox"/> With Judicial Conf/Hrg |
| <input type="checkbox"/> Default Judgment | <input type="checkbox"/> By ADR |
| <input type="checkbox"/> Transferred | |

Trial Dispositions:

- 1- ☐ Disposed After Trial Start ☒ Judgment Reached By Trial

II

MYREON MARTELLI LATTIMORE, JR. was born on November 12, 2012 in Las Vegas, Clark County, Nevada.).

III

MYREON MARTELLI LATTIMORE, JR. currently resides in foster care in Clark County, Nevada, licensed by the Clark County Department of Family Services.

IV

MYREON MARTELLI LATTIMORE, JR. was adjudicated a neglected child and made a Ward of the Eighth Judicial Court, Juvenile Division, in Case No. J-13-329616-P1, and placed into the custody of the Department of Family Services. MYREON MARTELLI LATTIMORE, JR. was placed into physical custody on January 25, 2013 and the Clark County Department of Family Services has maintained legal custody of MYREON MARTELLI LATTIMORE, JR. since March 7, 2013.

V

The birth certificate for MYREON MARTELLI LATTIMORE, JR., issued by the State of Nevada - Division of Health, Section of Vital Statistics lists MISTIE LEE PETERSON as the mother and MYREON MARTELLI LATTIMORE as the father. It is unknown if MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN, was married at the time of the birth of MYREON MARTELLI LATTIMORE, JR.. Therefore, pursuant to NRS 126.051, NRS 126.053, or NRS 126.161, MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE is the legal or legally presumed father of MYREON MARTELLI LATTIMORE, JR.

VI

MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN is a necessary and proper parties to these proceedings.

VII

When MYREON MARTELLI LATTIMORE, JR. was born on November 12, 2012, MISTIE

1 LEE PETERSON indicated that MYREON MARTELLI LATTIMORE, JR. was not her child and
2 attempted to take another child from the NICU. As a result, MISTIE LEE PETERSON was placed on a
3 Legal 2000 psychiatric hold. MYREON MARTIELLI LATTIMORE, JR. was placed with his father in
4 the home with a safety plan.

5 VIII

6 On or about January 24, 2013, MISTIE LEE PETERSON took MYREON MARTELLI
7 LATTIMORE, JR. to the hospital indicating that the child was communicating with her at two months
8 of age. MISTIE LEE PETERSON was placed on a Legal 2000 psychiatric hold and MYREON
9 MARTELLI LATTIMORE, JR. was removed from the care of his father.

10 IX

11 MISTIE LEE PETERSON received a case plan filed approved by the court on May 7, 2013.
12 They key component of the case plan was mental health. According to medical records, MISTIE LEE
13 PETERSON has had approximately 72 admissions to mental health hospitals since age 13 including at
14 least six inpatient hospitalizations since January 2013. MISTIE LEE PETERSON had a diagnosis of
15 schizoaffective disorder and cocaine abuse. MISTIE LEE PETERSON suffers from auditory
16 hallucinations and paranoid delusions.

17 X

18 When MYREON MARTELLI LATTIMORE, JR. was approximately ten months old, MISTIE
19 LEE PETERSON indicated that MYREON was communicating telepathically with her.

20 XI

21 From November 2013 through May 2015, MISTIE LEE PETERSON maintained that the child
22 in the custody of the Department of Family Services was not her child. At various times MISTIE LEE
23 PETERSON maintained that the child had been switched, died in an accident, had been adopted or that
24 she did not have a child.

25 XII

26 While the child was in the custody of the Department of Family Services, MISTIE LEE
27 PETERSON was arrested for first degree kidnapping of a child. MISTIE LEE PETERSON is currently
28 at Lake's Crossing. She was most recently found incompetent in May 2015 based on the evaluations

1 Dr. Mortillaro and Dr. Colosimo.

2 XIII

3 The Petition to Terminate Parental Rights was filed on May 22, 2014. The trial concerning
4 MISTIE LEE PETERSON'S parental rights was continued multiple times to allow MISTIE LEE
5 PETERSON time to attempt to become competent so that she could assist counsel in this matter.
6 MISTIE LEE PETERSON is currently at Lake's Crossing as she has been determined incompetent to
7 stand trial in a criminal case.

8 XIV

9 Pursuant to NRS 128.014, MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE
10 PERTERSEN has neglected MYREON MARTELLI LATTIMORE, JR., in that she has failed to
11 provide this child with proper parental care by reason of her faults or habits, has neglected or refused to
12 provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for
13 the child's health, morals or well-being. MISTIE LEE PETERSON has been unable to care for
14 MYREON MARTELLI LATTIMORE, JR. throughout this life.

15 XV

16 Pursuant to NRS 128.105(2)(c), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
17 MISTIE PERTERSEN is an unfit parent in that she has by reason of her faults, habits or conduct, failed
18 to provide MYREON MARTELLI LATTIMORE, JR., with proper care, guidance and support.
19 MISTIE LEE PETERSON has been unable to care for the needs of MYREON MARTELLI
20 LATTIMORE, JR. for extended periods of time.

21 XVI

22 Pursuant to NRS 128.105(2)(d), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
23 MISTIE PERTERSEN has failed within a reasonable period of time to remedy substantially conditions
24 which led to MYREON MARTELLI LATTIMORE, JR.,'s foster placement, even though appropriate
25 and reasonable efforts have been made on the part of state agencies and others to return and to reunite
26 with MYREON MARTELLI LATTIMORE, JR.

27 ...

28 ...

XVII

Pursuant to NRS 128.105(2)(f), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN has made only token efforts to support or communicate with MYREON MARTELLI LATTIMORE, JR. to prevent neglect of this child; to avoid being an unfit parent and to eliminate the risk of serious physical, mental and emotional injury to this child. MISTIE LEE PETERSON does not know acknowledge MYREON MARTELLI LATTIMORE, JR., as her child due to her mental health and has failed to maintain contact with either her child or the Department of Family Services.

XVIII

The presumptions of NRS 128.109(1)(a), 128.109(1)(b), and 128.109(2) apply to the detriment of MISTIE LEE PETERSON. MYREON MARTELLI LATTIMORE, JR. has remained out of the home for fourteen (14) of the previous twenty (20) months, and MISTIE LEE PETERSON failed to comply substantially with the terms and conditions of her case plan within six months after MYREON MARTELLI LATTIMORE, JR. was placed or the plan commenced. The Court found that MISTIE LEE PETERSON did not rebut the presumptions.

XIX

Pursuant to NRS 128.105 (1), 128.107 and 128.108, the best interests of MYREON MARTELLI LATTIMORE, JR. will be served by terminating the parental rights of MISTIE LEE PETERSON. MYREON MARTELLI LATTIMORE, JR. has been in his foster placement since two months of age. MISTIE PETERSON has not bonded with MYREON due to her mental health and failure to acknowledge MYREON as her child.

XX

Any finding of fact construed to constitute a conclusion of law is hereby adopted as a conclusion of law to the same effect as if it had been so designated.

CONCLUSIONS OF LAW

I

The Court has jurisdiction of the subject matter and of the parties pursuant to NRS 128.020.

...

II

MISTIE LEE PETERSON is the natural mother of MYREON MARTELLI LATTIMORE, JR.

III

Pursuant to NRS 128.014, MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN has neglected MYREON MARTELLI LATTIMORE, JR., in that she has failed to provide this child with proper parental care by reason of her faults or habits, has neglected or refused to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for the child's health, morals or well-being.

IV

Pursuant to NRS 128.105(2)(c), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN is an unfit parent in that she has by reason of her faults, habits or conduct, failed to provide MYREON MARTELLI LATTIMORE, JR., with proper care, guidance and support.

V

Pursuant to NRS 128.105(2)(d), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN has failed within a reasonable period of time to remedy substantially conditions which led to MYREON MARTELLI LATTIMORE, JR.'s foster placement, even though appropriate and reasonable efforts have been made on the part of state agencies and others to return and to reunite with MYREON MARTELLI LATTIMORE, JR.

VI

Pursuant to NRS 128.105(2)(f), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN has made only token efforts to support or communicate with MYREON MARTELLI LATTIMORE, JR., to prevent neglect of this child; to avoid being an unfit parent and to eliminate the risk of serious physical, mental and emotional injury to this child.

VII

The presumptions of NRS 128.109(1)(a), 128.109(1)(b), and 128.109(2) apply to the detriment of MISTIE LEE PETERSON. MYREON MARTELLI LATTIMORE, JR. has remained out of the home for fourteen (14) of the previous twenty (20) months, and MISTIE LEE PETERSON failed to comply substantially with the terms and conditions of her case plan within six months after MYREON

1 MARTELLI LATTIMORE, JR. was placed or the plan commenced. The Court found that MISTIE LEE
2 PETERSON did not rebut the presumptions.

3 VIII

4 Pursuant to NRS 128.105 (1), 128.107 and 128.108, the best interests of MYREON MARTELLI
5 LATTIMORE, JR. will be served by terminating the parental rights of MISTIE LEE PETERSON.

6 IX

7 Petitioner has proved by clear and convincing evidence that the interests of MYREON
8 MARTELLI LATTIMORE, JR. would be best served by the termination of the parent-child relationship
9 absolutely and forever and that parental fault exists.

10 X

11 Petitioner has proved by clear and convincing evidence that MISTIE LEE PETERSON, aka
12 MISTIE PETERSON, aka MISTIE PERTERSEN is an unsuitable parent based on neglect, unfitness,
13 failure of parental adjustment and token efforts.

14 XI

15 The parental rights of MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE
16 PERTERSEN should be terminated, and the minor child should be declared free from the custody, care
17 and control of the parents.

18 XII

19 Any conclusion of law construed to constitute a finding of fact is hereby adopted as a finding of
20 fact to the same extent as if it had been so designated.

21 **ORDER AND DECREE**

22 In view of the foregoing Findings of Fact and Conclusions of Law, it is hereby

23 **ORDERED, ADJUDGED AND DECREED** that the parental rights of MISTIE LEE
24 PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN are terminated absolutely and forever;
25 it is further

26 **ORDERED, ADJUDGED AND DECREED** that MYREON MARTELLI LATTIMORE, JR. is
27 declared free from the custody and control of MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
28 MISTIE PERTERSEN is a necessary and proper parties to these proceedings; it is further

1 **ORDERED, ADJUDGED AND DECREED** that the custody and control of MYREON
2 MARTELLI LATTIMORE JR. is vested in the Department of Family Services of the State of Nevada
3 with authority to place the minor child/children for adoption; it is further

4 **ORDERED, ADJUDGED AND DECREED** that the County of Clark pay the costs and expenses
5 in connection with this proceeding particularly including the costs of publication of notice heretofore
6 ordered by this Court and such Findings of Fact and Recommendations are hereby made an Order of the
7 Eighth Judicial District Court of Nevada, Juvenile Division.

8 Dated this 7 day of October, 2015 .




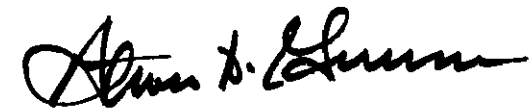
DISTRICT COURT JUDGE (FS)

FRANK P SULLIVAN

9
10 Submitted by:

11 STEVEN B. WOLFSON
12 District Attorney

13
14 By: 
Stephanie Richter
15 Deputy District Attorney
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CLERK OF THE COURT

FFCL
STEVEN B. WOLFSON
District Attorney
Nevada State Bar No.1565
By: Stephanie Richter
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Parental Rights as to

MYREON MARTELLI LATTIMORE, JR.,

A Minor(s).

Case No. D-14-497399-R
Department 0
Courtroom 21

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER TERMINATING PARENTAL RIGHTS OF MYREON LATTIMORE.

The above-entitled matter came on for a trial before the Court on the 11th day of March, 2015 and the 14th day of April, 2015. Present at the hearing were the Petitioners, the Department of Family Services (DFS), by and through Case Manager Angelique Gray, and Clark County District Attorney STEVEN B. WOLFSON, by and through his Deputy District Attorney Jeffrey Messmore. James Vitale, Esq., was present on behalf of Respondent legal or legally presumed father, Myreon Lattimore Sr., who was present. All notices required by law and orders of this Court were served as proved by the pleadings on file herein. The State has met its burden by clear and convincing evidence, and the Court, being fully advised in the premises on the facts and the law, makes its Findings of Fact, Conclusions of Law and final Order as follows:

FINDINGS OF FACT

I

The Court has jurisdiction of the subject matter involved and of the parties.

II

1 MYREON MARTELLI LATTIMORE, JR. was born on November 12, 2012 in Las Vegas,
2 Clark County, Nevada.).

3 III

4 MYREON MARTELLI LATTIMORE, JR. currently resides in foster care in Clark County,
5 Nevada, licensed by the Clark County Department of Family Services.

6 IV

7 MYREON MARTELLI LATTIMORE, JR. was adjudicated a neglected child and made a Ward of
8 the Eighth Judicial Court, Juvenile Division, in Case No. J-13-329616-P1, and placed into the custody of
9 the Department of Family Services. MYREON MARTELLI LATTIMORE, JR. was placed into physical
10 custody on January 25, 2013 and the Clark County Department of Family Services has maintained legal
11 custody of MYREON MARTELLI LATTIMORE, JR. since March 7, 2013.

12 V

13 The birth certificate for MYREON MARTELLI LATTIMORE, JR., issued by the State of
14 Nevada - Division of Health, Section of Vital Statistics lists MISTIE LEE PETERSON as the mother
15 and MYREON MARTELLI LATTIMORE as the father. It is unknown if MISTIE LEE PETERSON,
16 aka MISTIE PETERSON, aka MISTIE PERTERSEN was married at the time of the birth of MYREON
17 MARTELLI LATTIMORE, JR. Therefore, pursuant to NRS 126.051, NRS 126.053, or NRS 126.161,
18 MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M
19 LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON
20 M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON
21 MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE is the legal
22 or legally presumed father of MYREON MARTELLI LATTIMORE, JR.

23 VI

24 MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M
25 LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON
26 M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON
27 MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE is a
28 necessary and proper parties to these proceedings.

VII

When MYREON MARTELLI LATTIMORE, JR. was born on November 12, 2012, concerns regarding the mental health of Myreon's mother, MISTIE LEE PETERSON resulted in her being placed on a Legal 2000 psychiatric hold. MYREON MARTIELLI LATTIMORE, JR. was released to his father with an in-home safety plan and Boys Town services. The in-home safety plan specified that MYREON MARTELLI LATTIMORE, JR. was not to be left alone with MISTIE LEE PETERSON due to her mental health concerns including schizoaffective bipolar disorder.

VIII

The Department of Family Services closed its case in December 2013 with the recommendation not to leave the child alone with his mother. Boys Town submitted a summary upon their closure of services in January 2013 indicating that MISTIE LEE PETERSON had made minimal progress in taking her medicine as prescribed and that the family should continue with the safety plan of the mother being supervised and not left alone with MYREON MARTELLI LATTIMORE, JR.

IX

On or about January 24, 2013, MISTIE LEE PETERSON took MYREON MARTELLI LATTIMORE, JR. to the hospital indicating that the child was communicating with her at two months of age. MYREON MARTELLI LATTIMORE had left the child alone with MISTIE LEE PETERSON that day. MISTIE LEE PETERSON was placed on a Legal 2000 psychiatric hold and MYREON MARTELLI LATTIMORE, JR. was removed from the care of his father due to concerns regarding the father's understanding of the seriousness of MISTIE LEE PETERSON'S mental health issues.

X

A protective custody hearing was held on January 29, 2013. MYREON MARTELLI LATTIMORE did not appear. A Petition alleging Abuse/Neglect was filed on February 7, 2013. The allegations as to MYREON MARTELLI LATTIMORE were failure to protect and prior domestic violence convictions. MYREON MARTELLI LATTIMORE did not appear at the entry of plea on February 14, 2013. A prove-up was completed and the allegations in the Petition were substantiated against MYREON MARTELLI LATTIMORE.

XI

MYREON MARTELLI LATTIMORE received a case plan approved by the court on March 7, 2013. The key components of the case plan were parenting and domestic violence.

XII

MYREON MARTELLI LATTIMORE was arrested on April 20, 2013 for a domestic violence incident with MISTIE LEE PETERSON. MISTIE LEE PETERSON received injuries requiring hospitalization to her left eye and face, head, and thumb. MYREON MARTELLI LATTIMORE was convicted of a Battery with Use of a Deadly Weapon constituting Domestic Violence, a Category B Felony.

XIII

MYREON MARTELLI LATTIMORE was visiting with MYREON MARTELLI LATTIMORE, JR. until his incarceration. Following his incarceration he has had no contact with the child. Throughout this case, MYREON MARTELLI LATTIMORE has attended one parenting class and one marriage and family class. MYREON MARTELLI LATTIMORE has not completed any domestic violence classes.

XIV

Pursuant to NRS 128.105(2)(c), MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE is an unfit parent in that he has by reason of his faults, habits or conduct, failed to provide MYREON MARTELLI LATTIMORE, JR. with proper care, guidance and support.

XV

Pursuant to NRS 128.105(2)(d), MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE has failed within a reasonable period of time to remedy substantially

1 conditions which led to MYREON MARTELLI LATTIMORE, JR.'s foster placement, even though
2 appropriate and reasonable efforts have been made on the part of state agencies and others to return and
3 to reunite MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M
4 LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON
5 M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON
6 MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE with
7 MYREON MARTELLI LATTIMORE, JR.

8
9 XVI

10 Pursuant to NRS 128.105(2)(f), MYREON MARTELLI LATTIMORE, aka MYREON
11 LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD
12 MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI
13 LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka
14 MYREON M LATIMORE has made only token efforts to support or communicate with MYREON
15 MARTELLI LATTIMORE, JR. to prevent neglect of this child; to avoid being an unfit parent and to
16 eliminate the risk of serious physical, mental and emotional injury to this child.

17
18 XVII

19 The presumptions of NRS 128.109(1)(a), 128.109(1)(b), and 128.109(2) apply to the detriment
20 of MYREON MARTELLI LATTIMORE. MYREON MARTELLI LATTIMORE, JR. has remained
21 out of the home for fourteen (14) of the previous twenty (20) months, MYREON MARTELLI
22 LATTIMORE failed to comply substantially with the terms and conditions of her case plan within six
23 months after MYREON MARTELLI LATTIMORE, JR. was placed or the plan commenced. The Court
24 found that MYREON MARTELLI LATTIMORE did not rebut the presumptions.

25
26 XVIII

27 Pursuant to NRS 128.105 (1), 128.107 and 128.108, the best interests of MYREON MARTELLI
28 LATTIMORE, JR. will be served by terminating the parental rights of MYREON MARTELLI
LATTIMORE.

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XIX

Any finding of fact construed to constitute a conclusion of law is hereby adopted as a conclusion of law to the same effect as if it had been so designated.

CONCLUSIONS OF LAW

I

The Court has jurisdiction of the subject matter and of the parties pursuant to NRS 128.020.

II

MYREON MARTELLI LATTIMORE is the legal or legally presumed father of MYREON MARTELLI LATTIMORE, JR.

III

Pursuant to NRS 128.105(2)(c), MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE is an unfit parent in that he has by reason of his faults, habits or conduct, failed to provide MYREON MARTELLI LATTIMORE, JR. with proper care, guidance and support.

IV

Pursuant to NRS 128.105(2)(d), MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE has failed within a reasonable period of time to remedy substantially conditions which led to MYREON MARTELLI LATTIMORE, JR.'s foster placement, even though appropriate and reasonable efforts have been made on the part of state agencies and others to return and to reunite MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON

1 MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE with
2 MYREON MARTELLI LATTIMORE, JR.

3 V

4 Pursuant to NRS 128.105(2)(f), MYREON MARTELLI LATTIMORE, aka MYREON
5 LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD
6 MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI
7 LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka
8 MYREON M LATIMORE has made only token efforts to support or communicate with MYREON
9 MARTELLI LATTIMORE, JR. to prevent neglect of this child; to avoid being an unfit parent and to
10 eliminate the risk of serious physical, mental and emotional injury to this child.

11 VI

12 The presumptions of NRS 128.109(1)(a), 128.109(1)(b), and 128.109(2) apply to the detriment
13 of MYREON MARTELLI LATTIMORE. MYREON MARTELLI LATTIMORE, JR. has remained
14 out of the home for fourteen (14) of the previous twenty (20) months, MYREON MARTELLI
15 LATTIMORE failed to comply substantially with the terms and conditions of her case plan within six
16 months after MYREON MARTELLI LATTIMORE, JR. was placed or the plan commenced. The Court
17 found that MYREON MARTELLI LATTIMORE did not rebut the presumptions.

18 VII

19 Pursuant to NRS 128.105 (1), 128.107 and 128.108, the best interests of MYREON MARTELLI
20 LATTIMORE, JR. will be served by terminating the parental rights of MYREON MARTELLI
21 LATTIMORE.

22 VIII

23 Petitioner has proved by clear and convincing evidence that the interests of MYREON
24 MARTELLI LATTIMORE, JR. would be best served by the termination of the parent-child relationship
25 absolutely and forever and that parental fault exists.

26 IX

27 Petitioner has proved by clear and convincing evidence that MYREON MARTELLI
28 LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M

1 LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G,
2 aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON
3 M LATTIMORE, aka MYREON M LATIMORE is an unsuitable parent based on unfitness, failure of
4 parental adjustment, and token efforts.

5 X

6 The parental rights of MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
7 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
8 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
9 MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE
10 should be terminated, and the minor child should be declared free from the custody, care and control of the
11 parents.

12 XI

13 Any conclusion of law construed to constitute a finding of fact is hereby adopted as a finding of
14 fact to the same extent as if it had been so designated.

15 **ORDER AND DECREE**

16 In view of the foregoing Findings of Fact and Conclusions of Law, it is hereby

17 **ORDERED, ADJUDGED AND DECREED** that the parental rights of MYREON MARTELLI
18 LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M
19 LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G,
20 aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M
21 LATTIMORE, aka MYREON M LATIMORE are terminated absolutely and forever; it is further

22 **ORDERED, ADJUDGED AND DECREED** that MYREON MARTELLI LATTIMORE, JR. is
23 declared free from the custody and control of MYREON MARTELLI LATTIMORE, aka MYREON
24 LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD
25 MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI
26 LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka
27 MYREON M LATIMORE; it is further
28

1 **ORDERED, ADJUDGED AND DECREED** that the custody and control of MYREON
2 MARTELLI LATTIMORE JR. is vested in the Department of Family Services of the State of Nevada
3 with authority to place the minor child for adoption; it is further

4 **ORDERED, ADJUDGED AND DECREED** that the County of Clark pay the costs and expenses
5 in connection with this proceeding particularly including the costs of publication of notice heretofore
6 ordered by this Court and such Findings of Fact and Recommendations are hereby made an Order of the
7 Eighth Judicial District Court of Nevada, Juvenile Division.

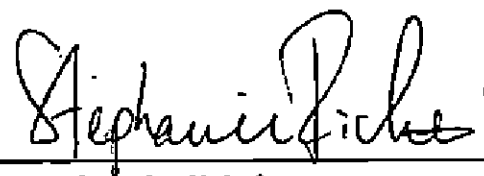
8 Dated this 12 day of October, 2015 .

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DISTRICT COURT JUDGE
FRANK P SULLIVAN

Submitted by:

STEVEN B. WOLFSON
District Attorney

By: 
Stephanie Richter
Deputy District Attorney
Juvenile Division
Nevada Bar No. 12075 12075
601 N. Pecos Road, #470
Las Vegas, NV 89101
(702) 455-5320

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
PARENTAL RIGHTS AS TO M.M.L.,
JR., A MINOR

Supreme Court No. 69210
District Court No. D-14-0739-1
Electronically Filed
May 18 2016 10:12 a.m.
Tara C. Lindeman
Clerk of Supreme Court

APPELLANT'S APPENDIX VOL. I

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DOCUMENT	VOLUME NUMBER	BATE NO(S)
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Order for Publication.....	I.....	AA000017-000018
Affidavit of Service by Certified Mail.....	I.....	AA000019-000021
Affidavit of Service.....	I.....	AA000022-000024
Affidavit of Attempted Service.....	I.....	AA000025-000027
Transcript September 10, 2015.....	I.....	AA000028-000097
Transcript September 25, 2015.....	I.....	AA000098-000118

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 17th day of May 2016, a copy of the foregoing Appellant's Appendix I was served as follows:

BY ELECTRONIC FILING TO

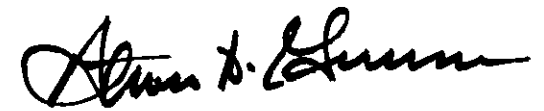
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/s/ Aaron Grigsby
An employee of the Grigsby Law Group



CLERK OF THE COURT

PTPRS
STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar No. 1565
By: JENNIFER I. KUHLMAN
Chief Deputy District Attorney
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601 N. Pecos Road, #470
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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

* * *

In the Matter of the Parental Rights as to:

MYREON MARTELLI LATTIMORE, JR.,

A Minor.

Case No. D-14- 497399 -R

Department O
Courtroom 20 - HM Gibson

PETITION TO TERMINATE PARENTAL RIGHTS

The verified petition of ANGELIQUE GRAY, Case Worker for the Clark County Department of Family Services, Las Vegas, Nevada respectfully shows to the Court as follows:

I

MYREON MARTELLI LATTIMORE, JR. was born on November 12, 2012, in Las Vegas, Clark County, Nevada.

II

MYREON MARTELLI LATTIMORE, JR. currently resides in foster care in Clark County, Nevada, licensed by the Clark County Department of Family Services.

III

MYREON MARTELLI LATTIMORE, JR. was adjudicated a neglected child and made a Ward of the Eighth Judicial Court, Juvenile Division, in Case No. J-13-329616-P1, and placed into the custody of the Department of Family Services. MYREON MARTELLI LATTIMORE, JR. was placed into physical custody on January 25, 2013 and the Clark County Department of Family Services has maintained legal custody of MYREON MARTELLI LATTIMORE, JR. since March 7, 2013.

IV

The birth certificate for MYREON MARTELLI LATTIMORE, JR., issued by the State of Nevada - Division of Health, Section of Vital Statistics lists MISTIE LEE PETERSON as the mother and MYREON MARTELLI LATTIMORE as the father. It is unknown if MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN was married at the time of the birth of MYREON MARTELLI LATTIMORE, JR.. Therefore, pursuant to NRS 126.051, NRS 126.053, or NRS 126.161, MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE is the legal or legally presumed father of MYREON MARTELLI LATTIMORE, JR..

V

MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE are necessary and proper parties to these proceedings.

VI

The address of the Clark County Department of Family Services is Clark County, Nevada. The address of MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN is 1705 Yale Street, #104, North Las Vegas, Nevada 89030. The address of MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE is at Southern Desert Correctional Center, ID#1107281, 20825 Cold Creek Road, Indian Springs, Nevada 89070, and has a mailing address of P.O. Box 208, Indian Springs, Nevada 89070. The Clark County Department of Family Services does not

1 know any relatives' addresses in the State of Nevada.

2 VII

3 As defined in NRS 128.012, MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE
4 PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
5 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
6 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
7 MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE
8 have abandoned MYREON MARTELLI LATTIMORE, JR., in that for at least the last six (6) months,
9 they have conducted themselves in a manner that evinces a settled purpose to forego all parental custody
10 and relinquish all claims to this child. Further, since the period of abandonment is in excess of six (6)
11 months, it is presumed that MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE
12 PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
13 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
14 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
15 MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE
16 intended to abandon MYREON MARTELLI LATTIMORE, JR..

17 VIII

18 Pursuant to NRS 128.014, MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE
19 PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
20 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
21 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
22 MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE
23 have neglected MYREON MARTELLI LATTIMORE, JR., in that they have failed to provide this child
24 with proper parental care by reason of their faults or habits, have neglected or refused to provide proper
25 or necessary subsistence, education, medical or surgical care, or other care necessary for the child's
26 health, morals or well-being.

27 ///

28 ///

IX

Pursuant to NRS 128.105(2)(c), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE are unfit parents in that they have by reason of their faults, habits or conduct, failed to provide MYREON MARTELLI LATTIMORE, JR. with proper care, guidance and support.

X

Pursuant to NRS 128.105(2)(d), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE have failed within a reasonable period of time to remedy substantially conditions which led to MYREON MARTELLI LATTIMORE, JR.'s foster placement, even though appropriate and reasonable efforts have been made on the part of state agencies and others to return and to reunite MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE with MYREON MARTELLI LATTIMORE, JR..

XI

Pursuant to NRS 128.105(2)(e), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE

1 pose the risk of serious physical, mental or emotional injury to MYREON MARTELLI LATTIMORE,
2 JR. if he were to be returned to his parent or parents.

3 XII

4 Pursuant to NRS 128.105(2)(f), MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
5 MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
6 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
7 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
8 MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE
9 have made only token efforts to support or communicate with MYREON MARTELLI LATTIMORE,
10 JR., to prevent neglect of this child; to avoid being unfit parents and to eliminate the risk of serious
11 physical, mental and emotional injury to this child.

12 XIII

13 Pursuant to NRS 128.105 (1), 128.107 and 128.108, the best interests of MYREON MARTELLI
14 LATTIMORE, JR. will be served by the termination of parental rights of MISTIE LEE PETERSON,
15 aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka
16 MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka
17 DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON
18 MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M
19 LATTMORE, aka MYREON M LATIMORE.

20 XIV

21 This Honorable Court has jurisdiction of this matter, pursuant to NRS 128.020, in that the acts
22 complained of herein occurred in Clark County, Nevada.


23 XV

24 To the best knowledge, information and belief of Petitioner, no legal guardian has been
25 appointed for MYREON MARTELLI LATTIMORE, JR., within the State of Nevada or elsewhere.
26 MYREON MARTELLI LATTIMORE, JR. is not known to be an Indian child.

27 WHEREFORE, Petitioner prays for an Order terminating the parental rights of MISTIE LEE
28 PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI

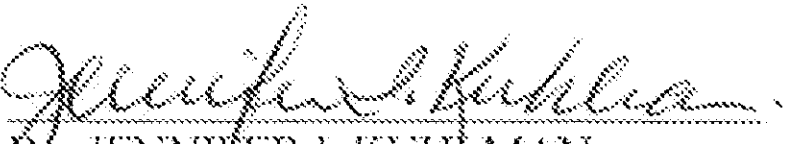
1 LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M
2 LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G,
3 aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON
4 M LATTIMORE, aka MYREON M LATIMORE declaring MYREON MARTELLI LATTIMORE, JR.
5 to be free from the custody and control of MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
6 MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
7 MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
8 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
9 MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE
10 absolutely and forever.

11 DATED and DONE this 21st day of May, 2014.

12
13 
14 ANGELIQUE GRAY, Case Worker
Clark County Department of Family Services

15 Submitted by:

16 STEVEN B. WOLFSON
17 DISTRICT ATTORNEY

18 
19 By: JENNIFER I. KUHLMAN
20 Chief Deputy District Attorney
21 Nevada Bar No. 10113
22 601 N. Pecos Road, #470
23 Las Vegas, NV 89101
24 (702) 455-5320

25
26 In re: LATTIMORE Jr, Myreon
27 JIK/pf/ha (Central-5&U A)
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VERIFICATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

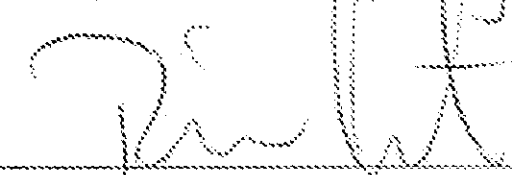
I, ANGELIQUE GRAY, do hereby swear under penalty of perjury that the assertions of this verification are true.

I am a Case Worker for the Clark County Department of Family Services; I have read the foregoing Petition and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

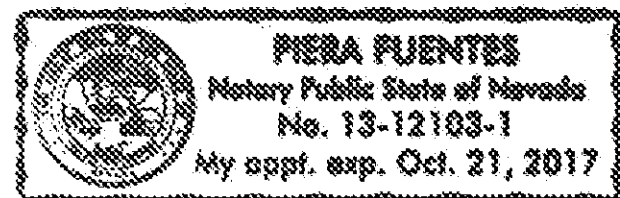

ANGELIQUE GRAY

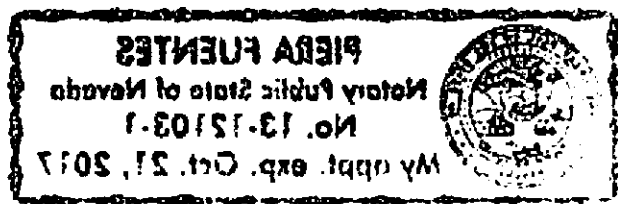
SUBSCRIBED and SWORN to before me by
ANGELIQUE GRAY

this 21st day of May, 2014.



NOTARY PUBLIC





ASBP
STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar No: 1565
JENNIFER KUHLMAN
Deputy District Attorney
Nevada Bar No. 10113
601 N. Pecos Road
Las Vegas, NV 89101
(702) 455-5320


CLERK OF THE COURT

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In the Matter of the Parental Rights as to:

MYREON MARTELLI LATTIMORE JR

A Minor

Case No.: D-14-497399-R
Dept No.: 0

AFFIDAVIT FOR SERVICE BY PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) ss.

I, Brenda Cordes, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

I am a Legal Secretary for the Clark County District Attorney's Office, assigned to this case to make diligent efforts to locate all necessary and proper parties to this matter.

On March 7, 2013, MYREON MARTELLI LATTIMORE JR was adjudicated a child in need of protection and made a Ward of the Eighth Judicial District Court, Juvenile Division, in Case No. J-13-329616-P1 and placed in the legal custody of the Clark County Department of Family Services (hereinafter DFS).

MISTIE LEE PETERSON is the natural mother of MYREON MARTELLI LATTIMORE JR. It is unknown whether MISTIE LEE PETERSON was married at the time MYREON MARTELLI LATTIMORE JR was born. MYREON MARTELLI LATTIMORE is listed as the father of MYREON MARTELLI LATTIMORE JR on his State of Nevada birth certificate; as such, MYREON MARTELLI LATTIMORE is the Legal or Legally Presumed Father of MYREON MARTELLI LATTIMORE JR.

1 On April 16, 2014, Affiant thoroughly reviewed online records within the Clark County
2 Marriage Bureau but did not find any marriage records. Affiant also reviewed the Clark County Family
3 Courts and found the following cases pertaining to MISTIE LEE PETERSON and/or MYREON
4 MARTELLI LATTIMORE: (1) a closed TPO case [T-10-123602-T] Mistie Peterson vs. Myreon
5 Lattimore; and (2) a dismissed TPO case [T-13-148058-T] Mistie Peterson vs. Myrean Lattimore.

6 Therefore, MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN
7 and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M.
8 LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON
9 M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON
10 MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE are proper
11 and necessary parties herein.

12 Since the Clark County Department of Family Services was awarded legal custody of MYREON
13 MARTELLI LATTIMORE JR, there have been regularly held six-month reviews. In accordance with
14 the Eighth Judicial District Court records available on April 16, 2014, it appears that MISTIE LEE
15 PETERSON last appeared in court regarding this child on November 14, 2013. MYREON MARTELLI
16 LATTIMORE last appeared in court regarding this child on June 27, 2013.

17 On April 16, 2014, Affiant conducted a search for past or possible present addresses through
18 SCOPE in an effort to locate MISTIE LEE PETERSON. Her last known address, as of May 8, 2013,
19 was listed as: 2827 Van Patten, #26, Las Vegas, NV 89169; however according to the United States
20 Postal Service and the Clark County Assessor's Office, this address does not exist. (See attached
21 Diligent Search Reports and Affidavit of Affiant)

22 On April 16, 2014, Affiant conducted a search of the Clark County Detention Center, City of
23 Las Vegas Detention Center, City of Henderson Detention Center, Nevada Department of Corrections
24 and the Federal Bureau of Prisons but did not find MISTIE LEE PETERSON to be currently
25 incarcerated. (See attached Diligent Search Reports and Affidavit of Affiant)

26 On April 16, 2014, Affiant conducted a search through local directory assistance but did not find
27 any listing for MISTIE LEE PETERSON.

28 On April 16, 2014, Affiant conducted a search through the Clark County Voter's Registration
and found an inactive record for MISTIE LEE PETERSON at 4537 Dennis Way, Las Vegas, NV
89121; however the date is unknown. (See attached Diligent Search Reports and Affidavit of Affiant)

1 On April 16, 2014, Affiant conducted a search through the CC Recorder/Assessor's Office but
2 did not find any record for MISTIE LEE PETERSON. (See attached Diligent Search Reports and
3 Affidavit of Affiant)

4 On April 16, 2014, Affiant thoroughly reviewed the DFS Case Worker's file and found the last
5 known address for MISTIE LEE PETERSON, as of January 9, 2014, listed as: 1705 Yale St., #104,
6 North Las Vegas, NV 89030.

7 Affiant sent a letter to the last known address of MISTIE LEE PETERSON. Affiant has not
8 received any responses to date.

9 On April 16, 2014, Affiant conducted a search for past or possible present addresses through
10 SCOPE in an effort to locate MYREON MARTELLI LATTIMORE. His last known address, as of
11 April 11, 2013, was listed as: 1825 Lewis Ave., #103, Las Vegas, NV 89101. (See attached Diligent
12 Search Reports and Affidavit of Affiant)

13 On April 16, 2014, Affiant conducted a search of the Nevada Department of Corrections and
14 found MYREON MARTELLI LATTIMORE to be currently incarcerated at Southern Desert
15 Correctional Center (ID#: 1107281) [mail] P.O. Box 208, Indian Springs, NV 89070; [physical] 20825
16 Cold Creek Rd., Indian Springs, NV 89070. (See attached Diligent Search Reports and Affidavit of
17 Affiant)

18 On April 16, 2014, Affiant conducted a search through local directory assistance for MYREON
19 MARTELLI LATTIMORE but did not find any listing.

20 On April 16, 2014, Affiant conducted a search through the Clark County Voter's Registration
21 but did not find any record for MYREON MARTELLI LATTIMORE. (See attached Diligent Search
22 Reports and Affidavit of Affiant)

23 On April 16, 2014, Affiant conducted a search through the CC Recorder/Assessor's Office but
24 did not find any record for MYREON MARTELLI LATTIMORE. (See attached Diligent Search
25 Reports and Affidavit of Affiant)


26 On April 16, 2014, Affiant thoroughly reviewed the DFS Case Worker's file and found the last
27 known address for MYREON MARTELLI LATTIMORE, as of as of January 9, 2014, listed as: High
28 Desert State Prison, P.O. Box 650, Indian Springs, NV 89070; however, he has since been moved to
Southern Desert Correctional Center.

1 Affiant sent a letter to the last known address of MYREON MARTELLI LATTIMORE. Affiant
2 has not received any responses to date.

3 Affiant submits that due diligence was used to MISTIE LEE PETERSON, aka MISTIE
4 PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON
5 LATTIMORE, aka MYREON M. LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD
6 MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI
7 LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka
8 MYREON M LATIMORE within the state of Nevada. Due to their propensity to be transient and avoid
9 contact with DFS, it is difficult to determine their exact location at any given time. Affiant will need an
10 order directing service by publication.

11 WHEREFORE, Affiant prays for an Order of the Court directing that the Notice of Hearing to
12 Terminate Parental Rights be served on MISTIE LEE PETERSON, aka MISTIE PETERSON, aka
13 MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
14 MYREON M. LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY,
15 aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka
16 MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE
by publication thereof.

17 Dated: April 16, 2014.

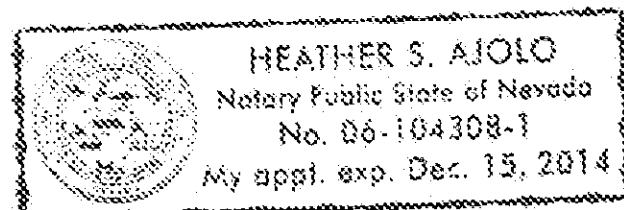
18 
19 Brenda Cordes, Legal Secretary
20 Clark County District Attorney

21 Subscribed and Sworn to before me this

22 16th day of April, 2014.
23 By: Brenda Cordes

24 

25 NOTARY PUBLIC



DILIGENT SEARCH REPORT

To: **Angelique Gray**
Phone: **455-1176**

Date: **April 16, 2014**

Case #: **J-13-329616-P1**

From: **Brenda Cordes, Legal Secretary**
Clark County District Attorney's Office, Juvenile Division
Phone: (702) 455-5320

Children(s) Name(s): **Myreon Martelli Lattimore Jr**

Subject Name: **Mistie Lee Peterson (NM)**

Date Of Birth: **03/15/1977**

Aka's: **Mistie Peterson; Mistie Pertersen**

Last Known Addresses:

SCOPE: **2827 Van Patten, #26, Las Vegas, NV 89169 (a/o 05/08/2013) *address does not exist**

DFS Caseworker: **1705 Yale St., #104, N. Las Vegas, NV 89030 (a/o 01/09/2014)**

CCDC/NDOC/LV CITY/HENDERSON/FED PRISON: **No Record Found**

Clark County Voter's Registration (Inactive): **4537 Dennis Way, Las Vegas, NV 89121 (a/o Unknown)**

CC Recorder/Assessor's Office: **No Record Found**

Addresses.com: **No Listing Found**

Free Death Record Search: **No Record Found**

Other: **None**

USPS Verified: **Yes (Scope address does not exist); other verified**

Description/Tattoo's/Scars: **W / 5'04" / 185 / Bln / Bro**

Criminal History: **Battery; Provoke Breach of Peace; Ped or Veh Interference; Trespass; Various Traffic Citations**

CASE CLOSED.

STATE OF NEVADA

ss.

COUNTY OF CLARK

I, BRENDA CORDES, being duly sworn, and under penalty of perjury, deposes and says:

That I work as a Legal Secretary for the Clark County District Attorney's Office, Juvenile Division, at 601 N. Pecos, Road, Las Vegas, Nevada.

My duties include locating parents of children who are in the protective custody of the Clark County Department of Family Services.

The name(s) of parent(s) or relative(s) including any alias names was (were) given to me on the 16th day of April 2014, in order to locate them as necessary parties to an action involving the minor child or children.

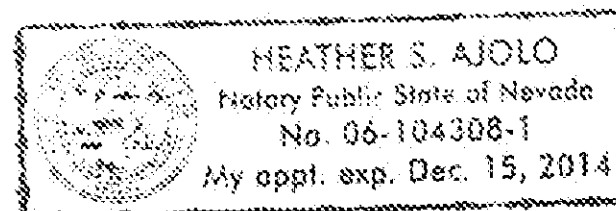
The Diligent Search Report explains the efforts I made and the results I obtained to locate the Parties to this action. Said documents were prepared on the date indicated and in the course of regularly conducted procedures for a Diligent Search.

Brenda Cordes
BRENDA CORDES

SUBSCRIBED and SWORN to before me

this 16th day of April, 2014.
by: Brenda Cordes

[Signature]
NOTARY PUBLIC



DILIGENT SEARCH REPORT

To: **Angelique Gray**
Phone: **455-1176**

Date: **April 16, 2014**

Case #: **J-13-329616-P1**

From: **Brenda Cordes, Legal Secretary**
Clark County District Attorney's Office, Juvenile Division
Phone: (702) 455-5320

Children(s) Name(s): **Myreon Martelli Lattimore Jr**

Subject Name: **Myreon Martelli Lattimore (LF-LPF)**

Date Of Birth: **09/11/1982**

Aka's: **Myreon Lattimore; Myreon M. Lattimore; Myrson M Lattimore; Donald Martello Bailey; Myron M Lattimore; Mook-G; Myron Martelli Lattimoore; Myreon Martello Lattimore; Myron M Lattmore; Myreon M Latimore**

Last Known Addresses:

SCOPE: **1825 Lewis Ave., #103, Las Vegas, NV 89101 (a/o 04/11/2013)**

DFS Caseworker: **High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070 (a/o 01/09/2014)**

NDOC: **Southern Desert Correctional Center (ID#: 1107281) [mail] P.O. Box 208, Indian Springs, NV 89070; [physical] 20825 Cold Creek Rd., Indian Springs, NV 89070 (a/o 04/16/2014)**

Clark County Voter's Registration: **No Record Found**

CC Recorder/Assessor's Office: **No Record Found**

Addresses.com: **No Listing Found**

Free Death Record Search: **N/A**

Other: **None**

USPS Verified: **Yes**

Description/Tattoo's/Scars: **B / 6'00" / 193 / Blk / Bro**

Criminal History: **Batt – DV w/DW w/SBH; Mayhem; Viol Protect Domestic Ord; Batt – DV; Viol Restraining Order; Consume Liq Where Bought**

CASE CLOSED.

STATE OF NEVADA

ss.

COUNTY OF CLARK

I, BRENDA CORDES, being duly sworn, and under penalty of perjury, deposes and says:

That I work as a Legal Secretary for the Clark County District Attorney's Office, Juvenile Division, at 601 N. Pecos, Road, Las Vegas, Nevada.

My duties include locating parents of children who are in the protective custody of the Clark County Department of Family Services.

The name(s) of parent(s) or relative(s) including any alias names was (were) given to me on the 16th day of April 2014, in order to locate them as necessary parties to an action involving the minor child or children.

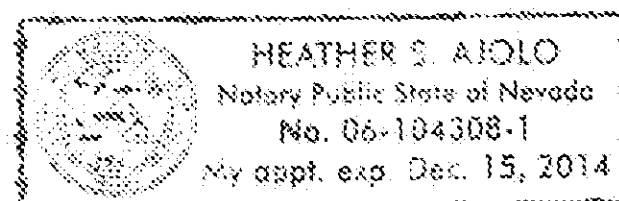
The Diligent Search Report explains the efforts I made and the results I obtained to locate the Parties to this action. Said documents were prepared on the date indicated and in the course of regularly conducted procedures for a Diligent Search.

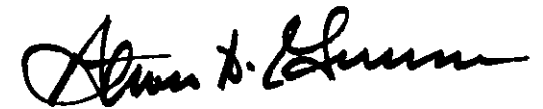
Brenda Cordes
BRENDA CORDES

SUBSCRIBED and SWORN to before me

this 16th day of April, 2014.
by: Brenda Cordes

[Signature]
NOTARY PUBLIC





CLERK OF THE COURT

OPN
STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar No. 1565
By: JENNIFER I. KUHLMAN
Chief Deputy District Attorney
Nevada Bar No. 10113
601 N. Pecos Road, #470
Las Vegas, NV 89101
(702) 455-5320

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Parental Rights as to:

MYREON MARTELLI LATTIMORE, JR.,

A Minor.

Case No. D-14- 497399 -R
Department: O

ORDER FOR PUBLICATION OF NOTICE

Upon reading the filed Affidavit of Service by Publication of Brenda Cordes, it satisfactorily appears that this action was duly and regularly commenced by the filing of a verified Petition to Terminate Parental Rights, that MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE are necessary and proper parties to this action and that personal service of the Notice of Hearing to Terminate Parental Rights herein cannot be had on them in the State of Nevada for the reasons hereinafter stated.

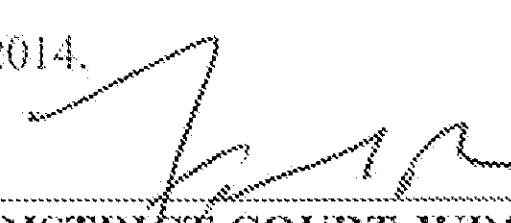
It further appears from the papers and pleadings filed that because of their propensity to avoid contact with the Department of Family Services it is necessary to serve MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE by publication. It further appears from the papers and

1 pleadings filed herein that a cause of action for Termination of Parental Rights exists in favor of the
2 Petitioner and against MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN
3 and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M
4 LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON
5 M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON
6 MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M LATIMORE.

7 NOW, THEREFORE, IT IS HEREBY ORDERED that the Notice of Hearing to Terminate
8 Parental Rights in this action shall be served upon MISTIE LEE PETERSON, aka MISTIE PETERSON,
9 aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE,
10 aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO
11 BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI LATTIMOORE,
12 aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTIMORE, aka MYREON M
13 LATIMORE by publication thereof in the Nevada Legal News, hereby designated as the newspaper most
14 likely to give notice of the pendency of this action to them and that the publication be made at least once a
15 week for a period of four weeks and by mailing to their last known address.

16 IT IS FURTHER ORDERED that pursuant to NRS 128.140, the County of Clark be directed to
17 pay the costs of publication for the Notice of Hearing to Terminate Parental Rights.

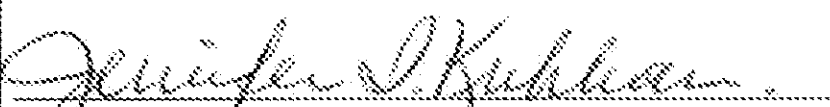
18 DATED this 30 day of May, 2014.

19
20 
DISTRICT COURT JUDGE

FRANK P. SULLIVAN

Submitted by:

21 STEVEN B. WOLFSON
22 DISTRICT ATTORNEY

23 
24 BY JENNIFER L. KUHLMAN

25 Chief Deputy District Attorney
26 Nevada Bar No. 10113
27 601 N. Pecos Road, #470
28 Las Vegas, NV 89101
(702) 455-5320

In Re: LATTIMORE Jr, Myreon
JIK/pf/ha (Central-5&U A)

Alvin D. Shuman

CLERK OF THE COURT

1 **AFOM**
2 **STEVEN B. WOLFSON**
3 Clark County District Attorney
4 Nevada Bar No. 1565
5 By: JENNIFER I KUHLMAN
6 Chief Deputy District Attorney
7 Nevada Bar No. 10113
8 601 N. Pecos Rd., Ste. 470
9 Las Vegas, NV 89101
10 (702) 455-5320

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

9 In the Matter of the Parental Rights as to:) Case No. D-14-497399-R
10 MYREON MARTELLI LATTIMORE, JR,) Department O
11) Courtroom 20 - HM Gibson
12 A Minor.) Date of Hearing: 08-13-2014
13) Time of Hearing: 10:00 a.m.

AFFIDAVIT OF SERVICE BY CERTIFIED MAILING

14 **STATE OF NEVADA**
15 **COUNTY OF CLARK** } ss.

16 I, Piera Fuentes, do hereby swear under penalty of perjury that the assertions of this affidavit are
17 true;

18 Affiant is and was when the mailing took place, a citizen of the United States, over twenty-one
19 years of age, not a party to or interested in the proceeding in which this affidavit is made. Affiant
20 deposited in the U.S. Mail at Las Vegas, Nevada, a copy of the **PETITION TO TERMINATE**
21 **PARENTAL RIGHTS** and **NOTICE OF HEARING** on the 10th day of June, 2014 directed to:

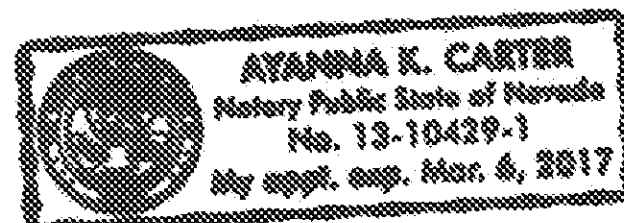
22 MYREON MARTELLI LATTIMORE,
23 ID#1107281
24 Southern Desert Correctional Center
25 P.O. Box 208
26 Indian Springs, Nevada 89070

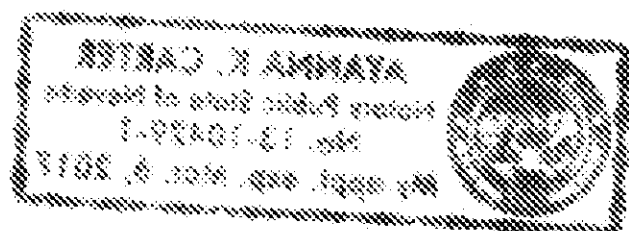
91 7199 9991 7032 8256 4757

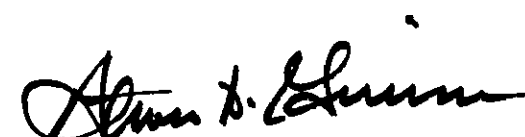
27 SUBSCRIBED and SWORN before me
28 this 10 day of June, 2014.

AYANNA K. CARTER
NOTARY PUBLIC

Piera Fuentes
Piera Fuentes, Affiant







CLERK OF THE COURT

Affidavit of Publication

STATE OF NEVADA }
COUNTY OF CLARK } SS

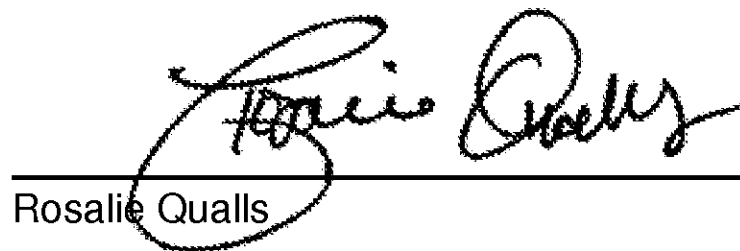
I, Rosalie Qualls state:

That I am Assistant Operations Manager of the Nevada Legal News, a daily newspaper of general circulation, printed and published in Las Vegas, Clark County, Nevada; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

Jun 11, 2014
Jun 18, 2014
Jun 25, 2014
Jul 02, 2014

That said newspaper was regularly issued and circulated on those dates. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Jul 02, 2014



Rosalie Qualls

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Case No. D 497399 Department O Courtroom 20 - HM Gibson

In the Matter of the Parental Rights as to MYREON MARTELLI LATTIMORE, JR., A Minor.

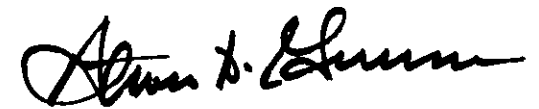
NOTICE OF HEARING TO TERMINATE PARENTAL RIGHTS

TO: MISTIE LEE PETERSON, aka MISTIE PETERSON, aka MISTIE PERTERSEN and MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO BAILEY, aka MYRON M LATTIMORE, MOOK-G, aka MYRON MARTELLI LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M LATTMORE, aka MYREON M LATIMORE YOU AND EACH OF YOU ARE HEREBY NOTIFIED that there has been filed in the above-entitled Court, a Petition for the termination of your parental rights over the above-named child and that the Petition for Termination of Parental Rights has been set for hearing before this Court, in the Courtroom thereof, Clark County, Family Court Division, 601 N. Pecos Road, Las Vegas, Nevada, 89101-2417 on the 13th day of August, 2014 at 10:00 a.m. at which time and place you are required to be present if you desire to oppose this Petition. DATED, this 5th day of June, 2014. STEVEN B. WOLFSON, DISTRICT ATTORNEY, Nevada Bar No. 1565, By: JENNIFER I KUHLMAN, Chief Deputy District Attorney, Nevada Bar No. 10113, 601 N. Pecos Road, Las Vegas, Nevada 89101, (702) 455-5320, JIK/pf (5 and under A)

Published in Nevada Legal News
June 11, 18, 25, July 2, 2014

04107315 00376464 455-5878

TENA RIDER
STEVEN WOLFSON, DISTRICT ATTORNEY
601 N. PEOCS RD., STE. 470
LAS VEGAS, NV 89101-2408



CLERK OF THE COURT

AOS
STEVEN B. WOLFSON
District Attorney
Nevada Bar No. 1565
By: JENNIFER I KUHLMAN
Chief Deputy District Attorney
Nevada Bar No. 10113
601 N. Pecos Road, #470
Las Vegas, NV 89101
(702) 455-5320

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

* * *

In the Matter of the Parental Rights as to)	
)	
MYREON MARTELLI LATTIMORE, JR.,)	Case No. D-14-497399-R
)	Department O
A Minor.)	Courtroom 20 - HM Gibson

AFFIDAVIT OF SERVICE

Date of Hearing: 08-13-2014

Time of Hearing: 10:00 a.m.

STATE OF NEVADA }
COUNTY OF CLARK } ss.

CHARLES R. PIERCE JR., being duly sworn and under penalty of perjury
says:

That at all times herein affiant was over 18 years of age, not a party to or interested in the
proceeding in which this affidavit is made.


That affiant received the PETITION TO TERMINATE PARENTAL RIGHTS and NOTICE OF
HEARING TO TERMINATE PARENTAL RIGHTS on the 11TH day of June, 2014,
and served the same on the 21ST day of July, 2014 by personally serving a copy on

...

...

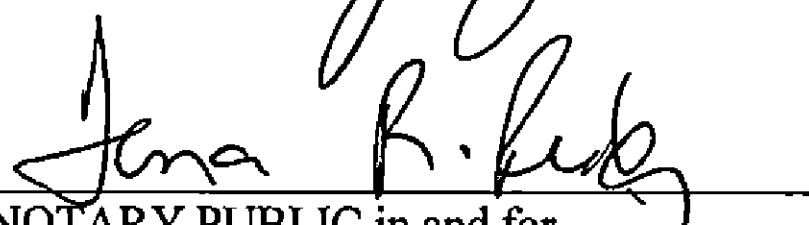
1 MYREON LOTTIMORE at 20825 COLD CREEK RD INDIAN SPRINGS
2 NV 89070

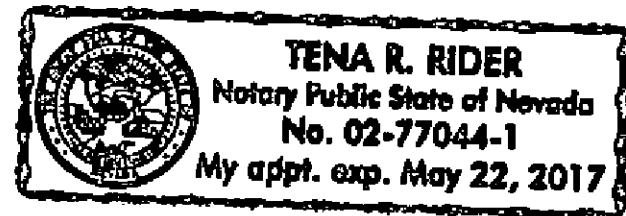
3 (SOUTHERN DESERT)

5 
6 Signature of Affiant

8 SUBSCRIBED and SWORN to before me

9 this 21 day of July, 2014.

11 
12 NOTARY PUBLIC in and for
13 Clark County, Nevada



SERVICE INSTRUCTIONS

In the Matter of :the Parental Rights as to
MYREON MARTELLI LATTIMORE, JR.,
A Minor.

Case No. D-14-497399-R
Department O
Courtroom 20 - HM Gibson

TYPE OF PAPERS TO BE SERVED: NOTICE OF HEARING & PETITION TO
TERMINATE PARENTAL RIGHTS

PLEASE SERVE BY: July 13, 2014
HEARING DATE: August 13, 2014

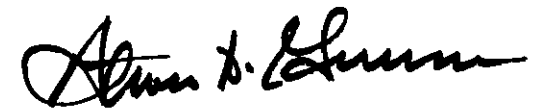
MYREON MARTELLI LATTIMORE (Legal or Legally Presumed Father)
AKA: MYREON MARTELLI LATTIMORE, aka MYREON LATTIMORE, aka
MYREON M LATTIMORE, aka MYRSON M LATTIMORE, aka DONALD MARTELLO
BAILEY, aka MYRON M LATTIMORE, aka MOOK-G, aka MYRON MARTELLI
LATTIMOORE, aka MYREON MARTELLO LATTIMORE, aka MYRON M
LATTIMORE, aka MYREON M LATIMORE
Address: Southern Desert Correctional Center, ID# 1107281, 20825 Cold Creek Road, Indian
Springs, Nevada 89070
DOB: 09-11-1982
B / 6'0" / 193 / Black / Brown

By: Piera Fuentes
for: JENNIFER I KUHLMAN
CHIEF DEPUTY DISTRICT ATTORNEY
455-5320

JUN 11 2014

JUN 11 2014

S. Fuentes



CLERK OF THE COURT

AFAS
STEVEN B. WOLFSON
District Attorney
Nevada Bar No. 1565
By: JENNIFER I KUHLMAN
Chief Deputy District Attorney
Nevada Bar No. 10113
601 N. Pecos Road, #470
Las Vegas, NV 89101
(702) 455-5320

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

* * *

In the Matter of the Parental Rights as to)
MYREON MARTELLI LATTIMORE, JR.,) Case No. D-14-497399-R
A Minor.) Department O
Courtroom 20 - HM Gibson

AFFIDAVIT OF ATTEMPTED SERVICE

Hearing Date: 08-13-2014

Time: 10:00 a.m.

STATE OF NEVADA }
COUNTY OF CLARK } ss.

CHARLES R. PIERCE JR, being duly sworn and under penalty of perjury
says:

That at all times herein affiant was over 18 years of age, not a party to or interested in the
proceeding in which this affidavit is made. That affiant received the PETITION TO TERMINATE
PARENTAL RIGHTS and NOTICE OF HEARING TO TERMINATE PARENTAL RIGHTS on the
11th day of JUNE, 2014, and attempted service of the same on the 22nd day of
July, 2014.

I attempted personal service upon MISTEE PETERSON at (state address and date and time
attempted at each address) 1705 YALE STREET #104 NV 89030

1 NO HEARS PER MANAGEMENT

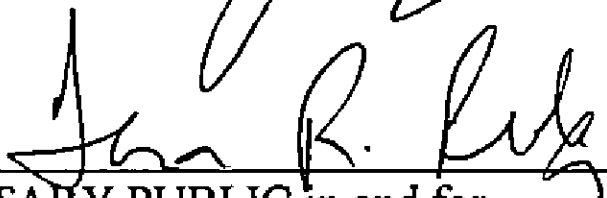
2 _____ . It appears that this person is no longer
3 living at their last known address, or is avoiding service of process.

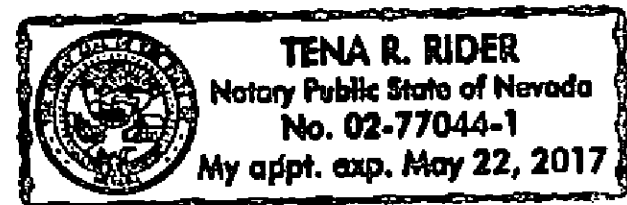
4 Date of service: 7-22-14 Time of service: 1255pm

6
7 
8 Signature of Affiant

9
10 SUBSCRIBED and SWORN to before me

11 this 22 day of July, 2014.

12
13 
14 NOTARY PUBLIC in and for
15 Clark County, Nevada



SERVICE INSTRUCTIONS

In the Matter of :the Parental Rights as to
MYREON MARTELLI LATTIMORE, JR.,
A Minor.

Case No. D-14-497399-R
Department O
Courtroom 20 - HM Gibson

TYPE OF PAPERS TO BE SERVED: NOTICE OF HEARING & PETITION TO
TERMINATE PARENTAL RIGHTS

PLEASE SERVE BY: July 13, 2014
HEARING DATE: August 13, 2014

MISTIE LEE PETERSON (Natural Mother)
AKA: MISTIE PETERSON; MISTIE PERTERSEN
Address: 1705 Yale Street #104, North Las Vegas, Nevada 89030
DOB: 03-15-1977
W / 5'4" / 185 / Blonde / Brown

By: Piera Fuentes
for: JENNIFER I KUHLMAN
CHIEF DEPUTY DISTRICT ATTORNEY
455-5320

JUN 11 2014

NOT HERE

SEALED

CASE

1 TRANS

FILED

JAN 19 2016

Alan J. Sullivan
CLERK OF COURT

COPY

2
3
4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8 In the Matter of
9 the Parental Rights of:

) CASE NO. D-14-497399-R
) DEPT. O
)

10 MYREON LATTIMORE,

) APPEAL NO. 69210
)

11 A Minor.
12 _____

) SEALED
)

13 BEFORE THE HONORABLE FRANK P. SULLIVAN,
14 DISTRICT COURT JUDGE
15 TRANSCRIPT RE: TRIAL

THURSDAY, SEPTEMBER 10, 2015
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1 APPEARANCES:

2 For the State of Nevada: STEPHANIE RICHTER, ESQ.
3 Deputy District Attorney
4 601 North Pecos Road
Las Vegas, Nevada 89101
(702) 455-5320

5 The Mother: MISTIE PETERSON (Not present)
6 For the Mother: ROMEO R. PEREZ, ESQ.
Abrams Law Firm
7 1621 E. Flamingo Rd., #15A
Las Vegas, Nevada 89119
8 (702) 214-7244

9 The Father: MYREON LATTIMORE (Not present)
JAMES D. VITALE, ESQ.
10 Deputy Special Public Defender
330 S. Third Str., 8th Flr.
11 Las Vegas, Nevada 89155
(702) 455-6265

12 Also present:

13 FRANK TOTI, ESQ.
14 Guardian Ad Litem

15 ANGELIQUE GRAY,
16 Department of Family Services
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(None offered.)

1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 10, 2015

2 PROCEEDINGS

3 (THE PROCEEDING BEGAN AT 11:08:06.)

4 THE COURT: This is the time set In the Matter of the
5 Parental Rights as to Myreon Lattimore, Junior, Case Number
6 D497399.

7 We'll get everyone's appearance for the record.
8 We'll start with our district attorney.

9 MS. RICHTER: Stephanie Richter, District Attorneys'
10 Office.

11 MS. GRAY: Angelique Gray, Department of Family Services.

12 MR. TOTI: Judge, Frank Toti, Bar Number 5804. I'm the
13 guardian ad litem for Mistie Peterson.

14 THE COURT: Thank you.

15 MR. PEREZ: Romeo Perez, Bar Number 8223, on behalf of
16 Mistie Peterson. She is not present.

17 MR. VITALE: Good morning, Your Honor. James Vitale,
18 Deputy Special Public Defender, court-appointed counsel for
19 Myreon Lattimore. He's the natural father. He's not present.
20 He's incarcerated.

21 THE COURT: I remember we got done the -- this matter's
22 been continued several times as the mother due to concerns
23 about her competency. I know we -- there are a couple
24 continuances. We did do the TPR trial on April 28th as to the

1 father, Myreon Lattimore. We continued into the May 13th date
2 to see about mom's competency. And May 13th, still had issues
3 about the competency of the mother as she was at that time
4 found to be not competent and was sent up to Lakes Crossing.
5 We had another review after that to come back (indiscernible).
6 What's our current status as to the mother? Is she still at
7 Lakes Crossing?

8 MR. PEREZ: Well, Your Honor, actually, I was also going
9 to ask for a continuance today, Judge, since she was recently
10 sent up to Lakes Crossing, I believe it was last Thursday or
11 Friday. She was found to be incompetent. She is now at Lakes
12 Crossing.

13 And unfortunately, Judge, due to her -- it's not
14 even her fault she can't be transported. She just -- they
15 will not transport her from Lakes Crossing. And therefore,
16 she can not assist in -- in her defense today of the -- of the
17 termination of parental rights trial.

18 So I would be asking for a -- another continuance so
19 that -- so that I could have Mistie brought over once she is
20 released from Lakes Crossing.

21 THE COURT: They don't have any release date, right? I
22 mean --

23 MR. PEREZ: No.

24 THE COURT: -- it's just kind of basically -- this is

1 about the second or third time she's been up there. Did the
2 criminal court again found her not competent in a follow-up?

3 MR. PEREZ: They did.

4 MS. RICHTER: They did. And she was transported last
5 Thursday. And if I could just briefly respond to that.

6 THE COURT: Sure.

7 MS. RICHTER: Mom would -- there's two persons in the
8 TPR. There's the parents who is getting permanency for the
9 kids. As you know, we're -- we're supposed to hear these
10 cases within six months of filing. In this case, we're almost
11 a year out from filing. We've continued it several times.

12 And in addition to that, we do have a presumption of
13 14 in any 20 months because it's in the best interest of these
14 children to have a stable home environment.

15 There's been no Nevada case on point that has
16 extended the ruling in the criminal case concerning
17 incompetent defendants to a termination of parental rights.

18 Convicted and accused pop -- person (indiscernible)
19 incompetent of a crime, is violation of due process. There's
20 no such requirement in a civil case. Nevada Supreme Court has
21 said these TPRs are civil in nature. There's nothing in the
22 TPR statute explicitly regarding incompetent defendants,
23 implicitly, explicitly saying what to do. And there's no case
24 in Nevada at this point that requires the physical presence of

1 a parent who is represented by counsel at a TPR.

2 We should also -- I would also like to note that
3 under NRS 128.105, you have a ground for ter -- involuntary
4 termination of unfitness and in -- and neglect. And under NRS
5 128.106, you determine neglect or unfitness by a parent -- the
6 court's supposed to consider the mental illness or mental
7 deficiency of the parent, which renders the parent
8 consistently unable to care for the immediate and continuing
9 psychological needs of the child for an extended period of
10 time.

11 So by including that, I would state that the
12 legislature contemplated the possibility that we may have to
13 bring a termination of parental rights action against parents
14 who are incompetent because of mental illness and such a level
15 of incompetency is to not be able to act in your criminal
16 case, to not understand the nature of the charges against you
17 in assisting in your own defense impacts directly on your
18 abear -- ability to act as a parent. And it would not be in
19 the kids best interest to indefinitely delay a termination
20 proceeding on that basis.

21 In addition, Nevada Rules of Civil Procedure 17
22 requires the trial court to prevent -- to appoint a guardian
23 ad litem for any party that's incompetent. So when they have
24 an incompetent -- when you have an incompetent person, you

1 appoint the guardian ad litem to protect the person. And that
2 guardian ad litem or representative or whomever can sue,
3 defend, do anything on behalf of the incompetent person in
4 that -- in that civil case. She has a guardian ad litem. So
5 she's represented under the statute.

6 And so we would contend that the TPR can proceed
7 because she has counsel. She has a guardian ad litem. So
8 we're protecting her interest. But to require that she be
9 competent before we proceed, ignores the right of the child to
10 permanency. And other states have decided this in a similar
11 manner.

12 If you look at -- I was able to find -- there's
13 nothing on point in Nevada, but there are cases in Wisconsin,
14 Oklahoma, Missouri, where they have a similar statutory scheme
15 to ours where they've made that decision, that the criminal
16 protections do not extend to the civil arena and that the
17 termination of parental rights is in particular a civil case.
18 And we'd ask that we go forward.

19 THE COURT: Does the guardian ad litem have a position on
20 this, Mr. Toti?

21 MR. TOTI: Judge, I would -- I would obviously want Ms.
22 Peterson here to assist. I would just let Your Honor know, I
23 think I've apprised this to Your Honor before, that in my role
24 of guardian ad litem, the only thing I will not do is I will

1 not sign a relinquishment on behalf of the client. I just do
2 not think that --

3 THE COURT: Yeah.

4 MR. TOTI: -- that that's fair.

5 THE COURT: She's not -- yeah.

6 MR. TOTI: So I -- I would -- I would want Ms. Peterson
7 here so I can at least have some communication with her. If I
8 can get some indication from her that -- that she understood
9 what was going on, then I would -- I would then be more
10 willing to do so but not without any communication to her --

11 THE COURT: Yeah.

12 MR. TOTI: -- or from her.

13 THE COURT: And I agree. I'd be very hesitant to take a
14 relinquishment due to her question about competency.

15 Do you have any rebuttal, Mr. Perez?

16 MR. PEREZ: Judge, only to answer the D.A. in this is
17 absolutely a violation of due process; and she's not here.
18 And the issue is not whether or not we have an attorney
19 present ra -- and -- and -- and then a parent is -- does not
20 have to present. We're talking about the ability to -- to
21 converse with my client in order to prepare an adequate
22 defense.

23 She is not here not by her own choice but because
24 the State will not transport her from Lakes Crossing. She's

1 still entitled to due process. And as this court knows, TPR
2 is akin to a civil death penalty. So we would be taking away
3 the -- the very rights that are fundamental to her as a
4 parent.

5 THE COURT: My concern on this case is, I think it's
6 clear with the law on that, to terminate parental rights, you
7 need two things. You need, number one, the best interest of
8 the child by clear and convincing evidence (indiscernible)
9 termination of parental rights. And of course, you have to
10 establish parental fault. The jurisdictional grounds and the
11 dispositional grounds and the best interest.

12 My concern on that, the -- our supreme court's made
13 it clear that the overarching concern for termination of
14 parental rights is the best interest of the child. We've
15 continued this case several times.

16 I do -- sensitive to the mother's ability not to
17 participate and help counsel, I -- I do understand that; but
18 the issue is I could keep continuing this ad infinitum. And
19 that's my concern on that.

20 If she's been up at Lakes Crossing and back and for
21 other competency hearings and back up to Lakes Crossing, I do
22 know that it puts counsel at a very limited position in that
23 because he doesn't have his client there to help him prepare
24 or provide information. I'm not sure, without hearing all the

1 evidence (indiscernible) competency if she -- she was here,
2 she could help you on that. I'm not sure. Her competency,
3 I'm sure I'll hear some evidence as to that.

4 But my concern is this case was filed -- the child
5 was removed on January 25th, 2013. We're talking two-and-a-
6 half years in the system. We've had numerous continuances in
7 order to give mom a chance to hopefully be able to
8 participate. And that hasn't happened.

9 She was just sent back up to Lakes Crossing last
10 Thursday. So my concern is that I just continue it again, I
11 can continue it until this child is 18 and not get anywhere.
12 I think the child is entitled to permanency.

13 We do have cases with the mental health cases going
14 back to the -- to the Billy Murphy case when I was a young
15 district attorney with jet black hair, looked like Prince
16 Valiant haircut. I remember those cases going back on those
17 cases on that.

18 While Murphy was overruled on other matters later
19 on, the whole issue came, is can you terminate parental rights
20 when it's not their fault or habit? They were mentally --
21 mental issues on that. Supreme court did say you could
22 terminate on a mental illness if it's to the point where they
23 can not care for a child.

24 And so I think I just need to go forward because I'm

1 hesitant to continue it again, because again, we may never get
2 this done. I will note this petition was filed May 22nd, 2014.
3 So I have a child in the system for two-and-a-half years. I
4 have a petition that's been out there since May 22nd of 2014.
5 I have had numerous continuations in this case to try to
6 accommodate mom's mental health to give -- give a chance to
7 her to participate.

8 I do agree with you that our supreme court has said
9 this is akin to the civil death penalty. So it is a civil
10 matter but -- the seriousness. But I guess maybe it's time
11 for us to make law, good law or bad law, I guess, depending on
12 what happens the outcome of this case.

13 But I'm gonna deny the request to continue it. I
14 think I need to get it forward on that and see what evidence
15 they have. The evidence, the State may not be able to prove
16 that. They'd have the burden to prove by compelling -- by
17 clear and convincing evidence that mother's mental health is
18 at the point where she can not in the foreseeable future care
19 for the child.

20 So I'm gonna deny the request for continuance for
21 the reasons stated and jump into it today. And as far as
22 housekeeping, it's about twenty after eleven. I'm fine
23 working through lunch if you guys want to, but I don't know
24 what your schedule looks like. I won't tie you up.

1 Unfortunately -- I know you thought it would take a couple of
2 hours.

3 MR. TOTI: Well, Judge, I have a -- I have a meeting at
4 noon.

5 THE COURT: Noon.

6 MR. TOTI: And then I have a meeting at 2:00. So I can
7 work in between. I can be back at 1:00, and we can do it
8 under 45 minutes, but I'm unfortunately not able to reschedule
9 either of those.

10 THE COURT: Okay.

11 MR. PEREZ: And, Judge, I have two 1:30s, I believe in
12 here. Those are J cases, and those will be -- those, I'm
13 sure, can be pushed.

14 THE COURT: You want to start it for 40 minutes now and
15 then we can -- it seems I can continue it to the afternoon. I
16 don't know what's going on with my other cases. But I can
17 either trail it to the end of my afternoon calendar so you
18 wouldn't be tied up again. My other ones don't -- I also have
19 to kick them. I want to give this priority because we've
20 continued it four or five times. I want to give you priority.

21 MS. RICHTER: We're -- we're prepared to start.

22 THE COURT: Okay. Do you have any witnesses that we can
23 get done in the morning (indiscernible) so they don't have to
24 come back in the after --

1 MS. RICHTER: I believe we can get the CPS investigator
2 in this morning.

3 THE COURT: Okay. Is that okay with you, and then we can
4 po -- postpone opening arguments till later this afternoon?
5 I'd like to accommodate the one worker so they don't have to
6 come back again if we could.

7 MS. RICHTER: Uh-huh.

8 THE COURT: So we can get done in 40 minutes, you think?

9 MS. RICHTER: We should be able to.

10 THE COURT: All right. We'll defer opening arguments if
11 everybody's okay that they can put their opening arguments on
12 this afternoon. That's so we can accommodate the witness so
13 they won't have to come back again. Okay?

14 MR. PEREZ: That's fine, Judge.

15 THE COURT: Thanks.

16 MS. RICHTER: And just as a preliminary matter, we would
17 be moving to admit the entirety of the certified J file. I'm
18 not sure if defense counsel would have any objection.

19 THE COURT: Have you had a chance to look at it?

20 MR. PEREZ: I have, Judge. And I have no objection.

21 THE COURT: Mr. Toti, do you have -- I know you're really
22 just the guardian ad litem, so I really don't --

23 MR. VITALE: No, objection.

24 THE COURT: Mr. Vitale.

1 MR. VITALE: I -- I don't have any objection, Your Honor.
2 My client's rights were already terminated. So we're just
3 pending what happens here.

4 THE COURT: We'll admit --

5 MR. VITALE: But I do want to let you know I will be here
6 to the extent that I can. I have other things going on. I
7 don't want my absence to delay anything. So you can proceed
8 without me.

9 THE COURT: We'll admit the State's Exhibit, which was --

10 THE CLERK: That will be State's Exhibit 3.

11 THE COURT: -- State's Exhibit Number 3 will be admitted
12 without objection.

13 (Whereupon State's Exhibit 3 was admitted.)

14 THE COURT: Why don't you come up and remain standing and
15 raise your right hand. We'll get you sworn in.

16 THE CLERK: You do solemnly swear the testimony you're
17 about to give in this action shall be the truth, the whole
18 truth and nothing but the truth, so help you God?

19 MS. MOORE: I do.

20 THE CLERK: Please state your name and spell it for the
21 record.

22 MS. MOORE: P.J. Moore, M-O-O-R-E, P-J.

23 THE COURT: Before we start, do you have any other
24 witnesses that are -- I know the D.A.'s there, but --

1 MS. RICHTER: No.

2 THE COURT: Okay. I got to make sure no one is
3 testifying 'cause we -- okay. All right.

4 P.J. MOORE,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. RICHTER:

8 Q P.J., can you tell us your occupation and place of
9 employment?

10 A I am a Senior Family Service Specialist Investigator
11 for CPS at Clark County Department of Family Services.

12 Q Were you the investigator initially assigned to the
13 case involving the subject minor, Myreon Lattimore, Junior?

14 A I was in 2012, like, November 2012.

15 Q Okay. And this was prior to the child being placed
16 into the department's custody?

17 A Correct.

18 Q How were you initially involved in the case?

19 A I received a priority one report assigned to me
20 November 13th, I believe, 2012. There was concern brought to
21 the department's attention with mom's after having given
22 birth, erratic behaviors, her -- there was concern with her
23 mental health status and ongoing refusal to admit that the
24 child was potentially her child.

1 Q And so where did you first go have contact with the
2 mother?

3 A I had initial contact with her at UMC.

4 Q And you spoke to her there?

5 A I did.

6 Q Did you identify yourself as a CPS employee before
7 you spoke to her?

8 A Ye -- yes, I did.

9 Q Okay. Did she appear surprised that CPS was coming
10 to talk to her?

11 A No, she noted that she'd had an episode and had a
12 feeling Child Protective Services was coming.

13 Q And after speaking to her, did you have any concerns
14 regarding her?

15 A Yes, I did.

16 Q What were those?

17 A Mom indicated that she'd had some mental health
18 diagnoses. She was on medication. She had been up three days
19 straight prior to giving birth. She noted she'd had diagnoses
20 of PTSD, schizophrenia affect, some delusions.

21 I had concerns that she was speaking about being
22 related to celebrities, Elvis, Michael Jackson, Madonna. She
23 noted that she didn't necessarily believe that her biological
24 mother had given birth to her. She verbalized that she didn't

1 believe that the son that the NICU staff had told her was her
2 son was truly her son.

3 Q Why did she not think that the child was hers?

4 MR. PEREZ: Objection, calls for speculation.

5 THE COURT: Overruled. If she addressed it on that, it
6 would not be admitted for the truth contained therein.

7 Part of your investigation if she did address that
8 with you? You can answer if you --

9 THE WITNESS: She did address that with me. She
10 reflected that the child's nose and facial features were
11 different than the father's facial features; that she -- Mr.
12 Lattimore, she named as father, she did not believe this child
13 looked like him.

14 Q BY MS. RICHTER: At that time, did they complete the
15 birth certificate at that point?

16 A Initially, no, they did not.

17 Q Why not?

18 A She was placed on Legal 2000.

19 Q And ultimately what happened with the child?

20 A He -- I did -- I spoke with Mr. Lattimore, did a
21 safety plan with him. I -- the child was released from the
22 NICU, placed with Mr. Lattimore and on a safety plan where the
23 child was not to be alone with Mistie if and when she was to
24 be released from the Legal 2000.

1 Q And what was the concern if the child would be left
2 alone with Mistie?

3 A I had concerns for mom's mental health. She still
4 did not believe that that child was necessarily hers. The --
5 I had also had a report with the NICU charge nurse that
6 reflected that mom had attempted to grab another baby and exit
7 the NICU, believing that that child was hers when in fact it
8 was not.

9 Q Did you have an opportunity at any point to visit
10 with mom and Mr. Lattimore after she was released from the
11 hospital?

12 A From UMC? I --

13 Q Yes.

14 A -- I spoke with her telephonically while she was in
15 Spring Mountain Treatment Center.

16 Q And when -- after you spoke with her telephonically
17 at Spring Mountain, did you still have any concerns?

18 A I did. I -- I did have a phone call with her on --
19 on -- two phone calls with her November 21st of 2012. In the
20 first phone call, she seemed to be doing okay, noted she was
21 taking her medications.

22 I received a follow-up phone call a few hours later
23 where she was speaking of very bizarre things that were
24 happening to her. She felt the Illuminati had kept her there,

1 that maybe the Mafia was involved, there was a scientific
2 theory. She, again, noted that she didn't actually think she
3 gave birth to Myr -- Myreon.

4 It -- and it was -- and I asked her did she think
5 she was having an episode; and she reflected that, yeah, she
6 thought she was having an episode. She knew she was going to
7 be getting some medication.

8 Q And after that phone conversation with the mother,
9 did you have any other involvement in the case after that?

10 A I followed up with Boys Town with Mr. Lattimore, saw
11 her in the home where Mr. Lattimore was still having --
12 maintaining being the primary care provider. I did close my
13 case in December of 2012 with Boys Town still in the home.

14 MS. RICHTER: Okay. I have no additional questions.

15 THE COURT: Any questions?

16 MR. PEREZ: I have no questions.

17 THE COURT: Mr. Toti, did you have any questions?

18 MR. TOTI: Nothing, Judge.

19 MR. VITALE: Nothing here, Your Honor.

20 THE COURT: Thank you.

21 Thank you, P.J.

22 Is there another witness we can get in now?

23 MS. RICHTER: Yes, we can -- we can start with Angelique
24 Gray.

1 THE CLERK: You do solemnly swear the testimony you're
2 about to give in this action shall be the truth, the whole
3 truth and nothing but the truth, so help you God?

4 MS. GRAY: I do.

5 THE CLERK: Please state your name and spell it for the
6 record.

7 MS. GRAY: Angelique Gray, A-N-G-E-L-I-Q-U-E, G-R-A-Y.

8 THE COURT: Okay.

9 ANGELIQUE GRAY,

10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. RICHTER:

13 Q Will you state your occupation and place of
14 employment?

15 A I'm a Senior Family Service Specialist for the
16 Department of Family Services.

17 Q And are you the caseworker assigned to the minor
18 child, Myreon Lattimore, Junior?

19 A I am.

20 Q Approximately what dates have you been on this case?

21 A Since November 2013.

22 Q Okay. And you're still currently the worker?

23 A Yes.

24 Q So when you took over the case, what was the

1 circumstances for the parents?

2 A The natural father was incarcerated, I believe at
3 High Desert, at that time; and the natural mother was visiting
4 with her child. I was told that she had some mental health
5 issues, some severe mental health issues. And at that time,
6 she had visitations with Myreon, or Junior as she calls him.
7 They were, you know, one-to-one visits, in-line supervised
8 visits. And she appeared to be doing -- when I had -- when I
9 took over the case, she appeared to be doing well. She was
10 lucid and she would regularly go to her visits. She would
11 regularly go to therapy sessions. She had PSR/BST services,
12 that kind of thing.

13 Q Okay. And when you took over the case, did you
14 familiarize yourself with the entirety of the history?

15 A Yes.

16 Q And so you talked with the prior caseworker, read
17 through the -- read through the case notes?

18 A Yes.

19 Q What ended up being your first contact with Mistie?

20 A My first contact with -- with Mistie was at a visit
21 that she had with Junior at Child Haven.

22 Q Did you observe the visit?

23 A I did.

24 Q Did there appear to be any concerns during the

1 visit?

2 A Only that she had said some things that I found odd.
3 She had stated that she was -- she would squeeze Myreon really
4 tight and that would make him cry; that his shoes were too
5 small for his feet and that dark circles that everybody were
6 telling him he had under his eyes were actually black eyes
7 that the foster mother had given him.

8 Q After that initial meeting with her at Child Haven,
9 when was the next time you met with her?

10 A After that, we spoke telephonically. Quite
11 frequently she would call me on the phone.

12 Q Would she e-mail you as well?

13 A Yes, she would also e-mail me.

14 Q Okay. After Child Haven, what was the next
15 communication that you received from her?

16 A She called me --

17 Q Okay.

18 A -- on the phone.

19 Q And what was that about?

20 A She called to let me know that she was worried about
21 her son; that he was communicating with her, I guess
22 telepathically, telling her that he was hungry and that he
23 wasn't being fed or taken care of; that he was consuming large
24 amounts of alcohol - I -- I believe Myreon may have been ten

1 months at that time - and that she would like for me to check
2 on him because she was concerned about him.

3 Q And during this time, did you go out to visit the
4 foster home?

5 A I did --

6 Q And --

7 A -- yes.

8 Q -- how often do you go?

9 A Once a month, the un -- is unsupervised --
10 unannounced and announced visits we would do; but I'd also see
11 him at the visitation center because I'd try to see Mistie at
12 the visits. So I'd see him maybe two or three times a month
13 for a while there.

14 Q So the concerns that the mom was raising of the
15 black eyes, the too small of shoes, things like that, were
16 those things you were observing as well on Junior?

17 A No, they weren't.

18 Q Now when you would go out and visit Junior in the
19 foster home, were there any concerns that you saw?

20 A No, there weren't.

21 Q Okay. Now you have this telephone call with her
22 about the -- the alcohol and everything. After you've had
23 that phone call with her, what did -- what was your next
24 communication with her?

1 A There -- there were a few more phone calls
2 thereafter, and then there was also an e-mail. During our
3 phone conversations, they would start to get a -- a little
4 more bizarre. And the things she would say were very
5 concerning.

6 She would make a lot of accusations that her child
7 was being sexually abused orally because his gums were --
8 looked -- looked bruised or blistered, that he wasn't being
9 fed properly, that he -- he -- he would be telling her that he
10 was very sad and upset, and that the foster mom was beating
11 him.

12 So, you know, I told her during our phone
13 conversations that, you know, these are very serious
14 accusations you're making; and it's something you need to call
15 the hotline about if these are concerns you truly have and
16 that I would go check on him and make sure he's okay.

17 But that I had -- and generally when we would talk,
18 it wouldn't -- it hadn't been very long since I had seen
19 Junior; but I would go and check on him 'cause he was -- where
20 the foster mother lives is not very far from where my office
21 was. So it was pretty convenient and easy for me to go over
22 there and check on him.

23 So when I would talk to her after she would make
24 those accusations, I would let her know that he is fine; that

1 he is eating well; that he doesn't have any marks or bruises;
2 that he appears to be very happy.

3 Q And at the time that these conversations and e-mails
4 were taking place, was Junior, or Myreon, verbal at that
5 point?

6 A No.

7 Q Okay.

8 A He was not.

9 Q And at that point, were you following up with the
10 mother as to whether she was doing her mental health, doing
11 her -- taking her medication, things like that?

12 A Yes.

13 Q Do you know if she was?

14 A She was for a time. And I actually had spoken with
15 her PSR worker and her ther -- her therapist. And I'm sorry.
16 I -- the name escapes me of where she went at the time. But
17 they verified that she was, you know, going to therapy
18 sessions and taking her medication. But after, I'd say, about
19 two or three months of me taking over the case, Mistie kind of
20 disappeared for a while; and she'd resurface and admit that
21 she was no longer taking her medication; and that's when her
22 conversations would start to get even more bizarre in nature.

23 Q So initially when you took over in November until
24 when would you say you had contact with her?

1 A Until about Janua -- January. It was -- well, let
2 -- if you -- if I can go back. In December of 2013,
3 visitation had stated to me that they were gonna have to stop
4 visits with Mistie because it was becoming unsafe for Myreon
5 and for other children at the visitation center; that other
6 parents were very concerned because Mistie was --

7 MR. PEREZ: Objection, that's hearsay.

8 THE COURT: Overruled.

9 You can testify, and it won't be admitted for the
10 truth contained therein but part as your role as a caseworker
11 on that to make determinations or decisions. So if you base
12 decision on that, it will be admitted for that purpose only,
13 not the truth contained therein. You can answer it.

14 THE WITNESS: Oh, okay. As I was saying, they said they
15 had to stop the visits because it was just unsafe at that
16 time. So when I informed Mistie of this, she became very
17 upset, very angry. And that's when she -- that's when --
18 after that, I didn't hear from her for maybe about a month or
19 two.

20 Q BY MS. RICHTER: Okay. And did the visits stop at
21 that point?

22 A Yes, they did. If -- if -- I'm sorry. If I can
23 just state that one of the reasons was because we noticed she
24 had stopped taking her medicine because her becape -- her

1 behavior started to become so erratic. And so visitation did
2 say, once she started her medication again that visits could
3 continue.

4 Q And when approximately did the visits stop?

5 A Right before Christmas of December 2013.

6 Q In January of 2014, did you hear from Mistie at all?

7 A January of 2014? I may -- she may have sent me an
8 e-mail at that time.

9 Q Okay.

10 A I'm -- but I -- I'm -- I honestly -- I -- I'm not
11 sure because there was a time -- she -- she did kind of
12 disappear for a little while after visitation stopped.

13 Q Okay. At any point, did the mother ever inform you
14 that she thought she'd seen her child with someone else?

15 A Yes, more than once she -- she had mentioned that to
16 me when we did talk.

17 Q At any point until this point, had Mistie ever
18 provided the department with a valid address?

19 A She did provide me with one address that wa -- when
20 she was living on Yale. She'd told me she lived at -- on Yale
21 Street where I had attempted to go on several occasions. And
22 finally at one point, someone did answer the door and stated
23 that she did live there but no longer lived there. So I've
24 never really had an address where I physically saw her at.

1 Q At -- after January, approximately how long was it
2 until you heard from the mother again?

3 A I -- I want to say about March of 2014.

4 Q And did she call you, e-mail you? How'd she get in
5 touch with you?

6 A She -- she had called -- Mistie at that time was
7 starting to call the hotline a lot, you know, saying that her
8 son was in danger; that the foster parent wasn't caring for
9 him or that she believed that we didn't have the right child;
10 that we had switched the child and -- and -- and gave that --
11 her child to somebody else. There were quite a few different
12 scenarios.

13 But she was calling the hotline a lot. She was
14 telephoning me. She had written me a couple of letters and an
15 e-mail. And they were all around that time from maybe, I
16 wanna say, maybe February till about May of 2014. They would
17 be spora -- I mean, they were sporadic as far as her contact
18 with me. Like, she would send an e-mail. She'd write some
19 letters. She'd make some phone calls. But the hotline, for a
20 while there, she was calling them almost on a daily basis.

21 Q Okay. And during this time when you talked to the
22 mom, would you offer her any services, make her any referrals?

23 A Ab -- absolutely, yes. The facility -- the -- the
24 -- the service provider that she was going to to get her PSR

1 and BST and her therapy were willing to take her back because
2 she had been with them for a while. She knew everybody there.
3 And I offered to refer her over there or to, you know -- to
4 community counseling services. I asked her if she needed a
5 ride to maybe help -- South -- Southern Nevada Developmental
6 Health so we can get her back on her medications.

7 I -- I remember during one of those conversations
8 when I offered services to her, I offered to take her to get
9 those services into place, she had told me that she actually
10 didn't want to; that she was currently on drugs. She was
11 doing cocaine and smoking marijuana and drinking alcohol. And
12 she kind of liked where she was at that point and didn't want
13 the help. And that was one of my last conversations with her.

14 Q And when was that?

15 A I would say that was around end of April, beginning
16 of May.

17 Q Okay. And in May of 2014, did you receive a call
18 from the Metropolitan Police Department regarding Mistie?

19 A Yes.

20 Q And what was that about?

21 A The police department notified me at -- they
22 informed me that Mistie wa --

23 MR. PEREZ: Objection, calls for hearsay.

24 THE COURT: Overruled. Again, it will not be admitted

1 for the truth contained therein but in her role as a case
2 manager. She has to make decisions and recommendations to the
3 court and what she bases it on. Again, whether it's accurate
4 or not, she can -- what she based it on to determine what
5 decision she made. So it will be allowed in for that purpose,
6 not for the truth contained therein.

7 THE WITNESS: I got a phone call from Metro stating that
8 Mistie was arrested for first-degree kidnapping and child abu
9 -- abuse. They informed me that Mistie was on a bus; that she
10 had seen a child and a mother on the bus; that the child was
11 approximately, I'd say, one, one-and-a-half years old. And
12 the child had waived to Mistie. And at that moment, Mistie
13 was certain that that was her child.

14 She followed the woman off the bus. The woman had a
15 stroller; and as she was -- as she turned around to, you know,
16 get the, I think, the stroller off the bus, she had her child
17 in her arms. Mistie grabbed her child and ran with the baby.
18 The lady screamed out for help. She tried to pry the baby out
19 of Mistie's arms. I was told that at that time Mistie was
20 squeezing the baby so hard that it turned blue, and blood was
21 coming out of it's mouth.

22 A -- a bystander came and -- a man, and pulled the
23 baby out of Mistie's arms. And she was screaming that that
24 was her son, that the lady had stolen her son from her, that

1 she knew it was her son, something about his face being red
2 like -- like she used to be when she was younger. And that's
3 when the police were called. And she was arrested.

4 Q BY MS. RICHTER: Okay. And based on that
5 information, did you ever go meet with Mistie or talk with
6 Mistie about that?

7 A I did.

8 Q Okay. At that point, were you able to locate
9 Mistie?

10 A Well -- well, Mistie was incarcerated at -- at CCDC.

11 Q Did you go ver -- visit her while she was at CCDC?

12 A I did, yes.

13 Q Okay. And when you went to visit her, when was
14 this?

15 A This was in January of this year.

16 Q And when you went in January of this year, what did
17 you discuss with her?

18 A We -- well, when I saw -- I'm sorry. It wasn't
19 January of this year. It was May of this year. I apologize.
20 When I went to see her, I, you know, sat down. And it was the
21 -- the -- the telephone-video conference.

22 Mistie didn't recognize me. She didn't have no idea
23 who I was. I had to tell her a couple of times that it -- you
24 know, this is An -- it's Angelique. It's your caseworker with

1 DFS. She looked very out of it, like she was highly
2 medicated. I'm not sure. But she didn't seem herself. You
3 -- I hadn't seen her in a long time, so.

4 But she finally recognized who I was. She asked me
5 how her son was. I told him -- I -- I told her he was fine.
6 She asked me if I had spoken with Mr. Lattimore and what was
7 happening with the case. I told her that I had seen Mr.
8 Lattimore, that his rights were terminated.

9 I asked her if -- how she was doing, what was going
10 on with her. She said that she was fine, that she's actually
11 getting out, but there are people watching her, and that they
12 had put her on the cover of People magazine, and she wasn't
13 very happy about that.

14 And then she asked me if, you know -- she goes, I
15 really don't think that you have the right son. Can you
16 please make sure you have my child because I sti -- I don't
17 believe that you have the right child? I assured her that we
18 did; that Myreon was fine; that it -- it was her son we had;
19 and that he was okay; and that if she needed anything, she
20 could call me collect. She can write me a letter.

21 I provided her -- I told her I would write her a
22 letter providing her my contact information just in case she
23 didn't have it anymore. And that was -- that was kind of the
24 end of our conversation.

1 Q And -- and between May and when she first was in
2 CCDC, so a year prior of that May, did you ever have a chance
3 to talk with her on the phone, have any conversations with
4 her?

5 A Yes, while she was at Lakes Crossing, we spoke quite
6 a few times.

7 Q And when was that?

8 A That was -- okay. So from May of 2014 till May of
9 2015, she was at Lakes Crossing -- I wanna say until about
10 from May of 2014 till about January or February of this year
11 where she was returned to CCDC.

12 Q And when she was at Lakes Crossing, did you -- did
13 you talk with her?

14 A I did.

15 Q Okay. What did you discuss with her?

16 A I, you know, asked her how she was doing over there;
17 how she was being treated. She said that she was, you know --
18 our first conversation that she wasn't very happy. She didn't
19 like it there at all; that they're medicating her a lot, and
20 she can't think straight.

21 She asked how Junior was doing. She would, you
22 know, ask me to please make sure that he was okay; that we had
23 the right son; that she believed that her son, her actual son,
24 was killed in a car accident; and that she wasn't sure we had

1 the right child; and to please make sure that we did have the
2 right child.

3 And, you know, I -- I assure -- sured her that we
4 did have the right child and that he was fine and that she can
5 call me, you know. 'Cause they were free to call over there
6 anytime they wanted to, so.

7 Q And during that conversation, did she seem coherent
8 to you?

9 A No, she sounded very -- like she was on a lot of
10 medication, very cloudy-headed.

11 Q Okay. And did you have any other phone calls with
12 her while she was at Lakes Crossing?

13 A Yeah, yes. My next conversation with her at Lakes
14 Crossing, she seemed more lucid.

15 Q And when was that?

16 A That was maybe, like, a month after my first
17 conversation with her. It -- it could have been two weeks,
18 anywhere from two weeks to a month after that first
19 conversation with her at Lakes Crossing. And she was a lot
20 more lucid then and seemed a lot happier.

21 She stated that she was gonna be getting out very
22 soon; that she was out of -- because I guess they put them in
23 one area when they first get there and then they're moved in
24 with, like, general population. And she was happy that she

1 was moved.

2 She'd made some friends, and that she was gonna work
3 with some other lady that was -- work for a lady that was also
4 in there once they got out and have a place of her own.

5 She asked how Junior was doing. I told her that he
6 was fine. And, you know, she said, well, please make sure,
7 you know, that he's eating because he's telling me that, you
8 know, that he's very sad; that he misses me; and that he
9 doesn't eat as much as he should. And I assured her again
10 that, you know, he's fine.

11 He's -- that I just -- I think at that conversation,
12 I had literally just seen him the day before; that I had just
13 seen him. She asked if I could send pictures, which I did get
14 some pictures and send to her. She asked if she could write
15 letters to give to him. I told her, yes. And then that was
16 the end of that conversation.

17 Q At any point --

18 MR. TOTI: And, Judge, I apologize. But with that, I
19 need to step out.

20 THE COURT: Okay. Is this a good time to --

21 MS. RICHTER: (Indiscernible.)

22 THE COURT: -- is this a good time to break or did you --
23 is it easier to come back later in the afternoon? So I've got
24 several at 1:30. If they ain't even gonna go, I'll kick them

1 if I have to.

2 MR. TOTI: I'll defer to Your Honor. Judge, I've got
3 this meeting at 2:00. I'm not sure how long it will take. I
4 can be back here --

5 THE COURT: About --

6 MR. TOTI: -- you know, 3:00, 3:30.

7 THE COURT: -- 3:00. Why don't we shoot for 3:00, 3:30.
8 3:30.

9 MR. TOTI: Or we can come back at 1:00, and we can try to
10 wrap it up in a half hour.

11 THE COURT: Yeah, I'm just worried. I'd rather do it at
12 3:00 that way I don't have to worry about you being late on
13 that.

14 MR. TOTI: Okay. I'll be back after that then.

15 THE COURT: If you run a little bit late, that's okay.
16 Just let --

17 MR. TOTI: No problem. Thank you.

18 THE COURT: -- just let counsel know.

19 MR. PEREZ: Thank you.

20 THE COURT: We'll take a recess so that (indiscernible).
21 We'll be back about 3:00. And --

22 (Whereupon the matter was trailed at
23 11:47:28 and recalled at 15:19:20.)

24 THE COURT: This is the time set In the Matter --

1 continuation In the Matter of the Parental Rights as to Myreon
2 Lattimore, Junior; Case Number D497399. We're continued from
3 this morning's TPR.

4 Can we get our appearances for the record for the
5 afternoon session?

6 MS. RICHTER: Stephanie Richter, District Attorneys'
7 Office, on behalf of the Department.

8 MS. GRAY: Angelique Gray, Department of Family Services.

9 MR. TOTI: Your Honor, Frank Toti, Bar Number 5804,
10 guardian ad litem for mom.

11 MR. PEREZ: Romeo Perez, Bar Number 8223, on behalf of
12 Mistie Peterson. She is not present.

13 MR. VITALE: James Vitale, Deputy Special Public
14 Defender, court-appointed counsel for Myreon, Senior, not
15 present, in custody.

16 THE COURT: I think we left off -- did you wanna pick up
17 where we left off? I thought I'd give you a chance to go
18 opening statements, if you wanted to. So I -- I'll leave it
19 up to counsel. Did you want opening statements?

20 MS. RICHTER: I'll waive opening statement.

21 MR. PEREZ: I'll waive, Judge.

22 MR. TOTI: As well, Judge.

23 MR. VITALE: Yeah.

24 THE COURT: All right.

1 Why don't you come up there again. You're on --
2 under oath, so we don't need to swear you back in, Ms. Gray.

3 Anybody want any water or anything while we're --
4 THE WITNESS: I have some. Thank you, Your Honor.

5 UNIDENTIFIED SPEAKER: Frank?

6 MR. TOTI: No, thank you.

7 UNIDENTIFIED SPEAKER: (Indiscernible) anyone?

8 **ANGELIQUE GRAY,**

9 having been previously duly sworn,
10 retook the stand and testified as follows:

11 **DIRECT EXAMINATION (continued)**

12 **BY MS. RICHTER:**

13 Q I believe when we finished, we were talking about
14 your phone calls with the mother between September and your
15 visit with her at CCDC in May.

16 A Yes.

17 Q And you had mentioned that the last phone call you'd
18 had with her was while she was at Lakes Crossing.

19 A Yes.

20 Q During your phone calls with the mother at Lakes
21 Crossing, did you ever discuss with her a concern that the
22 child that you had in custody wasn't hers?

23 A Yes.

24 Q Can you explain that concern?

1 A Mistie would often during our conversations state
2 that she was concerned that we did not have her son, that her
3 child was either switched or adopted to somebody, through like
4 a private adoption agency. There were -- there were multiple
5 scenarios that she believed. And she was adamant that the son
6 we had in our care was not her child.

7 Q Now did you ever discuss with Mistie the incident on
8 the bus?

9 A Yes, I did.

10 Q Can you explain to us what she told you?

11 A She told me that -- that she -- she did not try and
12 take the child, that she did in fact think it was her son
13 because he -- his face wa -- wa -- his cheeks were red like
14 when she was little. She explained her cheeks used to be red.
15 And that's what gave her the indication that the child on the
16 bus was hers and that he looked very much like her when she
17 was a baby.

18 When I asked Mistie, you know -- when I asked her
19 what had happened and that -- I explained, you know, your son
20 is in our care; and -- and, you know, he's with a foster mom.
21 So that couldn't have been your -- your son on the bus.

22 She said -- she had told me that, you know what?
23 I'm just -- I'm not gonna say anymore about it. I know what I
24 -- I know and what I believe. And I believe that that child

1 on the bus was mine, and that the child that you have is not
2 mine. And that would be pretty much all she would say about
3 that incident.

4 Q Throughout her time at Lakes Crossing and CCDC, has
5 she sent you any letters?

6 A Yes.

7 Q Okay. And in those letters, did she ever ask
8 anything about her child, about Junior?

9 A Yes.

10 Q Okay. Can you explain to the Court what the letters
11 were?

12 A Well, of course, she would always ask how he was
13 doing; and she would ask me to please make sure to check up on
14 him; that she was concerned about whether he was eating
15 enough, drinking enough milk; that he had shoes on his feet
16 that fit appropriately; if pictures of her and the father were
17 hanging in his room because she didn't believe that they were.

18 Q Did any of those letters cause you to have any
19 concerns?

20 A Ye -- ye -- yes. I -- I'm not sure if it was a
21 letter or e-mail; but there -- there were times when she had
22 written me; and she would discuss Junior going into foster
23 mom's liquor cabinet, filling his belly with alcohol; having
24 black eyes; that she was concerned that his eyes were the size

1 of golf balls; and that his mouth was blistered. She was very
2 concerned, wanted me to check his mouth and make sure that it
3 wasn't blistered, that she believed it was blistered from
4 orally performing sexual acts on the --

5 MR. PEREZ: Your Honor --

6 THE WITNESS: -- foster mother.

7 MR. PEREZ: -- at this point, I would object. I -- I
8 don't see anything in my discovery with those letters. The
9 letters would be best evidence of the information that's being
10 testified to this morning.

11 THE COURT: Did you have any of the letters or --

12 MS. RICHTER: We do. I believe she forgot the letters
13 today. I don't know if they've been -- that they've been
14 previously --

15 MR. PEREZ: They have not been --

16 MS. RICHTER: -- provided by Ms. (indiscernible).

17 MR. PEREZ: -- previously provided.

18 MS. RICHTER: Okay. (Indiscernible) did not provide
19 them, I'll move on.

20 THE COURT: Okay. Let's move on (indiscernible).

21 Q BY MS. RICHTER: I just want to talk briefly about
22 Mistie's case plan.

23 A Okay.

24 Q Okay?

1 A Uh-huh.

2 Q Which is already in evidence. So her first
3 objective on her case plan was mental health.

4 A Yeah.

5 Q As part of that, she was supposed to receive some
6 sort of treatment. To your knowledge, what has Mistie done to
7 receive treatment on her mental health?

8 A When I first received the case, Mistie was
9 participating in mental health services. She was seeing a
10 psychiatrist. She was getting medication. She was also
11 receiving individual therapy and BST and PSR services. Her
12 mental health services were through Southern Nevada
13 Developmental Health.

14 So for those first, I'd say, two months, from
15 November to January, she was medicated. She was taking them
16 as prescribed. After that, she had stopped taking her
17 medication because her conversations and her behavior started
18 to become more erratic and more bizarre in nature.

19 Q And was ca -- Mistie's case plan amended to include
20 substance abuse at a certain point?

21 A Yes.

22 Q To your knowledge, why was it amended?

23 A I believe that Mistie had admitted to using crack
24 cocaine, marijuana. And she was drug tested, and I believe

1 she'd came up positive. She actually at one point even asked
2 for -- while I had the case anyway, asked for help, wanting to
3 go to WestCare to, you know, get -- pay -- treatment.

4 Q To your knowledge, what has she accomplished
5 regarding substance abuse treatment?

6 A I know that she had begun substance abuse treatment.
7 Again, when I had taken the case over from November 2013 to
8 January 2014, she was involved in substance abuse counseling
9 and being drug tested regularly. But after that, she had
10 stopped.

11 Q Now at any point, did you give her any drug tests?

12 A Yes, from in November when I first received the
13 case, I gave her a drug test; and then again in December, I
14 gave her a drug test.

15 Q And did she take the test?

16 A No.

17 Q Now the -- another objective on her case plan was to
18 resolve her legal issues.

19 A Yes.

20 Q And with regards to Mistie, has she revol -- solved
21 the eagle -- her legal issues?

22 A At that time? Is that -- I'm sorry. I -- I -- I
23 would -- I want to say I believe she -- she was -- she was in
24 compliant. She was compliant at that time. I don't know if

1 she actually resolved them, but I know she was working towards
2 doing so.

3 Q Okay.

4 A I'm -- I'm -- I'm sorry. I don't (indiscernible).

5 Q So aside from the more recent charges, there's no
6 legal issues outstanding for her?

7 A Not that I'm aware of, no.

8 Q Okay. The third objective was domestic violence and
9 completing a domestic violence assessment. To your knowledge
10 has she accomplished anything towards that?

11 A I believe she did complete the domestic violence
12 assessment.

13 Q Did she ever follow through with any of the
14 recommended treatment?

15 A I believe she started the treatment, but she never
16 completed it.

17 Q In the work objective or on her (indiscernible) case
18 plan was parenting. To your knowledge, has she completed any
19 parenting class or any parenting component for her case plan?

20 A I believe that Mistie did in fact complete parenting
21 classes.

22 Q And to your knowledge, what type of parenting class?
23 Was it one-week class? Was it a multi-week class?

24 A I -- they're usually a six-week course; and they're

1 -- they're age -- they go through -- you know, they're age-
2 appropriate classes. So for babies, they go from zero to six
3 months and then, you know, six months to two years and so on
4 and so on. So she took classes. Before I got this case, when
5 Junior first came into care, she had completed it for the zero
6 to six month old.

7 Q Now with regards to the final objection was --
8 objective was to cooperate and stay in contact with the
9 Department of Family Services? Has Mistie done that?

10 A Again, you know, back in when I first got the case,
11 she was in regular contact with me for those -- from November
12 2013 to January 2014. And then she would call me sporadically
13 because shortly after that, she was arrested. And she'd write
14 letters and call me while she was -- when she was first at
15 Lakes Crossing. But I haven't heard from her -- I stopped
16 hearing from her when she returned to CCDC, which I believe
17 was -- I want to say September or October of 2014. I -- I
18 didn't hear anything from Mistie after that.

19 Q Okay. And then you went and visited her in May?

20 A I did.

21 Q Okay. If -- as the caseworker and being familiar
22 with this case, do you have any concerns about being -- about
23 Junior being returned to the care of his mother?

24 A Yes.

1 Q What are those?

2 A The biggest concern I have is Mistie's mental

3 health. She -- I don't believe that -- and I'm not a -- a

4 psychiatrist of any means; but this is just my personal

5 opinion that even with medication, Mistie is unable to even

6 care for herself. She tends to have a lot of bizarre thoughts

7 and ideas that are concerning and are one of the reasons why

8 Junior came into care as well, so.

9 Q So I want to talk about where Junior's been.

10 A Uh-huh.

11 Q You said you go and visit the placement.

12 A Yeah.

13 Q Where is Junior placed?

14 A He's in an adoptive foster home.

15 Q Okay. How long has he been in that foster home?

16 A Since he was three months old.

17 Q So approximately two years?

18 A Almost --

19 Q Two --

20 A -- three.

21 Q -- (indiscernible)?

22 A He'll be three in November.

23 Q He'll be three in November.

24 A Uh-huh.

1 Q When you go out and visit the foster home, how does
2 it appear Junior's doing in the home?

3 A Junior's actually doing very well. He's a typical
4 toddler. He's really smart. He knows his colors, his ABCs.
5 He talks a lot. He loves to dance. He loves cartoons. I --
6 I believe he's thriving in his current placement.

7 Q When he wants -- when you're there and he wants to
8 be comforted, who does he go to?

9 A Foster mom.

10 Q And when you're around, what does he call foster
11 mom?

12 A Mom.

13 Q Mom.

14 A Mom.

15 Q And Junior's only ever had the one placement?

16 A Just the one placement.

17 MS. RICHTER: I have no additional questions.

18 THE COURT: So it's Mr. Perez.

19 MR. PEREZ: Thank you, Judge. Just a few questions.

20 **CROSS-EXAMINATION**

21 **BY MR. PEREZ:**

22 Q Ms. Gray, when you -- when you were seeing Ms.
23 Peterson, were you checking to make sure she was on her
24 medication?

1 A Well, it was a little difficult because I never had
2 a valid residence for Ms. Peterson. The only actual address I
3 had that was an actual address was the Yale. I think it was
4 1204 Yale Street. And I had been there, I'd say at least five
5 times before I was able to get someone at that door. So I did
6 call Southern Nevada Developmental Health and did verify that
7 from November of 2013 to at least end of December of that
8 year, she was compliant. She was taking her medication.

9 Q So did you ever count her pills?

10 A No, because I -- I -- when I did see Mistie, it was
11 generally at the visits; and she wouldn't have her medication
12 with her there. I -- I never really actually was able to see
13 her at a -- at her residence to be able to do that.

14 Q And you agree that when she's on her medication, she
15 does very well. Is that correct?

16 A For a time, yes, she does --

17 Q Okay.

18 A -- for a time.

19 Q Now you said that -- that she has displayed concern
20 for her child. Is that correct?

21 A Yes, she does.

22 Q And when she does contact you, she asks about her --
23 the feeding and the -- the clothing and if he's medically
24 well. Isn't that correct?

1 A Yes.

2 Q And wouldn't you agree that those are all the types
3 of concerns that a -- a normal parent would have for their
4 child. Is that correct?

5 A Yes.

6 Q Okay. And one last thing. You -- you mentioned
7 that Mistie kept calling the hotline.

8 A Yes.

9 Q My understanding is the hotline is anonymous. So
10 how would you know that that was Mistie?

11 A Because she would say who was calling. And I -- I'm
12 the one at -- told her to call because the times she did call
13 me, the -- the -- the accusations she was making was very
14 serious. And I told her that those were the kinds of things
15 you need to call the hotline about. And because I'm the
16 worker, whenever an incident report comes in about a case that
17 you have, we are in -- we are told about it.

18 Q But you would -- but the hotline would then tell you
19 who made the call?

20 A Well, if they want to remain anonymous, then you
21 won't know who made the call. But if, you know, they -- they
22 -- they state who they are and they don't -- you know, they
23 don't mind, it -- you will say -- the report will generally
24 say, natural mother called reporting this, this and that, so.

1 Q But you don't know that it was actually --

2 A But we don't give that information to anybody. It's
3 just for within the department.

4 Q It's used within the department?

5 A Yes.

6 Q So sometimes it's anonymous. Sometimes it's not
7 anonymous.

8 A Right, yes. Sometimes we don't know who it is, and
9 sometimes we do.

10 MR. PEREZ: I have nothing further.

11 THE COURT: Mr. Toti, any questions?

12 MR. TOTI: No, Judge.

13 THE COURT: Mr. Vitale.

14 MR. VITALE: Just a couple of questions.

15 **CROSS-EXAMINATION**

16 **BY MR. VITALE:**

17 Q You mentioned that there was an original case plan
18 and then a -- an amended case plan.

19 A Yes.

20 Q And the original case plan did not have a substance
21 abuse element?

22 A As far as I know. I -- I wasn't the worker at the
23 time, so. But I don't think there was a substance abuse
24 component at the beginning.

1 Q Now that new case plan, when was that approved by
2 the court?

3 A Again, I -- I -- I don't know because I wasn't the
4 caseworker at the time. It was before I came on the case. So
5 it would definitely would have been before November 2013.

6 MR. VITALE: And, Your Honor, I think you can take
7 judicial notice, on Odyssey, it's showing only one case plan
8 had ever been filed; and that was filed on March 19th, 2013.
9 So I would submit that if there's no substance abuse
10 requirement on that case plan, that the court never approved a
11 substance abuse requirement.

12 THE COURT: Okay. We'll check to see if there is a --
13 now the exhibit we had, Exhibit 3, was that -- is that the --

14 THE CLERK: That's the J file (indiscernible).

15 THE COURT: Why don't we check it to see right now.
16 Counsel indicates that the only case plan he saw on file was
17 March 19th, 2013. So therefore --

18 MR. VITALE: And admittedly, it's an itty-bitty version.
19 So I might be missing something.

20 THE COURT: I'll --

21 MR. VITALE: But that's all I see.

22 THE COURT: -- I'll double-check with the J file to see
23 if it isn't -- to see if -- what was ever approved by the
24 court or filed with the court in the amended case plan

1 thereafter.

2 MR. VITALE: And that's all I have, Your Honor.

3 THE COURT: Any redirect, counsel?

4 MS. RICHTER: No, thank you.

5 THE COURT: Thank you, Ms. Gray. You can go.

6 MS. GRAY: Thank you.

7 THE COURT: Any other witnesses?

8 MS. RICHTER: No. At this point, all we have left is we
9 would move to admit proposed Exhibit 1. It is a copy of Ms.
10 Peterson's medical records from Lakes Crossing along with the
11 declaration of custodian of record, as well as proposed
12 Exhibit 2, which is a certified copy of the order of
13 commitment for Ms. Peterson.

14 THE COURT: Everybody have a chance to review those or --

15 MR. PEREZ: I have reviewed the -- the medical records,
16 Judge, that -- you know, I guess I have no objection.

17 THE COURT: I will do a -- I will keep those in
18 confidential so that in case of any higher court reviews on
19 that, they would have access to it. But I'll make sure it's
20 not publicly in the file and that we'll keep it in the
21 confidential side of the file, whatever we need to do to keep
22 that confidential due to the nature. We'll admit them because
23 I think it's germane. The real issue is her mental health.
24 So since she's unable to be here, I think the documents are --

1 MR. PEREZ: I --

2 THE COURT: -- necessary for the court to review to see

3 if (indiscernible).

4 MR. PEREZ: -- just for the record, I -- I do have an

5 objection as to the -- the exhi -- the second exhibit, I

6 believe, which is the order --

7 THE COURT: Which was the --

8 THE CLERK: Order of commitment.

9 MR. PEREZ: I -- I don't see that we have an affidavit

10 attached. I don't have an -- an exception in -- in that

11 there, Judge. So I don't know that it's a certified copy of a

12 record. I don't have an affidavit of -- of custodial --

13 MS. RICHTER: It's got the raised seal on it, Your Honor.

14 THE CLERK: It's certified.

15 THE COURT: Does it -- does it say it's certified with a

16 raised seal on it? Yeah, there's a raised seal in blue. So

17 it would be certified.

18 MR. PEREZ: Yeah, I -- like I said, I have an e-mail copy

19 of something, Judge.

20 THE COURT: Okay. Do you want to look at 'em and --

21 MR. PEREZ: I -- I'm -- yeah, let me look at it.

22 THE COURT: Better take a look at this and make sure

23 you're comfortable with that.

24 Any objections to the proposed exhibits?

1 MR. VITALE: I don't have any, no.

2 THE COURT: Come up and get a chance to look at those and
3 see if you're comfortable with (indiscernible) items.

4 MR. PEREZ: This is what I was comparing.

5 THE COURT: They'll be admitted as State's Exhibits --

6 THE CLERK: 1 and 2.

7 THE COURT: -- 1 and 2.

8 Did you want a -- your objection on those or --

9 MR. PEREZ: No, Judge.

10 THE COURT: -- no, okay.

11 They'll be admitted, State's 1 and 2, without
12 objection.

13 (Whereupon State's Exhibit 1 and
14 State's Exhibit 2 were admitted.)

15 THE COURT: You got all those things?

16 THE CLERK: Uh-huh.

17 THE COURT: Closing -- or did you have any -- do you have
18 any witnesses you want to call? I know mom's not here. And I
19 do understand, in fairness to counsel on that, the fact that
20 mom's in Lakes Crossing (indiscernible) really puts you --
21 limits what you can do. So I do appreciate you remaining in
22 the case. But do you have any witnesses that you wanted to
23 call or --

24 MR. PEREZ: Judge, we -- we have no witnesses, just to

1 again, ask to continue this part of the case until my client
2 can be here to testify or provide counsel with a defense.

3 THE COURT: Due to how long this case has been pending
4 and the numerous continuances and the fact that the mother was
5 just placed -- sent back to Lakes Crossing in the last week,
6 I'm going to deny the request to continue.

7 Of course, if she is released or deemed competent in
8 the very near future, again, I would always take that into
9 consideration in fairness to her and set aside any prior
10 decision, of course, made, in fairness to her. I just need to
11 get it resolved one way or the other for the child's best
12 interest. I will note the request and will deny the request
13 for continuance at this time.

14 Do you want to do closing?

15 MS. RICHTER: Yes, thank you.

16 **CLOSING ARGUMENT**

17 MS. RICHTER: As this Court is aware for a termination of
18 parental rights, you have to have both, parental fault and
19 best interest. With regards to parental fault, the
20 presumptions do apply. Myreon's been in care since January of
21 2013. So he's been in care for more than 14 of any 20 months.
22 Therefore there is the presumption of failure of parental
23 adjustment, as well as best interest.

24 I would note that specifically relating to the

1 issues of parental fault, the State would note that there is
2 some neglect and unfitness. Under NRS 128.106, the -- in
3 determining neglect or unfitness, the court has to consider
4 whether mental illness will render the parent consistently
5 unable to care for the immediate and continuing psychological
6 needs of the child for an extended period of time.

7 Ms. Peterson hasn't been able to care for her child
8 for approximately two-and-a-half years at this point. There's
9 no anticipation that she'll be able to care for the child in
10 the near future. We could not today return the child home.
11 Lakes Crossing is admittedly not an appropriate place for a
12 child.

13 There's no indication that Ms. Peterson, based on
14 this history it came for, her mental health issues, her mental
15 health issues have been exhibited throughout this case, both
16 prior to her being incarcerated and since she's been
17 incarcerated. And there's no indication at this point that
18 she's capable in the future of managing her -- these mental
19 health issues to maintain and care for herself, let alone her
20 son, who admittedly through the testimony you've heard, she at
21 various points does not even acknowledge as her child and
22 contends that her child has either been replaced by another
23 child or has been killed in a car crash, various -- various
24 things.

1 And with regards to Ms. Peterson's mental health, as
2 part of the J file, you do have the Nevada Behavioral Health
3 assessment. It does indicate that Ms. Peterson is diagnosed
4 with schizoaffective disorder, depressed subtype, that she
5 does have auditory and visu -- visual hallucinations. You
6 also have her Lakes Crossing records, which indicate the same
7 thing.

8 And the Lakes Crossing records admittedly indicate,
9 most importantly, that even on her medication, she still
10 continues to have those issues of hallucinations of believing
11 that her child is speaking to her when he's not; of seeing
12 things that are not there. So at this point, she -- we would
13 contend that there is both the issue of neglect and unfitness
14 for Ms. Peterson.

15 In addition, should she be returned to Junior -- or
16 Junior be returned to her, she would be a risk to this child.
17 In addition to the risk, based on her mental health and based
18 on the criminal incident that occurred where she thought
19 another child was her own, there is also the risk that
20 Junior's been in the placement for two years. The statute was
21 amended in July. This court does have to consider the time
22 that the child's been out of care, if he's been out of care
23 for more than a year and the effect that it would have on the
24 child, including his bonding in the placement, his bonding

1 with the parents.

2 At this point, Junior's been in the same placement
3 for two years, or two-and-a-half years. He's almost three.
4 He's been there since three months. There's been no issues
5 with the placement. Placement does desire to adopt him.

6 He's bonded to that placement. Ripping him out of
7 that placement and giving him back to a parent he does not
8 know, could cause substantial harm to Junior, both physically,
9 based on Ms. Peterson's actions and both psychologically. He
10 -- he would not be prepared at three years old to live with a
11 parent he does not recognize as his parent. He admittedly
12 recognizes the foster parent as his mom. So it -- there would
13 be a risk to -- to Junior, both physical and emotional if he
14 were to be -- be returned to his parents.

15 In addition, I think we do have the issue of token
16 efforts in that Ms. Peterson had a case plan for -- from
17 January of 2013 until May of 2014 when she could work her case
18 plan when she was out of custody. And we know that her case
19 plan included the mental health, which was never fully
20 addressed; that she would go get treatment; and then she'd
21 stop taking her medication. And so that issue was never fully
22 addressed.

23 Substance abuse was added to her case plan. It was
24 attached to a court report on -- on the June 27th court report.

1 She never fully completed her substance abuse. She never
2 addressed the -- the domestic violence. And in the meantime,
3 she's ad -- she addressed the criminal issues that were
4 outstanding, but she now has these new criminal issues for
5 what she's committed at Lakes Crossing.

6 Admittedly, the main issue in this case is the
7 mental health. And as this court knows, it may not be her
8 fault, necessarily for the mental health, but it is something
9 that this court can terminate for under the case law in
10 Nevada.

11 And at this point, there is no reason to believe
12 that in the near future Ms. Peterson is going to be able to
13 provide care for her child. And at this point, she's only
14 shown that she's not capable of providing care for an extended
15 period of time.

16 We have no reason based on the commitment order and
17 her determination of competency going back and forth
18 throughout this case, as this court is aware, based on the
19 many continuations, that there's any reason to think that she
20 could become competent and able to care for Junior for more
21 than a few months at a time, for Myreon, for more than a few
22 months at a time. So at this point, the State would believe
23 that we do have parental fault.

24 As to best interest, Myreon's been in the same

1 placement for three -- almost three years. He's bonded to the
2 placement. He identifies it at his home. The placement
3 wishes to adopt him. And it would not be in this best
4 interest to pull him from the place that he identifies as home
5 and mo -- and move him back to his mother or return him to his
6 mother.

7 So the State believes it has met both parental
8 interest -- or both parental fault and best interest in this
9 case. And we'd ask that you terminate Ms. Peterson's parental
10 rights.

11 THE COURT: Thank you, counsel.

12 Mr. Perez.

13 **CLOSING ARGUMENT**

14 MR. PEREZ: Your Honor, I -- I hate to beat a dead horse
15 here; but the mere fact that we're going forward with a trial
16 today without my client present is a violation of due process.
17 And I understand that the State's position is that -- that we
18 don't have to have a client present in order to proceed. But
19 we're not talking about physical presence here. We're talking
20 about she's not able to assist.

21 And -- and by State's own admission in their Exhibit
22 2, the commitment order, another court of competent
23 jurisdiction has determined that she is not competent to help
24 counsel in that case. And she has not been competent to

1 assist me in this case here today. And therefore, we should
2 not even be going forward.

3 However, since this court has decided to go forward,
4 I will present to you that not only do we have here a case of
5 -- of mental incompetence - and -- and I certainly understand
6 the D.A.'s position - but there has been no evidence presented
7 here today that she's not competent to parent.

8 There's a difference between being competent to
9 stand trial and assist with counsel and being competent to
10 parent this -- this -- this child. There's been no doctor
11 who's -- who's presented testimony to say that -- that she is
12 not able to -- to parent this child. There is no evidence in
13 the J file or in her medical file. All of those -- all of the
14 information there concerns competence for trial and assistance
15 of counsel. It has nothing to do with her ability to parent
16 this child or inability.

17 And as a matter of fact, the -- the caseworker
18 testified that when she's on her medication, she acts as an
19 appropriate parent. She's concerned for her child. She asks
20 about her child. She visited well with her child. So she --
21 this is a mom who can parent this child when she's on proper
22 medication.

23 Now, she's been in custody for -- for a part of this
24 case that has nothing to do with the abuse and neglect of this

1 child. So this -- and -- and the fact that she's at Lakes
2 Crossing today, has nothing to do with what's happened here
3 today, Judge. The fact is, she could not even be transferred
4 if we wanted her to be transferred here today.

5 So I think that -- that the court mu -- needs to
6 consider here, A, the violation of due process and, B, there
7 has been no evidence that she could not parent this child.
8 You must find clear -- clear and convincing evidence of her
9 mental incapacity to parent this child, which there has been
10 no evidence of that offered today.

11 Judge, they're -- the -- the State is trying to
12 provide a -- a case plan that was amended and attached to a
13 report some time during the -- during -- during the case.
14 But, Your Honor, that's not proper procedure. We don't even
15 know that Mistie knew about that case plan. We also don't
16 know that the court ever ordered that that be the amended case
17 plan. You can't just add things to case plans without further
18 court order. That's why we have a case plan that's approved
19 by the court in the first place. If in fact there is only
20 one, and we suggest that there are -- there is only one,
21 that's the only one that the court has ordered. And that's
22 the only one that the court can hold her to.

23 Your Honor, Judge, I would just ask that you deny
24 the -- the -- the -- the TPR today based on -- on my client's

1 inability to assist today and the fact that there's been no
2 proof that she could not be a good parent to this child had
3 she been given the opportunity; and if we allow her, to give
4 her the opportunity in the future.

5 THE COURT: Thank you, counsel.

6 Mr. Vitale, do you have anything you want to add?

7 MR. VITALE: No, I'll just join Mr. Perez.

8 MR. TOTI: As well, Judge.

9 THE COURT: Any rebuttal?

10 MS. RICHTER: Just briefly.

11 REBUTTAL

12 MS. RICHTER: I think the court's heard ample evidence of
13 the inability of Ms. Peterson to parent beginning simply with
14 the fact that in the hospital she was placed on a Legal 2000
15 and did not even recognize her own child and attempted to take
16 another child from the NICU.

17 From that point forward, her child's been in care
18 and been unable to be returned to her. She's expressed
19 concerns that her child is speaking to her, even when he is
20 nonverbal at his -- at a young age; that her child's drinking
21 alcohol when he's ten month's old under the care of the foster
22 parent; that he's telling her these things.

23 She's expressing things that raise concern for her
24 ability to be a parent, in that she's unable to recognize her

1 child's abilities and limitations and to provide proper care
2 for him based on that. She's hearing and imagining things
3 that could not happen with her child at his age.

4 And admittedly at this point, she's uncertain and
5 has expressed uncertainty to the department repeatedly that
6 the child in their care isn't even her child. So the State is
7 uncertain how she can parent at this point if she's unable to
8 even maintain a lucid conversation concerning the needs of her
9 child, yet she inquires about her child and expresses concern
10 about her child. But those concerns are not grounded in
11 reality at this point. They're grounded in what she believes
12 or what she is hearing, her hallucinations.

13 So at this point, we don't believe that she could
14 appropriately parent a child. In addition, the State would
15 just reiterate it's arguments from earlier that there is not a
16 violation of due process. This is not a criminal case. She
17 is not -- therefore, it is not a violation of due process to
18 proceed.

19 Nevada Supreme Court said -- has said repeatedly
20 this is a criminal case. To give the court an example, if
21 this was a divorce case and she was incompetent, we'd proceed
22 with a guardian ad litem, protecting her because it's a civil
23 case. The only difference is that it's a termination of
24 parental rights case. And while it is the civil death

1 penalty, it's also not a reason to not go forward and provide
2 this child with some permanency.

3 In addition, Nevada Rules of Civil Procedure 17
4 explicitly provides that if somebody's incompetent in a civil
5 case, you appoint them a guardian, a fiduciary, a conservator,
6 or whatever, and that person basically stands in and
7 represents them in the action in place of the incompetent
8 person. That person can sue or defend the case on their
9 behalf.

10 She has a guardian ad litem, who could have spoken
11 with her, who can assist Mr. Perez throughout this case, is
12 familiar with the case and is here to protect the mother's
13 rights. She has counsel at this point. It's protecting her
14 interests at this point.

15 To require that a parent's competent, puts the court
16 in a position of deny -- of ignoring the rights of this child
17 to permanency. And the Nevada Supreme Court has said
18 repeatedly that overarching concern in a TPR is the best
19 interest of the child. And as part of the best interest of
20 the child is to determine what the permanency is for the
21 child. Whether it's to go home to the parent or whether it is
22 to be adopted by a foster parent or a relative. And if we
23 don't go forward at a certain point, we end up in a situation
24 where this child has no permanency and we are placing this

1 parent above the child.

2 And the State does not believe that there is a
3 violation of the due process rights.

4 THE COURT: Thank you, counsel.

5 The court's gonna take this matter under advisement
6 so I can go through our exhibits. I'm thinkin' next week's
7 not good 'cause I got a all week trial, and I think I'm giving
8 a decision on --

9 Monday, on that other case --

10 THE CLERK: Monday afternoon.

11 THE COURT: -- right?

12 -- Monday afternoon, so next week's probably not
13 good for a decision on that 'cause I got that all week trial.
14 So I don't want to take up anymore time of that trial.

15 How about the week there after? How are we looking?

16 THE CLERK: You can do Monday the 21st at 9:00 --

17 THE COURT: Does that --

18 THE CLERK: -- or Wednesday the 23rd at 9:00.

19 THE COURT: Let's see what works best for counsel.

20 MR. TOTI: (Indiscernible), Judge, I have a deposition on
21 the 23rd at 9:00. So the 21st at 9:00 would be better for me.
22 But I'll defer.

23 THE COURT: Does that work for --

24 MS. RICHTER: That's fine.

1 MR. PEREZ: The 21st works for me.

2 THE COURT: So it will be Monday, September 21st at 9:00
3 for decision.

4 MR. PEREZ: Thank you, Your Honor.

5 MR. TOTI: Thank you, Judge.

6 THE COURT: I also want to thank Mr. Toti for being the
7 guardian ad litem.

8 MR. TOTI: Of course, Judge.

9 THE COURT: I appreciate that.

10 MR. PEREZ: And, Your Hon --

11 (THE PROCEEDING ENDED AT 15:56:16.)

12

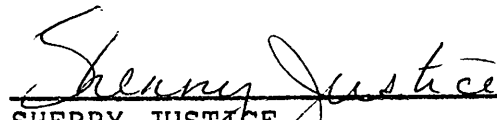
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* * * * *

14 ATTEST: I do hereby certify that I have truly and
15 correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

16

17


SHERRY JUSTICE,
Transcriber II

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SEALED

CASE

FILED

JAN 19 2016

Alfred J. Sullivan
CLERK OF COURT

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4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8 In the Matter of) CASE NO. D-14-497399-R
9 the Parental Rights of:) DEPT. O
10 MYREON LATTIMORE,) APPEAL NO. 69210
11 A Minor.) SEALED
12 _____)

13 BEFORE THE HONORABLE FRANK P. SULLIVAN,
14 DISTRICT COURT JUDGE
15 TRANSCRIPT RE: DECISION
16 MONDAY, SEPTEMBER 21, 2015
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1 APPEARANCES:

2 For the State of Nevada: GWYNNETH SMITH, ESQ.
3 Deputy District Attorney
4 601 North Pecos Road
Las Vegas, Nevada 89101
(702) 455-5320

5 The Mother: MISTIE PETERSON (Not present)
6 For the Mother: ROMEO R. PEREZ, ESQ.
Abrams Law Firm
7 1621 E. Flamingo Rd., #15A
Las Vegas, Nevada 89119
8 (702) 214-7244

9 The Father: MYREON LATTIMORE (Not present)
10 For the Father:

11 Also present:

12 FRANK TOTI, ESQ.
Guardian Ad Litem

13 ANGELIQUE GRAY,
14 Department of Family Services

1 LAS VEGAS, NEVADA

MONDAY, SEPTEMBER 21, 2015

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 09:14:37.)

4 THE COURT: This is the time set In the Matter of
5 Parental Rights as to Myreon Lattimore, Junior, Case Number
6 D497399.

7 Can we get everyone's appearance for the record.

8 We'll start with our district attorney.

9 MS. SMITH: Good morning, Your Honor. Gwynneth Smith,
10 District Attorney, on behalf of the Department this morning.
11 I'm appearing on behalf of District Attorney Stephanie
12 Richter, who's out of the jurisdiction.

13 THE COURT: Thanks (indiscernible).

14 MS. GRAY: Angelique Gray, Department of Family Services.

15 THE COURT: Counsel, are you on this one or no?

16 MR. TOTI: Your Honor, Frank Toti, Bar Number 5804. I'm
17 the guardian ad litem for mother.

18 MR. PEREZ: Good morning, Your Honor, Romeo Perez, Bar
19 Number 8223, on behalf of the mother, Mistie Peterson. She is
20 not present.

21 THE COURT: Everybody can sit down and get comfortable.

22 This court had taken this matter under advisement
23 after hearing the testimony of P.J. Moore the CPS investigator
24 and Ms. Gray the case manager. I wanted to review all of the

1 exhibits, specifically Exhibit Number 1, which is the mental
2 health records provided by custodian of records at Lake
3 Crossing. I also reviewed Exhibit Number 2, the J -- which
4 was a commitment, the order of commitment from Lakes Crossing
5 from the court back on May 18th, 2015; and Exhibit Number 3,
6 which was a certified J file.

7 This court -- there were some concerns to the fact
8 that the mother was not able to participate in these
9 proceedings as she is re-committed to Lakes Crossing due to
10 being deemed incompetent. And this court does note the fact
11 that the mother was unable to be here today and unable to
12 assist counsel throughout these proceedings.

13 This court is going to go through the history of
14 this case, so there is a clear record.

15 This child was removed back on January 25th, 2013.
16 The State first got involved in this case -- the child was
17 born on November 12th, 2012. The mother indicated at the
18 hospital that this was not her child, that she did not give
19 birth, that this child did not look like her or the father.
20 She did try to take another child from the NICU unit at that
21 time. And the mother was admitted on a Legal 2000 being
22 delusional and subsequently diagnosed with PTSD.

23 The department placed the child with the father and
24 had a safety plan with Boys Town helping out the father. As

1 soon as Boys Town got out, the father gave the child -- at
2 least left him the mother.

3 On about January 24th, 2013, the mother took the
4 child to the hospital, UMC, indicating the child was telling
5 her that his ear was hurting. This child was two months of
6 age at that time. So obviously this child was not telling
7 her. She was obviously delusional. Again, there was another
8 Legal 2000 for the mother.

9 And the State brought the child into -- removed him
10 from the father for failure to protect and the mother due to
11 mental health issues. A petition was filed essentially
12 alleging the mental health of the mother rendered her unable
13 to provide for the child and the father failed to protect,
14 plus the father as a perpetrator of domestic violence.

15 This court will note that the father's in prison for
16 his beating of the mother. This court heard testimony on that
17 when I terminated father's rights on that, that the beating
18 was so severe that he actually pulled hair out of her head and
19 also severed -- almost severed her thumb off completely and
20 was arrested and subs -- subsequently placed in Nevada State
21 Prison due to the vicious substantial bodily harm towards the
22 mother.

23 This court notes throughout these proceedings from
24 when the birth of this child was, with the mother indicating

1 it was not her child, that she did not give birth, that it did
2 not look like anyone, throughout while the child was placed at
3 Child Haven, she was making all types of allegations that the
4 child was being sexually abused or being beaten by the foster
5 parents and being sexually abused when the child was about ten
6 months old, which would have been about September or so, 2013.

7 The mother indicated to the department that the
8 child was tel -- telepathically communicating with the mother,
9 telling her he was hungry and that he had been drinking a lot
10 of liquor. Again, the child would have been 10 months of age
11 at that time.

12 The mother -- behavior continued throughout, these
13 erratic behaviors, essentially indicating that the child was
14 not hers, that the department had switched out the child, that
15 the child had been adopted, the other child had died in an
16 accident, that went on throughout 2014.

17 The mother in -- recently as May 2015 again
18 indicated this was not her child and that there were people
19 watching her and that she was on the cover of People magazine
20 and again re -- restating to the State that this was not her
21 child, that the State had switched children on her and she did
22 not have a child.

23 So from when we got involved in this case, back
24 initially on November 2012 after the bab -- the birth of this

1 child, all the way through as recently as May 2015, the last
2 meaningful contact the department had with the mother, she was
3 indicating this was not her child and that the State had
4 switched out the child and that her child had died or been
5 adopted, clearly mental health issues as to the mother.

6 The court noticed that the mother is currently
7 facing criminal charges. The issue about her competency.
8 She's been arrested for first-degree kidnapping. Apparently a
9 child allegedly waived at her on the bus. She followed that
10 child and mother off the bus, grabbed the child from that
11 mother's arms, saying it was her baby. Another bystander had
12 to come in and grab the child from the mother's arms and
13 subsequently the mother was arrested. The issue came up to
14 her competency.

15 The court does note with the mental health, so I get
16 into a little bit more detail, that the mother's currently at
17 Lakes Crossing. The mother initially was at Lakes Crossing
18 from July 17th, 2014. And based on the order from the criminal
19 court about her competency to stand trial, she was discharged
20 on November 6, 2014. She was found competent subsequent to
21 her discharge on November 14th, 2014.

22 As the case went on, again, she was found to be
23 incompetent. An order of commitment was issued by the
24 criminal court on May 15th, 2015, based upon the evaluations of

1 Dr. Louis Mortillaro and Dr. Charles Colosimo indicating she
2 was incompetent and dangerous to herself and others. Fully
3 the mother suffers from significant mental health problems,
4 which is what this case was about.

5 This court will note that the termination of
6 parental rights was filed on May 22nd, 2014, over a year and
7 two months ago. This court had numerous continuances, I think
8 last count six or seven, in order to determine, give the
9 mother a chance to see if she would become competent so that
10 she would be able to assist counsel in this matter of
11 termination of parental rights. Unfortunately, we're no
12 closer today than we were back when we got involved in this
13 case back in November 13th, 2012.

14 This court notes that the mother did get a case plan
15 and that a case plan was submitted and approved by the court
16 on March 7th, 2013. Of course the key component of the case
17 plan was mental health, to get evaluations, follow up with her
18 treatment, do her medication, therapy.

19 In fairness to the mother, the mother did have some
20 periods where she'd be on her medication and be doing okay,
21 being lucid; however, she would get off her medication and
22 would have another mental health episode.

23 Drug treatment was added to the case plan - it does
24 not look like it was approved by the court - which was due to

1 the mother testing positive for cocaine and marijuana and
2 alcohol. The mother did get engaged for a short period of
3 time with drug treatment, but then disappeared again. So it
4 never followed up through the drug treatment or the mental
5 health.

6 She was a survivor of domestic violence, severe
7 violence, at the hands of Mr. Lattimore, Senior. The mother
8 did, in fairness to her, get the assessment for domestic
9 violence but was unable to follow through and complete
10 treatment. She did complete parenting, completed those six
11 classes.

12 The mother failed to maintain -- the last element
13 was maintain contact with the Department of Family Services.
14 Her last contact with the department prior to May 2015 while
15 she was at CCDC was in September or October 2014 when she was
16 in CCDC.

17 I did review her mental health records, which was
18 about two inches deep. The mental health records indicated
19 that the mother has been in an inpatient at least six times in
20 adult mental health courts due to her mental health since
21 2009, with last inpatient (indiscernible) April 2014.

22 The medical records also reflect that she's had over
23 72 admissions to the mental health hospital since age 13,
24 including multiple mental health hospitalizations in Illinois

1 and Nevada. The most recent declaration of incompetency
2 indicates she has a schizoaffective disorder and cocaine
3 abuse.

4 The most recent order of commitment dated May 15th,
5 2015, indicated mother was aggressive and unpredictable
6 behavior; however, I did note that while on treatment and
7 medications, she was able to modulate her behavior; however,
8 she suffers repeatedly from auditory hallucinations, bizarre
9 and paranoid delusions. And that was based on the most recent
10 psychological evaluations by -- throughout the report by Dr.
11 Bradley, Dr. Vife (ph).

12 So she's been assessed by Dr. Bradley, Dr. Vife, Dr.
13 Mortillaro, Dr. Colosimo and declared at this time to still be
14 incompetent to assist counsel in her ability to help in the
15 criminal case. We note this is a civil case, not a criminal
16 case; but obviously, the mother's unable to assist counsel due
17 to the fact that she's at Lakes Crossing pursuant to a
18 commitment order.

19 This court notes that this child has been in the
20 system since January 25th, 2013. And the court can no longer
21 delay, although the court does have sympathy towards the
22 mother because she's se -- severely -- has severe mental
23 health issues and the court does not like to terminate on
24 mental health issues because it's not her fault, it's the

1 mental health, but the same token, the child's entitled to
2 permanency.

3 In reviewing the mental health record and the
4 information provided during testimony, it does not appear that
5 the mother's mental health will be to a point where she'll be
6 able to care for herself, let alone the child, in the
7 foreseeable future; therefore, I went forward with the
8 petition.

9 This court notes that NRS 128.109 provides if a
10 child's been out of the home for 14 of any 20 months, it must
11 be presumed that the best interest, that the parents have only
12 demonstrated token efforts for the child.

13 In this case, the child has been out of the home
14 since January 25th, 2013. We're going on over two and a half
15 years. The mother has failed to maintain regular contact with
16 the department. She denies that this is her child. She goes
17 in and out of reality and has failed to maintain contact with
18 the child or communicate with the child or provide for the
19 care of the child. So I do not believe that the presumption
20 of token efforts has been rebutted. Again, in fairness to the
21 mother, she's been unable to be here today.

22 NRS 128.109 also provides that if a parent fails to
23 substantially comply with the terms and conditions of a case
24 plan within six months and if the child was removed within six

1 months after the case plan was approved, such failure is
2 evidence of failure of parental adjustment. Again, that case
3 plan was approved in March two-thousand -- March 7, 2013. And
4 while the mother did at times go through her treatment and get
5 on medication, unfortunately, she was unable to remain on her
6 medications and get stability.

7 So I do believe that she has failed to substantially
8 comply other than doing some medications and basically her
9 parenting case. She has failed to address her issues of
10 mental health or substance abuse. I do find under 128.109 the
11 failure of parental adjustment.

12 Outside the presumptions, this court finds the State
13 has proven the following grounds by clear and convincing
14 evidence of parental fault, neglect, under 128.014. It says,
15 neglected child includes a child who lacks proper parental
16 care by reason of faults or habits of a parent or a parent
17 neglects or refuses to provide a child with necessary
18 subsistence necessary for the child's health, morals or well-
19 being. Again, this is a mental health case.

20 This court finds that the neglect is due to the
21 mother's mental illness, which has been throughout since this
22 child's birth, which renders the mother consistently unable to
23 care for the immediate and continued physical and
24 psychological needs of the child for extended periods of

1 times. Essentially she's been able to uncare -- been unable
2 to care for this child throughout this child's life, and the
3 child will be three coming up in November.

4 Same token, whether you want to call it neglect or
5 unfitness of parent, unfitness of parent under NRS 128.018
6 says, unfit parent is any parent by reason of fault or habit
7 fails to provide the child with the proper care or guidance
8 and support, again, whether you want to call this neglect or
9 unfitness of parent, again, the same basis applies that the
10 mother's mental illness or mental deficiency renders her
11 consistently unable to care for the immediate and continued
12 physical or psychological needs of this child for extended
13 periods of times. Therefore, this court finds the State has
14 proven the -- with clear and convincing evidence neglect and
15 or unfitness of parent.

16 As far as failure of parental adjustment, NRS
17 128.0126, occurs when a parent is unable, in this case -- they
18 say unable or unwilling. In this case it would be unable. I
19 do not believe the mother is unwilling. I think she has a
20 severe mental health issue. It's been going on since age 13
21 that she's unable to substantially correct, which led to the
22 placement of this child.

23 And the State, despite reasonable and appropriate
24 efforts by the State, the State did make numerous referrals to

1 her for mental health and services. Unfortunately, the mother
2 would engage and then disengage, which is classic mental
3 health. They get on medication for a while. If they feel
4 they're doing fine, they'll go off, have several episodes, get
5 back in, hospitalization, stabilize for a little bit, go back
6 and forth. They sometimes self-medicate through drugs. I
7 think this is a classic mental health case.

8 So I do believe the State has proven failure of
9 parental adjustment that the mother is unable, within a
10 reasonable period of time, it's going on almost three years
11 now, to substantially correct a mental health condition, which
12 led to the placement of this child outside the home, despite
13 efforts by the State to get her the mental health treatment
14 that she needed.

15 Outside of the presumptions, the court also finds
16 the State has proven token efforts by the mother by clear and
17 convincing evidence to communicate with the child.
18 Unfortunately her mental health, she doesn't acknowledge this
19 as being her child. She did on occasion ask about the child's
20 well-being, how Junior was doing and then be right back saying
21 this is not her child and has failed to maintain contact with
22 the department or to maintain contact to communicate with this
23 child or to address her case plan dealing with the mental
24 health to prevent neglect or avoid being an unfit parent.

1 The State having proven numerous grounds of parental
2 fault under the presumption, NRS 128.109, which was not
3 rebutted; also by clear and convincing evidence, neglect,
4 unfitness, failure of parental adjustment and token efforts,
5 the next effort for this court to determine is the best
6 interest of this child will be promoted by termination of
7 parental rights.

8 Again, the presumptions apply under NRS 128.109. If
9 the child's been out of home 14 of 20 consecutive months, it
10 must be presumed that the best interest of the child will be
11 promoted by termination of parental rights, again, due to the
12 mother's most recent commitment to Lakes Crossing. Evidence
13 has not been presented to rebut that presumption. So I do not
14 believe that presumption has been rebutted.

15 Outside the presumption, this court finds the State
16 has proven by clear and convincing evidence the best interest
17 of the child will be promoted by termination of parental
18 rights. This court looked at the love, affection and
19 emotional ties existing between the child and the parent, as
20 well as the child and the foster parent.

21 This court will note this child was born on November
22 12th, 2012, was placed with the father for a couple of months.
23 On January 25th, 2013, this child was removed from the mother.
24 Since (indiscernible) two months of age, this mother has not

1 had any opportunity to truly bond with this child, is not
2 bonded to this child or vice versa due to her mental health
3 and not acknowledging that she even had a child.

4 This child has been with the foster adoptive parents
5 since age -- since about March 2013, about age three or four
6 months of age. It's been the only placement this child's had
7 outside of Child Haven. The child is very bonded to the
8 foster parents and integrated into the foster parents' home.
9 I also looked at the capacity and disposition of the parent,
10 the mother, compared to the foster family, to give love,
11 affection and guidance for the child's needs.

12 Again, the mother's in and out of reality, been in
13 and out of mental health hospitals, is unable to care for
14 herself on a regular basis let alone to give the child the
15 love, affection and guidance that the child needs.

16 She still indicates that her child was either
17 switched or died in an accident and therefore is unable, due
18 to her mental health, to provide this child with the love,
19 affection and guidance, which the foster parents have been
20 providing since placement of this child at age about three
21 months.

22 Also the capacity and disposition of the parent to
23 provide the child with food, clothing, medical care and other
24 needs, again, due to the mother's severe mental health, the

1 mother's unable to provide for her own food, clothing and
2 medical care, let alone provide for the food, clothing and
3 medical care of the child.

4 Again, the foster parents have been able to provide
5 for this child's physical, mental, health, clothing and all
6 the needs of this child. I looked at the length of time this
7 child has resided in a stable home.

8 In this case, this child has been with the foster
9 adopt since age three months and has been very stable, in a
10 stable home and, again, will be three years of age in November
11 12th, 2015. This child needs permanency.

12 I also considered the moral fitness, physical and
13 mental health of the parent compared it to foster parents.
14 The mental health of this mom is why we're here, going on
15 almost three years, through no fault of her own. She has
16 severe mental health that renders her consistently incompetent
17 to care for herself, clearly incompetent to care for the
18 child.

19 So I consider mother's severe mental health and the
20 fact that there is no indication in sight that this will be
21 resolved to a point where she can function independently and
22 function and care for the child.

23 Again, she was recommitted on May 15th, 2015, at
24 Lakes Crossing being deemed incompetent, aggressive,

1 unpredictable, auditory hallucinations, bizarre and paranoid
2 delusions and being a danger to herself and the community.

3 And the court also notes this child is thriving in
4 the home of the foster parents. This child is fully
5 integrated in the family, loves to talk, loves to dance, knows
6 the ABCs, knows colors. The child is thriving in the home of
7 the foster home.

8 Considering all those factors, this court finds that
9 the best interest of this child will be promoted by
10 termination of parental rights and this child's adoption by
11 the current foster adopt family (indiscernible) based on the
12 finding of this court by clear and convincing evidence of
13 numerous grounds of parental fault, under the presumptions and
14 outside the presumptions, also by clear and convincing
15 evidence the best interest of this child will be promoted by
16 terminating parental rights and adoption. Again, under the
17 presumptions also outside the presumption, this court is going
18 to grant the termination of parental rights.

19 Again, I will note the concerns this court had about
20 the mother's inability to participate, to even be here to
21 assist counsel. However, this has been going on for well over
22 a year and three months. This petition was filed, the court
23 can not in good conscience continue to con -- to continue this
24 matter with no end in sight. And this child is entitled to

1 permanency. And that's the basis for this court granting the
2 termination of parental rights.

3 We'll have the State submit an order that conforms
4 with the court's findings. I do appreciate our guardian ad
5 litem.

6 And, counsel, I know your hands are kind of tied in
7 this case due to the situation involving the mother.

8 But I do appreciate both of your efforts on behalf
9 of the mother in this case.

10 Did you want to remain in this case or do you want
11 to withdraw at this time?

12 MR. PEREZ: I'll remain on the case until further notice.

13 THE COURT: Mr. Toti?

14 MR. TOTI: I don't think I'm needed any longer, Judge.

15 THE COURT: I'll allow the guardian lite -- ad litem to
16 withdraw subject to reappointment in case things change. And
17 we will review this matter in a normal course in the
18 corresponding J case. Thanks.

19 MS. SMITH: And, Your Honor, will you be issuing a
20 written decision in this matter or --

21 THE COURT: No, you guys will.

22 MS. SMITH: -- (indiscernible)? Okay.

23 THE COURT: Yeah. We'll have the State submit a written
24 order. Otherwise, I'll never get caught up. You guys would

1 wait about nine years to get that done. All I do is trials
2 all the time.

3 MR. PEREZ: Yeah.

4 THE COURT: Thanks everybody.

5 MR. PEREZ: Thank you, Your Honor.


6 MR. TOTI: Thank you.

7 MS. SMITH: Thank you.

8 (THE PROCEEDING ENDED AT 09:37:26.)

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10 * * * * *

11 ATTEST: I do hereby certify that I have truly and
12 correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

13 
14 SHERRY JUSTICE,
15 Transcriber II
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