

IN THE SUPREME COURT OF THE STATE OF NEVADA

Javier Ramirez Rivas
Appellant,

vs.

Mayra E. Arreguin
Respondent.

Supreme Court No. 69823

District Court No. 1

FILED

APR 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

PRO SE CHILD CUSTODY FAST TRACK STATEMENT

1. Name of party filing this fast track statement:

Javier Ramirez Rivas

2. Name, address, and telephone number of person submitting this fast track statement:

Javier Ramirez Rivas
1371 Village Way # F
Gardnerville NV 89410

3. Judicial district, county, and district court docket number of lower court proceedings:

First Judicial Court Carson County
Case # 12021 00391B

4. Name of judge issuing judgment or order appealed from:

H. James Todd Russell

5. Length of trial or evidentiary hearing. If the order appealed from was entered following a trial or evidentiary hearing, then how many days did the trial or evidentiary hearing last?

1 hour, 1 day

6. Written order or judgment appealed from:

Order After January 6, 2016 Hearing

Order Denying Application for Temporary Order
for Restraining Against Domestic Violence

RECEIVED

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

7. Date that written notice of the appealed written judgment or order's entry was served:

February 12th 2016

8. If the time for filing the notice of appeal was tolled by the timely filing of a motion listed in NRAP 4(a)(4),

(a) specify the type of motion, and the date and method of service of the motion, and date of filing:

(b) date of entry of written order resolving tolling motion:

9. Date notice of appeal was filed:

February 17th 2016

10. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other:

NRAP 4(a), NRS 155.190.2 (b) (c) (d)

11. Specify the statute, rule or other authority, which grants this court jurisdiction to review the judgment or order appealed from:

NRS 34.020 Writ may be granted by appellate and district courts.

12. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which involve the same or some of the same parties to this appeal:

N/A

13. Proceedings raising same issues. If you are aware of any other appeal or original proceeding presently pending before this court, which raise the same

legal issue(s) you intend to raise in this appeal, list the case name(s) and docket number(s) of those proceedings:

ELLIS V. CARUCCI NO. 43925, 161 P.3d 239 (2007)

14. Procedural history. Briefly describe the procedural history of the case (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

- Judge ignored relevant facts made a significant error in finding a fact

- Summary judgment in defendant's favor,

15. Statement of facts. Briefly set forth the facts material to the issues on appeal (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

On 8/10/14 I was arrested for slapping my son
Edwards Ramirez hand, because he won't bucked up
he was hitting his brother, a girl at church, and
myself on my groin area, because I won't release
my cell phone to him (CCSO CASE# 14-4653 at
the Censor City Justice and Municipal Court)
I was charged with Child abuse, case number

14 CRO1226 IC, the charge was later dropped to disorderly conduct.

From this incident Mr. Chris Bayer suggested to Mrs. Mayra Arreguin, to file a TPO, to protect the minor children. (case # 14 PO 000391 00313. Dept No. 1 PRO No 190144) on grounds of a order from the same district court dated January 7, 2014 that orders on statute 1. "The parties shall not engage in physical discipline of the minor children".

Between September and October the children developed extreme stress, because they both saw me getting arrested and wondered about my fate. Mrs. Arreguin came into an emergency and requested the court thru CASA and the children therapist to had me care for the children, while she was away. An order was issued on October 10, 2014. After she came back from her emergency, she requested another TPO, for another 6 months, and was granted. I filed a motion to dismissed it based on not grounds for it, and I also requested my time with the children to be reinstated, on the grounds that I was the most trustworthy and reliable person to care for the children but my motion was denied, and instead my time was reduced to 8 hours unsupervised visitation.

I had tried to be more involved on the schooling health, and welfare of the children, but I always get a denial for answer, even to take Eduardo to an emergency room, due to an injury that he suffered on March 8, 2015.

In December 2015 they allowed me to be with Eduardo again, after a long (and) wait, and the fact that he felt neglected by me, because I only get to see his brother every other Friday for less than 4 hours. When originally was every Friday for 8 hours.

During this time Eduardo told me that his uncle Sergio Arreguin had hit him, because of his encroachment, I asked for an emergency change of custody and in return I was told that I was "coaching" the kids to say things that never happened, although Mr. Chris Bayer talked to him, and confirmed the allegation, U. Judge Russell didn't take his report into consideration when issuing order, along with not taking Mr. Diego Arreguin testimony as required by TPA statutes. There's a high possibility of sympathy and favoritism because Evelyn Walckeling a court worker used to be Mr. Arreguin teacher.

16. Issues on appeal. State concisely the principal issue(s) in this appeal:

1- Prolonged alienation of children, will only increased their lack of interest at school, Adrian Carlos Ramirez has been signed up for summer school.

2- Neither Mr. or Mrs. Arreguin, had been ask to attend a management of anger course nor a parenting classes, putting the children at risk again

17. Legal argument, including authorities:

Federal Rules of Civil Procedure, TITLE VIII Provisional and Final Remedies, Rule 65, Injunctions and restraining orders (b)(4) motion to dissolve, "on 2 days notice to the party who obtained the order without notice - or on shorter notice set by the court - the adverse

party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.

Fourteenth Amendment's Due Process Clause, has a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interest." *Washington v. Glucksberg*, 521 U.S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody and control of their children. *Stanley v. Illinois*, 405 U.S. 645, 1 pp. 63-66.

Right to maintain an ongoing relationship with children, collaborative decisions and co-parent

NRS 125C.020 Rights of noncustodial parent:

Additional visits to compensate for wrongful deprivation of right to visit 1, 2, (a) (b) (c)

NRS 125C.030 Imprisonment for contempt for failure to comply with judgment ordering additional visit 1, 2.

NRS 125C.0617 "Decision making authority" defined. "Decision making authority means the power to make important decisions regarding a child, including the child's education, religious

training, health care, extracurricular activities and travel.

WRS 125C 0615 "Custodial responsibility" defines "Custodial responsibility" is a comprehensive term that includes any and all powers and duties relating to caretaking authority and decision making authority for a child. The term includes custody, physical custody, legal custody parenting time, right to access visitation and the authority to designate limited contact with a child

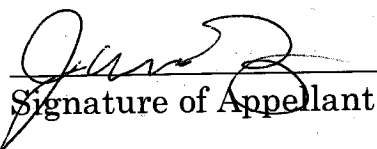
18. Issues of first impression or of public interest. Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest: Yes ☒ No ☐ If so, explain:

Parents can be detained and jailed for slapping children's hands.

VERIFICATION

I recognize that under NRAP 3E I am responsible for timely filing a fast track statement and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track statement, or failing to raise material issues or arguments in the fast track statement. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information, and belief.

DATED this 16 day of April, 2016.


Signature of Appellant

XAVIER ROMMEL RIVAS
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed child custody fast track statement upon all parties to the appeal as follows:

☒ By personally serving it upon him/her; or

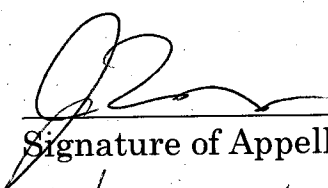
☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Mayra E. Arreguin
1756 Russell Way #E
Carson City NV 89706

Chris Buyer/KASA
1545 E. 5th St.
Carson City NV 89701

Attorney General Office
100 N. Carson St.
Carson City NV 89701

DATED this 16 day of April, 2016.


Signature of Appellant

JAVIER R. RUELAS
Print Name of Appellant

1371 Village Way F
Address

Gardnerville NV 89410
City/State/Zip

(775) 450-8046
Telephone

**JUDGMENT AND ORDER OF THE COURT
CARSON CITY JUSTICE AND MUNICIPAL COURT**

DEFENDANT: RAMIREZ-RIVAS, JAVIER

COURT CASE #: **14 CR 01226 1C**

ORIGINATING CASE #: **14-4653**

LANGUAGE SPOKEN: **ENGLISH**

STATUS: **OPEN**

PROSECUTING ATTORNEY: **CARSON CITY DISTRICT ATTORNEY**

DEFENSE ATTORNEY: **WILLIAM MURPHY**

CHARGE AND SENTENCE INFORMATION

CHARGES: 200.508.2B1 - ALLOW CHILD ABUSE OR NEGLECT (ENDANGERMENT), 1ST

:AMENDED TO: 8.04.010 CS DISORDERLY CONDUCT

PLEA: 11/25/2014 - GUILTY

DISPOSITION: 11/25/2014 - GUILTY

JAIL: 60 DAYS IN JAIL SUSPENDED FOR 1 YEAR

FINES AND FEES

	ORIGINAL AMT	AMT PAID	AMT DISMISSED	AMT DUE
ADDITIONAL FEES	\$50.00	\$50.00	\$0.00	\$0.00
	\$50.00	\$50.00	\$0.00	\$0.00
TOTAL OWING AS OF THIS	\$0.00			

CONDITIONS INFORMATION

REQUIREMENTS	DUE DATE	CONDITION(S)	COMPLETED
42 HOUR(S)	02/06/2015	COMMUNITY SERVICE; REPORT IMMEDIATELY OR UPON RELEASE FROM JAIL, TO THE DEPARTMENT OF ALTERNATIVE SENTENCING. SENTENCED TO 48 HOURS WITH CREDIT FOR 6 HOURS TIME SERVED	
1 EVALUATION	01/05/2015	ANGER MANAGEMENT EVALUATION; RECEIVE THE EVALUATION, ENSURE THAT THE COURT RECEIVES IT BY THE DUE DATE ORDERED AND FOLLOW ALL OF THE EVALUATOR'S RECOMMENDATIONS.	
		OBEY ALL LAWS EXCEPT FOR MINOR TRAFFIC	
1 CLASS	04/05/2015	PARENTING CLASS ENROLL BY 1/5/15	
		REPORT TO INTAKE OFFICER UPON RELEASE FROM JAIL	08/11/2014

	11/25/2015	SUSPENDED SENTENCE:INFORMAL PROBATION	

ARREST/BAIL/BOND INFORMATION

ARREST DATE	STATUS DATE	CURRENT STATUS	AMOUNT	TYPE OF BAIL
08/10/2014	11/25/2014	EXONERATED	\$2,500.00	BONDABLE

NEXT COURT HEARING INFORMATION

NO FUTURE COURT DATE SCHEDULED AT THIS TIME

ADDITIONAL CASE INFORMATION

NO FURTHER INFORMATION

JUDGE'S SIGNATURE: _____

THOMAS ARMSTRONG,



THE CARSON CITY JUSTICE AND MUNICIPAL COURT
885 East Musser Street, Suite 2007, (775) 887-2121 Fax (775) 887-2297



CONDITIONS OF RELEASE FROM CUSTODY ORDER

LAST NAME, FIRST NAME (& AKA IF ANY)	CCSO CASE #	CCJC CASE #
RAMIREZ-RIVAS, JAIER	14-4653	

CHARGES
CHILD NEGLECT/ENDANGERMENT NRS 200.502.2B1

BAIL AMOUNT	TYPE OF RELEASE OR BAIL
\$2500.00	<input type="checkbox"/> Own Recognizance Release <input checked="" type="checkbox"/> Bondable <input type="checkbox"/> Cash

RECEIVED FROM: (LAST NAME, FIRST NAME)	ADDRESS, CITY, STATE, ZIP CODE	PHONE #
ACTION ANNIES BAIL BONDS	206 E. WASHINGTON CARSON CITY, NV 89701	775-883-2664

YOU ARE ORDERED TO COMPLY WITH THE FOLLOWING "CHECK MARKED" CONDITIONS OF YOUR JAIL RELEASE:	
<input checked="" type="checkbox"/>	Attend court on time drug/alcohol free.
<input checked="" type="checkbox"/>	Immediately inform the Court of your current residence and phone number and notify the court prior to making any changes in your residence or phone number.
<input checked="" type="checkbox"/>	Report to the Department of Alternative Sentencing immediately upon release from jail or if closed at 8:30 a.m. on the following business day for an intake interview. The office is located on the second floor of the courthouse at 885 East Musser Street, Suite 2080. Do not report to DAS for traffic charges unless the charge(s) involve Driving Under the Influence.
<input checked="" type="checkbox"/>	Obey all laws except minor traffic.
<input checked="" type="checkbox"/>	Contact your attorney and maintain contact as they require.
<input type="checkbox"/>	Felony DUI: SCRAM Monitor is required prior to release.
<input checked="" type="checkbox"/>	Do not contact the alleged victim(s) in person, in writing, by phone, by social media, computer or e-mail, from a detention facility, through another person, or any other method. Do not go within 100 yards of the alleged victim(s). <u>EDUARDO RAMIREZ/1756 RUSSELL WAY #E CC, NV 89701</u>
<input type="checkbox"/>	Do not possess or consume alcohol, illegal drugs, or drug paraphernalia.
<input type="checkbox"/>	Do not possess weapon(s).

DAY OF WEEK	DATE	TIME	LOCATION OF NEXT COURT APPEARANCE
			<input checked="" type="checkbox"/> Carson City Justice and Municipal Court <input checked="" type="checkbox"/> Dept. I <input type="checkbox"/> Dept. II
			<input type="checkbox"/> First Judicial District Court <input type="checkbox"/> Dept. I <input type="checkbox"/> Dept. II
TUESDAY	09/02/14	10:00 AM	<input type="checkbox"/> Other Court _____

Pursuant to NRS 178.484, The Defendant must sign this document before being released from jail. By signing below, the Defendant: (a) promises to appear at all times and places as ordered by the Court releasing him or her and as ordered by any Court before which the charge is subsequently heard, (b) will comply with the other conditions which have been imposed by the Court and are stated in the document, (c) and, if he or she fails to appear when so ordered and is taken into custody outside of this State, the Defendant waives all of his or her rights relating to extradition proceedings. This document serves as a receipt of bail posted which shall be used to satisfy any fine or cost imposed by the Court. Any law enforcement officer who has probable cause to believe the Defendant has violated any condition of his/her release is ordered to arrest him or her.

Defendant [Signature] Date 8/10/14 Detention CHYZANOWSKI Date 8/10/14 Time 1903

2016 Summer School Application

CHILD'S INFORMATION

E: Carlos Ramirez BIRTHDATE: 10-09-07
First Last

RESS: _____ APT# _____ CITY: _____ ZIP: _____

E PHONE: _____ SCHOOL _____

8 GENDER: Male Female GRADE: 2

OR REDUCED LUNCH? Y/N

E: African American Asian Caucasian ☒ Hispanic/Latino
 Multi-Racial Native American Other: _____

PARENT/GUARDIAN INFORMATION

IER/GUARDIAN'S NAME: Javier Ramirez
First Last

JOYER: CVI WORK PHONE: (775) 782 9710

IL: Viveen m. Zol@hetma.7.com CELL PHONE: (775) 450 8046

HER/GUARDIAN'S NAME: _____
First Last

JOYER: _____ WORK PHONE: _____

IL: _____ CELL PHONE: _____

ENTS/GUARDIANS ARE: (check one)

☒ Married ☐ Separated
☒ Divorced ☐ Widowed
☐ Single ☐ Other (specify): _____

MEMBER LIVES WITH: (check one)

☒ Both Parents ☐ Father Only
☒ Mother Only ☐ Sometimes Father/
Sometimes Mother
☐ Grandparents ☐ Other (specify): _____

ADMIN USE ONLY

DATE: / /

SCHOOL SITE

SUMMER SCHOOL
TEACHER:

Student ID: _____

☐ FRL

☐ IEP

☐ LEP

ENTRY DATE:

 / /

INITIALS: _____

Cheryl Richetta
Summer School
Administrator
283-1064

crichetta@carson.k12.
nv.us

EMERGENCY INFORMATION

(Someone other than the parent/guardian. Only used if parent/guardian cannot be reached.)

RGENCY NAME: Javier Ramirez
First Last

RGENCY PHONE: (775) 450 8046 RELATIONSHIP: Father

RGENCY NAME: _____
First Last