

Kwame Anir Saafir, Appellant

V.

State of Nevada et al,
Respondents

Case No: 81946

District Court Case No.

J-18-342106-P2

Dept. No: D

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Jul 29 2021 06:58 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

from the

Eighth Judicial District Court, FAMILY DIVISION
Clark County, Nevada
Department D
THE HONORABLE MARK TUETON, District Judge

WITHDRAWAL OF ATTORNEY APPENDIX
VOLUME 1

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EXHIBIT A
NOTICE OF APPEAL
July 10, 2020

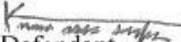
1 testify against myself at the substantiation trial after I said that I didn't want to testify because I
2 have that right that was given to me by amendment 5 of the United States Constitution and he
3 told me that I didn't have that right in his court and he coerced me to testify and he continued to
4 unfairly coerce me and help the District Attorney cross examine me instead of being a fair
5 judge and letting her do her job and the 09182018 judgement of conviction for a battery
6 constituting domestic violence was the only evidence that the judge allowed and used when the
7 allegation in the abuse and neglect proceeding was substantiated and that made the abuse and
8 neglect proceeding and the consequences of it a direct and penal consequence of the criminal
9 dv conviction that i wasn't made aware of when i was convicted and it made it so that I was
10 twice being put in jeopardy of life and limb for the same alleged crime that i was already
11 convicted but innocent of because I was being tried for the same alleged crime and under the
12 same indictment and using the same evidence again and I was sentenced to jail time and dv
13 counseling by the Municipal Court then I was sentenced to the loss of custody of my daughter
14 and dv counseling and my name being listed on a public data base for abuse and neglect and
15 domestic violence by the Family Division of the District Court. I appealed the Municipal Court
16 conviction and I was granted a stay pending the appeal because of the totality of the
17 circumstances of evidence that supports and proves the inappropriate sexual allegations against
18 the alleged victim of the domestic violence that the Family Division of the District Court and
19 DFS knew about but didn't care about because she was there only evidence against me but
20 Judge Teuton denied my stay then assigned a new attorney to me so that i couldn't file motions
21 for myself anymore and the new attorney refused to file motions for me when I asked her to
22 motion for a new trial or to file a writ of mandamus for me and the judge said that he couldn't
23 force her to do her job and they rejected motions that I filed myself on the grounds that I had
24 the new attorney so I'm not allowed to file Pro Se motions so I still had to attend the dv
25 counseling for his court and I still had to suffer the loss of custody of my daughter that another
26 court had already placed with me because they found that I was a fit and suitable person to
27 have custody of her and that made it so that I was being deprived of my life and my liberty and
28 my property without due process of law and they petitioned for my parental rights to be

1 terminated because I didn't comply with the case plan by not attending dv counseling that was
2 stayed by the Municipal Court and I was ordered to attend parenting counseling so that my
3 parental rights wouldn't be terminated and they withdrew the petition to terminate my parental
4 rights because they didn't have grounds to terminate them because it was reported that I was a
5 good dad and DFS or the court didn't want to do it but they petitioned to have a
6 temporary guardianship for her because they didn't want to admit that they were wrong and I
7 didn't agree with that and I asked my attorney to file the objection to the guardianship that i
8 emailed to her and she didn't do it and I told her that i wanted to attend every hearing and that
9 she can't represent me without me attending the hearing in the same email and they changed
10 the petition to a general guardianship without talking to me and so that i didn't have to sign for
11 it or consent to it and so that i couldn't object to it and they heard it without me and the judge
12 signed the order and the court or my attorney or DFS didn't call me to tell me about it or serve
13 it to me or email it to me or mail it to me until I showed up for the temporary guardianship
14 hearing that was scheduled on 09152020 so that I could object to what was supposed to happen
15 and I was told that it was canceled and that I couldn't talk to the judge or have my case heard
16 because my case was closed and that a general guardianship was ordered and they printed the
17 order for me and I emailed my attorney and asked her to appeal it and they emailed a
18 disengagement letter to me.

19
20 I have court records and audio recordings and video recordings that support and prove all of
21 these facts

22
23 WHEREFORE, the appellant prays that the Supreme Court grant appellant relief to which the
24 appellant may be entitled in this proceeding.

25 DATED THIS 07 day of 10, 2020.

26 Respectfully submitted,
27 KWAME ANIR SAAFIR
28 
Defendant

2020 OCT -7 A 03:45
COURT ATTORNEY
EDMUNDSON

EXHIBIT B
COURT TRANSCRIPT
November 13, 2018

FILED

JUL 01 2021

Alana L. Williams
CLERK OF COURT

1 TRANS

2
3 COPY

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 JUVENILE DIVISION

7 CLARK COUNTY, NEVADA

8
9 In the Matter of:) CASE NO. J-18-342106-P2
10 K.S.,) DEPT. D
11 Protected Minor(s).) APPEAL NO. 81946
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SEALED

BEFORE THE HONORABLE ROBERT W. TEUTON

TRANSCRIPT RE: ALL PENDING MOTIONS

TUESDAY, NOVEMBER 13, 2018

1 APPEARANCES:

2 For the State of Nevada: JIN KIM, ESQ.
3 601 North Pecos Road
4 Las Vegas, Nevada 89101
5 Protected Minor: KIMORA SAAFIR
6 For the Protected Minor: MARY-FRANCES MCCARTHY, ESQ.
7 725 E. Charleston Blvd.
8 Las Vegas, Nevada 89104
9 The Mother: SHOWANDA MOSLEY
10 (Not present)
11 For the Mother: STACY D. PEREZ, ESQ.
12 630 S. 10th St., #A
13 Las Vegas, Nevada 89101
14 The Father: KWAME SAAFIR
15 For the Father: KAREN ANN CONNOLLY, ESQ.
16 6600 W. Charleston Blvd.
17 #124
18 Las Vegas, Nevada 89146
19
20
21
22
23
24
25

ALSO PRESENT:

SHANNA DAVIS
HOSEA KIM
Department of Family Services

1 LAS VEGAS, NEVADA

TUESDAY, NOVEMBER 13, 2018

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

3 (THE PROCEEDING BEGAN AT 10:35:05.)

4 MR. SAAFIR: I say that I denied the charges...

5 THE COURT: Okay. Hold on.

6 MR. SAAFIR: ...when I came...

7 THE COURT: Hold on.

8 MR. SAAFIR: ...here. I pled not guilty.

9 THE COURT: Okay. Hold on.

10 MR. SAAFIR: Okay.

11 THE COURT: Just a second.

12 This is case number J342106. Appearances please.

13 MS. DAVIS: Shanna Davis, Child Protective Services,
14 West A.

15 MR. KIM: Hosea Kim, Department of Family Services.

16 MS. KIM: Jin Kim on behalf of State.

17 MS. CONNOLLY: Karen Connolly on behalf of Mr. Saafir,
18 who's present.

19 THE COURT: All right.

20 MS. PEREZ: Good morning, Your Honor. Stacy Perez,
21 10206, for appointed counsel for Showanda Mosley.

22 THE COURT: All right. This is the dispositional
23 hearing as to the mother. And it is confirmation for Mr.
24 Saafir. I get that right?

25 MS. KIM: Yes.

1 THE COURT: All right.

2 MS. PEREZ: And, Your Honor...

3 THE COURT: Ms. Connolly.

4 MS. PEREZ: ...I do apologize. I've had contact with my
5 client. And it's my understanding DFS plans on having the
6 exact same case plan as the last time.

7 MR. KIM: There were a few changes. I think we added
8 the component of parenting classes. But everything else with
9 the substance abuse assessment, as well as the...

10 MS. KIM: Domestic violence.

11 MR. KIM: ...domestic violence was also included from
12 the previous case plan.

13 MS. PEREZ: And I would have no objection to anything
14 from the previous case plan. But if there's any additions of
15 substantive nature, I would object.

16 THE COURT: All right. Hold on.

17 And was the first case plan uploaded?

18 MR. KIM: Yes, Your Honor, it was.

19 THE COURT: All right. So the proposed case plan, the
20 substance abuse evaluation is the same as the first one?

21 MR. KIM: Yes.

22 THE COURT: And the mental health assessment was the
23 same as the first one?

24 MR. KIM: Correct, Your Honor.

25 THE COURT: Drug testing is the same as the first one?

1 MR. KIM: That's correct, Your Honor.

2 THE COURT: Release of information, enhanced parenting
3 knowledge skills and parenting classes, you're saying that
4 was not included previously?

5 MR. KIM: That was added to the case plan, Your Honor.
6 That wasn't on the previous case plan, but...

7 THE COURT: So that -- this is new?

8 MR. KIM: Yes.

9 THE COURT: All right. And the reasons for this?

10 MS. PEREZ: I'm sorry, sir. I can't hear you. I
11 apologize.

12 THE COURT: Okay. So the -- the new element...

13 MS. PEREZ: Would be the parenting classes.

14 THE COURT: ...would be the parenting classes.

15 MS. PEREZ: I would object to that, Your Honor.

16 THE COURT: And then the...

17 MS. PEREZ: We already had a case plan. Unfortunately,
18 my client didn't work it. And -- and I don't have much with
19 argument in regards to that. But I would say the last case
20 plan should cover everything sufficiently.

21 THE COURT: Mr. Kim?

22 MR. KIM: So when I spoke with Ms. Mosley, she did not
23 object to the parenting classes. She also indicated that
24 that was something that she was open to and would be open to
25 receiving, that she could benefit from those parenting

1 classes.

2 THE COURT: Is this her first child?

3 MR. KIM: Yes.

4 THE COURT: Yes?

5 MS. PEREZ: And, Your Honor, I don't object to her
6 taking them. I just object to them being in the case plan.
7 If she wants to take them and participate, it -- it -- that's
8 fine. I just -- as any sort of requirement for reunification
9 and or...

10 THE COURT: All right. So I -- I'll compromise with
11 you. I will adopt -- adopt the case plan as submitted,
12 including the parenting classes through East Valley Family
13 Services. However, failure to complete the parenting classes
14 will not be a basis for a termination of parental rights
15 action.

16 MS. PEREZ: Well, what about reunification if she
17 doesn't complete that. Would she still be able to reunify
18 with her child if she's done everything else?

19 THE COURT: Well, if -- if by that -- by the time we get
20 to that stage, we'll know whether she does or does not need
21 the classes. And I'll make a decision at that time.

22 MS. PEREZ: Thank you, Your Honor.

23 THE COURT: All right.

24 Okay. So we'll need a review hearing on or before
25 March 16th.

1 THE CLERK: March 12th at 2:15.

2 MS. PEREZ: Thank you, madam clerk. Thank you, Your
3 Honor.

4 THE COURT: All right.

5 MS. KIM: I will upload the date in a second, Your
6 Honor.

7 MS. PEREZ: And I believe that's the end of my part of
8 the hearing. I'll step back.

9 THE COURT: Okay. All right.

10 And...

11 MS. KIM: And I'd ask to make him a ward. I'm sure we
12 already did.

13 THE COURT: Yeah, Kimora will be made a ward of the
14 Court, legal and physical custody placed with Department of
15 Family Services for appropriate placement as I just
16 indicated. The case plan is adopted and submitted with a
17 review date of March 12th at 2:15.

18 So you -- you doing that, Ms. Kim?

19 MR. SAAFIR: Why is she being made a ward?

20 THE COURT: Okay. While she's doing that...

21 I'm sorry?

22 MR. SAAFIR: Why is she being made a ward of the Court?
23 When...

24 THE COURT: Because...

25 MR. SAAFIR: When...

1 THE COURT: ...I found the child's mother to be having
2 abused or neglected the child.

3 MR. SAAFIR: Okay. But you found that about the mother.
4 But she was placed with me last year because I was found to
5 be...

6 THE COURT: A non-offending parent.

7 MR. SAAFIR: Yeah, I was found to be a non-offending
8 parent.

9 THE COURT: That was last year.

10 MR. SAAFIR: Okay. I understand...

11 THE COURT: This is now.

12 MR. SAAFIR: ...that. And now I'm -- I'm -- I pled -- I
13 denied the allegation that there was ongoing physical abuse
14 that -- that I initiated. And that I was forcing my
15 girlfriend to give me her money and that I was...

16 THE COURT: Okay. So...

17 MR. SAAFIR: ...any other allegation (indiscernible).

18 THE COURT: ...the way it goes. I heard your denial
19 last time.

20 MR. SAAFIR: Yeah.

21 THE COURT: So the first we already have a trial set,
22 January 24th at...

23 THE CLERK: 9:30.

24 THE COURT: ...at 9:30. So on January 24th at 9:30, if
25 you are not found to be abuse -- abusing or neglectful of

1 your child, then the allegations will be dismissed. You will
2 retain the status of a non-offending parent. And unless I
3 hear argument to the contrary, the child can be placed in
4 your care.

5 MR. SAAFIR: And -- and -- and I had a -- what I asked
6 at the last hearing was that the investigator...

7 THE COURT: Mr. Kim?

8 MR. SAAFIR: No.

9 MS. KIM: Ms. Davis?

10 MS. DAVIS: Me.

11 MR. SAAFIR: Whoever the investigator was before said
12 that I was -- wasn't found to be...

13 ((Crosstalk))

14 MR. SAAFIR: ...a threat to the kids. There was a
15 allegation of domestic battery. But it wasn't -- I wasn't
16 found to be a threat to the kids. She said that on court
17 record at a TPO hearing. And I have -- I -- I -- I get my
18 son. I have him on the weekends. But and that was what she
19 suggested to the Court that happens, was that I get my son on
20 the weekends. But and I have the -- the minute that says
21 that they had her on the speaker...

22 THE COURT: Okay.

23 MR. SAAFIR: ...and at the...

24 THE COURT: Okay. So...

25 MR. SAAFIR: ...hearing saying that.

1 THE COURT: So right now I got about 20 cases on
2 calendar I need to go through.

3 MR. SAAFIR: I -- I...

4 THE COURT: Listen to -- listen to me.

5 MR. SAAFIR: Okay.

6 THE COURT: Okay. The appropriate time for you to
7 present that information is at the time of the trial.

8 MR. SAAFIR: But I -- I'm not -- I'm not -- I'm -- I'm
9 asking why she suggested that I wasn't a threat to the kids
10 but that she -- but that I was a threat to my girlfriend and
11 that I could have -- have my son on the weekends. But Kimora
12 has to be a visit at Child Haven. I don't understand that.

13 MS. KIM: The Department's position of the child
14 remaining in protective custody has not changed. I know that
15 the father has maybe a different recollection. But the
16 Department's position has not changed. The prior petition,
17 as well as the arrest and the conviction, is the issue for
18 the trial.

19 MR. SAAFIR: Oh so why is it like that for her but not
20 for him? For -- for -- there were -- there were two kids
21 that were there when this whatever alleged happened. So why
22 is it like that for her, for Kimora, but not my son?

23 MS. DAVIS: Your Honor, I think what he's asking is,
24 because during the course of the investigation, I received a
25 call from the judge in the -- who was in charge of the filing

1 -- in charge of the protection order. The judge asked me
2 what was my assessment with regards to him and the children.
3 And I informed the judge that the continued domestic violence
4 is posing a threat to the children. And I informed her that
5 he had been caring for the children daily.

6 I did not make any recommendations that he have
7 Kaden on the weekends alone. That was solely made by the
8 judge over in that department. What he's asking is that if
9 he's able to have unsupervised contact with Kaden, why is he
10 not -- unable to have unsupervised contact with Kimora.

11 Kaden is not in protective custody. He's in the
12 custody of his mother. Again, that was that judge in that
13 other department's recommendation or order that he have
14 unsupervised visits with the exchange being at Donna's House.
15 That was not what the Department recommended.

16 MR. SAAFIR: Oh.

17 MS. DAVIS: Because we did not have jurisdiction over
18 that child. The Department remains recommenda- the
19 recommendation remains that he visit, have supervised visits
20 with Kimora.

21 MR. SAAFIR: Oh okay. This is what she's saying on the
22 court record. But I have the minute from the other court
23 where the court says that her supervision or her -- her
24 recommendation trumps the -- the TPO court's recommendation.
25 And they asked for her recommendation; and she was on record

1 at the court, I have the minute, saying that her
2 recommendation was that I wasn't a threat to the kids as long
3 as me and Alyssa worked...

4 THE COURT: Okay. So...

5 MR. SAAFIR: ...worked -- worked together.

6 THE COURT: So the way it works -- the way it works...

7 MR. SAAFIR: Yeah.

8 THE COURT: ...is that if she's called to testify...

9 MR. SAAFIR: Yeah.

10 THE COURT: ...during the trial...

11 MR. SAAFIR: Yeah.

12 THE COURT: ...and she's gonna say whatever she says,
13 then Ms. Connolly can use whatever documents you have to try
14 to impeach her that she said something different...

15 MR. SAAFIR: Okay.

16 THE COURT: ...if in fact she did say something
17 differently, like, previously.

18 MS. SAAFIR: Okay.

19 THE COURT: That all has to be decided at -- at the time
20 of the trial.

21 MS. CONNOLLY: And, Judge, I haven't confirmed as
22 counsel yet. And I have a great deal of reluctance in
23 confirming as counsel. He refuses to talk to any member of
24 my staff. He doesn't want to discuss anything on the phone.
25 He won't drop off any evidence, demands to have everything in

1 a meeting with me. I also have basically -- it's my underst-
2 there -- there's gonna be difficulties and problems. And I
3 also...

4 THE COURT: All right. Hold on.

5 Mr. Saafir.

6 MR. SAAFIR: Yeah.

7 THE COURT: Do you understand you are not entitled to
8 have an attorney represent you?

9 MR. SAAFIR: I understand that.

10 THE COURT: Do you understand that?

11 MR. SAAFIR: Okay.

12 THE COURT: Do you -- you understand that your attorney
13 can't represent you if you're not -- if you don't cooperate
14 with her?

15 MR. SAAFIR: I -- I did cooperate. She -- she -- she
16 set a time for me to call her at 1:00. I was at work. I had
17 to ask for a break so that I can call her. She wanted me to
18 -- she wanted me to talk about the details of the case and
19 tell her what evidence I have, at work where there were other
20 people around me that I work with. I couldn't do that over
21 the phone. I asked if I can meet with her or if I can have
22 another time to call her when I wasn't at work. I -- I
23 couldn't do that.

24 MS. CONNOLLY: And I'd advised him to drop off whatever
25 he had, that he would drop it off or meet with my assistant.

1 And he absolutely refused and said, I will only talk and
2 communicate with you at your office. So that's...

3 THE COURT: Sir, is that -- is that right?

4 MS. CONNOLLY: ...going to be a problem going forward.

5 MR. SAAFIR: What?

6 THE COURT: Is that right?

7 MR. SAAFIR: I said that -- that it'd have to be...

8 MS. CONNOLLY: And then he just hung up the phone on me
9 without...

10 MR. SAAFIR: No.

11 THE COURT: All right. Wait a second.

12 MR. SAAFIR: Okay.

13 THE COURT: Did -- did Ms. Connolly ask you to drop off
14 whatever documents you had?

15 MR. SAAFIR: She asked me to drop off documents. I told
16 her that I on- I didn't only have documents, I had video of
17 me...

18 THE COURT: Well, that's fine.

19 MR. SAAFIR: ...being attacked and...

20 THE COURT: Okay. She told you...

21 MR. SAAFIR: ...and audio recordings.

22 THE COURT: ...to bring stuff by her office...

23 MR. SAAFIR: Yeah, and -- and...

24 THE COURT: ...and meet with her assistant.

25 MR. SAAFIR: And I asked her -- I -- I asked her when we

1 meet, like, when I meet with her, so I can talk to her, so I
2 can ask what elevant [sic] -- what evidence was relevant and
3 what ev- evidence wasn't relevant so that I -- so that I just
4 -- so that I didn't take a lot of documents and -- and
5 video...

6 THE COURT: All right.

7 MR. SAAFIR: ...evidence that wasn't relevant.

8 THE COURT: Okay.

9 MR. SAAFIR: And I -- and I asked when I'd meet with her
10 because if there was a trial, we'd have to meet to prepare
11 for a trial. We couldn't do that over the phone.

12 THE COURT: Okay. And she asked you to meet with her
13 assistant first.

14 MR. SAAFIR: She asked me to take something to her
15 assistant. But I don't know what...

16 MS. CONNOLLY: And he said -- he said...

17 MR. SAAFIR: ...to take to her assistant.

18 MS. CONNOLLY: ...his issue was there's no
19 attorney/client privilege with your assistant. And I assured
20 him my entire office is attorney/client privilege and that
21 was not acceptable.

22 MR. SAAFIR: Okay. And -- and I don't know what's
23 relevant and what isn't relevant if she doesn't review the
24 evidence with me to tell me what...

25 THE COURT: Well, I'm sure she's -- she can do that when

1 she sees it.

2 MS. CONNOLLY: Exactly. And I advised that we would
3 meet and be prepared to go to get ready for trial, I need him
4 to meet with my assistant and drop off whatever he had; and
5 he just would not. He kept saying attorney/client privilege.
6 He didn't know this person. And he was not -- wouldn't be
7 willing to do it. And also he hung up on the phone and
8 wouldn't listen to me and talked over me to the point...

9 MR. SAAFIR: We -- we...

10 MS. CONNOLLY: ...where I had to -- the point where I
11 had to raise my voice.

12 MR. SAAFIR: We -- we talked again. I told you that I
13 was at work and that I couldn't talk to you. I couldn't tell
14 you what you wanted to know because there -- there were
15 people that I was working with there with me. And I told you
16 that I'd call you again when I'm away from them. So...

17 THE COURT: Okay. Hold on.

18 MR. SAAFIR: Okay.

19 THE COURT: Do we still have a calendar call day for
20 this?

21 THE CLERK: Do we have a calendar call? No.

22 MR. SAAFIR: I -- I haven't worked in a year. Just I
23 have a job now. And I was stay-at-home dad before that, so.

24 MS. CONNOLLY: We just, you know...

25 MR. SAAFIR: (Indiscernible).

1 THE COURT: All right. So here's -- here's...

2 MR. SAAFIR: I couldn't just...

3 THE COURT: Okay. Wait. Wait. Wait. Wait.

4 MR. SAAFIR: ...stop working...

5 THE COURT: Wait. Wait.

6 MR. SAAFIR: ...and talk to her.

7 THE COURT: Here's the deal. I'm gonna -- I'm gonna

8 continue this to December 11th. If -- you need to cooperate

9 with whatever Ms. Connolly tells you to do. And if you

10 don't, then I'm not gonna require her to represent you. And

11 I'm gonna give you until December 11th. That will be not

12 only a status check on whether or not Ms. Connolly's gonna

13 represent you, but also a calendar call date before the

14 trial.

15 Make sure everybody has all the discovery.

16 THE CLERK: December 11th at 10:30.

17 MS. CONNOLLY: Thank you.

18 THE COURT: What's that?

19 THE CLERK: December 11th at 10:30.

20 THE COURT: Yeah, so you need to come back December 11th

21 at 10:30. All right.

22 MS. KIM: Thank you, Your Honor.

23 UNIDENTIFIED SPEAKER: Take care.

24 THE COURT: Thank you.

25 MR. SAAFIR: But what about the -- the -- the visits?

1 That's what -- why -- why I asked about the visits is -- is
2 because of her recommendation. So if we're -- if -- if we're
3 scheduling visits at Child Haven, and I'm saying that I --
4 that -- that she said that I wasn't a threat, why does it
5 have to be at Child Haven?

6 MS. CONNOLLY: And, Judge, it would seem to make sense
7 if he's getting visitation with one child, you know, that he
8 -- why he can't get visitation with another child, it seems
9 (indiscernible)...

10 THE COURT: Well, the difference is, is the mother of
11 that child is the one who's deciding that he's not a threat.

12 MS. CONNOLLY: Well, I understand...

13 MR. SAAFIR: (Indiscernible).

14 MS. CONNOLLY: ...that. But either -- I mean, if he's a
15 threat to that child, then I would assume the Department
16 would be getting involved and -- and taking some action on
17 that case. So the fact that they're not -- and -- and I say
18 that with a caveat that -- that I think there may be a no
19 contest plea on a DV case, which may change the scenario;
20 however, I could not get a straight answer to that; but
21 notwithstanding that, if -- if -- if he's getting
22 unsupervised visitation with one child and the Department's
23 not coming in and removing that child saying it's a safety
24 issue, then I don't know why he can't get unsupervised
25 visitation with Kimora that...

1 MS. KIM: That's...

2 MS. CONNOLLY: ...(indiscernible).

3 MS. KIM: The Department's recommendation despite
4 father's agreement or disagreement, Ms. Davis's
5 recommendation was different than the one -- that was the TPO
6 granted. Ms. Davis's position on the child being en-
7 dangered based on the father's mental health and DV history
8 has not changed...

9 MR. SAAFIR: What -- you know...

10 MS. KIM: We're asking that...

11 MR. SAAFIR: (Indiscernible)...

12 THE COURT: Hold it. She's tal-...

13 MS. KIM: We're asking...

14 THE COURT: She's talking.

15 MS. KIM: ...for visitation to remain supervised. As
16 the Court can see even in the best circumstances with the
17 marshal and all these court presence of other individuals,
18 Mr. Saaфир has a very pointed perspective from which he has a
19 difficult deviating at this point.

20 MR. SAAFIR: No, oh I -- I don't have a history of
21 mental health as -- as Miss...

22 MS. KIM: Okay.

23 MR. SAAFIR: ...(indiscernible)...

24 THE COURT: All right.

25 MR. SAAFIR: ...(indiscernible)...

1 THE COURT: And I'm not, you know...
2 MR. SAAFIR: ...Miss...
3 THE COURT: ...I'm not gonna change.
4 MR. SAAFIR: Showanda was -- was placed on a Legal 2000,
5 though, for mental health.
6 MS. KIM: Okay.
7 MR. SAAFIR: Not -- not me.
8 THE COURT: Okay. I'm not gonna...
9 MR. SAAFIR: So it's -- so maybe...
10 THE COURT: ...change...
11 MR. SAAFIR: ...you got it wrong.
12 THE COURT: ...my decision right now.
13 MS. KIM: Thank you...
14 MR. SAAFIR: (Indiscernible).
15 MS. KIM: ...Your Honor.
16 THE COURT: It will remain supervised.
17 MR. SAAFIR: Okay.
18 THE COURT: All right. We'll talk again December 11th.
19 UNIDENTIFIED SPEAKER: Thank you.
20 MR. SAAFIR: On -- on December 11th, can you see the --
21 the minute order from that court with her recommending to the
22 court that I have (indiscernible).
23 THE COURT: No, we do that at the time of trial on
24 January 24th.
25 MR. SAAFIR: Okay.

1 THE COURT: All right? Okay.

2 (THE PROCEEDING ENDED AT 10:51:37.)

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4

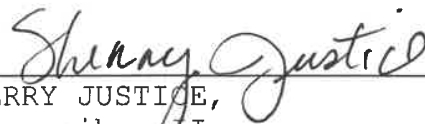
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5

6 ATTEST: I do hereby certify that I have truly and
7 correctly transcribed the video proceedings in the above-
8 entitled case to the best of my ability.

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SHERRY JUSTICE,
Transcriber II

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EXHIBIT C
COURT TRANSCRIPT
December 11, 2018

FILED

JUL 01 2021

Adam S. Blum
CLERK OF COURT

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5 EIGHTH JUDICIAL DISTRICT COURT

6 JUVENILE DIVISION

7 CLARK COUNTY, NEVADA

8
9 In the Matter of:) CASE NO. J-18-342106-P2
10 K.S.,) DEPT. D
11 Protected Minor(s).) APPEAL NO. 81946
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SEALED

BEFORE THE HONORABLE ROBERT W. TEUTON

TRANSCRIPT RE: CALENDAR CALL

TUESDAY, DECEMBER 11, 2018

1 APPEARANCES:

2 For the State of Nevada: JIN KIM, ESQ.
3 601 North Pecos Road
4 Las Vegas, Nevada 89101
5 Protected Minor: KIMORA SAAFIR
6 For the Protected Minor: MARY-FRANCES MCCARTHY, ESQ.
7 725 E. Charleston Blvd.
8 Las Vegas, Nevada 89104
9 The Mother: SHOWANDA MOSLEY
10 (Not present)
11 For the Mother: STACY D. PEREZ, ESQ.
12 630 S. 10th St., #A
13 Las Vegas, Nevada 89101
14 The Father: KWAME SAAFIR
15 For the Father: KAREN ANN CONNOLLY, ESQ.
16 6600 W. Charleston Blvd.
17 #124
18 Las Vegas, Nevada 89146

19 ALSO PRESENT:

20 SHANNA DAVIS
21 HOSEA KIM
22 Department of Family Services
23
24
25

1 LAS VEGAS, NEVADA

TUESDAY, DECEMBER 11, 2018

2 PROCEEDINGS

3 (THE PROCEEDING BEGAN AT 11:34:02.)

4 THE COURT: We are on the record in case number J342106.

5 Appearances, please.

6 MS. DAVIS: Shanna Davis, Child Protective Services,
7 West A.

8 MR. KIM: Hosea Kim, Department of Family Services.

9 MS. KIM: Jin Kim on behalf of State.

10 MS. MCCARTHY: Mary McCarthy, 1314, on behalf of Kimora
11 Saafir.

12 MS. CONNOLLY: Karen Connolly is present with Mr.
13 Saafir. Judge, I think last time we were here I had
14 expressed some concerns about confirming as counsel based on
15 our interaction. And you advised Mr. Saafir that if he
16 wanted counsel, he needed to be cooperate. I haven't heard
17 from his since then.

18 THE COURT: You haven't spoken to Ms. Connolly since you
19 were here last?

20 MR. SAAFIR: No.

21 THE COURT: Is there a reason for that? You don't want
22 a -- you don't want an attorney to represent you?

23 MR. SAAFIR: I didn't say that. It's my right to have
24 an attorney to represent me. So I do want an attorney to
25 represent me. I -- and...

1 THE COURT: Well, actually you don't have the right to
2 have an attorney...

3 MR. SAAFIR: I -- I don't?

4 THE COURT: ...represent you.

5 MR. SAAFIR: I don't have the right?

6 THE COURT: Yeah, there's no constitutional or statutory
7 right that an attorney will represent you.

8 MR. SAAFIR: (Indiscernible).

9 THE COURT: We do that because we find it
10 (indiscernible)...

11 MR. SAAFIR: Is that only in this court that it...

12 THE COURT: No, it's the entire...

13 MR. SAAFIR: ...isn't a right?

14 THE COURT: ...court. It's the entire state of Nevada.

15 MR. SAAFIR: Oh I -- when (indiscernible) when I -- I
16 was -- I was read my rights, they said you have a right to an
17 attorney to represent you.

18 THE COURT: Because it is our practice to appoint
19 counsel to...

20 MR. SAAFIR: Okay. But I...

21 THE COURT: ...represent you.

22 MR. SAAFIR: ...didn't -- I didn't do anything to make
23 her not represent me, so.

24 THE COURT: Well, other than she can't represent you if
25 you don't talk to her.

1 MR. SAAFIR: I did talk to her.

2 MS. CONNOLLY: I think (indiscernible).

3 MR. SAAFIR: When -- when I had an appointment to talk
4 to her, this was supposed to be set for trial. You -- I
5 don't know why you told me to come back this time if it
6 wasn't for a trial because I asked for a trial.

7 THE COURT: I think I told you to come back this time
8 because had you spoke to Ms. Connolly before today's date,
9 the possibility may have existed when she explained to you
10 what the allegations were, that you could resolve the matter
11 without a trial.

12 MS. CONNOLLY: Judge, if you recall, the issue was
13 that...

14 THE COURT: But you have spoken to her.

15 MS. CONNOLLY: ...he refused to talk to any members of
16 my staff because he insisted that he would only talk to me.
17 He had information he wanted to drop off, but he refused to
18 drop it off now because he refused to talk to anybody, and he
19 refused to discuss it on the phone and only wanted to have a
20 meeting and only with me so he could sit down. And
21 basically, the issue was he was not willing to comply with
22 the way...

23 MR. SAAFIR: I asked for a trial. And I asked when we
24 could prepare for a trial. And I did talk to her. I was at
25 work. And I couldn't talk to her about the details of the

1 case while I was at work and the people that I work with were
2 around me. And that was the only time I could talk to her.
3 That's the only appointment that she gave me.

4 MS. CONNOLLY: That's not true.

5 MR. SAAFIR: Okay.

6 MS. CONNOLLY: He was (indiscernible) and requested to
7 drop off information at the office that he had and he refused
8 to do it.

9 MR. SAAFIR: Okay. But I -- like I said, I've already -
10 - I've already -- she's already told me the allegation. I've
11 already saw the allegations. I've already pled. I denied
12 the allegation. Okay. And I don't know what to do from
13 there. I -- I want a trial. I deny the allegation. I
14 wasn't...

15 MS. CONNOLLY: We've (indiscernible)...

16 MR. SAAFIR: ...(indiscernible)...

17 THE COURT: All right. So our trial is set for January.

18 MR. SAAFIR: ...beating her, torturing her or anything
19 like that.

20 MS. CONNOLLY: I think there's DV that's...

21 MR. SAAFIR: My girlfriend. And -- and -- and I didn't
22 do any of that in front of the kids.

23 MS. KIM: For the record...

24 MR. SAAFIR: I didn't do it. But I didn't do it in
25 front of the kids.

1 MS. KIM: I don't know if that helps him.

2 MR. SAAFIR: Yeah.

3 MS. KIM: But anyway calendar call had provided his
4 judgment of conviction for the domestic violence against
5 Ashley, for which he was arrested, which is allegation a
6 certified copy of the judgment of conviction as to that. I
7 also provided counsels with Mr. Saafir's judgment of
8 conviction against biological mother, Showanda Mosley. So
9 the State would be announcing ready, all discovery has been
10 provided.

11 MR. SAAFIR: Okay. But a -- a conviction of domestic
12 violence doesn't mean that I'm guilty of -- what is it? A
13 non-accidental -- whatever I'm being charged with. A non-
14 accidental maltreatment of -- or -- or something happened
15 that's non-accidental that -- that's negligent of a child
16 because if the domestic violence -- if I was attacked and it
17 didn't happen with the child there, it wasn't a danger to the
18 child.

19 So -- so -- so if I was convicted of domestic
20 violence and if a domestic violence occurred and it was
21 because I was attacked and the child wasn't there, how -- how
22 is that negligent of the child? It wasn't negli- negligent
23 on me if I was attacked. It couldn't have been. I coul- I
24 can't stop that...

25 MS. CONNOLLY: And...

1 MR. SAAFIR: ...if I was attacked.

2 MS. CONNOLLY: A part of our breakdown of communication
3 was that Mr. Saafir was -- did not want to -- or did not like
4 my explanation...

5 MR. SAAFIR: So -- so...

6 MS. CONNOLLY: ...of the laws and how the laws apply to
7 his case.

8 MR. SAAFIR: Okay. But...

9 THE COURT: All right.

10 MR. SAAFIR: ...what I'm -- what I'm saying is if
11 criminal conviction of domestic violence, okay, doesn't mean
12 that I'm guilty of being negligent to the kids. If I was
13 guilty of being negligent to the kids, I wouldn't have a
14 minute order with her -- with the investigator saying that I
15 wasn't a danger to the kids.

16 THE COURT: That's right. It's just...

17 MR. SAAFIR: Yeah.

18 THE COURT: That's the one that does the TPO?

19 MR. SAAFIR: Yeah, there's a TPO. And the investigator
20 said in open court, and I have the minute from the judge, and
21 the judge said that the investigator said that I wasn't a
22 danger to the kids.

23 MS. KIM: That -- I think he's talking about the TPO
24 court, which doesn't have...

25 THE COURT: Right.

1 MS. KIM: ...anything to do with...
2 MR. SAAFIR: Okay.
3 MS. KIM: ...this court.
4 MR. SAAFIR: But it -- I'm saying...
5 THE COURT: Well, other than...
6 MR. SAAFIR: ...what I'm saying is it was a statement...
7 THE COURT: ...if -- if...
8 MR. SAAFIR: ...from the investigator.
9 THE COURT: Other than whoever made the statement, if
10 that person is called to testify here, statements that may
11 have been made in that proceeding would be admissible to
12 impeach the witness.
13 MS. KIM: But neither presumption exists. And I -- I
14 understand that having communicated with counsel, she could
15 have explained how our laws are applicable. However, that
16 neither here nor there, I would -- I would ask -- I would
17 submit it to the court in terms of how long it's gonna take,
18 what this is gonna look like. I don't think I charged mental
19 health. But at this juncture...
20 THE COURT: No.
21 MS. KIM: ...I'm wondering...
22 THE COURT: The only allegations are that...
23 MS. KIM: ...about the treatment.
24 THE COURT: ...he was arrested and therefore couldn't
25 provide for...

1 MS. KIM: Mm-hm.
2 THE COURT: ...the child.
3 MR. SAAFIR: And I'm not in...
4 THE COURT: And...
5 MR. SAAFIR: ...custody.
6 THE COURT: And...
7 MR. SAAFIR: I -- I -- I have a job. I'm working. I've
8 been working 40...
9 THE COURT: Okay.
10 MR. SAAFIR: ...hours. And I'm not -- that isn't my
11 girlfriend anymore. So I don't understand how that makes me
12 negligent to the child.
13 THE COURT: The allegation, Mr. Saafir, is that as a
14 result of your being arrested, you were unable to provide for
15 your child.
16 MR. SAAFIR: Okay. But that isn't...
17 THE COURT: That's...
18 MR. SAAFIR: Okay.
19 THE COURT: ...one allegation. The other allegation is
20 that you engaged in acts of domestic violence with Alyssa,
21 the mother of this child's...
22 MS. KIM: Sibling.
23 THE COURT: ...half sibling...
24 MS. KIM: I think they...
25 THE COURT: ...and -- and that you have a prior

1 conviction for domestic violence.

2 MR. SAAFIR: Okay. But like I said, even if I had a
3 prior conviction of domestic violence, that doesn't mean that
4 I was negligent to the child as -- like the -- the domestic
5 violence occurred in front of the kids. That's what I'm
6 saying.

7 THE COURT: All right.

8 MR. SAAFIR: Domestic viol- domestic violence doesn't
9 make me negligent to kids.

10 THE COURT: All right. Let's...

11 MR. SAAFIR: If it -- if it -- if it happened in fr- in
12 f- in front of the kids and the kids were hurt, okay. Or --
13 or if -- if I wasn't attacked, I can understand that.

14 THE COURT: All right. Mr. Saafir, you -- you sound
15 like you -- well, you have the ability to articulate your
16 position fairly well.

17 Ms. Connolly, I'm relieving you as attorney.

18 MS. CONNOLLY: Thank you, Your Honor.

19 THE COURT: Our trial is January the 24th.

20 At what time?

21 THE CLERK: 1:30.

22 THE COURT: At 10:30?

23 THE CLERK: 1:30.

24 THE COURT: At 1:30.

25 All right. So, Mr. Saafir, I'll see you January

1 24th at 1:30. You'll be allowed to represent yourself. All
2 right.

3 MR. SAAFIR: Okay. Cool.

4 THE COURT: And you can present -- you can call on your
5 witnesses that you desire. It's your obligation to make sure
6 the witnesses are present. All right?

7 MR. SAAFIR: And what -- so is that all the -- the
8 evidence against me that I've already been given because I
9 know that there's...

10 THE COURT: Ms. -- yeah, I don't know.

11 MR. SAAFIR: ...a -- there's a (indiscernible)...

12 THE COURT: Ms. Kim, is there any other evidence that
13 he...

14 MR. SAAFIR: What -- what they -- what they...

15 THE COURT: ...needs to be provided?

16 MR. SAAFIR: ...have is a statement from Alyssa...

17 THE COURT: Any other discovery?

18 MR. SAAFIR: ...(indiscernible). And...

19 THE COURT: Okay. Be quiet for a minute.

20 MS. KIM: Yes, Your Honor. Primarily, the domestic
21 violence, whether he agrees with the law or now as it
22 applies, the conviction, the fact that he was incarcerated
23 and unable to provide care, in the event that I want to put
24 on more evidence, I suppose I could call the police officers
25 that responded to the scene that precipitated. I don't know

1 if we need to go there. I would submit it to the court that
2 the police report, the officers who responded, the judgment
3 of conviction for the preponderance purposes, likely it would
4 be (indiscernible).

5 THE COURT: Okay. So the officers that apparently
6 arrested you...

7 MR. SAAFIR: Yeah.

8 THE COURT: ...they may be witnesses.

9 MR. SAAFIR: Okay. I understand that.

10 THE COURT: All right.

11 MR. SAAFIR: And they'd be witnesses for them coming the
12 day before and they'd be wis- witnesses for the -- for when
13 they came out and I was attacked. And they'd be witnesses
14 that the police...

15 THE COURT: I don't know what they're witnesses to.

16 MR. SAAFIR: Okay.

17 THE COURT: Ms. Kim just indicated that she may call
18 them to testify.

19 MR. SAAFIR: But -- okay. But what I'm saying is that
20 she can call them to testify. But the only witness that was
21 there when this happened was Alyssa. That's the only witness
22 that was there when this happened to say who was there, if
23 the kids were there or if they weren't there.

24 THE COURT: Well, now either Ms. Kim's gonna call...

25 MR. SAAFIR: It's so...

1 THE COURT: ...Alyssa or...
2 MR. SAAFIR: So...
3 THE COURT: I guess maybe you'll call her.
4 MR. SAAFIR: Okay. And -- and when -- and -- and what
5 I'm saying is that...
6 THE COURT: Bottom -- bottom line is whatever evidence
7 is presented, testimonial or certified copies of records,
8 after I hear all the testimony and review the public records
9 if any are offered, I make a decision based upon the
10 testimony from the witness stand under oath.
11 MR. SAAFIR: But -- okay. And what I'm...
12 THE COURT: All right.
13 MR. SAAFIR: ...saying -- and -- and even with
14 (indiscernible) this do- domestic violence, does a domestic
15 violence conviction make me a negligent dad?
16 MS. KIM: But I think what...
17 THE COURT: This -- this...
18 MS. KIM: ...he's having...
19 THE COURT: This -- this..
20 MR. SAAFIR: If -- if kids aren't there.
21 THE COURT: Wait. Wait. Wait. Okay.
22 MS. KIM: I think...
23 THE COURT: This -- this is not the -- you're free to
24 argue that it doesn't.
25 MR. SAAFIR: Okay.

1 THE COURT: All right. But this isn't the forum for
2 that to occur. That argument needs to take place at time of
3 trial depending upon what the evidence is that you present.

4 MR. SAAFIR: I will.

5 THE COURT: All right. January 24th at 1:30.

6 MS. MCCARTHY: Thank you, Your Honor.

7 (THE PROCEEDING ENDED AT 11:44:43.)

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9 * * * * *

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

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SHERRY JUSTICE,
Transcriber II

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EXHIBIT D
COURT TRANSCRIPT
January 24, 2019

FILED

JUL 01 2021

Ann L. Blum
CLERK OF COURT

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5 EIGHTH JUDICIAL DISTRICT COURT

6 JUVENILE DIVISION

7 CLARK COUNTY, NEVADA

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9 In the Matter of:) CASE NO. J-18-342106-P2
10 K.S.,) DEPT. D
11 Protected Minor(s).) APPEAL NO. 81946
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SEALED

BEFORE THE HONORABLE ROBERT W. TEUTON

TRANSCRIPT RE: ADJUDICATORY TRIAL

THURSDAY, JANUARY 24, 2019

1 APPEARANCES:

2 For the State of Nevada: JIN KIM, ESQ.
3 601 North Pecos Road
Las Vegas, Nevada 89101

4 Protected Minor: KIMORA SAAFIR
5 For the Protected Minor: MARY-FRANCES MCCARTHY, ESQ.
6 725 E. Charleston Blvd.
Las Vegas, Nevada 89104

7 The Father: KWAME SAAFIR
8 For the Father: Pro Per

9
10 ALSO PRESENT:

11 SHANNA DAVIS
12 HOSEA KIM
13 Department of Family Services
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I N D E X O F W I T N E S S E S

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STATE' S WITNESSES

KWAME SAAFIR
By MS. KIM 16

EXAMINATION BY THE COURT PAGE 47

* * * * *

OPENING STATEMENTS

By MS. KIM PAGE 10
By MR. SAAFIR PAGE 13

CLOSING ARGUMENTS

By MS. KIM PAGE 83

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I N D E X O F E X H I B I T S

STATES' S EXHIBITS

ADMITTED

P-1A	Document; Case #C1198763A: Las Vegas Municipal Court Criminal Complaint filed 9/17/18	72
P-1B	Document; Case #C1198763A: Las Vegas Municipal Court Acknowledgment and Waiver of rights dated 9/8/18	72
P-1C	Document; Case #C1198763A: Las Vegas Municipal Court Judgment dated 9/17/18	72
P-2	Document; Case #14M01956X: Justice Court Criminal Complaint filed 1/30/14	31
P-3	Document; Case #14M01956X: Justice Court Disposition Notice dated 1/14/15	
P-4	Document; Case #14M01956X: Justice Court Admonishment of Rights dated 9/3/14	40

1 LAS VEGAS, NEVADA

THURSDAY, JANUARY 24, 2019

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

3 (THE PROCEEDING BEGAN AT 09:39:21.)

4 THE COURT: All right. So we're on the record in
5 J342106.

6 Appearances, please.

7 MR. KIM: Hosea Kim, Department of Family Services.

8 MS. DAVIS: Shanna Davis, Child Protective Services,
9 West A.

10 MS. KIM: Jin Kim on behalf of the state.

11 MS. MCCARTHY: Mary McCarthy, 1314, on behalf of Kimora
12 Saafir, the minor.

13 THE COURT: And you are Kwame Saafir?

14 MR. SAAFIR: Yeah.

15 THE COURT: All right. So, Mr. Saafir, I've got three
16 trials scheduled this morning. The other two trials will
17 consume all morning. So rather than have you wait for the
18 event I had time this morning, I'm going to continue this to
19 1:30 this afternoon. So you're admonished to be back here at
20 1:30. And we'll hear your trial at that time.

21 MR. SAAFIR: Is -- is there going to be a trial today.

22 THE COURT: Well, if that's what you wanna do. I mean,
23 you've denied the allegations in the petition.

24 MR. SAAFIR: When do we have the findings of fact that
25 support the determination that the allegations happened and

1 the evidentiary hearing?

2 THE COURT: That's what today is.

3 MR. SAAFIR: The evidentiary hearing?

4 UNIDENTIFIED SPEAKER: Mm-hm.

5 THE COURT: Yes.

6 MR. SAAFIR: Okay.

7 THE COURT: Yeah. Okay.

8 MS. KIM: Okay.

9 THE COURT: So I'll see you at 1:30. And we'll take
10 testimony of whatever the State presents and whatever
11 testimony you have to present. And then make a decision at
12 that time. All right?

13 MR. SAAFIR: Yeah.

14 THE COURT: Okay. So I'll see you at 1:30. If you fail
15 to appear at 1:30, I'll be taking testimony anyway and making
16 a decision.

17 MR. SAAFIR: So -- so where's...

18 THE COURT: All right.

19 MR. SAAFIR: Does the State have witnesses or a witness?

20 THE COURT: Yeah. Miss...

21 MS. KIM: Ms. Davis. I have a cert, Judge, JOC. The...

22 THE COURT: So she's got a certified...

23 MS. KIM: ...ERT worker, Mr. Barnes.

24 THE COURT: ...copy of the judgment of conviction...

25 MS. KIM: Yes. Is this Mr. Barnes?

1 THE COURT: ...for domestic violence.
2 MR. BISHOP: No.
3 MS. DAVIS: No.
4 MS. KIM: Oh sorry.
5 MR. BISHOP: Mr. Gary Bishop with CASA.
6 MS. KIM: Okay. And the ERT worker if necessary.
7 THE COURT: All right. So I'll see you at 1:30.
8 THE MARSHAL: So let's set up on Rupei. Make...
9 (Whereupon the matter was trailed at
10 09:41:23 and recalled at 01:45:53.)
11 THE COURT: All right. We are on the record in J342106.
12 Appearances, please.
13 MR. KIM: Hosea Kim, Department of Family Services.
14 MS. DAVIS: Shanna Davis, Child Protective Services,
15 West A.
16 MS. KIM: Jin Kim on behalf of State.
17 MS. MCCARTHY: Good afternoon, Your Honor. Mary
18 McCarthy, Legal Aid Center of Southern Nevada, bar number
19 1314, on behalf of the minor Kimora.
20 THE COURT: All right. You are Kwame Saafir.
21 MR. SAAFIR: Yeah.
22 THE COURT: All right. This is the time set for trial.
23 Are the parties ready to go forward?
24 MS. KIM: Yes, Your Honor.
25 THE COURT: Mr. Saafir, are you ready?

1 MR. SAAFIR: I have -- she -- she showed me the evidence
2 that she has. And she said that they're using a prior
3 conviction that they have from 2014. And I -- I see here
4 under -- under the presumption concerning custody, that --
5 that...

6 THE COURT: What are you looking at?

7 MS. KIM: I believe he's looking at 157.

8 MR. SAAFIR: Yeah.

9 MS. KIM: Can you read that NRS out loud for the Court?

10 MR. SAAFIR: That there...

11 THE COURT: 157.

12 MR. SAAFIR: ...has -- that there -- that all prior acts
13 of domestic violence involving any of the parties...

14 MS. KIM: NRS 432B.

15 MR. SAAFIR: Yeah, has -- has to be looked at. And that
16 it -- it -- there has to be a determining -- deter-
17 determination who was the primary physical aggressor.

18 THE COURT: Right.

19 MR. SAAFIR: Okay. And what I'm saying is that I wasn't
20 the primary physical aggressor. And that for me to prove
21 that...

22 THE COURT: Okay. So what you're telling me is -- is
23 some evidence you want to present. Okay. This -- when the
24 time comes, you'll be asked to -- either Ms. Kim will call
25 you or you can take the stand yourself. You'll be

1 administered an oath to tell the truth. And that's when
2 evidence gets submitted. Anything other than that is just --
3 it's not...

4 MS. KIM: Yes, he...

5 THE COURT: ...important.

6 MS. KIM: ...has not shown me this evidence. But I
7 would submit it to the Court at the time it was appropriate.

8 THE COURT: Yeah, I know. That's what...

9 MS. KIM: Thank you.

10 THE COURT: Okay. So you're -- you are ready to go
11 forward. You're ready to present to me whatever evidence you
12 have to establish why the petition should not be sustained,
13 correct?

14 MR. SAAFIR: I'm -- I'm -- I want to know if this can be
15 put over for a week because I didn't know that they were
16 using a prior conviction and I wanted to call Showanda Mosley
17 as a -- as a witness.

18 MS. KIM: I can let the Court know, I mean, as an offer
19 of proof, Ms. Mosley has previously told Ms. Davis that he
20 had committed -- Mr. Mosley had committed...

21 MS. DAVIS: Mr. Saafir.

22 UNIDENTIFIED SPEAKER: Saafir.

23 MS. KIM: Sorry. Mr. Saafir has previously -- she has
24 had a domestic violence relationship with him. I know that
25 that's not -- if that's what the offer of proof is, that's

1 she's gonna somehow take it back, we do have those statements
2 made to CPS previously...

3 MR. SAAFIR: And...

4 MS. KIM: ...and the convictions.

5 MR. SAAFIR: And I have a video of her attacking me and
6 saying that she lied to the police and was telling the police
7 that I hit her.

8 THE COURT: All right. Well, you know, when we get to
9 it, then I'll...

10 MR. SAAFIR: Okay.

11 THE COURT: ...consider that.

12 MS. KIM: Okay.

13 THE COURT: Are you ready, Ms. Kim?

14 MS. KIM: Yes, Your Honor.

15 THE COURT: All right. Do you wish to make an opening
16 statement?

17 MS. KIM: Your Honor, just briefly.

18 **OPENING STATEMENT**

19 BY MS. KIM:

20 This evidence -- evidentiary hearing will be as to
21 whether or not the child is in need of protection and the
22 presumptions which are applicable to the case, meaning
23 whether or not Mr. Saa fir agrees with the law that when we
24 have a determination of domestic violence and that -- and
25 here I would submit to the Court that there are convictions

1 and waivers signed by Mr. Kwame regarding as to two different
2 persons here, Ashley as well as Showanda. I would submit to
3 the Court that the presumptions as to allegation D is met
4 more importantly. Mr. Kwame was unable to discharge his
5 responsibility for the subject minor because he was arrested
6 for the domestic violence against Ashley, which precipitated
7 our involvement.

8 THE COURT: Are you meaning Alyssa?

9 MS. DAVIS: Alyssa.

10 MS. KIM: Alyssa. My apologies. I'm just tired.

11 Allegation E as to -- I don't know why I have Ashley.

12 Alyssa. And I would move to amend it as Alyssa, who is the
13 mother of her -- his other child. And as to allegation F as
14 to any possible paranoia or threat upon, I would assert that
15 there has been statements made to CPS that's concerning for
16 which Ms. Davis can testify. And I would submit it on that
17 opening statement.

18 THE COURT: All right. Well -- well, we're not
19 concerned today about allegation F; right?

20 MS. KIM: Okay.

21 THE COURT: Right? Just allegations C, D and E.

22 All right. Did you...

23 MR. SAAFIR: What...

24 THE COURT: ...want to make an opening...

25 MR. SAAFIR: What...

1 THE COURT: ...statement?
2 MR. SAAFIR: What -- what are allegations C, D and E?
3 UNIDENTIFIED SPEAKER: I'll show you.
4 THE COURT: C is that you and Showanda...
5 THE MARSHAL: Do you want me to make a copy...
6 THE COURT: ...are responsible...
7 THE MARSHAL: ...of that, Mary?
8 MS. MCCARTHY: Sure.
9 THE COURT: ...for the welfare of Kimora.
10 THE MARSHAL: I'm gonna make...
11 THE COURT: D...
12 THE MARSHAL: ...you a copy.
13 MS. MCCARTHY: It's got writing on it. But you can
14 (indiscernible).
15 THE MARSHAL: Okay.
16 THE COURT: ...is that you committed acts of domestic
17 violence on Alyssa on September 15th, 2008 and that you were
18 previously convicted of domestically battering Showanda in
19 case number 14M1956. E is that you were arrested and
20 incarcerated on the domestic violence charges against Alyssa,
21 with whom Kimora was re- was residing. And because of that
22 arrest and incarceration, you couldn't provide for Kimora at
23 that time.
24 MR. SAAFIR: All right. My -- my open sta-...
25 THE COURT: Okay. Those are the -- those are the three

1 allegations.

2 OPENING STATEMENT

3 BY MR. SAAFIR:

4 Okay. So my opening statement will be that if the
5 Department had knowledge of a prior conviction for domestic
6 violence then that -- that was for two -- 2014, they had that
7 same knowledge when they -- when they decided that I was a
8 fit dad for Kimora 2017 when they did an investigation and
9 saw that...

10 THE COURT: I understand.

11 MR. SAAFIR: ...and placed her with me. And a court
12 decided that and placed her with me and said that I was a fit
13 dad for her.

14 THE COURT: Okay.

15 MR. SAAFIR: And that participating in domestic violence
16 doesn't mean that I was the primary aggressor of domestic
17 violence. So if there was domestic violence that occurred
18 and there has to be two for that to pa- participate, okay.
19 And when the police come, they -- they -- they decide who --
20 who -- who -- who they want to take to jail sometimes.

21 And but that doesn't mean that I was the primary
22 aggressor. And for -- for -- for this civil case, for -- for
23 -- for me that -- that's deciding if I'm a fit dad for my
24 kids, that -- that's what has to be determined is who was the
25 primary aggressor and if -- if that was -- that was abuse or

1 neglect to the kids, neglectful to the kids.

2 THE COURT: Okay.

3 All right.

4 MS. KIM: Your Honor...

5 THE COURT: Call your first witness, Ms. Kim.

6 MS. KIM: Thank you. My first witness would be Mr.
7 Saafir.

8 THE COURT: And so, Mr. Saafir, you need to come
9 forward, take the stand.

10 MR. SAAFIR: Okay. But I'm -- I'm representing myself.
11 But I'm not -- I'm pleading the Fifth. I'm not taking the
12 stand.

13 THE COURT: All right. Well, I gotta put you under
14 oath. And Ms. -- Ms. Kim will ask a series of one or more
15 questions.

16 MR. SAAFIR: But I'm...

17 THE COURT: And each -- each question, the rules are,
18 each time she asks you the question, if the question could
19 incriminate you, then you can invoke the Fifth Amendment
20 privilege against self-incrimination.

21 MR. SAAFIR: All right.

22 THE COURT: If it's a question about something that
23 you've already been convicted of, then you cannot be
24 incriminating yourself because you've already been convicted.
25 Do you understand. So you can't issue a blanket, I'm

1 invoking the Fifth Amendment. It has to be specific to the
2 questions that's being asked.

3 MR. SAAFIR: Okay. But what -- but as far as...

4 THE COURT: Come up here and be sworn.

5 MR. SAAFIR: ...a prior conviction, if I'm appealing
6 this conviction, this with Alyssa, I'm appealing it. I have
7 a e- e-mail...

8 THE COURT: All right.

9 MR. SAAFIR: ...fr- (indiscernible) the attorney.

10 THE COURT: Well, you can show...

11 MR. SAAFIR: I'm -- I'm appealing it.

12 THE COURT: Okay. I...

13 MR. SAAFIR: So me -- me...

14 THE COURT: I'll cons-...

15 MR. SAAFIR: ...talking about a prior conviction can be
16 incriminating for this new conviction, for the appeal, if I'm
17 appealing it.

18 THE COURT: All right. We'll get into that.

19 MR. SAAFIR: Oh good.

20 THE COURT: ...as we proceed.

21 THE MARSHAL: I want you to remain standing. You're
22 gonna raise your right hand and look at the clerk. You have
23 to stand up when you do it. Raise your right hand. She's
24 gonna swear you in.

25 THE CLERK: You do solemnly swear or affirm the

1 testimony you're about to give in this action shall be the
2 truth, the whole truth, nothing but the truth, so help you
3 God?

4 MR. SAAFIR: Yeah.

5 THE CLERK: Thank you. Please state your name for the
6 record.

7 MR. SAAFIR: Kwame Anir Saafir.

8 THE CLERK: Thank you. You may be seated.

9 THE MARSHAL: Go ahead and have a seat. You don't have
10 to lean into the microphone. But just project your voice
11 loud enough so that everybody can hear you, and we can
12 record.

13 **KWAME SAAFIR,**

14 having been duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. KIM:**

17 Q Mr. Saafir, please spell your last name for the
18 record.

19 A It's the same as you have on there.

20 Q But for the record because it has to be recorded.

21 Could you please spell your last name for the record?

22 A S-A-A-F-I-R.

23 Q And your first name, please.

24 A K-W-A-M-E.

25 Q And I apologize. I'm really hard of hearing. So

1 if you could speak up a little bit. That'd be great.

2 Mr. Saafir, do you have any children?

3 A Yeah.

4 Q And can you name them?

5 A Yeah.

6 Q Can you name them? Please name your children.

7 THE COURT: What are their names?

8 THE WITNESS: What -- how is this -- how is me naming my
9 children...

10 THE COURT: Because if you don't have any children, then
11 there's no reason for me to be having this hearing.

12 THE WITNESS: Okay. So who -- we're having the hearing
13 because of what -- what kid?

14 THE COURT: Well, the question was, do you have
15 children? And -- and you said, yes. And so I'm asking you,
16 what is your child or children's name?

17 THE WITNESS: Okay. We're here for Kimora Saafir.

18 Q BY MS. KIM: So is Kimora Saafir one of your
19 children?

20 A Yeah.

21 Q What is her date of birth?

22 A May 15, 2014.

23 THE COURT: Was it -- was it May 11th, 2014?

24 THE WITNESS: Yeah, yeah. May 11th, 2014.

25 Q BY MS. KIM: So approximately how old is Kimora?

1 A Four.

2 Q Do you have any other -- who is the mother of
3 Kimora?

4 A Showanda Mosley.

5 Q Okay. And, Mr. Mosley -- I'm sorry. I do
6 apologize. Is it okay if I call you Kwame because I keep
7 getting your name with Ms. Mosley's last name confused. And
8 I apologize for that profusely. Is it okay if I call you
9 Kwame? Thank you.

10 Kwame, did their come a time when Kimora Saafir was
11 removed from your care?

12 A When I was arrested.

13 Q Tell me about when were you arrested?

14 A When what the -- the day?

15 Q Yeah, the day that you were arrested, yes.

16 A I don't recall the date, but it -- it should be on
17 your...

18 Q Does Sep- would you agree, was it approximately
19 September 15th, 2018?

20 A Yeah.

21 Q Is that a yes for the record? And -- and the
22 reason I ask for the yeses and noes, it's all being recorded
23 audiolly. So a shake of the head will not be recorded
24 properly.

25 A I said, yeah.

1 Q Yes. Okay. And, Mr. Kwame, when you were -- prior
2 to being arrested September 15th, 2018, where were you
3 living?

4 A I plead the Fifth. Wait. You -- you say prior to
5 -- prior to being...

6 Q Before you got arrested on September 15th, 2018,
7 where were you living?

8 A I was there that day. I was living there that day.

9 Q The address where you were living, please.

10 A The address that's -- I don't recall the address.
11 It's there.

12 Q Is it 701 West Charleston Boulevard?

13 A Yeah.

14 Q Is that a yes for the record, not a yeah, but a
15 yes?

16 A Yes.

17 Q And who were you living at that address with?

18 A Alyssa.

19 Q Okay. And what is Alyssa's last name?

20 A Ruddle.

21 Q What was that?

22 A Ruddle.

23 Q Ruddle. And besides you and Alyssa, who else was
24 living there?

25 A Kaden and Kimora.

1 Q What is Kaden's last name?

2 A Saafir.

3 Q So is Kaden also one of your biological children?

4 A Yeah.

5 Q Yes, okay. And so Kimora and Kaden, you and Alyssa
6 were living together in September of 2018. Is that correct?

7 A Yeah.

8 Q Is that a yes for the record?

9 A Yes.

10 Q Okay. So this is your opportunity to tell the
11 Court and me, Mr. Saafir, you said you were arrested. Why
12 were you arrested?

13 A I was arrested because there was allegation that
14 domestic violence occurred.

15 Q Who made the allegation?

16 A Both me and Alyssa.

17 Q So Alyssa and you made the allegation domestic
18 violence occurred?

19 A Yeah.

20 Q You were arrested, though, however; correct?

21 A Yeah.

22 Q Is that a yes for the record.

23 THE MARSHAL: Mr. Saafir, sit a little bit closer.

24 THE WITNESS: Okay.

25 THE MARSHAL: So that we can hear you. And can you come

1 up to the -- there you go, so we hear your voice. Thank you,
2 sir.

3 Q BY MS. KIM: So was Alyssa arrested or just you?

4 A Well, we -- we both didn't make allegation that
5 domestic violence occurred...

6 Q Mister...

7 A ...that day. What?

8 Q Mr. Saafir, you'll have the opportunity to tell
9 your judge -- the Judge your side of it. Right now I need
10 you to answer my questions because this is my case in chief
11 right now.

12 A All right.

13 Q After I ask you the questions, then you can take
14 the stand to explain your side. Does that sound fair?

15 A Yeah.

16 Q Is that a yes for the record?

17 A Yes.

18 Q Okay. So was Alyssa arrested or just you?

19 A Me.

20 Q And you were arrested by Metro police. Is that
21 correct?

22 A Yes.

23 Q By the police...

24 A But what I was saying...

25 Q By police officers.

1 A ...what -- what I was saying, I was correcting what
2 I said. We didn't -- on the day that I was arrested, we both
3 didn't make allegations that domestic violence occurred that
4 day.

5 Q On September -- okay. So on September...

6 A Yeah.

7 Q ...15th, 2018, you do not disagree you were
8 arrested by police officers; correct?

9 A I don't disagree.

10 Q Okay. And Alyssa was not arrested that day. Is
11 that correct?

12 A She wasn't.

13 Q And officers came out and spoke to both of you. Is
14 that also correct?

15 A It d- she -- she wasn't arrested that day. And she
16 wasn't...

17 Q So...

18 A ...arrested the day that...

19 Q So I'm -- I'm only...

20 A ...she was arrested...

21 Q ...focusing...

22 A ...for domestic violence.

23 Q I understand that.

24 A And I have a police report, too.

25 Q So on September 15 -- I'm just going by one day at

1 a time...

2 A Mm-hm.

3 Q ...because the Judge can't hear a bunch of things
4 at once.

5 A Mm-hm.

6 Q On September 15th, 2018, officers came and spoke to
7 you; correct?

8 A Yeah.

9 Q And spoke to Alyssa, correct? Is that a yes for
10 the record?

11 A Yeah.

12 Q And you were arrested, correct, on September 15th,
13 2018?

14 A Yeah.

15 Q Is that a yes?

16 A Yes.

17 Q But Alyssa was not arrested that day. Is that
18 correct?

19 A No.

20 Q Okay. And how long did you stay in custody?

21 A I don't recall the -- how long it was. But it was
22 about maybe two weeks.

23 Q Two weeks?

24 A Mm-hm.

25 Q And -- and where were you housed, with city jail,

1 Clark County Detention Center?

2 A City jail.

3 Q City jail. And you were arrested for the charge of
4 domestic violence where Alyssa was the main victim. Is that
5 correct?

6 A Yeah.

7 Q Okay. And that's where Kimora -- and Kimora was
8 living with Alyssa prior to your arrest. Is that correct?

9 A She was living with me.

10 Q And Alyssa, as you stated previously.

11 A Yeah.

12 Q Is that a yes? All right. Subsequent to your
13 arrest on September 15th, 2018...

14 MS. KIM: Your Honor, may I approach your clerk?

15 THE COURT: You may.

16 MS. KIM: Madam clerk, may I have State's Exhibit 1,
17 (indiscernible) two and three? (Indiscernible) thank you.

18 Q BY MS. KIM: After you were arrested, you were
19 charged with a criminal complaint of having domestically
20 battered Alyssa, with whom you were living or having domestic
21 relationship; right?

22 A Yes.

23 Q And then in that criminal complaint, it also named
24 a prior conviction from September 3rd, 2014, naming -- name
25 you of con- domestic violence dispute you had with Showanda

1 back in the day in 2014; correct?

2 A If -- if that's what it says there. I don't know.

3 Q That's what I showed you.

4 A Yeah.

5 MS. KIM: Judge, I would move to add my -- admit certif-
6 the criminal complaint, Proposed State's Exhibit 1-A,
7 certified.

8 THE COURT: It's a certified copy of a...

9 MS. KIM: Yes.

10 THE COURT: ...court record?

11 MS. KIM: That is correct.

12 Q BY MS. KIM: Mr. Mosley...

13 THE COURT: Let the -- the Exhibit 1-A will be admitted.
14 (Whereupon State's Exhibit 1-A was admitted.)

15 Q BY MS. KIM: Kwame, I did it again. I apologize.
16 Kwame, subsequent, after you were arrested, you came to court
17 in a criminal proceeding. And you were given something
18 called battery constituting domestic violence, acknowledgment
19 of waiver of rights. Do you remember that?

20 A What -- I'm -- okay. This is where, like I said,
21 that's being appealed...

22 Q Okay.

23 A ...because...

24 Q Mister...

25 A ...and -- and -- and the grounds for appeal is

1 that. Is that. If I -- if I was -- had evidence that I was
2 under the influence, like I have evidence I was being
3 drugged.

4 Q Mister...

5 A Okay. Okay. Wait. If I have -- if I have
6 evidence that -- if I have evidence that there was a threat
7 on life...

8 Q Mm-hm.

9 A ...that's grounds for appeal. Okay? I -- they
10 wouldn't tell me where Kimora was.

11 Q Okay.

12 A Okay. Didn't know where she was. They wouldn't
13 tell me. Didn't have a way to contact her.

14 Q Mm-hm.

15 A So that -- that -- that -- that -- that's more of a
16 threat on life than a threat on my life because I don't know
17 where -- where -- where my daughter is.

18 Q Okay.

19 A Okay. So that's being appealed. So I'm going to
20 plead the Fifth and not say anything else about that.

21 Q Mr. Saafir, did you...

22 A Okay.

23 Q ...actually file something appealing?

24 A I -- the...

25 Q Or are you...

1 A ...attorney is. I -- I...

2 Q ...going to?

3 A The attorney is.

4 Q Okay.

5 A I have to talk to the...

6 THE COURT: Who's your attorney?

7 THE WITNESS: ...Dw- Dw- Dewayne Nobles.

8 THE COURT: Who?

9 THE WITNESS: Dewayne Nobles. I e-mailed him. I talked

10 to him. I went to his...

11 Q BY MS. KIM: Uh-huh.

12 A ...to his office. And I asked him to appeal

13 because of those, because I have evidence that I was being

14 drugged. I have recordings of Alyssa saying that she's

15 drugged me.

16 Q Mm-hm.

17 A I -- and -- and I didn't know where Kimora was. So

18 that was -- that was a threat on life because I didn't know

19 where my daughter was. I didn't know if she was safe. And

20 that -- that made me have to do whatever I had to do to find

21 out where she was...

22 MS. KIM: Your Honor, because he's pro per...

23 THE WITNESS: ...to get out of jail and find...

24 MS. KIM: ...and -- and to err...

25 THE WITNESS: ...out where she was.

1 MS. KIM: ...on the side of caution, because he's
2 representing he's appealing that...

3 THE WITNESS: Okay.

4 MS. KIM: ...for now I'm gonna withdraw State's Exhibit
5 1 and then focus on Ms. Mosley. I think you already have the
6 fact that he was arrested as part of the record. Permission
7 to approach the clerk as to State's Exhibit 2.

8 THE CLERK: So you are withdrawing Exhibit 1?

9 MS. KIM: Yes. I'll take that.

10 (Whereupon State's Exhibit 1 was withdrawn.)

11 THE COURT: When -- when is the last time you talked to
12 Mr. Nobles?

13 MS. KIM: May I have the other one?

14 THE WITNESS: Mr. Nobles?

15 MS. KIM: (Indiscernible).

16 THE COURT: He's your attorney, right?

17 THE WITNESS: Yeah, I don't recall the -- the date; but
18 it as when I e-mailed him.

19 THE COURT: Okay. When did you e-mail him?

20 THE WITNESS: I don't -- I don't recall the date. I'd
21 have to look at my e-mail. I can tell you when I -- when
22 I...

23 THE COURT: Was it...

24 THE WITNESS: ...recall the date.

25 THE COURT: ...this year or last year?

1 THE WITNESS: It was last year. It's -- it's January,
2 so.

3 THE COURT: Well, you withdraw the -- you're withdrawing
4 your...

5 MS. KIM: In case it's appealed...

6 THE COURT: ...other...

7 MS. KIM: ...Judge, I think we have other factors.

8 THE COURT: Go ahead.

9 Q BY MS. KIM: Mr. Kwame.

10 A Mm-hm.

11 Q You said the chil- Kimora's mother is Showanda
12 Mosley, correct?

13 A Yeah.

14 Q And on -- on or about the 22nd day of January of
15 2014, were you charged with domestically battering Showanda
16 Mosley?

17 A I don't re-...

18 Q Yes...

19 A I don't recall.

20 Q You don't recall.

21 A And -- and -- and as -- as I've said, that would've
22 been know to the Department.

23 Q But -- okay. It's a..

24 A It -- that -- that...

25 Q ...yes or no answer.

1 A Okay. But what I'm saying -- what I'm saying...
2 THE COURT: Listen. Kwame, you can argue that...
3 THE WITNESS: Okay.
4 THE COURT: ...in a few minutes.
5 THE WITNESS: Okay.
6 THE COURT: But she needs to present the evidence. And
7 then you are free to argue...
8 THE WITNESS: Okay.
9 THE COURT: ...or testify, whatever you want. I
10 recognize what you're gonna argue.
11 MS. KIM: Thank you.
12 THE WITNESS: Okay.
13 MS. KIM: I would move to admit now State's Proposed
14 Exhibit 2.
15 THE COURT: All right.
16 MS. KIM: (Indiscernible).
17 THE COURT: Proposed Exhibit 2, it's a certified copy of
18 the...
19 MS. KIM: Yes, naming Showanda Mosley.
20 THE COURT: ...judgment of conviction in justice court.
21 MS. KIM: Yes.
22 THE COURT: ...alleging January 22nd, 2014, battery on
23 Showanda Mosley.
24 MS. KIM: That's right. That's the criminal complaint.
25 So it's State's Exhibit 2. I -- I believe that's...

1 THE COURT: All right. State's Exhibit 2 is admitted.

2 (Whereupon State's Exhibit 2 was admitted.)

3 MS. KIM: Thank you.

4 Q BY MS. KIM: Mr. Kwame, when you were -- do you
5 recall being before and signing a battery domestic violent --
6 violence admonishment of rights?

7 A I don't recall.

8 Q Okay. I'm gonna show you what's been marked
9 State's Exhibit 4. Do you recognize that signature?

10 A Like I -- like I said, because of the appeal of
11 this case, I'm going to plead the Fifth about this to.

12 THE COURT: What's Exhibit 4 pertain to?

13 MS. KIM: This is as to the -- this is battery domestic
14 violence admonishment of rights 14, Mary, 01956, which is the
15 conviction for Showanda Mosley back in 2014. This is not
16 under appeal from my understanding.

17 THE WITNESS: It doesn't have to be under appeal. But
18 the appeal is -- would look at prior conviction, like you're
19 looking at prior convictions now. So I'm going to plead the
20 Fifth about any prior convictions.

21 MS. KIM: Okay.

22 Judge...

23 THE WITNESS: But -- but -- but what I can say is that
24 that would've been known by the Department.

25 THE COURT: Yeah, wait, wait, wait.

1 MS. KIM: Objection.
2 THE WITNESS: Okay.
3 THE COURT: You're getting ahead of yourself.
4 MS. KIM: Objection.
5 THE WITNESS: Okay.
6 MS. KIM: So I move to admit...
7 THE COURT: So the -- so the conviction in is nineteen -
8 - in this 2014 case is predicate and is alleged in the
9 2018...
10 THE WITNESS: What -- what...
11 MS. KIM: As an enhancer, Your Honor.
12 THE WITNESS: ...what I -- what I -- what I can say that
13 I -- I do recall is that I talked to Showanda about it. She
14 said that she recalled it and that I didn't hit her.
15 THE COURT: Okay. Very well.
16 THE WITNESS: And I have a video of Showanda attacking
17 me and saying that she'd lie to the police and tell them that
18 I'd hit her.
19 THE COURT: Well, when you -- when we get to your case,
20 then you can present...
21 THE WITNESS: Okay.
22 THE COURT: ...whatever...
23 MS. KIM: Thank you.
24 THE COURT: ...you want. But in terms of this convic-
25 this 2014 incident...

1 THE WITNESS: Yeah.

2 THE COURT: The fact that you've appealed the 2018 case
3 that includes this allegation, does not give you the right to
4 invoke the Fifth Amendment as to the 2014 case. Do you
5 understand what I'm saying?

6 THE WITNESS: I -- I don't understand that because...

7 THE COURT: Well, you're saying that you're not gonna
8 answer any questions about the 2014 case...

9 THE WITNESS: Because...

10 THE COURT: ...because you've...

11 THE WITNESS: ...I don't recall. And because when --
12 when this 2018 case is appealed, they could use that as
13 evidence against me for this -- this case when it's appealed.

14 MS. KIM: (Indiscernible).

15 THE COURT: Well, they couldn't use it as evidence.
16 They...

17 THE WITNESS: Or...

18 THE COURT: They could use it to...

19 THE WITNESS: You're -- you're use- you're using that as
20 evidence against me now...

21 THE COURT: They -- they...

22 THE WITNESS: ...for something that...

23 THE COURT: Well, yeah, well...

24 THE WITNESS: ...that happened in 2018.

25 THE COURT: That's because this is a civil...

1 THE WITNESS: Okay.

2 THE COURT: ...case. This isn't a criminal.

3 MS. KIM: Thank you.

4 THE WITNESS: So...

5 Q BY MS. KIM: And so, Mister...

6 THE COURT: And in a criminal case they couldn't use it
7 as evidence. They could use it to...

8 THE WITNESS: As a...

9 THE COURT: ...to make a -- the punishment for severe.

10 THE WITNESS: Oh to make the punishment more severe.

11 THE COURT: Yeah.

12 THE WITNESS: So that's a -- that -- that -- that...

13 THE COURT: But that doesn't give you the right...

14 THE WITNESS: ...that's incriminating. So I'll plead
15 the...

16 THE COURT: No, no, no, no, no. That doesn't give you
17 the right to -- let me put it this way. If someone is
18 charged as being an ex-felon in possession of a firearm, it
19 doesn't make any difference how they got convicted in that
20 felony case. Okay? Whether the -- whether it was beat out
21 of them by the police and they admitted it in court, not
22 relevant. All right? That's the law. So you can't claim
23 the Fifth to this 2014 case.

24 THE WITNESS: Well, I -- I don't recall the 2014 case.

25 THE COURT: Well, that's a different question.

1 THE WITNESS: Wait, wait. And -- and -- and what --
2 what...

3 THE COURT: That's a different answer.

4 THE WITNESS: ...(indiscernible) but what -- what I can
5 say -- what I can say is that I've pl- I've pled no contest
6 and guilty to things that I wasn't guilty of to get out of
7 jail when I was younger and didn't care as much about my
8 criminal record. I just wanted to get out of jail. So...

9 MS. KIM: Just, Your Honor...

10 THE WITNESS: ...the...

11 THE COURT: Okay. Sir...

12 MS. KIM: ...I'd submit he could testify...

13 THE WITNESS: Okay.

14 MS. KIM: ...to that after I'm done.

15 THE WITNESS: Okay. But...

16 MS. KIM: Thank you. Let's -- you can get to yours when
17 I'm done with my case in chief. Thank you.

18 Q BY MS. KIM: Mr. Saafir, I know you say -- you say
19 you don't remember...

20 A I -- I'm -- I'm...

21 Q ...this document in question...

22 A ...I'm -- I'm.

23 Q You can plead the Fifth after I ask the question or
24 whatever...

25 A I al-...

1 Q ...it is you're...
2 A I already plead...
3 Q ...choosing to do.
4 A ...the Fifth.
5 Q Okay.
6 A So I'm not going to answer...
7 Q That's fine. For each and every question.
8 A ...questions about that.
9 Q Mr. Saafir, is that you're signature?
10 A Like -- like I said, I'll plead the Fifth to
11 anything about that.
12 MS. KIM: I move...
13 THE COURT: All right. Hold on.
14 MS. KIM: ...to admit...
15 THE COURT: You're going to plead the Fifth to whether
16 or not that's your signature?
17 THE WITNESS: I s- I said I pled -- I plead the Fifth to
18 any questions about that 2014 domestic violence...
19 THE COURT: Including...
20 THE WITNESS: ...allegation.
21 THE COURT: ...that last question?
22 THE WITNESS: I -- I -- I'm...
23 THE COURT: Because if you...
24 THE WITNESS: ...I -- I -- I...
25 THE COURT: ...plead the Fifth...

1 THE WITNESS: ...I pled the Fifth before that question.

2 THE COURT: All right. You -- you're not gonna
3 understand this, Mr. Saafir. Mr. Saafir, but I need to
4 explain to you, if you invoke the Fifth Amendment, I have --
5 and you refuse to answer, I have the right to determine what
6 the answer would've been and rely -- and make a decision
7 based upon what the answer would've been.

8 THE WITNESS: Oh.

9 THE COURT: Do you understand that?

10 THE WITNESS: Okay. But I -- I invoked the Fifth
11 Amendment before she asked any questions. I invoked the
12 Fifth Amendment when she...

13 THE COURT: Okay. I'm finding that's your signature.

14 THE WITNESS: I -- li- like I said, I in- invoke the
15 Fifth Amendment before she asked anything about that 2014
16 domestic violence allegation.

17 THE COURT: All right.

18 THE WITNESS: I said that I invoke...

19 THE COURT: Well, I'm finding...

20 THE WITNESS: ...the Fifth Amendment.

21 THE COURT: ...you have no right to invoke the Fifth
22 Amendment to the 2014 case. Therefore, by invoking the
23 Fifth, I am finding that that's your signature on the guilty
24 plea (indiscernible).

25 THE WITNESS: Okay.

1 Q BY MS. KIM: Mr. Saafir, in your battery domestic
2 viol- admonishments of rights, do you remember signing the
3 document that says, I am the defendant on this case? Is that
4 a yes or a no?

5 A I already pled the Fifth.

6 Q Okay.

7 A We're still talking...

8 Q Just (indiscernible)...

9 A ...about the same...

10 Q I am...

11 A ...thing.

12 Q ...charged with battery, constituting domestic
13 violence and having willfully and unlawfully committed active
14 force and violence upon my spouse, former spouse or with whom
15 I'm related by blood or marriage, person with whom I'm
16 actually residing or person who I've had -- I've had a dating
17 relationship, a person with whom I have a child in common, my
18 minor child, or the minor child of one of those persons. Do
19 you remember that being part of your waiver? It's a yes or
20 no.

21 A I already pled the Fifth.

22 Q Okay.

23 A We're still talking about the same..

24 THE COURT: I'm finding that was...

25 THE WITNESS: ...(indiscernible).

1 THE COURT: ...part of his waiver.

2 Q BY MS. KIM: That you were -- in the waiver that it
3 also alleges each of your rights, that you'll be waiving the
4 rights, to which is a speedy trial and all those that come
5 with a speedy trial. Yes or no? Or invoking it again, Mr.
6 Smith -- or Mr. (indiscernible)...

7 A Yeah.

8 Q Yes. I'm also aware that by pleading guilty or
9 nolo contender, I'm admitting that the State could factually
10 prove the charges against me. I'm also aware that my plea of
11 guilty and nolo contender may have the following
12 consequences. Do you remember that being part of your
13 admonishment?

14 A I'm still pleading the Fifth to any...

15 Q Okay.

16 A ...questions asked about 2014, domestic violence
17 allegation.

18 MS. KIM: Your Honor, at this juncture, I'd move to
19 admit State's Exhibit 4, which is a certified copy of his
20 waiver of rights.

21 THE COURT: All right. Mr. Saafer, as I previously
22 indicated to you, I'm making a legal finding you have no
23 right to invoke the Fifth Amendment to these documents. Your
24 refusal to answer the questions therefore will result in my
25 finding that this is a proper admonishment signed by you

1 November of -- I'm sorry, September 3rd, 2014.

2 Q BY MS. KIM: And then were you subsequently con-...

3 THE COURT: And the Exhibit 4 is admitted.

4 (Whereupon State's Exhibit 4 was admitted.)

5 Q BY MS. KIM: And were you subsequently convicted of
6 battery domestic violence against Showanda on the same case?

7 THE COURT: Are you taking the Fifth?

8 THE WITNESS: Yeah.

9 THE COURT: Find the...

10 MS. KIM: I move to admit...

11 THE COURT: ...I find that...

12 MS. KIM: ...State's Exhibit 3.

13 THE COURT: ...you were subsequently convicted. Exhibit
14 3 is a certified copy of the disposition notice and judgment
15 showing that you were convicted...

16 THE WITNESS: What -- what -- what -- what was the date
17 of that?

18 THE COURT: The date of what?

19 THE WITNESS: Domestic violence conviction?

20 MS. KIM: Court's indulgence. Your Honor, that would've
21 been...

22 THE COURT: The disposition date is January 14th, 2015.

23 MS. KIM: And the...

24 THE WITNESS: No, the -- the -- I -- the allegation, the
25 day that -- that the domestic violence occurred.

1 Q BY MS. KIM: Which domestic violence?

2 A That -- the -- that was -- has...

3 Q Showanda or...

4 A ...been submitted.

5 Q ...Ashley?

6 THE COURT: The 2014?

7 THE WITNESS: Showanda, what's been submitted.

8 THE COURT: Let me see Exhibit 2.

9 Q BY MS. KIM: Alyssa. Alyssa.

10 A No, Sh-...

11 THE COURT: No.

12 THE WITNESS: Showanda.

13 Q BY MS. KIM: Showanda.

14 THE COURT: Showanda is Exhibit 2.

15 THE WITNESS: Yeah, you said that you withdrew whatever
16 you had for Alyssa.

17 THE COURT: The events in Exhibit 2 occurred January
18 22nd, 2014.

19 THE WITNESS: January 22nd, two -- 2014?

20 THE COURT: January.

21 THE WITNESS: So that would've been before Kimora was
22 born?

23 THE COURT: January 22nd, 2014.

24 THE WITNESS: Okay. So that would've been before Kimora
25 was born. We're here for Kimora.

1 Q BY MS. KIM: Sir.

2 A Yeah.

3 Q We're gonna get there.

4 A Okay.

5 Q Thank you. So you don't refute that you were

6 arrested for two weeks and could not provide care for Kimora,

7 correct? Just what -- I know you contest the validity of

8 your arrest. But while you were in jail, you could not have

9 Kimora placed with you. Is that correct?

10 A I -- I -- I can't control what I'm arrested for.

11 If -- if I was -- if I was -- if I was walking, like you

12 said, out there, if I was walking and I was...

13 Q The question is...

14 A ...and -- and I was...

15 Q ...while you were in custody...

16 A ...and I was -- and -- and...

17 Q ...could you...

18 A ...and I...

19 Q ...provide care...

20 A ...and...

21 Q ...for Kimora?

22 A ...and I fit the description of a -- of a robbery

23 suspect and they arrested me...

24 Q Mm-hm.

25 A I couldn't stop myself from be- being arrested.

1 Q But that -- regardless...

2 A So that -- that doesn't mean that I'm guilty.

3 Q Mm-hm.

4 A That doesn't...

5 Q I'm not -- I'm not asking about guilt...

6 A Okay.

7 Q ...or innocence. While you were in jail for two
8 weeks, you could not have Kimora placed with you though. Is
9 that correct?

10 A I could've had her -- I could've -- I could've been
11 responsible and had her -- had her placed with family so that
12 she wouldn't -- that -- so that she could be protected when
13 I...

14 Q Okay.

15 A ...was in jail, if the Department would've
16 contacted me, if the police would've -- would've said
17 something to me, if they would've told me where she was,
18 where she was going or anything like that.

19 Q Okay.

20 A Yeah.

21 Q So, Mr. Saafir...

22 A So I -- I -- I -- I st- I could've had her taken
23 care of...

24 Q So that's a...

25 A ...if...

1 Q ...no. She could not be in jail with you, correct?
2 A She -- she couldn't be in jail with me.
3 Q Okay.
4 A But she can't be at work with me...
5 Q Mister...
6 A ...when I'm at my job.
7 Q ...Saafir, do you have any mental health concerns?
8 Have you ever been diagnosed with any paranoia or repetitive
9 thoughts?
10 A I haven't been diagnosed -- I -- what -- what did
11 you say?
12 Q With -- with same thoughts occurring over and over
13 again. Do you have an issue where you have maybe the same
14 thoughts over and over again?
15 A I'm -- what do you mean the same things?
16 Q Becoming fixated or focused on one thought
17 repeatedly or just one thought where that's the only thing
18 you can focus on. If it's a no, it's a no.
19 A I -- I don't -- I don't -- I don't understand. I'm
20 not a...
21 Q Have -- have...
22 A ...psychologist. So I don't -- I don't know.
23 Q Fair enough. That's a -- fair enough.
24 A Are -- are -- are you focused on the thought of
25 convicting me now?

1 Q No, I'm asking if there are...

2 A Okay.

3 Q ...any mental health concerns that we need to be...

4 A But -- but...

5 Q ...aware of.

6 A ...but wh- what you said to me is if I focus -- if
7 I've ever focused on the same thought.

8 Q Mm-hm.

9 A I think people focus on the same thought if that's
10 what they're focused on.

11 Q Okay.

12 A You're focused on convicting me now.

13 Q Okay.

14 A He -- he's focused on hearing this case.

15 Q Uh-huh.

16 A I'm foci- foc- focused on proving my innocence.

17 Q Okay.

18 A So...

19 Q Have -- have you ever told CPS that or had concerns
20 that FBI is following you and watching your every move and
21 trying to arrest you?

22 A I don't recall that statement.

23 Q Okay. I'm gonna move on.

24 MS. KIM: And, Judge, at this juncture, the State would
25 rest. And I'm going to allow, Mr. Saafir to present his

1 evidence.

2 THE COURT: All right. Mr. Saafir, what do you want to
3 -- first of all, do you have evidence you want to present to
4 me?

5 MR. SAAFIR: So if -- if -- if they withdrew...

6 THE COURT: They withdrew...

7 MR. SAAFIR: ...the -- the...

8 THE COURT: ...the allegations...

9 MR. SAAFIR: ...for -- for...

10 THE COURT: ...concerning the 2018 arrest.

11 MR. SAAFIR: Okay. So then I have evidence...

12 MS. KIM: For a conviction...

13 MR. SAAFIR: ...for that. But...

14 MS. KIM: ...Your Honor. The...

15 THE COURT: Conviction.

16 MR. SAAFIR: O- o- o-...

17 MS. KIM: ...2018...

18 MR. SAAFIR: Okay.

19 MS. KIM: ...conviction, so.

20 MR. SAAFIR: So -- so they...

21 MS. KIM: The arrest is still good.

22 MR. SAAFIR: If -- if -- if they withdrew that...

23 THE COURT: The conviction?

24 MR. SAAFIR: ...okay? Yeah, they withdrew the
25 conviction, and that -- I have evidence for that. And as --

1 as far as -- as far as -- as far as them using allegation,
2 that's something that happened in 2014 that would've -- I
3 don't recall. But it -- it would've happened before Kimora
4 was born. And it would've been already been known by the
5 Department when they did a investigation and placed Kimora
6 with me 2017 and found that I was a fit dad for Kimora. They
7 placed her with me, said that I was a fit dad. They had that
8 same information that they have now. And they...

9 THE COURT: Okay. So let me -- let me just ask
10 questions.

11 MR. SAAFIR: Okay.

12 **EXAMINATION**

13 **BY THE COURT:**

14 Q Your first argument is that because the 2014
15 conviction occurred before Kimora was born, I can't consider
16 that to determine whether or not Kimora could be safely
17 placed with you. That's your first argument.

18 A Okay. That's -- that's my first argument.

19 Q That's your first argument.

20 A That's my -- that -- that -- that would be...

21 Q So...

22 A ...my first argument because...

23 Q Okay. So...

24 A ...because...

25 Q You know, I understand the because.

1 A ...the -- the -- the -- the -- this -- this --
2 we're here because of -- of Alyssa, not because of Showanda.
3 Okay. So Kimora was removed because of Alyssa. They
4 withdrew that and they're using some- something -- something
5 that they say happened before Kimora was born. But they
6 would've...

7 Q Okay.

8 A Okay.

9 Q So the question is, if -- if you were in my
10 place...

11 A Okay.

12 Q ...and I went out, raped, robbed and murdered
13 somebody and next week my wife had a child by me, you're
14 saying because the child was born after I did those heinous
15 things, that I -- that you shouldn't consider the fact that I
16 did those heinous things?

17 A No, what I'm saying is that if you raped, robbed
18 and murdered and you were sentenced to 25 years and you did
19 your time and you came out and you had a baby, you couldn't
20 say -- you couldn't use that to determine if you could have
21 custody of your baby or if -- and -- and that wouldn't make
22 you guilty of being neglectful to the baby that you have now
23 after you -- after you...

24 Q Well, there's a...

25 A ...served your time for whatever.

1 Q There's a difference between 25 years and...

2 A O- okay. That -- but that -- that's -- that's what
3 I'm saying. That's what I'm saying. So if you did that, you
4 can't use that to determine and -- and you -- and -- and we
5 aren't talking -- we wouldn't be talking about -- about who
6 you -- we're talking about if -- if you're a fit dad after
7 you did those things. We aren't talking about if you're --
8 if you're a model citizen. We're talking about if you're a
9 fit dad. There's a difference.

10 Q Okay.

11 A So -- so if you were convicted of robbery or
12 murder, that doesn't mean that you -- you -- you can't ever
13 be a dad or ever be a good dad. That -- that -- that made --
14 that means that you -- that you can't carry a firearm, that
15 means that you can't be a police officer. But it doesn't
16 mean that you can't be a good dad.

17 Q All right. Let me ask you another question. On
18 the -- the -- the case that the DA didn't proceed with...

19 A Okay.

20 Q ...the allegations from 2018 involving Alyssa.

21 A Okay.

22 Q Did you have a trial on that in municipal court?

23 A No.

24 Q Without telling me whether you did or didn't commit
25 the offense because I'm not interested in that. I am

1 interested in knowing what the procedure was. What are you
2 appealing about that case?

3 A I'm appealing that there -- there's -- I'm
4 appealing that I was under pressure to plead no contest
5 because I didn't know where my daughter was...

6 Q Okay.

7 A ...didn't know if she was safe, didn't know where
8 she was, and I felt like I was high at the time. I -- I
9 don't use any drugs. Okay? And there's been times when I've
10 -- since I've been with Alyssa that I felt high. I've had --
11 I've had her recorded saying that she's drugged me when I was
12 sleeping. I have her recorded saying that. So I -- I -- I -
13 - maybe I wasn't thinking right. Maybe it took time to wear
14 off. I don't know. I don't know what it was. But I was
15 under pressure. And I -- I'm gonna come and get on that --
16 on that grounds that I was under pressure. There was a
17 threat to -- to...

18 Q Okay. So you were in...

19 A ...the life of my...

20 Q ...fact convicted.

21 A What?

22 Q You -- you -- you did in fact...

23 A But they -- they...

24 Q ...plead...

25 A ...they -- they -- they withdrew that. I'm not

1 saying that I -- I...

2 Q I know they did.

3 A I'm -- I'm -- I'm saying -- I'm -- I'm not...

4 Q I know what they did.

5 A Okay. I'm -- I'm not saying...

6 Q They're trying to find out what you did.

7 A Okay. I'm -- I'm not...

8 Q So you were charged.

9 A What?

10 Q You pled no contest for reasons other than having
11 done it. And you're now -- and you were convicted because
12 you pled no contest. You're not conven- appealing the
13 conviction because you're saying your plea of no contest was
14 not free and voluntarily made.

15 A Yeah.

16 Q You were coerced into making the plea.

17 A Yeah.

18 Q Okay. I understand. When were you convicted?

19 A I -- I don't recall the date.

20 MS. KIM: Well, Your Honor...

21 MR. SAAFIR: But they -- they...

22 THE COURT: Okay. So let me turn to your other issue.

23 MR. SAAFIR: Okay'.

24 THE COURT: And it's more of an argument than it is
25 evidence.

1 Ms. Kim.

2 MS. KIM: Yes, Your Honor.

3 THE COURT: And -- and quite frankly, I'd be interested
4 in hearing your response to this.

5 MS. KIM: Yes.

6 THE COURT: His argument is that we should not consider
7 the 2014 conviction for domestic violence because it was
8 implicitly if not explicitly addressed by the hearing master
9 when -- on May 17th of the -- of 2017 he was found to be a
10 fit and proper person to take custody.

11 MS. KIM: Uh-huh.

12 THE COURT: Which would imply that that domestic
13 violence conviction didn't impair his ability to care for his
14 child.

15 MS. KIM: Legally, Your Honor, that argument for his
16 benefit would not be applicable here. Once this Court
17 becomes aware of the conviction and it's application, it
18 becomes mandatory and this Court has to make a finding.

19 If there was never a prior 157 hearing, and we're
20 not sure if there was one, and I don't believe there was,
21 here he was given closure with joint custody with Ms. Mosley,
22 not sole primary.

23 Here also we have the 157 hearing because Mr.
24 Saafir's argument seems to be, well, she has not yet -- that
25 Kimora was not yet born so it's also further inapplicable, is

1 not applicable because 157 doesn't have a statute of
2 limitation. It simply says against the mother of the child.
3 Judge, as you can see, the child's date of birth is May 11th,
4 2014.

5 So Showanda, who he doesn't dispute is the
6 biological mother of the child, is the named victim. And
7 more importantly, she was pregnant with the subject minor
8 shortly prior -- after. She gave birth to the subject minor
9 -- shortly after giving birth to -- the child was born
10 shortly after the domestic violence incident and his
11 subsequent conviction. The conviction arose, to my
12 knowledge, after the child was born.

13 Regardless, what we cannot get away from and what
14 cannot be refuted for the two weeks, whether it was wrongful
15 detention or not, he was incarcerated and unable to provide
16 care. The concern, even if we take the conviction of the
17 2018, again with whom he was residing, he was in there for
18 the allegation of the DV, which is concerning and relevant
19 for the Court because there was prior conduct of DV against
20 this child's mother.

21 THE COURT: Okay. So we're going a little bit far
22 afield from my question.

23 MR. SAAFIR: I -- I'd object because you withdrew that.
24 So that -- that can't -- I...

25 MS. KIM: Well, not the conviction.

1 THE COURT: No, no, no, no, no. No, no, no.
2 MS. KIM: Just the conviction...
3 THE COURT: The only thing...
4 MS. KIM: ...not the arrest.
5 THE COURT: ...she withdrew...
6 MR. SAAFIR: Okay.
7 THE COURT: ...was...
8 MR. SAAFIR: She -- she -- she's...
9 THE COURT: ...(indiscernible)...
10 MR. SAAFIR: She -- she's -- she withdrawing the
11 conviction because they want to have to...
12 THE COURT: Right.
13 MR. SAAFIR: ...call Alyssa as a witness. But -- but
14 the arrest, like I -- like she said out there -- like she
15 said out there, the arrest can't be controlled by me. I
16 can't...
17 THE COURT: Well -- well...
18 MR. SAAFIR: ...control if -- if I...
19 THE COURT: She didn't say that.
20 MR. SAAFIR: ...if -- if...
21 THE COURT: You said that.
22 MR. SAAFIR: She said that to me out there. She said
23 that I -- that an arrest can't be controlled by me. I could
24 be walking -- walking on the street...
25 THE COURT: The -- the -- the...

1 MR. SAAFIR: ...and -- and I'm arrested because I'm ..

2 MS. KIM: But it doesn't changed the fact that...

3 THE COURT: The -- the...

4 MS. KIM: ...you were arrested.

5 MR. SAAFIR: Okay.

6 THE COURT: It doesn't change the fact that for a period
7 of two weeks you couldn't care for your child.

8 MR. SAAFIR: Okay. I could've cared for -- for her if I
9 -- I was told her -- where she was. I could've had her go
10 with family to -- to care for her or to a babysitter the same
11 way that I would...

12 THE COURT: Well, we're...

13 MR. SAAFIR: ...if -- if...

14 THE COURT: ...we're not talking about what could've
15 happened.

16 MR. SAAFIR: But it -- but -- but...

17 THE COURT: We're talking about what did happen.

18 MR. SAAFIR: It -- it didn't happen because they
19 wouldn't tell me. The Department didn't contact me when I
20 was in jail. The police wouldn't tell me where she was. So
21 I couldn't -- I couldn't do anything to have her cared for
22 when I was in there. If I would've been told something, I
23 could've arranged to have her cared for when I was in there,
24 the same way that I'd arranged to have her cared for when I'm
25 at work.

1 THE COURT: Ms. Kim...

2 MR. SAAFIR: Or if I was away...

3 THE COURT: ...do you -- do you...

4 MR. SAAFIR: ...on vacation.

5 THE COURT: Okay. Hold on.

6 MR. SAAFIR: Okay.

7 THE COURT: Do you want to -- do you want to determine
8 whether -- do you want a recess to determine whether or not
9 the twenty-six -- 2018 conviction is in fact on appeal and
10 therefore cannot be used?

11 MS. KIM: I will look at it. I -- I -- this is a first.
12 He was -- he surprised me with this fact. So if I could give
13 -- be given an opportunity to see if there's anything filing
14 because I -- I -- I was literally taken aback about this
15 appeal issue. So I will take a look at Odyssey to see if in
16 fact there's any kind of an appeal going on.

17 THE COURT: Yeah, the appeal would be to a district
18 court judge downtown.

19 Is that -- have you been to a district court...

20 MR. SAAFIR: I -- I...

21 THE COURT: ...downtown?

22 MR. SAAFIR: That's -- the -- the attorney does that. I
23 don't...

24 THE COURT: Mr. Nobles?

25 MR. SAAFIR: Yeah.

1 THE COURT: It's N-O-B-B-L-E-S?

2 MR. SAAFIR: Yeah.

3 MS. KIM: Yes.

4 THE COURT: All right.

5 MS. KIM: I think that's Mr. Nobles.

6 MR. SAAFIR: I don't -- I don't know if that's the sp-
7 (indiscernible).

8 THE COURT: All right. All right. Well, this is what
9 I'm gonna do.

10 MR. SAAFIR: Mm-hm.

11 THE COURT: First of all, I am not gonna go behind a
12 finding that another judge made...

13 MS. KIM: Mm-hm.

14 THE COURT: ...that he was a suitable person to take
15 placement of the child. Had there been an issue with that
16 finding, it should have been addressed long before now.

17 MS. KIM: Your Honor, I understand. (Indiscernible)
18 presumption against placement, which would be a placement
19 hearing, it doesn't refute the fact that there's a prior DV.
20 The fact that there's a prior DV is still a relevant fact for
21 the fact that he was rearrested, even if we take the
22 conviction...

23 THE COURT: I'm finding...

24 MS. KIM: ...out.

25 THE COURT: ...Mr. Saafir's argument persuasive.

CERTIFICATE OF SERVICE

I hereby certify that I am Nicholas Shook, the named attorney for the Appellants and that on July 29, 2021, I electronically filed the foregoing Appellants' Motion to Withdrawal Appendix Volume 1 via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. There are no parties who are not currently registered under the electronic filing system of this Court.

Dated this 29th day of July 2021.



Nicholas Shook, Esq.
Nevada Bar No, 13400

CERTIFICATE OF COMPLIANCE

I hereby certify that this appendix complies with the requirements of NRAP 30. This Appellants' Appendix includes all of the documents required under NRAP 30(b)(3) which incorporates NRAP 30(b)(2). And that this Appendix is broken into three volumes where each is volume contains containing less than 250 pages and 28 megabytes as required by this Court's Electronic Filing System and each part requires less than 7 megabytes.

Dated this 29th day of July 2021.



Nicholas Shook, Esq.
Nevada Bar No. 13400