

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATRINA CARTER,

Appellant,

v.

RUNNDLEY DUCKSWORTH,

Respondent.

Electronically Filed
Jan 15 2021 03:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 81966

District Court No.: D-17-550112-C

Eighth Judicial District Court of the State of Nevada
In and for the County of Clark
THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

RESPONDENT'S APPENDIX

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**INDEX OF RESPONDENT'S APPENDIX
CHRONOLOGICAL ORDER**

<u>DATE</u>	<u>PLEADING</u>	<u>BATES NO.</u>
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09/01/2020	Transcript RE: All Pending Motions	RA00021-37
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CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 15th day of January, 2021, I served a true and correct copy of this Respondent's Appendix as follows:

☒ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

Katrina Carter
969 W. Cartwright Rd., #101
Mesquite, TX 75149

☒ via the Supreme Court's electronic filing and service system (eFlex):

/s/ Alex Aguilar
Alex Aguilar

FILED

DEC 23 2020

Anna L. Shuman
CLERK OF COURT

ORIGINAL

TRANS

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

KATRINA YARNELL CARTER,)
Plaintiff,)
vs.)
RUNNDLEY DUCKSWORTH,)
Defendant.)

CASE NO. D-17-550112-C
DEPT. E

BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

TUESDAY, JUNE 9, 2020

APPEARANCES:

The Plaintiff:	KATRINA YARNELL CARTER (Tel.)
For the Plaintiff:	PRO SE
The Defendant:	RUNNDLEY DUCKSWORTH (Tel.)
For the Defendant:	MICHELE L. ROBERTS, ESQ. (Tel.)
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1 LAS VEGAS, NEVADA

TUESDAY, JUNE 9, 2020

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

3 (THE PROCEEDINGS BEGAN AT 9:09:08)

4
5 THE COURT: Okay. We are on the record, 550112,
6 Carter Ducksworth. Ms. Roberts, your appearance.

7 MS. ROBERTS: Good morning, Your Honor. Michele
8 Roberts, bar number 9168, appearing in an unbundled capacity
9 for Defendant Runndley Ducksworth who is also present with me.

10 THE COURT: He's present with you?

11 MS. ROBERTS: Yes.

12 THE COURT: Okay. Ma'am, your appearance, your
13 name?

14 THE PLAINTIFF: Katrina Carter.

15 THE COURT: And you're representing yourself today?

16 THE PLAINTIFF: Yes.

17 THE COURT: All right. We are on today based upon
18 the motion that was filed by the Defendant, in this case,
19 which I have reviewed. I reviewed the response that was filed
20 -- well, actually two motions by the Defendant. The response
21 that was filed by the Plaintiff as well as the reply filed by
22 the Defendant as well. So Ms. Roberts, what else do I need to
23 know?

24 MS. ROBERTS: Well, the thing is though is that the

1 child was not put on the plane for summer vacation either. So
2 it -- Your Honor, I'm sorry, can I ask you to hold? Judge
3 Ritchie's chambers is calling me. I -- okay. I'm sorry. I
4 apologize for that. I had two 9:00 o'clocks going at the same
5 time.

6 THE COURT: I understand.

7 MS. ROBERTS: Okay. So the summer vacation, the --
8 the child was not put on the plane again. This is an issue
9 that's been happening and -- and you know this case. For the
10 last two years, there has been several motions that had been
11 filed because of not complying with court orders with the
12 visitation schedule. He hasn't -- you know, he had -- the
13 child wasn't put on the plane for Christmas break, for spring
14 break, and now for summer.

15 And then during the times that he's with Mom, my
16 client has -- doesn't have the ability to communicate or talk
17 to his son. This has been ongoing where -- and some of the
18 exhibits that have been attached by both parties show that
19 there is no -- there is no telephone contact, even though my
20 client consistently tries to call.

21 And it seems like even though they -- there comes a
22 point where we need to discuss or consider modifying custody
23 because this is happening every single time that my -- my
24 client has a scheduled visitation pursuant to the decree after

1 Mom moved to Texas.

2 THE COURT: Okay.

3 MS. ROBERTS: And I think, at some point, we need to
4 have an evidentiary hearing to modify custody.

5 THE COURT: Okay.

6 MS. ROBERTS: And one of the things we -- my client
7 is requesting that -- is -- that he immediately gets returned
8 for -- for his summer break which is now almost a week -- a
9 week behind. He was supposed to have him last week -- what
10 date -- he was supposed to have him on the 5th.

11 THE COURT: Okay. All right. Thank you. Ma'am,
12 what would you like to tell me?

13 THE PLAINTIFF: Yes, for his visitation, the child
14 -- he hits the child. So the child is refusing to go. So now
15 the daddy -- he schedules -- he doesn't consult with me with
16 these plane visits. He knows I work. He's scheduling these
17 appointments in the middle of my work day without talking to
18 me, to make me, you know, miss work so I will have to miss the
19 flights, you know, so he can have another reason to bring me
20 back to court. He's doing the same thing to his other kid's
21 mom. They have another court date in two days. Every time
22 the kid goes, he runs away and the dad ends up filing a
23 runaway on him each time he goes to visit the dad.

24 The dad does talk to the child. He was sending the

1 police to my house multiple times a week, but I have to show
2 the police that through the Talking Parents we were
3 communicating. So I guess the police made him stop, you know,
4 calling them to come to my house to harass me.

5 I -- I just don't know what else to do with the
6 child. He's also 14. So I don't think that he can be bribed
7 anymore. You know, what's going on, it's just the dad is just
8 causing a lot of havoc in our life and I don't know what else
9 to do.

10 THE COURT: Okay. I need you --

11 THE PLAINTIFF: And he's --

12 THE COURT: I need --

13 THE PLAINTIFF: -- harassing me, cursing me out and
14 --

15 THE COURT: I need you to explain --

16 THE PLAINTIFF: Yeah.

17 THE COURT: -- why -- why Dad has not been able to
18 exercise Christmas, spring break, or summer visitation.

19 THE PLAINTIFF: Yes. Well, the -- for this winter
20 break, the child refused to go. He didn't want to get on the
21 plane. So between that time, the dad was homeless so he
22 couldn't take me to court for that reason. So once he got
23 back in the house, he started taking me to court again for
24 that. So for just for this winter (sic) break past Friday, I

1 was at work at 1:00 o'clock in the afternoon. I couldn't do
2 that.

3 THE COURT: Okay. I'm -- I'm sorry, ma'am.

4 THE PLAINTIFF: So the --

5 THE COURT: You --

6 THE PLAINTIFF: -- child is refusing. I don't know.

7 THE COURT: So you're -- you're telling me the child
8 refuses to go visit Dad.

9 THE PLAINTIFF: Yeah. That's why I want to ask if
10 there's a way that he can speak up for himself during this
11 because the dad is just going to keep harassing us and he's
12 doing this to his other kid's mom. They have a court date in
13 two days.

14 THE COURT: Okay. But -- but you -- you understand
15 that there's a court order that permits him to have visitation
16 and -- and you're not permitting that visitation.

17 THE PLAINTIFF: No, I'm not stopping him. I mean,
18 the child --

19 THE COURT: You're --

20 THE PLAINTIFF: -- he's almost bigger than me. I
21 can't --

22 THE COURT: You -- ma'am.

23 THE PLAINTIFF: -- you know, what --

24 THE COURT: Ma'am, you just told me you're --

1 THE PLAINTIFF: -- I'm going to --
2 THE COURT: -- you're --
3 THE PLAINTIFF: -- push him?
4 THE COURT: You just told me you haven't been taking
5 the child to the airport. So you -- but you've given me two
6 reasons. You've given me that -- that he sets the flights
7 when you're at work and then you told me the child won't go.
8 So I'm -- I'm not clear on --
9 THE PLAINTIFF: Yeah.
10 THE COURT: -- which one it is.
11 THE PLAINTIFF: Well, the child has refused for the
12 first -- this last recent flight that he booked for the
13 summer. He just did it on his own while I was at work.
14 THE COURT: Just did -- what -- what-- what?
15 THE PLAINTIFF: No, he -- for this last visit for
16 the summer he just went ahead and booked the ticket without
17 even talking to me during my work hours.
18 THE COURT: So are you willing to put the child on a
19 plane if it's not during your work hours?
20 THE PLAINTIFF: Yeah, I don't mind, but the child is
21 -- he's causing the -- is the problem here.
22 THE COURT: Okay.]
23 THE PLAINTIFF: He doesn't want to go.
24 THE COURT: Okay. What about the phone contact?

1 You're supposed to be able to --
2 THE PLAINTIFF: He's --
3 THE COURT: -- contact the child --
4 THE PLAINTIFF: -- speaking with him.
5 THE COURT: -- every Sunday and Wednesday night and
6 he's saying you're not allowing that.
7 THE PLAINTIFF: Yeah, he keeps saying that he'll
8 talk to the child, hang up, send the police to my house saying
9 he's not heard from neither one of us.
10 THE COURT: I know what he's saying, ma'am.
11 THE PLAINTIFF: And it's all their --
12 THE COURT: What's going on?
13 THE PLAINTIFF: Yeah. There's nothing going on.
14 And then he tries to cuss me out for even answering my cell
15 phone because he wants the child to answer my phone. I can't
16 even answer my own cell phone to give it to the child. So he
17 cusses me out for that.
18 THE COURT: So --
19 THE PLAINTIFF: So it's --
20 THE COURT: So is --
21 THE PLAINTIFF: -- just a big problem with him.
22 THE COURT: So is he not receiving the contact with
23 the child on Sundays and Wednesdays or you're not allowing it?
24 Which is happening?

1 THE PLAINTIFF: He's getting it whenever he calls.

2 THE COURT: I see. All right.

3 MS. ROBERTS: Your Honor, may I respond?

4 THE COURT: Sure.

5 MS. ROBERTS: I don't believe there's any
6 allegations of -- this is the first time we're hearing of
7 alleged physical abuse which I do not believe is happening.
8 Second of all, with regard to the flight plans, my client has
9 tried to accommodate her schedule previously with doing it
10 after 7:00 p.m.; however, the reason for the summer visitation
11 was because of the flights -- the airline changed that -- she
12 was notified of this a long time ago. She's had, what, of --
13 at least a 30 day notice as to flight changes and has not once
14 brought up anything and just unilaterally chose not to put the
15 child on the plane. This is the same thing that happens for
16 December. She had -- for Christmas.

17 She doesn't advise the client that there is -- there
18 is an issue with -- you know, with respect to even the
19 exhibits that Ms. Carter produced herself with the text
20 messages, it shows every time my client texts her or emails
21 her asking her I want to talk to our son, I want to talk to
22 Katron. And there is either no response by Mom or she just
23 completely ignores it.

24 I mean, the -- this is just ongoing to the point

1 where it -- it has to stop. We're -- we're -- the child is
2 thir -- 13 years old. And if we're going to have to do this
3 for another five years of my client having to continue to keep
4 coming back to court because Mom is reluctant to follow any of
5 the court orders, then I believe this is a substantial change
6 in circumstances to warrant a modification of custody.

7 I -- I realize the last couple of orders you had
8 stated that it, you know, it wasn't sufficient enough, but at
9 -- at some point, we can't -- you know, we can't let Mom
10 continue to get away with making up, you know,
11 misrepresentations in order to avoid having to -- having my
12 client have visitation with their son.

13 THE COURT: All right. So what's your suggestion,
14 Ms. Roberts? You want the child on a plane when?

15 MS. ROBERTS: Today.

16 THE COURT: Your client has a flight scheduled
17 today?

18 MS. ROBERTS: No, the flight was scheduled for June
19 5th and she didn't put him on the -- on the plane.

20 THE COURT: I understand.

21 MS. ROBERTS: My client --

22 THE COURT: My question is --

23 MS. ROBERTS: And --

24 THE COURT: -- what would you like me to do?

1 MS. ROBERTS: We -- I would like a modification of
2 custody, at this point, with my client having primary. I
3 would like make up time for my client for miss -- for him
4 having to miss winter break and spring break and plus the last
5 couple of days he -- he's missed for visitation here. I don't
6 know if school is starting in August due to the COVID-19, if
7 anything, if it's going to be done, you know, home schooled by
8 -- via a computer, then my client's time should be extended.
9 And I think we need to set a trial date to modify custody.

10 THE COURT: Okay. The -- the question --

11 MS. ROBERTS: And my client also is requesting
12 reimbursement for the -- the travel -- the airfare that he's
13 booked where Mom has ignored putting the child on the plane.

14 THE COURT: Okay. I already reimbursed him for the
15 Christmas break. So my question to you is what would you like
16 me to do about getting the child to your client?

17 MS. ROBERTS: When can -- my client is requesting
18 that Mom purchase the round trip tickets this time and have
19 that child on a plane as soon as possible.

20 THE COURT: Okay.

21 MS. ROBERTS: Preferably today.

22 THE COURT: All right. Okay. Ma'am, the --
23 certainly, if the -- if the child was here in Nevada, I would
24 have the child interviewed. It's hard for me with the child

1 in Texas to make that happen.

2 THE PLAINTIFF: We can make it there if you need to.
3 We can come.

4 THE COURT: Well, I'm -- you're going to --

5 THE PLAINTIFF: We can --

6 THE COURT: -- come.

7 THE PLAINTIFF: -- do that.

8 THE COURT: You're in violation of court --

9 THE PLAINTIFF: Yeah.

10 THE COURT: -- orders. You've -- you violated --

11 THE PLAINTIFF: Okay.

12 THE COURT: -- court orders because the child has
13 not been -- has not got on the plane as required by prior
14 court orders. So there are some issues with regard to your
15 contempt. There was an order to show cause put in place
16 previously that we're going to continue to -- to evaluate.
17 This has been an ongoing problem and an ongoing issue. Dad is
18 entitled to have visitation. You were permitted to relocate
19 on the condition that Dad's relationship with the child would
20 not be damaged by that. So there are some questions whether
21 you're capable of making that happen from Texas or whether the
22 child should be returned.

23 The analysis the Court has to look at is Ellis, and
24 Ellis indicates that I have to have a substantial change in

1 circumstance affecting the child and the child's best
2 interest. The substantial change in circumstance is that for
3 more than a year this has been an issue. The motion that was
4 filed by Dad that's before me today is almost identical to the
5 motion that was filed by Dad that brought us to the hearing in
6 October of last year which means that the pattern is
7 continuing and we have some ongoing concerns. I'm not quite
8 sure ma'am why you would come to Las Vegas to pick up the
9 child in the middle of Dad's visitation and Thanksgiving, but
10 we'll explore that a little further. And we need to
11 understand that court orders are in place for a reason. We
12 need to make sure that parents are able to maintain their
13 relationship with children.

14 So I find sufficient basis to set an evidentiary
15 hearing on the request to modify custody and the Court will
16 make that analysis based on the evidence that is presented at
17 that point in time. So we'll set that evidentiary hearing.

18 I want the child to Dad within the next seven days,
19 ma'am. I'm going to have you purchase those plane tickets and
20 make sure the child gets here within the next seven days. So
21 I'll give you some time to make that happen and -- and work
22 around your work schedule so we can -- don't have a concern
23 with regard to that. And then I want the child here for the
24 summer break until -- before the child has to go back to

1 school. And if there's some issues with school starting or
2 not starting, certainly I'll entertain a -- a telephone
3 conference on that. But I want the child with Dad to
4 compensate for the time Dad has missed over the last six
5 months or so to get us to that point.

6 So we'll set your evidentiary hearing for --

7 THE CLERK: It's going to be September 15th at 1:30.
8 Your calendar call's going to be September 1st at 11:00.

9 THE COURT: You will both get scheduling orders sent
10 to you once they're prepared with regard to closing of
11 discovery and pretrial memorandums and what we're looking at.
12 The -- the evidentiary hearing is on the modification of
13 custody and whether there should be sanctions for the
14 violation of court orders to this point. All will be dealt
15 with at that point in time. Certainly, I don't have a basis
16 with regard to the child support request as I don't have an
17 FDF and I don't have law cited with regard to that. If
18 there's a change in custody, certainly the Court has the
19 ability to look at child support. So I'm not making any
20 changes to the child support, at this point.

21 Questions from either side, at this point?

22 MS. ROBERTS: No, Your Honor.

23 THE COURT: All right.

24 THE PLAINTIFF: Yes. Well, for the child, he --

1 what if he refuses to go again? What -- what do I do?

2 THE COURT: I don't -- I don't understand your

3 question. The child's 14 or 13.

4 THE PLAINTIFF: No, I'm saying like -- what was

5 that?

6 THE COURT: I said the child is 13.

7 THE PLAINTIFF: Yeah.

8 THE COURT: So the child -- the child -- you're

9 telling me --

10 THE PLAINTIFF: Do I --

11 THE COURT: -- the child believes based on the fact

12 that -- that you have allowed the child to not see the dad for

13 the last six months that he doesn't have to see Dad anymore?

14 Is that what you're telling me?

15 THE PLAINTIFF: No, I haven't never told the child

16 that.

17 THE COURT: Well --

18 THE PLAINTIFF: He --

19 THE COURT: -- of course you have.

20 THE PLAINTIFF: -- it's just because he hits him and

21 --

22 THE COURT: Okay. Ma'am, why -- why --

23 THE PLAINTIFF: -- he doesn't --

24 THE COURT: Why --

1 THE PLAINTIFF: -- want to be there.

2 THE COURT: Why wasn't there a protective order
3 filed when Dad started beating on the child?

4 THE PLAINTIFF: Because --

5 THE COURT: Why wasn't --

6 THE PLAINTIFF: Because he did it --

7 THE COURT: -- Child Protective Services --

8 THE PLAINTIFF: -- when he was in Las Vegas and he
9 didn't have any bruises on him when I got him back because he
10 doesn't allow me to talk to my son while he's in his care.

11 THE COURT: The Court -- well --

12 THE PLAINTIFF: So he wasn't --

13 THE COURT: -- there's --

14 THE PLAINTIFF: -- able to tell me this until I
15 picked him up.

16 THE COURT: Ma'am, there's an order in place that
17 you get to contact the child every Sunday and Wednesday just
18 like Dad gets to.

19 THE PLAINTIFF: Yes. That -- that doesn't happen.

20 THE COURT: So why is this domestic violence only --
21 only being raised today?

22 THE PLAINTIFF: No, I brought it up before. I just
23 wasn't able to get a pro -- an order for the child because he
24 didn't have any bruises on him.

1 THE COURT: Okay. I --
2 THE PLAINTIFF: And as they said, they would need to
3 see --
4 THE COURT: All right.
5 THE PLAINTIFF: -- something.
6 THE COURT: I -- I guess the answer to your question
7 is the child doesn't have a choice. The child must go see
8 Dad. Now once the child is here, I'm going to set a child
9 interview to have the child --
10 THE PLAINTIFF: Okay.
11 THE COURT: -- interviewed by the Mediation Center
12 so that I can get to the bottom of the child's opinion, but I
13 need the child in Vegas before that can happen. So I'm going
14 to send that referral --
15 THE PLAINTIFF: Okay.
16 THE COURT: -- to mediation and then you guys will
17 get copies of that referral so you can follow through on that
18 while the child is here in town.
19 THE PLAINTIFF: Okay. And if -- so you want me to
20 get a round trip ticket for the child?
21 THE COURT: Well, I at least want the child here in
22 the next seven days. As far as the return ticket, I haven't
23 made that determination yet, other than when school starts.
24 So as it stands --

1 THE PLAINTIFF: Okay.

2 THE COURT: -- now, Dad is responsible for -- for
3 purchasing that ticket. So Dad will be responsible for the
4 return ticket, but because Dad has been paying for tickets all
5 along, I'm going to have you pay for the ticket to get the
6 child here.

7 THE PLAINTIFF: Okay.

8 THE COURT: That make sense?

9 THE PLAINTIFF: Yes.

10 THE COURT: Okay. Anything else --

11 MS. ROBERTS: Your --

12 THE COURT: -- Ms. --

13 MS. ROBERTS: -- Your Honor --

14 THE COURT: Yes?

15 MS. ROBERTS: -- are you -- are you deferring the
16 issue of my client requesting reimbursement for all the cost
17 of -- travel cost to the date of trial?

18 THE COURT: Well, I've already -- I've already
19 granted him the -- the Christmas break costs.

20 MS. ROBERTS: Reimbursement.

21 THE COURT: And I haven't made a determination on
22 the -- on the other --

23 MS. ROBERTS: And then --

24 THE COURT: -- ones because I haven't got that

1 evidence yet. So yes, I guess deferring is --
2 MS. ROBERTS: Okay.
3 THE COURT: -- the way to do it --
4 MS. ROBERTS: The spring break --
5 THE COURT: -- except for --
6 MS. ROBERTS: -- and the --
7 THE COURT: -- Christmas. Christmas, I have already
8 awarded him.
9 MS. ROBERTS: Okay. So spring break, you -- you're
10 -- is that something that he presents evidence and then that's
11 deferred to the trial?
12 THE COURT: That is correct.
13 MS. ROBERTS: Okay. Thank you, Judge.
14 THE COURT: Anything else?
15 MS. ROBERTS: No. No. I have nothing else.
16 THE COURT: All right. Ms. Roberts, I'm going to
17 ask you to prepare the order from today so that we have
18 something in place in case we've got issues moving forward,
19 all right?
20 MS. ROBERTS: Okay. Thank you. I will.
21 THE COURT: Thank you.
22 (PROCEEDINGS CONCLUDED AT 9:27:17)
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ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

1 **TRANS**

2
3 **ORIGINAL**
4

FILED
DEC 23 2020
Ann L. Williams
CLERK OF COURT

5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**
8

9 KATRINA YARNELL CARTER,)

10 Plaintiff,)

CASE NO. D-17-550112-C

11 vs.)

DEPT. E

12 RUNNDLEY DUCKSWORTH,)

13 Defendant.)
14

BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 TUESDAY, SEPTEMBER 1, 2020

18 **APPEARANCES:**

19 The Plaintiff: KATRINA YARNELL CARTER (Tel.)
20 For the Plaintiff: JENNIFER ISSO, ESQ. (Tel.)
21 2470 St. Rose Pkwy., #306F
Henderson, Nevada 89074
(702) 434-4424

22 The Defendant: RUNNDLEY DUCKSWORTH (Tel.)
23 For the Defendant: ASHLEE VASQUEZ, ESQ. (Tel.)
24 6230 W. Desert Inn Rd.
Las Vegas, Nevada 89146
(702) 565-4335

1 LAS VEGAS, NEVADA

TUESDAY, SEPTEMBER 1, 2020

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

3 (THE PROCEEDINGS BEGAN AT 11:14:02)

4

5 THE COURT: All right. We are on the record in
6 550112, Carter versus Ducksworth. Ms. Isso, your appearance,
7 please.

8 MS. ISSO: Good morning. Jennifer Isso, bar number
9 13157, on behalf of Katrina Carter who is present via
10 BlueJeans.

11 THE COURT: Good morning. Ms. Roberts. No.

12 MS. VASQUEZ: No, it's Ashlee --

13 THE COURT: Ms. Vasquez.

14 MS. VASQUEZ: -- Ashlee Vasquez.

15 THE COURT: I'm sorry. I did have --

16 MS. VASQUEZ: Okay.

17 THE COURT: -- that note, Counsel. I apologize.
18 Your appearance, please?

19 MS. VASQUEZ: Okay. Ash -- Ashlee Vasquez, bar
20 number 14637, on behalf of the Defendant Runndley Ducksworth
21 who is also present via BlueJeans.

22 THE COURT: All right. Thank you. Just so the
23 record is clear, we're also dealing with T-207112 today. In
24 the D case, we're on for calendar call, but also it looks like

1 additional motions were filed which feel like they're fairly
2 consistent with the issues that we're going forward and taking
3 evidence on, but it is on for calendar today, so I do want to
4 talk about those, as well as the request to extend the
5 protective order that was put in place as well.

6 So Ms. Vasquez, it is your motion. Is this
7 something we're going to deal with at the evidentiary hearing
8 or is it something we need to deal with today?

9 MS. VASQUEZ: If maybe we can deal with it now. At
10 the last hearing, Judge, in June, you ordered Mom to bring
11 Katron back to Las Vegas within seven days and --

12 THE COURT: Correct.

13 MS. VASQUEZ: -- she did do that. You also ordered
14 that Katron stay with Dad until school started to make up for
15 the missed visits he had within the past six months.

16 THE COURT: Right.

17 MS. VASQUEZ: However, on July 26th, Mom had Katron
18 sneak out of Dad's house and took him, and my client has not
19 seen or talked to him since. And so my client filed this
20 motion obviously to update you with that and then possibly ask
21 for an immediate temporary primary custody to him pending the
22 trial because she's not allowing contact. She basically
23 abducted Katron from him -- total violation of this Court's
24 orders. She was already on a pending order to show cause for

1 the other missed visits, which I think is supposed to be on
2 for today, but I don't know if that's going to be continued
3 until the trial date.

4 But, we just believe that he's -- dist -- distant
5 learning right now for school so Dad can continue that distant
6 learning from Las Vegas, you know, pending the trial date.

7 THE COURT: Okay. All right. Ms. Isso?

8 MS. ISSO: Thank you. There's many issues I would
9 like to address today. First and foremost, Your Honor, if
10 we're going to go forward with the evidentiary hearing --
11 well, first of all, we're requesting that the evidentiary
12 hearing is vacated. My client's position is that she's not in
13 violation of the Court's orders. Okay. The motion wasn't
14 pled properly pursuant to Awad. Okay. So she wasn't put on
15 notice of what violation, in particular, the opposing party is
16 speaking of. The motion to modify custody did not meet the
17 Rooney standard. Okay. There isn't a substantial change of
18 circumstance affecting the child's welfare which should result
19 in a modification of the custodial arrangement that is in
20 place.

21 If you recall, Your Honor, the father, the opposing
22 party, is a man that was not involved in this child's life for
23 the majority of the child's life. In fact, he denied that
24 this child was even his. He didn't contribute financially, he

1 didn't contribute emotionally, and he sure did not contribute
2 physically. In fact, he is so behind child support.

3 If you read his pleadings, Your Honor, his true
4 intentions of what he's really trying to accomplish are
5 written in his pleadings that he wrote himself. He always
6 ends with I want to get rid of the child support. I want to
7 get rid of the back arrears. Well, you know what? This child
8 has to eat. This child has to have necessity. This child
9 needs things to continue to live. And this is why the child
10 support laws are in place. So he's attempting to circumvent
11 that by constantly filing motions with the court in attempt to
12 modify custody so then he can have primary and then the mom
13 will have to pay him child support.

14 This man has never even once visited the child in
15 Texas. Okay. He is not paying child support. He doesn't
16 visit -- visit the child in Texas. He never once asked Mom,
17 hey, does the child -- does Katron need anything for school,
18 does Katron need shoes, does Katron need socks, nothing.

19 In fact, every time he gives Mom a little bit of
20 money like \$40, some measly small amount, \$40, he starts
21 harassing the mom. He'll text her. He'll argue with her.
22 He'll constantly call the police. He'll call the football
23 coach to get Katron off the football team. He'll call the
24 school. I mean, this is a man that's not working right now

1 because -- apparently because of COVID is what he's saying.
2 He's 33 years old. He's young. He's -- he's capable of
3 working. I don't know if he's seeking other employment or
4 he's just going to sit around and harass Mom all day and
5 collect unemployment.

6 He also is talking badly about Mom in front of the
7 child. He says I'm -- the child -- he tells the child Mom
8 doesn't want you. He calls her the B word. He says that
9 she's stupid. I mean, Your Honor, the child interview says it
10 all. Okay. I'm surprised Ms. Vasquez didn't reference the
11 child interview. But the child has expressed his concerns.
12 He's -- he has -- he has expressed his preferences. The child
13 is not comfortable or happy being with the dad for an extended
14 period of time. He doesn't want to be there for the entire
15 summer. Dad lives in a -- in a three bedroom house with I
16 think seven or eight people. The child communicated that Dad,
17 you know, bullies him, picks on him.

18 His girlfriend, Dad's girlfriend, tells the child
19 there's a ghost in the house. Who would say that to a child
20 unless you're trying to instill fear in the child, unless
21 you're trying to scare the child or manipulate the child? And
22 that's what's going on there. The child explained in his
23 child interview that he would like to only be there for spring
24 break.

1 And we are requesting that you vacate this eviden --
2 this evidentiary hearing, Your Honor, because number one;
3 there isn't a substantial change of circumstance.

4 With respect to the summer, let me see here. The
5 summer incident -- I'm sorry, I'm just checking my notes here.
6 What the opposing party failed to mention, okay, the -- the
7 summer thing became a fiasco. Mom provided Dad with her two
8 day no -- with her two days that she was going to go visit the
9 child in Las Vegas. She gave him a one month notice pursuant
10 to the court order which said that she has to give notice.
11 Dad ends up taking the child. He tells Mom oh, I took the
12 child to Arizona, that -- we're not here.

13 So Mom comes down here because she bought the plane
14 ticket. She comes down there to visit to do her two days.
15 She waits around because Dad said he took the child to
16 Arizona. The next day, the child finds out that Mom's here.
17 The child is going to Mom. Dad starts chasing the child while
18 the child was walking towards the mom. The child starts
19 running, sprains his ankle because the -- Dad is chasing the
20 child out of the house. Sprains his ankle, CPS was called,
21 and CPS told Mom to hang on to the child until the court date.

22 So at the end of the day, there are certain things
23 that occurred that resulted in this. If Dad did what he was
24 supposed to do with respect to Mom's two day visitation, then

1 all those sequence of events would not have occurred. So it's
2 kind of disingenuous for the opposing party to basically say
3 Mom is withholding the child, Mom is not doing this, Mom's --
4 that's not the case. Dad is not co-parenting. Dad is not
5 communicating properly. Dad is harassing.

6 And in fact recently on -- I'm sorry, Your Honor.
7 I'm flipping through pages. Recently, on August 26th, Dad
8 told Mom he's going to pistol whip shoot her which I'm not
9 sure really what that means other than that there's a gun
10 there and he might hurt her. I'm -- I'm not sure. She had to
11 call the police and make an incident report which we're going
12 to be disclosing. I think we -- we attached it as an -- as an
13 exhibit.

14 But at the end of the day, Your Honor, this child
15 has been with his mother primarily for his entire life. Okay.
16 And now he is 14 years old. He has also expressed that the
17 child -- that Dad has grabbed him. He has expressed that
18 there is domestic violence going on between the girlfriend
19 going on between the girlfriend and the dad in their home. He
20 heard them screaming and yelling and then all of a sudden all
21 the shuffling and this banging.

22 The child also said that Dad has spit on him, choked
23 on him -- choked him, hit him, pushed him against the wall.

24 So we're just going to request today that -- Your

1 Honor, you enter findings of fact based on the child
2 interview. And we're going to also request that you vacate
3 this evidentiary hearing and just modify the visitation
4 schedule for Dad and just only allow him to have spring break
5 and, you know, we also want -- and we -- we want to modify the
6 child support obligation. It's just he's paying too small --
7 he's ordered to pay too small of an amount. Based on his FDF,
8 it shows that he's getting unemployment in the amount of
9 \$22,304. But also, the girlfriend is contributing \$800 to the
10 household and the girlfriend's father is contributing 600. So
11 we're going to request you add all those numbers up and
12 multiply it by .16. Thank you, Your Honor.

13 THE COURT: While you're -- you're there, Counsel,
14 is your client still seeking an extension of the protective
15 order?

16 MS. VASQUEZ: That's -- my client has that TPO
17 against Katrina for that July 26th incident --

18 THE COURT: Oh, I'm sorry .

19 MS. VASQUEZ: -- where --

20 THE COURT: You're right.

21 MS. VASQUEZ: -- he --

22 THE COURT: You're right, Ms. Vasquez. I'm sorry.
23 Go ahead.

24 MS. VASQUEZ: Yeah. So after Katrina abducted

1 Katron, my client called the police and made a report and then
2 subsequently applied for the temporary protective order which
3 was basically granted. And I honestly didn't know it was
4 before you today for the extension hearing, but I believe that
5 my client would want that extended so that way she's not a ==
6 come into his house like that anymore.

7 THE COURT: Well, the -- the application --

8 MS. VASQUEZ: And then --

9 THE COURT: -- the application doesn't deal with the
10 -- with Ms. Carter. It deals with somebody else. So I'm not
11 even sure I have jurisdiction to extend the protective order.
12 It was someone else who allegedly pointed a gun, not Mom. So
13 I'm --

14 MS. VASQUEZ: She -- when she came to pick up
15 Katron, she had another person with her and that's who is the
16 person who took out the gun.

17 THE COURT: Right. So I don't --

18 MS. ISSO: And my client denies that.

19 MS. VASQUEZ: (Indiscernible) -- and he --

20 MS. ISSO: I'm sorry.

21 MS. VASQUEZ: -- stopped -- that point he stopped
22 chasing Katron because obviously that's a really scary
23 situation. And then he took off. Ms. Isso pointed out that
24 CPS was called. And just for the record, that CPS call was

1 from Mom. She disclosed medical records where she told the
2 medical doctor that she had already called CPS. I just filed
3 a supplement today, Judge, to show that that was
4 unsubstantiated.

5 THE COURT: Okay.

6 MS. VASQUEZ: She alleged a bunch of abuse against
7 my client and it's simply not true.

8 THE COURT: All right. I have -- I already made a
9 finding addressing Ms. Isso's point that we met the standards
10 to set an evidentiary hearing. That finding was made back in
11 June. And certainly I'm not in a basis today to -- to modify
12 that finding because I haven't taken any evidence yet. We
13 meet those threshold standards and then we set an evidentiary
14 hearing and take the evidence. So while certainly I
15 understand Ms. Isso's arguments, bringing us to this point and
16 the rest of the information that was brought to the Court, the
17 reason I set an evidentiary hearing is so that I can take
18 evidence and make quality determinations. There's no question
19 that the child has been primarily with Mom for an extended
20 period of time.

21 There is a question as to whether Mom is doing what
22 she should be doing pursuant to the court orders and that was
23 the substantial change of circumstance that brought us to the
24 point of setting the evidentiary hearing. So I will be -- be

1 taking evidence and I'll make a determination as to whether
2 we've met that standard under Ellis and whether that's
3 appropriate to -- to make some modifications or not.
4 Certainly fees are -- are part of what we're discussing as a
5 result of whether we have a good cause to -- to bring this
6 action or not, but certainly the plan is to go forward with
7 the evidentiary hearing and -- and allow the parties to
8 present that evidence to the Court.

9 So are we ready to go in two weeks?

10 MS. ISSO: Your Honor, we would like to be on -- we
11 would like this evidentiary hearing to be in person.

12 MS. VASQUEZ: Yes, same.

13 MS. ISSO: I'm sorry, Ms. Vasquez? I didn't hear
14 what you said.

15 MS. VASQUEZ: Same. We also want this in person.

16 THE COURT: Okay. All right. Then we will set it
17 for an in person hearing understanding that everyone will need
18 to be socially distanced and wear masks during the hearing and
19 coming in and out of the courthouse. So we will set you for
20 -- I gave away the 15th, so you can have the 16th or the 17th
21 at 1:30. Is there a preference?

22 MS. ISSO: Oh, I have to -- I have to check with my
23 partner. I'm sorry. Let me just text him.

24 MS. VASQUEZ: I am available for both.

1 THE COURT: Okay.

2 MS. ISSO: The 16th or the 17th at 1:30?

3 THE COURT: Correct.

4 MS. ISSO: There's the 16th or 7 -- I thought we
5 were already set for the 15th.

6 THE COURT: Yeah, you were on a stack for the 15th.

7 MS. ISSO: Oh, we were on a stack for 15. Okay.
8 For the evidentiary hearing. I'm sorry, Your Honor.

9 THE COURT: No problem.

10 MS. ISSO: I just text him. Let me see. He usually
11 writes -- my client's saying 16 is good for her, but I have to
12 check with the attorney that's going to be there. So let me
13 just see what -- what he says. Do you want to trail this and
14 I'll -- let me get on the call real quickly and come back
15 on --

16 THE COURT: Well --

17 MS. ISSO: -- Your Honor?

18 THE COURT: -- I need -- I'm -- I'm giving away
19 dates, so --

20 MS. ISSO: Oh.

21 THE COURT: -- I'd like to -- to see where we're at.
22 Well, while you're doing that, as far as the protective order
23 is concerned, the Court needs to look and determine whether
24 there's domestic violence that's been committed or there's a

1 threat of domestic violence to be committed in the future.
2 The allegations in the application, while they allege domestic
3 violence, the -- the allegation is not against the -- the
4 other party. It's against a third party. So the Court
5 doesn't find a basis to extend the protective order. So I'm
6 going to dissolve that protective order. And that'll do
7 away --

8 (COUNSEL CONFER BRIEFLY)

9 THE COURT: -- with at least the T case, so --

10 (COUNSEL CONFER BRIEFLY)

11 MS. VASQUEZ: Will Your Honor make a decision on
12 whether Dad's contempt motion to (indiscernible) --

13 (COUNSEL CONFER BRIEFLY)

14 THE COURT: Yeah. Yes, Counsel. Thank you for the
15 reminder. I'm not inclined with evidence coming in two weeks
16 to make any other changes to where we are. I dealt with a
17 temporary request and change when we were together in June. I
18 wanted to make sure your client got his compensatory time.
19 And it looks like at least for the majority we got that, but
20 certainly I'll take the arguments on what he believes as he
21 was slighted out of some of that time or not as compared to
22 the order. So I'm not making any temporary changes today.

23 MS. VASQUEZ: Thank you.

24 THE COURT: Any luck, Ms. Isso?

1 MS. ISSO: Oh, yeah. He's on the call. He's just
2 checking it right now. He's saying the 17th works better if
3 that -- if that works for everyone else.

4 THE COURT: All right. And I think Ms. Vasquez said
5 that either day would work. So we'll set you firm for the
6 17th at 1:30.

7 MS. ISSO: 17th at 1:30.

8 (COUNSEL CONFER BRIEFLY)

9 THE COURT: All right. And we will see you in
10 person.

11 MS. ISSO: See you.

12 MS. VASQUEZ: One more --

13 MS. ISSO: Have a --

14 MS. VASQUEZ: -- one more --

15 MS. ISSO: Oh.

16 MS. VASQUEZ: One more thing, Judge. Sorry.

17 THE COURT: Yes. Ms. Vasquez?

18 MS. VASQUEZ: I emailed Ms. Isso regarding
19 stipulating to exhibits because I know that you do a really
20 condensed trial. That would be really helpful. I have
21 already emailed her the exhibits I would stip to. If -- I'm
22 just putting it out there, if --

23 THE COURT: Okay.

24 MS. VASQUEZ: -- I could also get the courtesy of

1 that so we can make sure our cases are done (indiscernible) in
2 a timely fashion.

3 THE COURT: All right. Ms. Isso, if you can -- if
4 you can take a look at that and see how many we can get
5 stipulated to. Certainly, it does expedite the trial if we
6 can. So hopefully you guys get a chance to take a look at
7 that and -- and come up with some resolutions.

8 MS. VASQUEZ: How much time do we have each?

9 THE COURT: You -- it depends on whether we start at
10 1:30. If you start at 1:30, then you'll have an hour and
11 fifteen minutes each and that does not include closing
12 arguments or breaks. That's the actual time when you are
13 presenting your case. If we start at 1:40 --

14 MS. VASQUEZ: Okay.

15 THE COURT: -- if -- if we don't start on time, then
16 time gets reduced. I'm just required to have my staff done by
17 4:30, if at all possible so we avoid overtime. The County
18 doesn't like overtime.

19 MS. VASQUEZ: Okay.

20 THE COURT: All right?

21 MS. ISSO: Thank you, Your Honor.

22 THE COURT: All right. Thank you.

23 MS. ISSO: Have a --

24 THE COURT: See you guys --

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MS. ISSO: -- good day.

THE COURT: -- in a couple of weeks.

MS. ISSO: Thank you, sir.

(PROCEEDINGS CONCLUDED AT 11:31:13)

* * * * *

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



Adrian N. Medrano

1 **TRANS**

2 **ORIGINAL**

FILED

DEC 23 2020

Ann D. Johnson
CLERK OF COURT

5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

9 KATRINA YARNELL CARTER,)

10 Plaintiff,)

CASE NO. D-17-550112-C

11 vs.)

DEPT. E

12 RUNNDLEY DUCKSWORTH,)

13 Defendant.)

14
15 BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 THURSDAY, SEPTEMBER 17, 2020

18 **APPEARANCES:**

19 The Plaintiff: KATRINA YARNELL CARTER
For the Plaintiff: MICHAEL P. RHODES, ESQ.
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22 The Defendant: RUNNDLEY DUCKSWORTH
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I N D E X O F W I T N E S S E S

<u>PLAINTIFF'S</u> <u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
KATRINA CARTER	112	131	--	--
RUNNDLEY DUCKSWORTH	136	139	143	144
<u>DEFENDANT'S</u> <u>WITNESSES:</u>				
RUNNDLEY DUCKSWORTH	13	48	74	76
KATRINA CARTER	78	94	110	--

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

<u>PLAINTIFF'S</u> <u>EXHIBITS:</u>	<u>ADMITTED</u>
1 through 4, 6 - Various exhibits	11
10 - Progress reports	60
<u>DEFENDANT'S</u> <u>EXHIBITS:</u>	
A - Pictures	15
B - Document	21
C - Email	27
J, Page 1 - Attendance record	33
K - Schoolwork	38
W - Southwest Airlines ticket	43

1 LAS VEGAS, NEVADA

THURSDAY, SEPTEMBER 17, 2020

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

3 (THE PROCEEDINGS BEGAN AT 1:27:46)

4

5 THE MARSHAL: -- in order. The court is now in
6 session. The Honorable Judge Charles Hoskin presiding.

7 THE COURT: All right. We are on the record in
8 550112, Carter Ducksworth. Mr. Rhodes, your appearance.

9 MR. RHODES: Good morning, Your Honor. Michael --
10 or afternoon. Michael Rhodes, 11696, on behalf of the
11 Plaintiff and the nonmoving party and also somewhere on that
12 picture was Jennifer.

13 THE COURT: All right. Ms. Isso, are you there?

14 THE CLERK: No, she's not (indiscernible).

15 THE COURT: If you are, you're muted, Counsel. I
16 can't hear. If you are, you're muted, Counsel. I can't hear
17 you.

18 THE MARSHAL: Where -- where (indiscernible) going
19 out on that screen, Judge. So we'll try again.

20 THE COURT: Ms. Isso, are you there?

21 MS. ISSO: I'm here, Your Honor.

22 THE COURT: Your appearance, please?

23 MS. ISSO: Jennifer Isso on behalf of Katrina
24 Carter. Well, I'm mostly going to be just observing. It's

1 going to be Mr. Rhodes taking lead.

2 THE COURT: Understand. Can you give me your bar
3 number, please?

4 MS. ISSO: Yes, 13157.

5 THE COURT: Thank you. Ms. Vasquez.

6 MS. ISSO: Thank you.

7 MS. VASQUEZ: Ashlee Vasquez, bar number 14637, on
8 behalf of the Defendant Runndley Ducksworth who is present. I
9 also have with me my law clerk Estasia Lucas (ph).

10 THE COURT: I'm sorry, I didn't see you behind the
11 mask there. All right. We are on today for evidentiary
12 proceeding on the Defendant's request to modify the physical
13 custody of the child as well as the order to show cause
14 against the Plaintiff.

15 MS. VASQUEZ: Correct.

16 THE COURT: Any housekeeping we need to do --

17 MR. RHODES: I do --

18 THE COURT: -- before we --

19 MR. RHODES: -- Your Honor.

20 THE COURT: -- get started? Mr. Rhodes.

21 MR. RHODES: I have a preliminary motion or a motion
22 to debate. The 13-year-old child is available to testify
23 today. He's out in the parking lot. He can come in and
24 testify. Dad, in his pretrial moment -- motion or memorandum

1 said that he's not of sufficient capacity to form an
2 intelligent preference. I think that's for the Court to
3 determine.

4 Second of all, they have objected to the -- to the
5 child interview. I understand it's a court record. If the
6 Court's going to consider it as a court record, if they're
7 going to object on hearsay, he should be able to come in to
8 the -- to testify.

9 The third thing is the hospital record, when Mom
10 took him to the hospital. Of note, patient states that Father
11 has been physically and verbally abusing him. He states that
12 his father will push him against the wall or punch him in the
13 arm. He states his father would call him stupid and the N
14 word. Katron needs to testify, Your Honor.

15 THE COURT: Well, and that would be something I
16 would be able to consider Mr. Rhodes if it was done on a
17 timely basis. I think we need --

18 MR. RHODES: This --

19 THE COURT: -- 60 days. The rule requires that it
20 happen that way.

21 MR. RHODES: I understand.

22 THE COURT: I need to be able to have a hearing to
23 make a best interest --

24 MR. RHODES: And --

1 THE COURT: -- determination at that point.

2 Certainly it cannot happen --

3 MR. RHODES: Then I'm --

4 THE COURT: -- before trial.

5 MR. RHODES: -- going to ask the Court to continue
6 it to allow it.

7 THE COURT: Counsel.

8 MS. VASQUEZ: My objection is I think even if we
9 were to continue to allow a motion for child testimony, I
10 still don't believe that the child is of sufficient capacity
11 and to -- to testify to his preference. We believe strongly
12 that he's been coached by Mom and obviously the child
13 interview, I -- we do object to that because it's -- it's
14 hearsay and we don't agree that he should be testifying. He
15 should be shielded from -- he's been too involved in between
16 these parties; more than he should. He -- Mom uses him as a
17 go between with Dad.

18 It's already in part of the record that she won't
19 tell Dad about the school change because child is doing it.
20 He's not a parent. He's not the boss. And that's the problem
21 here is -- that's one factor to consider and I don't think
22 it's one that this Court should be considering.

23 We are prepared and ready to go. They knew from the
24 beginning that -- that I was objecting to that child

1 interview. We came here for the calendar call. That issue
2 was not brought up before you by Ms. Isso. And so we're ready
3 to go on that notion. I objected for -- to the child
4 interview when she listed it as an exhibit that I was
5 objecting to that immediately.

6 THE COURT: Right. Well, just -- just so everybody
7 is aware with regard to that, I think that's the simplest of
8 the questions that are pending -- pending before me at the
9 outset of this trial. The -- the report from the Mediation
10 Center on the child interview is a court record that the Court
11 has reviewed and will consider as part of the determination
12 that it makes today. So I don't know that it needs to come in
13 as an exhibit because it is -- it is part of the court -- part
14 of the court record and would be considered confidential by
15 that nature in this case. It's not a sealed case.

16 As far as child testifying, this case has been
17 pending since June for this evidentiary hearing. This is the
18 one, two, three, fourth time that Dad has come requesting that
19 we -- that we modify the physical custody of the child. I
20 didn't make a determination that we met Ellis or Rooney on the
21 prior issues because I didn't see a substantial change of
22 circumstance. I tried throughout the history of this case
23 over the last many, many years to impart upon the -- the
24 Plaintiff that court orders need to be followed. That's why

1 we got the show cause pending today.

2 The -- it -- it -- the Court typically doesn't find
3 it's in the child's best interest to be this involved in a
4 case, let alone to testify especially since procedurally -- I
5 know Mr. Rhodes you're new on the case, but procedurally this
6 motion should have been filed months ago to get us to this
7 point. I don't find a basis now that everybody's here and
8 ready to go forward to continue this matter out any further
9 and the child will not be testifying today.

10 Certainly based upon what is presented to me today I
11 do have the ability to talk to the child if I find that that's
12 an appropriate way to move forward, but that's also this best
13 interest determination that I cannot make until evidence is
14 taken today.

15 So your request to have the child testify is denied.
16 The request to continue is denied. Your request dealing with
17 the -- the child interview report will -- is part of the court
18 record and has been reviewed by the Court getting us to this
19 point.

20 MR. RHODES: Thank you, Your Honor.

21 THE COURT: I think that was -- was that all of the
22 preliminary issues, Mr. Rhodes?

23 MR. RHODES: I believe it was.

24 THE COURT: Okay. Ms. -- any preliminary issues?

1 MS. VASQUEZ: I -- for the child interview and put
2 it -- part of the court record, can you clarify a little bit
3 more? Obviously, he wasn't able to be cross examined or stuff
4 like that. So there are things that he says that I would
5 obviously like to clarify, but I don't have the ability and I
6 assume that you will make that weight --

7 THE COURT: Yeah.

8 MS. VASQUEZ: -- when --

9 THE COURT: Let me --

10 MS. VASQUEZ: -- determining that.

11 THE COURT: Let me clarify and I appreciate you
12 giving me the opportunity to clarify that. I'm not accepting
13 anything that's in that report as true.

14 MS. VASQUEZ: Okay.

15 THE COURT: That is an indication of the Court of
16 the mindset of the child. The Court sees way too many
17 opinions of children to believe that they're all true. It may
18 be true in the child's mind, but it's part and parcel of where
19 we are. Clearly the child expressed a preference for Mom. I
20 anticipate you'll argue that -- that it was coached and I
21 anticipate you'll argue that that's the truth. So that's
22 where I get to make determinations as to credibility and
23 determine what's best for the child.

24 I have explained to these parties on numerous

1 occasions they're better equipped than I am to make these
2 decisions, but here we are and now I'll make them.

3 MR. RHODES: And Your Honor, I -- I just find it
4 kind of disingenuous. Dad argues that we don't have the right
5 to cross examine -- the -- they don't have the ability to
6 cross examine the child, yet she opposed my motion for a
7 continuance to have the child to testify. You can't have it
8 both ways.

9 THE COURT: And she's not getting it both ways. I
10 think I've --

11 MS. VASQUEZ: I --

12 THE COURT: -- made that clear.

13 MS. VASQUEZ: Yeah, I want neither way.

14 THE COURT: Right. I -- I understand. All right.
15 So it is your motion as well as the request. So -- oh.

16 MS. VASQUEZ: Yeah.

17 THE COURT: Exhibits -- oh, okay. Do we have any
18 stipulations to exhibits?

19 MS. VASQUEZ: I stipulated --

20 MR. RHODES: I do not.

21 MS. VASQUEZ: -- to their Exhibit 1 through 4 and 6.
22 I asked three times if they would stipulate to my exhibits. I
23 didn't even get a denial. I got no response.

24 THE COURT: Okay.

1 MR. RHODES: Well, that's not true. I replied to
2 you yesterday. I was in court all day --

3 MS. VASQUEZ: You said I haven't --

4 MR. RHODES: -- yesterday afternoon. I haven't had
5 a chance to review it. So please don't tell the Court you got
6 no response.

7 MS. VASQUEZ: I got -- I did not get a yes or a no.
8 I got a I haven't looked at it.

9 THE COURT: So is that a no, Mr. Rhodes?

10 MR. RHODES: We will not stipulate to their
11 exhibits --

12 THE COURT: All right.

13 MR. RHODES: -- Your Honor.

14 MS. VASQUEZ: I would just ask that for the record
15 that if I have to go lay foundation for all my exhibits and
16 there's no objections if that can be considered awarding fees
17 at the end of this.

18 THE COURT: Certainly. That's something that can be
19 included under 18.010. All right. We're scheduled for a half
20 day. I will be keeping time. I'll be giving you rundowns as
21 -- as your time starts getting shorter. We will deem Exhibits
22 1 through 4 and 6 admitted and we will deal with the rest of
23 the exhi -- exhibits as they come.

24 (PLAINTIFF'S EXHIBITS 1 THROUGH 4 AND 6 ADMITTED)

1 THE COURT: Do we need opening statements, Counsel,
2 or do we want to waive and get right into testimony?

3 MR. RHODES: I'll waive mine.

4 MS. VASQUEZ: Waive.

5 THE COURT: All right. Who would you like to call?

6 MS. VASQUEZ: My client, the Defendant, Runn --
7 Runndley Ducksworth, please.

8 THE COURT: Sir, come on up here. Remaining
9 standing when you get to the table and raise your right hand
10 and we'll get you sworn in.

11 MS. VASQUEZ: Do you mind if I -- I sit, Judge?

12 THE COURT: Whatever is more comfortable.

13 MS. VASQUEZ: I'm going to try to get close to the
14 mic.

15 THE COURT: Raise your right hand for me.

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

19 THE DEFENDANT: Yes, I swear.

20 THE CLERK: Please state and spell your name for the
21 record and you may be seated.

22 THE WITNESS: Runndley Ducksworth, Jr.

23 THE COURT: Have a seat. Counsel, go right ahead.

24 RUNNDLEY DUCKSWORTH

1 called as a witness on his own behalf, having been first duly
2 sworn, testified upon his oath as follows on:

3 DIRECT EXAMINATION

4 BY MS. VASQUEZ:

5 Q Runndley, what is your current address for the
6 record, please?

7 A 2221 Mediterranean Sea Avenue, North Las Vegas,
8 Nevada 89031.

9 Q And you have a minor child with the Plaintiff
10 Katrina Carter, correct?

11 A Yes.

12 Q What is his name?

13 A His name is Katron Xavier Ducksworth.

14 Q And how old is Katron?

15 A He's 13 years of age.

16 Q Can you turn -- there's an exhibit binder in front
17 of you. It's going to be exhibits A through Z. Do you see
18 them?

19 A Yes.

20 Q Okay. Go ahead and flip to the Proposed Exhibit A.
21 Can you tell the Court what this exhibit is of?

22 A Pictures of Katron in my care with the family.

23 Q Are you in any of these photos?

24 A Yes.

1 Q And did you take any of these photos?

2 A I don't remember.

3 Q If you did not take the photos, were you at least
4 present when the photos were taken?

5 A Yes.

6 Q And do these photos appear to be accurate depictions
7 of the events at the time the photos were taken?

8 A Yes.

9 MS. VASQUEZ: I'm going to move -- move to admit
10 Proposed Exhibit A.

11 THE COURT: Mr. Rhodes.

12 MR. RHODES: What's the date of this picture? When
13 was that taken, please?

14 MS. VASQUEZ: The first one?

15 MR. RHODES: Yes, please.

16 BY MS. VASQUEZ:

17 Q When was the first picture taken?

18 A I don't remember, but I recall -- I don't remember,
19 but I believe it was 2017.

20 MS. VASQUEZ: Okay. Do you need him to go through
21 every photo?

22 MR. RHODES: Well, first of all, if this is 2017,
23 it's not even relevant to today. I object for the admission
24 because it's not relevant, Your Honor, on that particular one.

1 Q Okay. And how would you -- have you ever gone to
2 Texas to visit Katron?

3 A No.

4 Q Why not?

5 A Because of the technical difficulties I have with
6 his mother. So it's -- it's difficult.

7 Q And can you explain that a little bit more? What do
8 you --

9 A It --

10 Q -- mean by problems?

11 A It -- it's hard to communicate with her. She -- she
12 -- she's not a good communicator, doesn't communicate at all.
13 Every time I reach out to her about Katron, there's nothing,
14 no information. She lacks to give me any type of information
15 about Katron.

16 Q Okay. And how do you discipline Katron?

17 A I take things away -- I'll make him do standards,
18 like writing standards.

19 Q Can you give me an example of that?

20 A I'll make him -- I'll make him go to bed early.
21 Writing -- writing standards is like I will not disrespect my
22 dad's house. I will not -- not disrespect my dad in -- in his
23 home, things like that.

24 Q Okay. Do you have any other children?

1 A Yes, I have two other children.

2 Q And what are the names of your two other children?

3 A Setarian (ph) and Runndley Ducksworth III.

4 Q How old is Setarian?

5 A Setarian is nine years of age.

6 Q And how would you describe Katron's and Setarian's

7 relationship?

8 A Their relationship is good. They help each other.

9 They communicate. And it's all -- it's all love. It's all

10 love. She --

11 Q And --

12 A -- loves her brother; her brother love him (sic).

13 Q How old is Runndley III?

14 A Runndley III is eight years of age.

15 Q Does he go by any other names?

16 A He goes by Man Man.

17 Q Is that what Katron calls him; Man Man?

18 A Yeah.

19 Q Okay. And --

20 A Yes.

21 Q -- would -- how would you describe their

22 relationship?

23 A Their -- their relationship is funny, goofy. They

24 like to play around a lot. They like to help each other.

1 Katron act like he can't even sleep without his little brother
2 around. They have a good -- a good relationship.

3 Q You mentioned sleep. So how would you describe your
4 home here in Las Vegas?

5 A How I describe my home? A four bedroom house with a
6 loft, (indiscernible) area with a backyard. The kids got
7 their own rooms, own bed. I got my own room.

8 Q Katron --

9 A It -- it's --

10 Q -- has his own bed?

11 A It's a family foundation home.

12 Q Okay. Katron has his own bed at your house?

13 A Yes.

14 Q And how long have you lived at this house?

15 A I lived at the house for five years.

16 Q Do you have any plans to move anytime soon?

17 A No.

18 Q And who else lives in the home with you?

19 A Anita (ph), my girlfriend, her father, and her two
20 kids.

21 Q And how long have you and Anita been together?

22 A Me and Anita been together for six years.

23 Q And how would you describe Katron's relationship
24 with Anita?

1 A Katron's relationship with Anita is -- she's like a
2 loving godmother that he never had. He -- she -- she enjoys
3 his time, he enjoys her time.

4 Q And how would you describe his relationship with
5 Anita's children?

6 A Katron's relationship with Anita's children is good.
7 He plays videogames with them when they are with me. They
8 just play videogames. They're -- they're good though. The
9 relationship is good.

10 Q What other family members do you have living in Las
11 Vegas?

12 A I have my mother, I have my aunts, my uncles,
13 cousins, grandma.

14 Q Are you aware of Katrina having any family members
15 in Mesquite, Texas?

16 A No.

17 Q When did you and Katrina separate?

18 A We separated in February of 2007.

19 Q How old was Katron at that time?

20 A About two months.

21 Q Okay. And when you guys were separated, what was
22 that custodial schedule like?

23 A Basically, she really didn't want me to see the
24 child. So I was just going through her sister, father to see

1 the child and I was just trying to keep the relationship like
2 that.

3 Q Any point after that, did you guys come up with any
4 type of written custodial arrangement?

5 A Not before I took her to court in 2010.

6 Q And what was that agreement?

7 A Joint legal custody, joint physical.

8 Q And that -- what court was that through?

9 A That was through the -- it started off with the
10 child support court and I asked for Family Mediation being
11 that I wasn't seeing my child.

12 Q Okay. Did you guys follow that custodial schedule?

13 A We was following it for a certain time. And then it
14 just stopped.

15 Q Well, and do you know why it stopped?

16 A Because the technical difficulties with Katrina and
17 I didn't want to deal with her. So I just -- I just fell
18 back.

19 Q After that 2010 agreement, did you do anything to
20 help yourself become a better parent or a co-parent?

21 A I took a parenting class, a triple P parenting
22 class.

23 Q And can you turn to my Proposed Exhibit B?

24 MR. RHODES: Your Honor, I'll stipulate to admit

1 that.

2 THE COURT: To Exhibit B?

3 MS. VASQUEZ: Yes.

4 THE COURT: B will be admitted. Go ahead, Counsel.

5 (DEFENDANT'S EXHIBIT B ADMITTED)

6 BY MS. VASQUEZ:

7 Q And were you mandated to take that triple P course
8 by anybody?

9 A No, I took it on my own.

10 Q Okay. And then this case was filed in 2017,
11 correct?

12 A Yes.

13 Q And who filed that case -- this case? Sorry.

14 A Katrina filed it.

15 Q And what happened in 2017 that would -- that -- that
16 surrounded 2017 that would cause her to file this case?

17 A Our trial went to Texas to try to go get the son,
18 the -- my child. When I found out that they moved and once I
19 tried to get him and she didn't allow me to get him; she beat
20 me to the case. She beat me to Las Vegas and she submitted
21 it.

22 THE COURT: This all predates the last custody
23 order, so I'm not clear on why we're covering this --

24 MS. VASQUEZ: We're just laying --

1 THE COURT: -- with McMonigle.

2 MS. VASQUEZ: -- foundation of how we got to where
3 we are today.

4 THE COURT: Yeah, and I'm -- and I've reviewed the
5 entirety of this file again beforehand. So I don't -- I don't
6 need the history lesson and I'm concerned about McMonigle with
7 going back and the last custody order, so.

8 MS. VASQUEZ: Okay. So I don't -- you don't want me
9 to address anything prior to 2017 --

10 THE COURT: Well --

11 MS. VASQUEZ: -- including --

12 THE COURT: And I --

13 MS. VASQUEZ: I mean, there's a change in
14 circumstance analysis, so I want to know what the --

15 THE COURT: Right, but the --

16 MS. VASQUEZ: -- situation was like then.

17 THE COURT: -- change in circumstance has to happen
18 since the last custody order, not before the last custody
19 order.

20 MS. VASQUEZ: Right. So I'm trying to lay a
21 foundation of what the situation was at that time and what has
22 changed from that situation.

23 THE COURT: I understand, but we've gone -- we --
24 the last custody order in this case, we've gone all the way

1 back to 2010 and we're -- seem to be working our way up. So I
2 just -- the amount of limited time that you have, I just want
3 to stay with stuff that's going to assist me to make the
4 decision I need to make. So to answer your question, no, I'm
5 not telling you not to do it.

6 MS. VASQUEZ: Okay.

7 THE COURT: I'm just concerned about the time frame
8 with regard to it.

9 MS. VASQUEZ: Okay. I -- I'm not too worried about
10 the time, but I'll try to move --

11 THE COURT: Okay.

12 MS. VASQUEZ: -- that along.

13 BY MS. VASQUEZ:

14 Q Can you just tell us at the time before they moved
15 to Texas, what was your involvement like with Katron?

16 A Before the movement, I was taking him to school and
17 we would -- I was involved in his sports activities.

18 Q And after they moved to Texas. How was your
19 involvement then?

20 A It was very limited, but I was more involved trying
21 to be -- be involved in his schooling and his sports activity
22 while he's in Texas, but being that the mother is limiting me
23 to communication and things like that, I just do what I can
24 from -- from a distance.

1 Q Okay. Since 2017 custody order, what's your
2 involvement been like in his school?

3 A Just trying to make sure that I keep -- keep up on
4 his grades, making sure that he's trying to stay focused.

5 Q What grade is he currently in?

6 A He's in eighth grade.

7 Q And what school does he go to?

8 A He goes to Agnew Middle School.

9 Q How long has he been going to Agnew?

10 A This is -- this should be his second year --

11 Q Okay.

12 A -- at Agnew.

13 Q How many schools has Katron been to since relocating
14 in Texas in 2017?

15 A Since he's been in Texas, he's been to about two or
16 three schools.

17 Q And do you have any contact with his teachers?

18 A Yes.

19 Q And how do you contact them?

20 A Via email.

21 Q Can you turn to my Proposed Exhibit C? Defendant's
22 Proposed Exhibit C. And what is this document?

23 A This document is a document of his teacher email --
24 emailing me.

1 Q And what's the date of the email?

2 A April 9th, 2019.

3 Q Is there any other email included in that?

4 A Yes.

5 Q And what's the date of that email?

6 A September 24th, 2018.

7 Q And is that an email from you to her?

8 A Yes.

9 Q And what did you tell her?

10 A Hi, I am the father of Katron. If you can please
11 keep me updated with any progress reports or any behavior
12 issue or anything I can help with. My number is 702-201-9352.
13 Thank you. You can contact me at any time. I reside out in
14 Las Vegas, Nevada.

15 Q Is this appear to be an accurate and complete email
16 exchange that you sent and you received?

17 A Yes.

18 MS. VASQUEZ: I move to admit Proposed Exhibit C.

19 THE COURT: Mr. --

20 MR. RHODES: Your Honor, objection for two reasons.

21 THE COURT: Yes, sir.

22 MR. RHODES: One, it's not relevant. Two, it's
23 hearsay because we don't have the other party. Three, on
24 authentication dealing with this issue. We have an email at

1 the bottom, September 2018, and we don't have another one for
2 six months later until April of '19. What's transpired in the
3 interim? So we're to assume based upon this that six months
4 out of the clear blue the teacher says Dad -- an email says
5 the boy's sleeping in class.

6 THE COURT: Mr. Rhodes, it's -- it's not time for
7 argument. It's time to -- to voice an objection.

8 MR. RHODES: I --

9 THE COURT: So --

10 MR. RHODES: All right.

11 THE COURT: Hearsay is the one that I'm concerned
12 about at this --

13 MS. VASQUEZ: Correct.

14 THE COURT: -- point.

15 MS. VASQUEZ: My client's not offering this
16 statement from the teacher as truth of the matter. This
17 exhibit is being introduced to show that my client is having
18 communications and involved with the school. I don't -- I
19 honestly don't even care if you look at that teacher's
20 statement. It's to prove that my client's involved with the
21 school.

22 THE COURT: All right. And your client has
23 testified that he has at least for two periods over 2018 and
24 2019 had conversations with the instructor. Certainly, I'm

1 mindful of the potential hearsay. I'm not concerned about the
2 authentication because he did authenticate that -- that he did
3 it and it was an accurate record. So what I'm going to do is
4 I will admit C and give it the weight that it deserves given
5 the hearsay concerns and we'll not con -- consider the -- the
6 hearsay statements as part of the decision that I'll make
7 today.

8 MS. VASQUEZ: Thank you.

9 (DEFENDANT'S EXHIBIT C ADMITTED)

10 BY MS. VASQUEZ:

11 Q Since the relocation to Texas in 2017, are you aware
12 of Katron's behavior in school?

13 A Yes.

14 Q And how would you describe his behavior in school?

15 A I'm not aware of it all, but I know --

16 MR. RHODES: Your Honor --

17 A -- that he had --

18 MR. RHODES: -- objection, foundation.

19 THE COURT: Sustained.

20 THE WITNESS: I know he has been --

21 THE COURT: Sir.

22 MS. VASQUEZ: Hold on.

23 THE WITNESS: We just -- just so you're clear, when
24 -- when the other attorney makes an objection, then just stop

1 talking for a minute because then we're got to figure out
2 whether I'm going to let you move forward on that.

3 THE WITNESS: Okay.

4 THE COURT: So what I did was I sustained Counsel's
5 objection because it lacks some foundation. So now your
6 attorney will ask you some questions to lay that foundation.

7 THE WITNESS: Okay.

8 THE COURT: Okay?

9 THE WITNESS: Yeah.

10 BY MS. VASQUEZ:

11 Q Okay. Are you -- besides -- what -- what types of
12 -- what types of communications do you have with the teachers
13 in regards to Katron's schooling?

14 A Communications that I have with just reaching out to
15 him via email.

16 Q I know, but what are those conver -- what are those
17 communications about? How are you trying to -- what are you
18 trying to talk to them about?

19 A Making sure that my son is on track and if he needs
20 any help that they can reach out to me.

21 Q Is there any other way that you keep track of his
22 schooling besides communicating with the teachers?

23 A Skyward.

24 Q And what's Skyward?

1 A Is -- is a -- it's a -- it's -- it's a browser for
2 the school. It's like -- it's like something where the school
3 keeps the grades and absences and all the information for the
4 students.

5 Q Based -- and you have access to this Skyward
6 account?

7 A Yes.

8 Q And based off your access to that Skyward account,
9 is there anything in there that -- that brings concerns to
10 you?

11 MR. RHODES: Your Honor, objection. Best evidence
12 rule here. That would be the --

13 THE COURT: It's overruled.

14 MR. RHODES: -- purpose.

15 THE COURT: She's asking him of his opinion of that
16 and certainly he can express that. You can take it on cross
17 if you got some concerns about the veracity. So I'll allow
18 it.

19 MS. VASQUEZ: I'm sorry, I'll repeat that.

20 BY MS. VASQUEZ:

21 Q What -- what concerns have been brought to your
22 attention from the Skyward account?

23 A Him being suspended and his grades and absences and
24 tardies.

1 Q Yeah. Have you been noticed -- have you been -- let
2 me see. When you turn to Exhibit J. And this first page,
3 what is this document?

4 A That's a document of his attendance.

5 Q And how did you obtain a copy of this?

6 A Through Mesquite Skyward, through the -- the school
7 -- the school.

8 Q Can you tell us the date range that this -- this is
9 reflecting?

10 A The date range this is reflecting is from Friday,
11 August 30th, 2019, to Friday, March 6th, 2020.

12 Q And does this appear to be an accurate copy from
13 when you obtained it from the Skyward website?

14 A Yes.

15 MS. VASQUEZ: Move to admit Proposed Exhibit J.

16 MR. RHODES: Your Honor --

17 THE COURT: Exhibit J, Mr. Rhodes?

18 MR. RHODES: Objection, Your Honor. This is not the
19 copy that was obtained there because the handwritten notes
20 on Page 2 of that copy don't exist on the original. And I
21 object because this is not authentic or genuine because of
22 those handwritten comments that's been added in.

23 MS. VASQUEZ: They do not preserve their objection
24 for authenticity, the 21 day objection. They did not ever

1 raise that. And then as for the handwriting, I mean --

2 THE COURT: Yeah, the authenticity, I --

3 MS. VASQUEZ: That --

4 THE COURT: It -- it wouldn't -- that wouldn't --
5 have anyone change the authenticity. It would change the --
6 the exhibit itself, so I'm going to deal with that.

7 MS. VASQUEZ: Okay. And -- and I mean, if the Court
8 wants to know to not -- not review the handwritten notes,
9 that's --

10 THE COURT: Who --

11 MS. VASQUEZ: -- not --

12 THE COURT: Whose handwriting is it?

13 BY MS. VASQUEZ:

14 Q Whose handwriting is on this?

15 A That is my girlfriend's handwriting.

16 MS. VASQUEZ: And I think it looks like it's just
17 stating they don't know why. They're just making notes on it,
18 but the -- the --

19 THE COURT: Is it just --

20 MS. VASQUEZ: -- purpose --

21 THE COURT: -- one -- is it one note?

22 MR. RHODES: No, Your Honor. The second page has
23 lots of notes.

24 MS. VASQUEZ: Oh, I -- the second page mostly

1 reflects what's on the first page without the notes. So
2 we're --
3 MR. RHODES: We're -- we're okay with page 1 --
4 MS. VASQUEZ: Page 1.
5 MR. RHODES: -- Your Honor for it to -- for whatever
6 it's worth.
7 MS. VASQUEZ: Yeah, Page 1 only.
8 MR. RHODES: I'm not okay with page --
9 THE COURT: How many pages --
10 MR. RHODES: -- 2.
11 THE COURT: -- are -- is it?
12 MS. VASQUEZ: 2, so --
13 THE COURT: It's two pages.
14 MS. VASQUEZ: -- exclude page --
15 THE COURT: All right.
16 MS. VASQUEZ: -- 2.
17 THE COURT: So would you like me to remove page 2?
18 MS. VASQUEZ: Yes, please.
19 THE COURT: Okay. Page 2 is removed. Mr. Rhodes,
20 are you --
21 MR. RHODES: I'm comfortable with that, Your Honor.
22 THE COURT: All right. Then J will be admitted as
23 the -- with only the first page. We will remove the second
24 page.

1 (DEFENDANT'S EXHIBIT J, PAGE 1 ADMITTED)

2 BY MS. VASQUEZ:

3 Q There's a note there about the in school suspension.
4 What days were he suspended?

5 A Wednesday, August 28th to Tuesday, September 3rd,
6 2019.

7 THE COURT: I'm sorry, I didn't get any of that.
8 From when to when?

9 THE WITNESS: Wednesday, August 28th, 2019 to
10 Tuesday, September 3rd, 2019.

11 Q Are there any other days for suspension?

12 A Wednesday, November 6th, 2019.

13 Q And do you know why he was suspended?

14 A No.

15 Q Have you asked why he is suspen -- what's --
16 suspended?

17 A Yes.

18 Q And who did you ask?

19 A I asked Katrina.

20 Q And did she tell you why?

21 A No. I also asked the school, but they wouldn't tell
22 me either.

23 Q Why not?

24 A Because I'm in --

1 MR. RHODES: Your Honor --

2 A -- Las Vegas --

3 MR. RHODES: -- now --

4 A -- Nevada.

5 MR. RHODES: -- I'm going to object to what the
6 school may have told him. That's hearsay.

7 THE COURT: She didn't ask what the school told him.
8 She said why not. So it didn't call for a hearsay answer.
9 Hopefully, we don't get a hearsay answer, but if he does, then
10 I'll expect an objection. So sir, without telling me what the
11 school told you, can you answer the question?

12 THE WITNESS: Can you repeat the question, please?
13 BY MS. VASQUEZ:

14 Q Why were you not -- why were not able to obtain why
15 he was suspended from the school?

16 A Because I stay in Las Vegas, Nevada and they cannot
17 -- they don't have my identification. They need me to be
18 there in person.

19 Q Okay. And are you aware of any other behaviors
20 based off your -- your ability to access Skyward or your
21 communications with school? Are you aware of any other
22 behaviors --

23 A Just --

24 Q -- of --

1 A Just him being suspended, being tardy, and sleeping
2 in class.

3 Q And have you addressed the problem with sleeping in
4 class with Katrina?

5 A I tried. I tried to address the problem with her.

6 Q And how did you try to address that?

7 A Via Talking Parents.

8 Q And did she -- did the Talking Parents messages show
9 that she viewed your messages?

10 A Yes.

11 Q And did she respond?

12 A No.

13 Q Have -- have you ever received a call from the
14 school?

15 A Yes.

16 Q And what was -- without saying what anybody said,
17 what was the call concerning?

18 A It was concerning Katron and him having a headache.

19 Q And who called you?

20 A The nurse's office.

21 Q And did you talk to Katrina about that issue?

22 A I tried to.

23 Q And did she respond to you?

24 A No.

1 Q And there's also some notes here on this record
2 about excused doctors notes. Do you see that?

3 A Yes.

4 Q Are you aware of what those doctors notes were for?

5 A No.

6 Q Have you ever asked Katrina about Katron going to
7 the doctor?

8 A No.

9 Q Have you -- have you ever talked -- tried to talk to
10 Katrina about going to a doctor in Texas?

11 A No.

12 Q Are you aware if he has a doctor in Texas?

13 A No.

14 Q And what -- are you aware of what Katron's current
15 grades are right now?

16 A Yes.

17 Q And what do you believe Katron's current grades are
18 right now?

19 A Below average Ds and Fs and if he's passing, he's
20 passing athletic and that's it or creative writing. Athletics
21 and creative writing.

22 Q And how do you feel about those grades that he has?

23 A I feel he needs a lot of catching up to do. I feel
24 if I get custody of Katron, I would like to hold him back a

1 grade because he's not where he should be.

2 Q And when Katron is with you, do you do anything to
3 help him with school?

4 A Yes, I try to -- I try to educate them. I try to
5 give them the schoolwork. I -- I try to practice with them,
6 whatever they don't -- don't know.

7 Q What kind of -- what kind of stuff do you do with
8 him?

9 A I -- I give him -- I give basic work. I give him
10 basic math skills, basic -- basic curricular activities.

11 Q Can you turn to --

12 A That --

13 Q -- my Proposed Exhibit K?

14 THE COURT: You're at 45 minutes, Counsel.

15 MS. VASQUEZ: Thank you.

16 Q Are you there?

17 A Yes, I'm here.

18 Q And what is this document of?

19 A Counting coins worksheet that I gave to Katron to do
20 over the summer.

21 Q Are there multiple pages there? He -- what are --
22 what is the exhibit in total?

23 MR. RHODES: What are -- exhibit, please?

24 THE COURT: K --

1 Q And what schooling are they doing right now?

2 A They're doing home schooling right now.

3 Q And who is helping assist them with home schooling?

4 A Me and Anita and sometimes her oldest son.

5 Q And are those the people that would help Katron if

6 he was to do schooling here?

7 A Yes.

8 Q What kind of medical involvement have you had with

9 Katron since he moved in 2017?

10 A Every time I get him, I just take him to go get

11 welfare checks and to make -- make sure his body is okay.

12 Q And how are -- what -- what are the results of those

13 doctors visits?

14 A The results are -- are good.

15 Q Okay. Is he up-to-date on vaccines?

16 A Yes.

17 Q And who gets his vaccines?

18 A I was getting them for him when he was in Las Vegas,

19 Nevada.

20 Q When was his most recent vaccines?

21 A His most recent vaccine, I don't remember.

22 Q Is there a document that would help you refresh your

23 recollection?

24 A Yes.

1 Q Can you turn to Exhibit P?
2 MR. RHODES: What exhibit?
3 MS. VASQUEZ: P as --
4 MR. RHODES: P, Paul?
5 MS. VASQUEZ: -- in pinto.
6 Q Do you recognize that document?
7 A Yes.
8 Q And what is this?
9 A A Nevada immunization record.
10 Q And how did you -- how do you recognize it? How did
11 you obtain it?
12 A I obtained it through the doctor's -- through the
13 doctor's office.
14 Q Okay. And when was -- this -- looking at that
15 document, do you recall when the last time his vaccination
16 was?
17 A The next time?
18 Q The last time.
19 A The last time, I believe July 12th, 2019.
20 Q And was he in your care during that time?
21 A Yes.
22 Q Okay. And have you ever denied Katrina any court
23 ordered visitation?
24 A No.

1 Q Has Katrina ever denied you court ordered
2 visitation?

3 A Yes.

4 Q According to the custody order, you're supposed to
5 have the first half of Christmas 2019, is that right? Does
6 that sound right?

7 A Yes.

8 Q And did you get him for the Christmas 2019 break?

9 A No.

10 Q Why not?

11 A Because Katrina didn't allow him to come for the
12 visit.

13 Q Okay. And did you file a motion in regards to that?

14 A Yes, I believe I did.

15 Q According to the 2017 custody order, you're supposed
16 to have spring break through even years, is -- does that sound
17 right?

18 A Yes.

19 Q And did you get him for spring break 2020?

20 A No.

21 Q And why not?

22 A Katrina didn't allow it.

23 Q Do you know if he was in town around that time?

24 A I do.

1 Q And how do you know that?

2 A Through friends and Facebook.

3 Q And did Katrina inform you that he was in town

4 during that time?

5 A No.

6 Q Did you have a flight booked for him for spring

7 break 2020?

8 A Yes.

9 Q And can you turn to Proposed Exhibit W? What is

10 this exhibit of?

11 A That's a flight for Katron.

12 Q What's the -- the carrier, the flight carrier?

13 A Southwest Airlines.

14 Q And what's the date of the flight?

15 A The date of the flight is for Saturday, 3/7/2020.

16 March 7th, 2020.

17 Q Did you advise Katrina of this flight?

18 A Yes.

19 Q And does this appear to be an accurate copy of the

20 email of the confirmation?

21 A Yes.

22 MR. RHODES: Move to admit Proposed Exhibit W.

23 THE COURT: W, Mr. Rhodes?

24 MR. RHODES: I'll -- I don't have any objection.

1 I'll follow up on cross --

2 THE COURT: All right.

3 MR. RHODES: -- on this.

4 THE COURT: W will be admitted.

5 (DEFENDANT'S EXHIBIT W ADMITTED)

6 BY MS. VASQUEZ:

7 Q How much -- looking at the second page, how much did
8 you spend on that flight?

9 A \$300.98.

10 Q Were you able to be reimbursed for this cost?

11 A No.

12 Q Are you asking the Court to order Katrina be -- re
13 -- reimburse you for this cost?

14 A Yes.

15 Q For the court order you're supposed to have summer
16 breaks for seven weeks, correct?

17 A Yes.

18 Q And that visit is supposed to start a week after
19 school gets out, correct?

20 A Yes.

21 Q And did you get Katron a week after school got out?

22 A No.

23 Q We were -- we were here in front of this Court in
24 July. The Court ordered her to bring Katron to Vegas within

1 seven days, correct?

2 A Correct.

3 Q Did she bring Katron here within seven days?

4 A Yeah, she brought him on the seventh day.

5 Q And the Court also ordered that Katron was supposed
6 to stay until school started. Did he stay until school
7 started?

8 A No.

9 Q When did he leave?

10 A He left on July 26th, 2020.

11 Q Do you know when his school started? Did it start
12 anywhere around that date?

13 A No, it didn't.

14 Q And how did she -- how did she get him?

15 A She came to my house and she had the child run away
16 from my home out to the middle of the street and she picked
17 the child up with a passenger in the car who pointed a gun out
18 at me.

19 Q Did she advise you when she was picking him up?

20 A No, she didn't. She just picked him up at her own
21 will, on her own will.

22 Q And did you chase Katron outside?

23 A Yes, he was already outside at the street. And then
24 I chased him, yes.

1 Q During that, did he fall or --
2 A No, he did not.
3 Q Did he appear to be injured?
4 A No, he was not.
5 Q Did you file anything after that incident happened?
6 A Yes, I called the police immediately.
7 Q And was there any type of investigation that
8 happened after that event?
9 A Yes, the police was looking for her but they
10 couldn't find her or catch up to her.
11 Q Was there any other enforcement, like a --
12 A I -- I put --
13 Q -- government --
14 A -- a TPO order out on her.
15 Q Okay. Was CPS ever involved?
16 A Yes.
17 Q And was there an investigation?
18 A Yes.
19 Q What was the result of that investigation?
20 A It was was unsubstantial and they closed the case.
21 Q Okay. Have you ever been charged or convicted of
22 child abuse and neglect?
23 A No.
24 Q Have you ever been charged or convicted of domestic

1 violence?

2 A No.

3 Q And do you -- do you have any other concerns before
4 -- that we -- besides what we discussed today of Katrina
5 continuing to have primary custody of Katron?

6 A Her not allowing the communication and her
7 interfering, him not -- him not completing school, him not
8 getting good grades, his behavior issues.

9 Q Anything that we have not already discussed? And
10 what --

11 A No.

12 Q What visitation are you proposing Katrina have if
13 you're awarded primary custody?

14 A Just the roles be switched and that I get some
15 summers being that I got kids that he still needs to spend
16 time with.

17 Q What -- what is the custodial arrangement you have
18 for your other children?

19 A I got them on the holidays and the summer.

20 Q So you're asking for some of the summer.

21 A Yes.

22 Q Okay. Is there anything that you need to -- need
23 changed, anything else you're requesting in regards to the
24 exchanges or custodial timeshares?

1 A I'm requesting that she provide the itinerary. She
2 provides me with an itinerary for this child. I don't know
3 who I'm picking him up from. I don't know who I'm -- who --
4 who -- she have me wanting to meet at a store and I don't know
5 who I'm picking the child up from. I can be picking up the
6 child from an unknown person. And I have no idea who I'm
7 getting the child from.

8 Q Okay.

9 A I need an itinerary.

10 Q And do you have a -- is there a -- a court order in
11 place for you to have communications with Katron when he's not
12 in your care?

13 A Yes, communication via phone, Facebook. I don't get
14 any of it.

15 Q Okay.

16 THE COURT: The -- the question was is there an
17 order?

18 THE WITNESS: Oh, yes.

19 Q And are you -- is that -- is that order being
20 complied with?

21 A No.

22 Q Okay. Can -- real quick, what income are you
23 currently receiving right now?

24 A Right now I just get unemployment benefits.

1 Q And how much is that?

2 A A hundred and ninety-one dollars a week.

3 Q Okay. And are you currently paying child support?

4 A Yes.

5 Q And are you in compliance with that child support
6 order?

7 A Yes.

8 MR. RHODES: No further questions at this time.

9 THE COURT: Cross, Mr. Rhodes?

10 MR. RHODES: Yes, Your Honor.

11 CROSS EXAMINATION

12 BY MR. RHODES:

13 Q Where were you working at the time you were starting
14 to collect unemployment?

15 A Cintas Corporation.

16 Q What is it?

17 A Cintas Corporation.

18 Q What do they do?

19 A Uniform attendant.

20 Q And what did you do with them?

21 A I was a uniform attendant.

22 Q Did you work full-time?

23 A Yes.

24 Q What were your days of work?

1 A My days of work was I was off on -- what days I was
2 off and -- I don't remember.

3 Q You -- you don't remember?

4 A No.

5 Q Okay.

6 A The -- I worked 40 hours a week though.

7 Q All right. How long did you work for them?

8 A I worked for them for three years. No -- yeah,
9 three years going on.

10 Q And you --

11 A Since 2017, since the --

12 Q All right.

13 A -- end of 2017.

14 Q You testified that you lived with Anita?

15 A Yes.

16 Q Whose house is that?

17 A That is me and Anita's home.

18 Q Is that owned or leased?

19 A We --

20 MS. VASQUEZ: Objection --

21 A -- rent it.

22 MS. VASQUEZ: -- relevance.

23 THE COURT: What's the relevance, Mr. Rhodes?

24 MR. RHODES: Your Honor, the relevance is he's

1 making a hundred and ninety-two dollars a week on
2 unemployment. How is he paying for all of this stuff?

3 THE COURT: Well, what stuff?

4 MR. RHODES: That -- whose house it is. He
5 testifies and says it's hers. So is it a lease, how much is
6 the lease. That's not in the FDF.

7 THE COURT: Well, I understand, but I don't
8 understand the relevance as to the modification of custody
9 issue. That is the question.

10 MR. RHODES: Because the modification of custody
11 goes along with child support, Your Honor.

12 THE COURT: I --

13 MR. RHODES: I --

14 THE COURT: I'm not following you.

15 MR. RHODES: What -- there will be a child support
16 order if there's a modification of custody.

17 THE COURT: Correct.

18 MR. RHODES: And we have the right to --

19 THE COURT: But if there's a modification of
20 custody, your client will be paying child support --

21 MR. RHODES: But --

22 THE COURT: -- not him.

23 MR. RHODES: But we still have a right to inquire as
24 far as his financial situation.

1 THE COURT: I -- I -- it goes to -- I'm back full
2 circle. How is his financial situation relevant --

3 MR. RHODES: All right.

4 THE COURT: -- to the issues that are before me
5 today?

6 MR. RHODES: He's living in a house with another
7 person and her children.

8 THE COURT: Correct.

9 MR. RHODES: He says it's his house. Nowhere on his
10 FDF does it say what the monthly mortgage or rent is. It's a
11 fair question. It should have been disclosed on the FDF.

12 THE COURT: I know. I'm not -- I'm certainly not
13 arguing with you whether it's a fair question. I'm arguing
14 with you whether it's a relevant question --

15 MR. RHODES: It's --

16 THE COURT: -- to the issues --

17 MR. RHODES: -- relevant --

18 THE COURT: -- before me.

19 MR. RHODES: -- because how do we know the money
20 that he's reporting in unemployment is -- is enough to cover
21 the expenses that he's liable for? That's the relevance of
22 it, Your Honor.

23 THE COURT: The ex -- the expenses that he's liable
24 for relating to the child?

1 MR. RHODES: And -- and his living expenses.

2 THE COURT: Well --

3 MR. RHODES: He -- he --

4 THE COURT: -- I'm -- I'm --

5 MR. RHODES: -- says he makes a hundred and
6 ninety-two dollars a week.

7 THE COURT: Correct.

8 MR. RHODES: How does he pay his share of the rent?

9 THE COURT: No. No. I -- good question, but my
10 question to you is how is that relevant to the issues that are
11 before me today?

12 MR. RHODES: It's relevant because first of all he's
13 asking for a modification of child support. We're also
14 relevant in -- in the -- because we need to look at it. They
15 have also requested attorney fees. We -- we need to know how
16 is he paying for this stuff.

17 THE COURT: All right. I -- I will allow a little
18 bit of this. I'm -- I'm not sure I see the relevance, but
19 it's your time, so --

20 MR. RHODES: All right.

21 THE COURT: -- I'm going to let you.

22 BY MR. RHODES:

23 Q How much is the rent?

24 A My rent is \$1300.

1 Q I'm sorry?

2 A My rent is \$1300.

3 Q \$1300 a month?

4 A Yes.

5 Q How much have you paid your lawyer?

6 A \$3,000.

7 Q Where did that \$3,000 come from?

8 MS. VASQUEZ: Objection, relevance.

9 THE COURT: I'm -- I'm not quite sure I see the
10 relevance of this, Counsel.

11 MR. RHODES: Your Honor, they're asking for attorney
12 fees. We don't know what that \$3,000 was a gift to him,
13 whether he's -- has a loan, whether he has to owe it, pay it
14 back.

15 THE COURT: 18.010 doesn't require that information
16 to be known. It's whether it's appropriate.

17 MR. RHODES: Well, I would disagree, Your Honor, but
18 you're the judge.

19 THE COURT: You disagree with 18.010? Is there
20 something in there that I'm missing?

21 MR. RHODES: The -- you --

22 THE COURT: This -- it would be prevailing party --

23 MR. RHODES: This is a child custody matter. We
24 also have child attorney fees that are available under 125C-

1 -- .250 which is in a proportion as the court deems. 18.010,
2 it -- to -- to prevail on that, you have to have a monetary
3 award. And a child custody is not a monetary award.

4 THE COURT: No, you would have to be prevailing
5 party under 18.010.

6 MR. RHODES: Right, to be the prevailing party.

7 THE COURT: Correct. You don't need a --

8 MR. RHODES: But generally --

9 THE COURT: -- monetary award.

10 MR. RHODES: -- the Supreme Court has held and I'll
11 be happy to brief it if the Court wants me to that a
12 prevailing party needs some money, monetary judgment. But
13 irrespective, we got 125C.250 in the amount proportionate with
14 the Court -- that's the appropriate thing in a child custody
15 matter.

16 MS. VASQUEZ: I'm not aware of any statute or law
17 that says that the Court has to consider where the attorney's
18 -- or how the attorney's fees are paid.

19 THE COURT: No, and that -- that was the point that
20 I made --

21 MS. VASQUEZ: Yeah.

22 THE COURT: -- initially that -- and -- and Mr.
23 Rhodes indicated that -- that he didn't believe that so I --
24 and certainly if -- if I'm mistaken on that, I do want to know

1 where I'm mistaken. So I'll allow you to proceed, Counsel.

2 I'm -- I'm not seeing the relevance, but I'll allow it.

3 BY MR. RHODES:

4 Q Can you tell me the source of where the \$3,000 came
5 from to pay your attorney?

6 A Unemployment, girlfriend, mother, uncle.

7 Q Okay. Have you read the child interview report?

8 A Yes.

9 Q Okay. Do you have a copy of it available for you?

10 A No, I don't.

11 MR. RHODES: Your Honor, I have copies if the Court
12 will allow me to give it to Dad and if Mom needs -- attorney
13 needs a copy -- a copy for that. May I approach?

14 THE COURT: You may.

15 MR. RHODES: Thank you.

16 MS. VASQUEZ: Do you have a copy on hand real quick?

17 MR. RHODES: Sure.

18 THE COURT: Do you need one, Counsel?

19 MR. RHODES: I made plenty of copies, Your Honor.

20 THE COURT: Okay. Okay.

21 MR. RHODES: I killed a few trees before I came over
22 here.

23 THE COURT: Yeah, I just -- with -- with COVID, I
24 end up keeping all of the copies. So I have them in the file

1 just in case.

2 Q You've read this before, correct?

3 A Yes.

4 Q All right. Would you look at page 2? Top of page 2
5 under schooling. Katron informs he's 13 years old, attends
6 Agnew Middle School where he was going into the eighth grade.
7 Reported his grades last semester as A, Bs, and Cs.

8 MS. VASQUEZ: Objection, testifying, hearsay.

9 MR. RHODES: I am just reading it out.

10 MS. VASQUEZ: You're reading it on the record.

11 THE COURT: It -- it is a -- technically a
12 confidential document because it's dealing with children's
13 issues. So cer -- as -- I'm looking at it as well. It's
14 something the Court will be considered, but I agree with
15 Counsel. It probably shouldn't be read into the record.

16 MR. RHODES: Okay.

17 BY MR. RHODES:

18 Q You testified that he's not getting very good grades
19 right now. How does that square up with the As and Bs that he
20 -- and the C that he tells the child interviewer?

21 A It doesn't.

22 Q All right. So do you have the current report card
23 or progress report?

24 A I have current grades, yes.

1 Q Pardon?

2 A I have current grades, yes.

3 Q Where is it?

4 MS. VASQUEZ: I got them.

5 MR. RHODES: Pardon me?

6 MS. VASQUEZ: I have copies.

7 MR. RHODES: Yeah, we haven't seen it.

8 MS. VASQUEZ: They were just printed out today

9 because they're as of today.

10 THE COURT: I'm -- I'm sorry, your -- your client

11 doesn't know what the child's grades are?

12 MR. RHODES: I'm asking -- and she's not on the

13 witness stand yet, Your Honor.

14 THE COURT: No. No. No. You just said you haven't

15 seen the grades.

16 MR. RHODES: I have not seen the grades.

17 THE COURT: I see. Okay.

18 MR. RHODES: I have not seen the grades.

19 MS. VASQUEZ: Here's -- here's math. Here's prin

20 human? I don't know what that is.

21 THE WITNESS: Principles of hum -- human.

22 MS. VASQUEZ: Here's all of them.

23 MR. RHODES: Okay. Thank you.

24 THE COURT: All right.

1 MR. RHODES: Do you have this in (indiscernible) --
2 MS. VASQUEZ: No.
3 THE WITNESS: If you -- if you want --
4 MS. VASQUEZ: Hold that one.
5 THE WITNESS: -- I -- I probably got copies in --
6 MR. RHODES: Is this the other one?
7 THE WITNESS: -- my red folder over there. Right
8 there on the top. Right there on those papers right there.
9 MS. VASQUEZ: May I --
10 THE WITNESS: There --
11 MS. VASQUEZ: -- approach, Your Honor?
12 THE COURT: Sure.
13 BY MR. RHODES:
14 Q Would you look at the first one, creative writing?
15 A Uh-huh (affirmative).
16 Q It says 96. What is 96 based upon?
17 A That's an A.
18 Q All right. Do you know if there's been any tests or
19 school reports or anything done?
20 A No.
21 Q All right. What is the second one?
22 A I have principals of -- of human -- principles of
23 human.
24 Q Human what?

1 A I don't know.

2 Q All right. Have they had any tests or anything?

3 A I'm not sure.

4 Q Do you have any progress reports that the teachers
5 are telling you that he's deficient?

6 A Yes.

7 Q Do you have those progress reports?

8 A I have everything.

9 MS. VASQUEZ: I got to keep this one. May I
10 approach?

11 THE COURT: Sure.

12 MS. VASQUEZ: Do you want these as exhibits?

13 THE WITNESS: And everything is --

14 MS. VASQUEZ: Do you want the Judge to see this?

15 MR. RHODES: Yeah, sure.

16 MS. VASQUEZ: Okay.

17 THE COURT: Want them marked?

18 MS. VASQUEZ: I marked -- I mark this one --

19 THE CLERK: Is it for yours?

20 MS. VASQUEZ: It's my client's document, but they're
21 using it.

22 MR. RHODES: I -- I don't have any objection to it.
23 We'll introduce, Your Honor. It is what it is.

24 THE COURT: Okay. So are the --

1 THE CLERK: Whatever his last --

2 THE COURT: -- are -- are you suggesting -- I
3 haven't seen them. So you're suggesting they all come in as
4 one exhibit or do you want them separate?

5 MR. RHODES: I -- I would allow them to come in as
6 one exhibit because I -- we're early in the semester.

7 THE COURT: What's --

8 MR. RHODES: Let's get --

9 THE COURT: What's your

10 THE CLERK: It's your Exhibit 10?

11 THE COURT: Is 10 the next in order?

12 THE CLERK: Yes, Your Honor.

13 THE COURT: All right. So 10 which appears to be
14 identified as progress reports? Though I'm not sure I had an
15 identification yet. Is that a good way to describe it?

16 MR. RHODES: I think so, Your Honor.

17 THE COURT: All right. Then Exhibit 10 will be
18 admitted by stipulation.

19 (PLAINTIFF'S EXHIBIT 10 ADMITTED)

20 MR. RHODES: Okay.

21 MS. VASQUEZ: Great.

22 THE COURT: Great. It's probably somewhere. Thank
23 you.

24 THE CLERK: Okay.

1 BY MR. RHODES:

2 Q Okay. It -- it states that you're receiving this
3 email is because your student is failing and/or missing
4 assignments. Do you know what assignments he's missing?

5 A It shows on the Sky -- on the Skyward, it shows on
6 the assignment's page, but I don't actually know.

7 Q Okay. And what's the date of -- that this email is?

8 A The date of this email, I didn't click on it, so I
9 don't have the date, but I can bring it up on my phone if you
10 would like for me to.

11 Q Oh, that's okay.

12 THE COURT: There's no dates in that entire exhibit?

13 THE WITNESS: Not on this one.

14 THE COURT: Well, they're all -- they're all --

15 THE WITNESS: Well -- well --

16 THE COURT: Is that part of --

17 THE WITNESS: This -- the --

18 THE COURT: Is that part of Exhibit 10?

19 THE WITNESS: No.

20 MS. VASQUEZ: Yeah.

21 MR. RHODES: This is the progress report I would --

22 THE WITNESS: He -- he --

23 MR. RHODES: -- what I would consider --

24 THE WITNESS: He --

1 MR. RHODES: -- the progress report --
2 THE WITNESS: He's reading this one.
3 MR. RHODES: -- Your Honor.
4 THE COURT: Okay. But -- but Exhibit 10 is more
5 than just one page. There's -- are there dates on any of
6 those documents that Counsel gave you?
7 THE WITNESS: Yes.
8 THE COURT: What's the date?
9 THE WITNESS: 8/17/20 through 9/27/20.
10 THE COURT: Okay. So August or September of this
11 year.
12 MR. RHODES: Okay.
13 THE COURT: Got it. Thank you.
14 BY MR. RHODES:
15 Q All right. Are you aware of what Katron is doing to
16 improve his grades?
17 A No.
18 Q Are you aware of what he's doing to make up any --
19 if there are any -- any missing assignments?
20 A No.
21 Q Do you have any evidence or do you have any reason
22 to believe he's not working to pick up his grades?
23 A Yes. They -- I get notifications every day with --
24 with failure -- failure of grades.

1 Q You've -- you've --
2 A And --
3 Q -- given one.
4 MR. RHODES: Your Honor --
5 A I -- I can give you plenty more if you need them.
6 THE COURT: Are you -- do you want to argue with the
7 witness Counsel or do you want to ask questions?
8 MR. RHODES: No, I'm moving on.
9 THE COURT: Okay.
10 Q I -- I -- I've -- and are you aware that Katron told
11 the child interviewer that you hit him?
12 A Yes.
13 Q And why would he say that?
14 A Why would he say that? Because he's a child. And a
15 child -- kids say what they're coached to say.
16 Q So -- so you've never hit him.
17 A No.
18 Q You've never pushed him into a wall?
19 A No.
20 Q You never hit him in the arm?
21 A No.
22 Q Is Katron usually a liar?
23 A Yes.
24 Q Give me other examples of what he's lied about.

1 A He lies about everything. He's lying about his
2 grades. He said he's getting As, Bs, and Cs. I didn't see
3 any --
4 Q Do you have --
5 A That -- that --
6 Q -- his report card from the end of last year?
7 A It's not looking good to me. No, I don't.
8 Q And when this child interview -- it's done on July
9 7th. Where was Katron living?
10 A He was living with his mother but he was with me.
11 Q He was with you.
12 A And -- and you brought him there.
13 Q Correct.
14 A Okay.
15 Q Yes.
16 A Why would Katron says (sic) he wants to spend the
17 summer with his mom?
18 MS. VASQUEZ: Objection, speculation.
19 THE COURT: Sustained.
20 MR. RHODES: I'm sorry.
21 THE COURT: Sustained.
22 MR. RHODES: I didn't hear what the objection was.
23 THE COURT: It was speculation. You asked him --
24 the question was why would the child say that and --

1 BY MR. RHODES:

2 Q Do you have any -- do you have any knowledge of why
3 he would say that?

4 A No.

5 Q Okay. Are you -- are you aware that for Christmas
6 and spring break he did not want to come to Las Vegas?

7 A I'm not aware of it. I'm aware of what his mother
8 told me.

9 Q And on Exhibit W, the Southwest one, did you lose
10 that 309 -- \$300.98 or is it available for a future credit?

11 A I don't remember.

12 Q Okay. Are you aware that Southwest, when you cancel
13 a -- a flight gives you a one year credit to use it?

14 A I don't remember. I have my girl -- girlfriend deal
15 with all the flights.

16 Q Okay. All right. You had testified that the --
17 that the school on this last one on -- would not -- would not
18 contact you, is that correct?

19 MS. VASQUEZ: Can you repeat that?

20 Q In -- in his testimony, he had testified on the last
21 stuff from the school from the spring that the school would
22 not contact him.

23 MS. VASQUEZ: I think that misstates the testimony.
24 I don't remember that.

1 THE COURT: That -- well, and I didn't -- I wasn't
2 clear on the dates of when he was discussing because he also
3 testified that the school did contact him. So I -- I need
4 some probably foundation to get us --

5 MR. RHODES: Okay.

6 THE COURT: -- to where -- where and when we're
7 talking about.

8 BY MR. RHODES:

9 Q In the last -- since the beginning of this year, had
10 you had any communication from the school dealing with Katron
11 -- Katron?

12 A Yes.

13 Q All right. Is there anything that occurred that --
14 the school had not notified you of?

15 A Not besides --

16 Q Pardon me?

17 A As in what?

18 Q As in school issues, not passing grades, being
19 suspended or anything like that?

20 A I get notifications, yes.

21 Q You do get notifications. So when you had some
22 testimony a few minutes ago that the school did not contact
23 you, that's not accurate, is it?

24 MS. VASQUEZ: Objection --

1 A The school --
2 MS. VASQUEZ: -- misstates the testimony.
3 A -- did not contact me on what?
4 MS. VASQUEZ: Objection, misstates the testimony.
5 THE COURT: Well, it -- it does and it doesn't
6 because the -- the time that he indicated the school wasn't
7 contacting him it wasn't clarified with a date. So it's -- it
8 -- the testimony isn't clear for the Court at that point in
9 time. So what I'm saying --
10 MR. RHODES: Okay.
11 THE COURT: -- is we're trying to clarify when or --
12 when or whether it happened so I'm going to allow the question
13 --
14 BY MR. RHODES:
15 Q In the --
16 THE COURT: -- with some foundation.
17 Q In your email -- or in your trial Exhibit number C
18 is an email dated April 19th of this year -- or I'm sorry,
19 last year from the teacher or from someone.
20 A What day? April 9th?
21 Q April 19th.
22 A You said Exhibit C?
23 Q Exhibit C.
24 A I don't see nothing from April 19th. Oh, at the

1 top. Okay. I see it.

2 Q The school had communicated with you on April 19th,
3 2019.

4 A Uh-huh (affirmative).

5 Q Had they been communicating with you since April of
6 2019?

7 A Have they been communicating with me since? Not
8 really.

9 Q Not really.

10 A No.

11 Q And they have your contact information.

12 A Yes.

13 Q What specifically -- what specific incidence
14 occurred or may have occurred that they did not contact you
15 about?

16 A This school year --

17 THE COURT: Are you talking in general, Counsel, or
18 are you talking about a specific time frame?

19 MR. RHODES: I'm just -- since April of 2019. I'm
20 asking him what significant incidents occurred that they did
21 not communicate with him?

22 THE WITNESS: I don't know.

23 BY MR. RHODES:

24 Q All right. Katron's been going to Agnew for the

1 last two years?

2 A Yes.

3 Q All right. Seventh and eighth grade?

4 A Yes.

5 Q Where -- what school did he go to before then?

6 A I believe it was KIPP.

7 Q I'm sorry, what was it?

8 A I believe it was KIPP.

9 Q K-i-p-p, something like that?

10 A Yes.

11 Q What grade did he go to KIPP?

12 A Sixth grade.

13 Q Sixth grade.

14 A I believe. If she didn't move so many times and

15 switch school so many times, I can't even keep up.

16 Q So besides Agnew and KIPP, what other school did he

17 go to?

18 A I don't -- I don't know. I don't know.

19 Q All right. You filed this -- Katrina filed this

20 custody complaint in December of -- in 2017, August or

21 whatever of 2017. And you were in the child support court in

22 2010. Why did you not file in that intervening seven years a

23 custody action?

24 A Honestly, because I had a lot going on and I just --

1 I just felt it wasn't -- it wasn't the time to be doing all
2 that. And I just let it -- blew it off, not trying to deal
3 with Katrina and the animosity and things like that.

4 Q How old is Katron?

5 A He's 13 years of age.

6 Q All right. What's his birth date?

7 A December 18, 2006.

8 Q 2000 what?

9 A 2006.

10 Q '6?

11 A 2006.

12 Q '6.

13 A '6.

14 Q Okay. So --

15 A 2006.

16 Q -- he's about getting ready to turn 14.

17 A He's getting ready to turn 14, yes.

18 Q Okay. All right. And from -- you testified you and
19 Katrina had separated about February of 2007. Did you guys
20 ever live together?

21 A We lived together at a point in time.

22 Q And when did you live together?

23 A I can't recall.

24 Q Did you live at her house or at your house?

1 MS. VASQUEZ: Objection, relevance.

2 THE WITNESS: We stayed together.

3 THE COURT: What's the relevance, Mr. Rhodes?

4 MR. RHODES: The relevance is, Your Honor, they --
5 first of all, they brought it up on direct.

6 MS. VASQUEZ: I didn't --

7 MR. RHODES: And I'm entitled to --

8 THE COURT: They didn't -- they didn't bring up when
9 they lived together.

10 MR. RHODES: He said that they separated after two
11 months and they brought that up in direct. I'm entitled to go
12 into that relationship when the youngster was born.

13 THE COURT: I also recall that I -- I warned Counsel
14 that we have McMonigle concerns when that kind of testimony
15 was coming into play. You -- you're at about 45 minutes,
16 so --

17 MR. RHODES: Thank you, Your Honor.

18 BY MR. RHODES:

19 Q How much -- from the time Katron was born until the
20 child support action, how much time did you spend with him?

21 A I spent a lot of time with him on and off.

22 Q All right. What's a lot -- tell me what is a lot of
23 time on and off?

24 A I just spent time with him, picked him up, did

1 things with him. I bought him shoes, bought him -- bought him
2 things, went to his football events, basketball events.
3 Q Did you give Katrina child support money prior to
4 2010?
5 MS. VASQUEZ: Objection--
6 THE WITNESS: No.
7 MS. VASQUEZ: -- outside the scope.
8 THE COURT: And I --
9 MR. RHODES: They testi --
10 THE COURT: -- presume -- I presume he's taking them
11 on direct as well as on cross based upon what we're doing
12 here, is that correct, Mr. Rhodes?
13 MR. RHODES: Well, I was not. I was just doing
14 cross right now. They brought up the child support court.
15 I'm entitled to delve into that.
16 THE COURT: Are you -- you intending to call this
17 witness again in your case in chief?
18 MR. RHODES: Absolutely.
19 THE COURT: Okay. Then --
20 MR. RHODES: I will --
21 THE COURT: -- stick --
22 MR. RHODES: -- call him after she testifies.
23 THE COURT: Then let's stick to cross.
24 BY MR. RHODES:

1 Q Do you know what prompted Katrina to file the child
2 support case?

3 A Her not liking me.

4 Q Her not liking you.

5 A Yes.

6 Q But you had been paying child support since Katron
7 was born.

8 A I was paying child support since -- since I got the
9 child support papers and I was supposed to be paying child
10 support.

11 Q Since 2010?

12 A Other than that, I was taking care of my son and --
13 and doing it on my own.

14 Q All right.

15 A And trying to help.

16 Q Are you -- do you have any child support arrears?

17 A Yes.

18 Q How much?

19 A I owe Katrina probably about 17,000.

20 Q Okay. So when you said you were paying child
21 support, that is not an accurate statement, is it?

22 A It is an accurate statement. It -- it stopped once
23 -- once I lost my job after two, three years in -- I still was
24 make -- having to make 454 a month payments and I couldn't pay

1 that for a few years. And that's -- that's the only reason
2 why I got behind -- how I got behind.

3 Q Do you -- looking at the child interview, do you and
4 Anita ever yell at each other?

5 A Looking at the child interview, the kids don't even
6 see me and Anita fighting, fussing, arguing, doing anything
7 like that. Her kids nor my kids.

8 MR. RHODES: Your Honor, I'm going to pass the
9 subject -- the witness subject to recall and I also will call
10 him --

11 THE COURT: And --

12 MR. RHODES: -- as my -- my case in chief.

13 THE COURT: Any redirect, Counsel?

14 MS. VASQUEZ: How much time do I have left?

15 THE COURT: You've got 34 minutes.

16 MS. VASQUEZ: Okay.

17 REDIRECT EXAMINATION

18 BY MS. VASQUEZ:

19 Q We were talking about child support. Just to
20 clarify, Runndley, I asked you if you were in compliance. You
21 are paying your current child support obligation, correct?

22 A Correct. Yes.

23 Q And -- and you're also paying the child support
24 payment amount every month, correct?

1 A Yes.

2 Q Okay. Mr. Rhodes was talking about that email from
3 the teacher in Febru -- I'm sorry, in April 2019. And he
4 asked you what communications have -- have you had since
5 regarding issues. That teacher was from last year, correct?

6 A Correct.

7 Q And he has different teachers this year, correct?

8 A Correct.

9 Q Okay. And does the Skyward portal tell you why he
10 was suspended?

11 A No.

12 Q When we were talk -- we were talking about the
13 grades that we just admitted, the -- the recent grades --

14 A Yes.

15 Q -- how long has he been in school so far this year?

16 A He's been in school since the beginning of -- I
17 mean, since the end of August.

18 Q So about a month?

19 A Yes, about a month or two.

20 Q Do you have any concerns about his grades being like
21 that after a month of school?

22 A Yes.

23 MS. VASQUEZ: The Court's indulgence.

24 BY MS. VASQUEZ:

1 Q When's the last time that you talked to Katron?

2 A July 26th when his mother picked him up from my home
3 unannounced.

4 Q Okay. And if you're -- if you're awarded primary
5 custody, are -- do you have any plans on how you can help
6 Katron in school do better?

7 A Just being focused, helping him focus more. I'm
8 planning on holding him back a grade so he can catch up and be
9 better prepared for up and coming years. I just plan on being
10 the best father I could and just making sure he's being
11 focused and -- and doing what he's supposed to be doing.

12 Q So you don't think he's ready to go into ninth
13 grade.

14 A Not at all.

15 Q High school.

16 A Not at all.

17 MS. VASQUEZ: Okay. No more further questions for
18 Dad.

19 THE COURT: Anything else for this witness?

20 MR. RHODES: One on recross, Your Honor.

21 THE COURT: Sure.

22 RECROSS EXAMINATION

23 BY MR. RHODES:

24 Q If Katron doesn't want to be with you, how would you

1 help focus in his school?

2 A He wants to be with me.

3 Q And you've read the -- the child interview.

4 A I read the child interview.

5 Q And -- and you believe the child interview, his
6 wishes are that he wants to be with you in that child
7 interview?

8 A Yes, I still believe my child wants to be with me.

9 MR. RHODES: I'll pass.

10 THE COURT: Anything else?

11 MS. VASQUEZ: No.

12 THE COURT: Thank you, sir. You can step down.

13 Any other witnesses?

14 MS. VASQUEZ: I'll call Katrina Carter, please.

15 THE COURT: Okay.

16 THE MARSHAL: You're going to leave that, sir.

17 THE COURT: Just leave all that there, sir.

18 THE DEFENDANT: Oh, okay.

19 THE COURT: Come on up, ma'am. Remain standing when
20 you get there and raise your right hand.

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

24 THE PLAINTIFF: Yes.

1 THE CLERK: Please state and spell your name for the
2 record and you may be seated.

3 THE WITNESS: Katrina Carter, K-a-t-r-i-n-a.

4 THE COURT: Have a seat. Counsel

5 KATRINA CARTER

6 called as a witness on behalf of the Defendant, having been
7 first duly sworn, testified upon her oath as follows on:

8 DIRECT EXAMINATION

9 BY MS. VASQUEZ:

10 Q Can you please tell us your address, please?

11 A 969 West Cartwright Road, Mesquite, Texas 75149.

12 MR. RHODES: Your Honor, if I may. I am having a
13 difficult time. Maybe I'm -- because I'm just an old man, but
14 can you speak up?

15 THE WITNESS: Okay.

16 MR. RHODES: Thank you.

17 BY MS. VASQUEZ:

18 Q And how long have you lived at that Cartwright
19 address?

20 A I've been there about seven months now.

21 Q And that's a one bedroom apartment, correct?

22 A Yes.

23 Q And Katron sleeps on the couch in the living room,
24 correct?

1 A Yes.

2 Q What city did you move to when you originally moved
3 to Texas in 2017?

4 A Fort Worth.

5 Q And what school did he go to at Fort Worth?

6 A He didn't go to school there. We moved before he
7 started school.

8 Q When did -- what -- when exactly did you move?

9 A Hm?

10 Q What did you act -- exactly did you move?

11 A The exact date I moved to Texas?

12 Q Yes.

13 A Oh, it was March 2017.

14 Q So you did not enroll him in school in March 2017
15 when you got there?

16 A No, not right away.

17 Q When was the next time you enrolled him in school?

18 A It was a -- about a few weeks after.

19 Q So what school was that?

20 A His first school he started was KIPP.

21 Q Is that an elementary school?

22 A It's an elementary and middle school.

23 Q And what family do you have that lives in Mesquite,
24 Texas?

1 A I have a sister and a cousin and an aunt.
2 Q And they live in Mesquite.
3 A They live in Texas.
4 Q Where do they live?
5 A In Texas, Dallas, Texas. It's the same city.
6 Q So Mesquite like a suburb?
7 A It's just a different street. Like here is Las
8 Vegas across the street. North Las Vegas is like that.
9 Q Okay. Katron's school is virtual learning right
10 now?
11 A Right now they're going into school.
12 Q And is it normal -- normal hours?
13 A Yes.
14 Q Like what are the hours?
15 A School is 8:25 to 3:25.
16 Q And you work five days a week, correct?
17 A Yes.
18 Q And you work 8:00 a.m. to 6:00 p.m.?
19 A 8:00 to 5:00.
20 Q Okay. How does -- how does Katron get to school?
21 A He rides a school bus.
22 Q And how does he get home?
23 A School bus.
24 Q And then who's home when he gets home?

1 A He's there alone.

2 Q And do you recall that trial you had with Judge
3 Hardcastle on August 2017?

4 A Yes, and I remember being in court.

5 Q Do you recall Judge Hardcastle telling you that if
6 you -- if you move and you have to -- you have to comply with
7 these orders and if you violate it and you do -- and you don't
8 do what you're supposed to, this Court can very well change
9 its mind. Do you understand?

10 MR. RHODES: Your Honor, objection. Unless it's
11 contained in that decree or that order from that court
12 hearing, whatever Judge Hardcastle may have said orally, it is
13 not part of the record. It basically dicta and it's not
14 controlling.

15 THE COURT: So what's the objection?

16 MR. RHODES: The objection is not relevance.

17 THE COURT: Relevance?

18 MS. VASQUEZ: It's asking if she remembers what the
19 judge ordered him to do that. Do you recall him --

20 THE COURT: I think --

21 MS. VASQUEZ: -- saying that?

22 THE COURT: I believe that is the controlling order
23 in this case so I will allow it.

24 THE WITNESS: I can answer?

1 BY MS. VASQUEZ:
2 Q Yes.
3 A Yes, ma'am.
4 Q And you said that you did understand, correct?
5 A Yes.
6 Q And do you recall him saying the bottom is that --
7 the bottom line is if -- is you have an obligation to comply
8 and if you don't, you might as well move back, in fact, just
9 the child, correct?
10 A Yes, ma'am.
11 Q Can you turn to your Proposed Exhibit 3? I'm sorry,
12 this is not proposed if it's stipulated.
13 THE COURT: Yes, 3 is admitted.
14 THE WITNESS: Which binder is this?
15 MS. VASQUEZ: It's the one with the numbers, 1
16 through 9.
17 MR. RHODES: This one here.
18 MS. VASQUEZ: They all look the same.
19 MR. RHODES: Yeah, that's for sure.
20 BY MS. VASQUEZ:
21 Q Let me know when you're there.
22 A I'm here.
23 Q All right. This is a court order from a hearing
24 October 15 --

1 A Hold on.

2 Q -- 2019.

3 A I think I have the wrong one.

4 Q Oh.

5 A You said 9?

6 THE COURT: 3.

7 THE WITNESS: 3? Oh, okay.

8 BY MS. VASQUEZ:

9 Q Exhibit 3.

10 A Okay.

11 Q can you turn to page 5? And looking at paragraph 6,

12 the Court said either party's failure to return the child back

13 to the custodial parent on time is a basis for this Court to

14 hold the offending party in contempt. Do you recall this

15 order?

16 A Yes.

17 Q And according to the 2017 custody, Runndley's

18 supposed to have the first half of Christmas break -- break in

19 odd numbered years, correct?

20 A Correct.

21 Q And you -- he did not have Runndley -- I'm sorry.

22 Runndley did not have Katron for the first half that year, did

23 he?

24 A Which year are we talking about?

1 Q December 2019.

2 A No.

3 Q And you did not put Katron on a flight to bring him
4 here for that, did -- did you?

5 A No.

6 Q Okay. And per the 2017 custody order, Runndley's
7 also supposed to have -- also supposed to have Katron for
8 spring break in even numbered years, correct?

9 A Yes.

10 Q And Runndley had purchased the flight for Katron to
11 come for spring break 2020, correct?

12 A Yes.

13 Q And you did not put Katron on that flight, correct?

14 A Correct.

15 Q Katron however was in Las Vegas around that time,
16 correct?

17 A No.

18 Q In February 2020?

19 A Yes. Came for a few --

20 Q And you did not tell Runndley that Katron was in
21 town, correct?

22 A No.

23 Q Per the 2017 custody order, Dad's supposed to have
24 Katron for seven weeks in the summer, correct?

1 A Correct.

2 Q And that's supposed to start one week after school

3 lets out, correct?

4 A Correct.

5 Q When did he get out of school for spring 2020? It

6 was probably virtual, so when did it technically get out?

7 A May.

8 Q And you did not send Katron to Vegas for May or June

9 2020, correct?

10 A I believe he was -- he was there in June.

11 Q You guys had a hearing here in July 2020, correct?

12 THE DEFENDANT: It was June.

13 MS. VASQUEZ: It was June?

14 THE DEFENDANT: It was June.

15 BY MS. VASQUEZ:

16 Q Oh, I'm sorry. It was June. But the Court had to

17 order you to bring him here, correct?

18 A No.

19 Q The Court -- can you -- all right. So do you recall

20 being here in June 2020?

21 A No.

22 Q In this court.

23 A No.

24 Q You appeared virtual?

1 A Yes.

2 Q Okay. And you were in Texas with Katron, correct?

3 A Yes.

4 Q And at that hearing the Court ordered you to bring

5 Katron here within seven days.

6 A Yes.

7 Q Okay. And you brought him to Vegas within those

8 seven days.

9 A Correct.

10 Q And the Court also ordered that Katron was supposed

11 to stay with Dad in Las Vegas until school started; is that

12 correct?

13 A Correct.

14 Q And if you guys couldn't figure that out, then you

15 guys were supposed to call the Court for a conference,

16 correct?

17 A Correct.

18 Q And -- but you actually picked up Katron on or about

19 July 26th, correct?

20 A A rescheduled visit.

21 Q And you didn't return him after that visit, did you?

22 A No, due to the child being hurt.

23 Q And you took him to the hospital, correct?

24 A Correct.

1 Q You also called CPS, correct?

2 A I called them weeks before.

3 Q And that --

4 MR. RHODES: Speak up. Katrina, speak up. I can't
5 hear you.

6 BY MS. VASQUEZ:

7 Q And that case was closed, correct?

8 A Yes.

9 Q And you have not allowed Runndley and Katron to talk
10 on the phone since that event, correct?

11 A That's false.

12 Q How have you allowed them to talk?

13 A If Dad calls, I give the -- Katron the phone and I
14 let him -- I don't force him, I don't threaten him that he has
15 to talk to him due to he had hurt him. And I just let -- let
16 it happen that way.

17 Q Do you recall the Court telling you that you should
18 encourage the phone calls?

19 A Yes.

20 Q Are you encouraging the phone calls?

21 A Yes.

22 Q How do you encourage them?

23 A By letting him know that Dad is calling.

24 Q When you picked up Katron on July 26th, 2020, did

1 you give Dad a heads up?

2 A Yes.

3 Q How did you give him a heads up?

4 A I called his house and cell phone.

5 Q And -- but you guys are supposed to talk on Talking

6 Parents, right?

7 A I called.

8 Q There's an order for you guys to talk on Talking

9 Parents, correct?

10 A Yes.

11 Q And is it true that you knew that they had went to

12 Arizona for a family trip during that time?

13 A Yes.

14 Q So they wouldn't be at home to pick up one line,

15 correct?

16 A They say they were there.

17 Q They were there. And you had Runndley come out --

18 I'm sorry, Katron come out at the house to pick him up.

19 A Katron called me when they got back in town.

20 Q You had a -- you had somebody with you when you

21 picked up Katron, correct?

22 A Yes.

23 Q And what was that person's name?

24 A Ashley (ph).

1 Q Ashley what?
2 A Jones.
3 Q And who is she to you?
4 A A friend.
5 Q Where does she live?
6 A Las Vegas.
7 Q And did she have a gun at --
8 A No.
9 Q -- that incident?
10 A No.
11 Q Did the police ever contact you after that?
12 A No.
13 Q You said that the -- you didn't return Katron back
14 to Dad when you picked him up because he was hurt. How was he
15 hurt?
16 A He had bruises on him and he also had a sprained
17 ankle from Dad chasing him in the street.
18 Q What kind of shoes was he wearing?
19 A He had on tennis shoes.
20 Q And did you tell Dad about the bruises and the
21 sprained ankle?
22 A I haven't talked to him.
23 Q You didn't ask him hey, what's wrong with Katron?
24 A I knew he wouldn't tell me the truth.

1 Q But you didn't try.

2 A No.

3 Q At the Jul -- at the January 2019 hearing, and I
4 have a copy if you -- if you need to see it, but the order
5 says that the child should have appropriate clothing when a
6 child went from parent to the other. Do you remember that
7 order?

8 A Yes.

9 Q And isn't it true that you sent Katron to Las Vegas
10 in June 2019 without any luggage?

11 A That's false.

12 Q What kind of luggage did you send him with?

13 A I sent him with a bag of clothes.

14 Q A bag of clothes?

15 A Yes.

16 Q Was this a check-in bag or a carry bag?

17 A Oh, carry.

18 Q Carry on? What is the -- what did the carry on bag
19 look like?

20 A You said January of last year?

21 Q January last year -- oh, sorry, June last year.
22 Last summer.

23 A It's either black or blue.

24 Q And what kind of bag was it?

1 A Just a regular zip up bag.

2 Q Well, a backpack, a suitcase, a duffel bag, a
3 drawstring bag?

4 A It's a backpack.

5 Q Okay. Can you turn to my Proposed Exhibit O? Is
6 this picture, does it reflect what Katron was wearing last
7 summer when you put him on the plane?

8 A Yes.

9 Q And does -- is he wearing a backpack in this
10 picture?

11 A I do not see a backpack in the picture.

12 Q Okay. And for this past summer, did you send him
13 with any luggage?

14 A Yes.

15 Q What kind of luggage did you send him with?

16 A Backpack.

17 Q The same type of backpack?

18 A No.

19 Q What kind of backpack?

20 A A regular school bag.

21 Q And what kind of stuff did you send in the bag?

22 A Shirts, pants.

23 Q Okay.

24 THE COURT: About 15 minutes, Counsel.

1 MS. VASQUEZ: Thank you.

2 BY MS. VASQUEZ:

3 Q Can you look at Proposed Exhibit X? Are you there?

4 A Yes.

5 Q Does that look like what Katron was wearing when you
6 sent him to the airport this past summer?

7 A Yes, without the luggage.

8 Q He's not wearing the backpack?

9 A No.

10 Q Do you see his flip flops?

11 A Yes.

12 Q Do they look a little too small for him?

13 A No.

14 Q And so when you picked him up from Dad's house on
15 July 6th, did you have Katron take that backpack with him?

16 A No.

17 Q And you were going to have him for those two days,
18 correct?

19 A Correct.

20 Q Did you bring extra clothes for him for those two
21 days?

22 A Yes.

23 Q All right. Do you -- do you recall the order that
24 the Judge said that any and all information regarding the

1 child's medical and school shall be communicated between the
2 party as part of joint legal custody?

3 A Yes.

4 Q And isn't it true that Runndley has sent you
5 messages asking about Katron's school?

6 A Yes.

7 Q And isn't it true that you don't respond to all of
8 them?

9 A He has information to the school.

10 Q Just answer the question, please. Isn't it --

11 A No. No.

12 Q Okay. And isn't it true that Runndley asked you
13 about Katron when he went to the nurse for a headache?

14 A No.

15 Q He didn't ask you that?

16 A No.

17 Q And isn't it true that Runndley has asked you for
18 copies of report cards?

19 A Yes.

20 Q Prior to him having access to the Skyward account?

21 A No.

22 Q Do you send him copies of the report cards?

23 A No.

24 Q You also admitted that after that court order that

1 you did not discuss with Runndley when you changed Katron's
2 schools, is that correct?

3 A No.

4 Q You didn't say that?

5 A No.

6 Q Can you turn to Proposed Exhibit 3? Actually,
7 scratch that. Scratch that. Isn't it true that you haven't
8 told Runndley about a single time that you've taken Katron to
9 a doctor in Texas?

10 A No.

11 Q When have you told him?

12 A When we first moved.

13 Q In 2017.

14 A Yes.

15 MS. VASQUEZ: No further questions.

16 THE COURT: Cross?

17 CROSS EXAMINATION

18 BY MR. RHODES:

19 Q On the incident that occurred on July 26th, 2020,
20 that Counsel brings up, are you aware of that incident?

21 A Yes.

22 Q Did you take Katron to the hospital?

23 A Yes.

24 Q All right. I'm going to ask you to look at Exhibit

1 number 9, proposed exhibit, in your folder, please. And can
2 you -- number one, the first page of that, what is that?

3 A Medical records.

4 Q Right, but what's -- what is Page 1?

5 A This --

6 Q What does page 1 say of Exhibit 9? Exhibit 9 --

7 THE COURT: Counsel, I don't think she understands
8 the question.

9 MR. RHODES: All right.

10 THE COURT: You're not asking her to --

11 BY MR. RHODES:

12 Q Are you on --

13 THE COURT: -- read it, right?

14 Q -- Exhibit 9?

15 A Yes.

16 Q All right. Page 1, do you see record -- medical
17 records transmittal?

18 A Yes.

19 Q Okay. What is that?

20 A Katron's medical records.

21 Q No. No. What is that one page?

22 A My requested medical records.

23 Q Okay. Is this a fax cover sheet, just that one
24 page?

1 A Yes.

2 Q Okay. That's -- what was the date of that
3 transmittal?

4 A August 19, 2020.

5 Q Okay. If you look at the next page, what is the
6 next page?

7 A For heal -- for health -- protected health
8 information?

9 Q Right. Is this -- was this your request to get the
10 medical records?

11 A Yes.

12 Q Okay. What's the date of your request at the
13 bottom?

14 A July 30th, 2020.

15 Q Okay. Is this page an accurate and true
16 reproduction of your request?

17 A Yes.

18 Q Okay. I'm going to ask you to look at the next
19 page. What is that page?

20 A Invoice.

21 Q All right. And the invoice is for \$6.50?

22 A Yes.

23 Q Is that an accurate and true --

24 A Yes.

1 Q -- copy? All right. I'm going to ask you to look
2 at the next page. What is the date at the top of that page?

3 A July 26th, 2020.

4 Q All right. And what occurred that had you bring
5 Katron to UMC?

6 A Runndley had chased Katron into traffic when he was
7 trying to come to me to stop him.

8 Q Okay. And did you observe that Katron may have been
9 hurt in some fashion?

10 A Yes.

11 Q And what did you observe?

12 A He was limping.

13 Q Okay. And that was why you took him to the ER?

14 A Yes.

15 Q Okay. I'm going to ask you to look at Page 2. And
16 I want to ask you to look through that. And you were present
17 with Katron at the whole time that he was in the ER
18 department?

19 A Yes, except for they did a scan on him --

20 Q Okay.

21 A -- and I wasn't there.

22 Q All right. But when talked to the doctor, you were
23 there.

24 A Yes.

1 Q All right. And look at the -- under the history of
2 present illness, the paragraph that says of note. Can you
3 read that?

4 A Of note, patient state that his father has been
5 physically --

6 MS. VASQUEZ: Objection --

7 THE WITNESS: -- and verbally --

8 MS. VASQUEZ: -- hearsay.

9 THE WITNESS: -- abusive --

10 MR. RHODES: Hold on.

11 THE WITNESS: -- abusing him.

12 THE COURT: Sustained.

13 MR. RHODES: Your Honor, may I respond to that?

14 THE COURT: You're going to tell me that it's not
15 hearsay?

16 MR. RHODES: I'm not. It's an exception to the
17 hearsay rule.

18 THE COURT: What exception do you have?

19 MR. RHODES: I will tell you in one second.

20 THE COURT: Sure.

21 MR. RHODES: I'm going to -- purposed -- send the
22 Court attention to NRS 51.115, statements for purposes of
23 medical diagnosis or treatment.

24 THE COURT: That's not on purpose of medical

1 diagnosis or treatment, Counsel.

2 MR. RHODES: All right. And then I'm going to ask
3 the Court to look at NRS 51.135, record of regularly conducted
4 activity, a memorandum, report, record, or compilation of data
5 in any form of acts, events, conditions, opinions, or
6 diagnoses, made at or near the time or from information
7 transmitted by person with knowledge --

8 THE COURT: And that statement doesn't fit into that
9 category, Counsel.

10 MR. RHODES: Your Honor, we have the child telling
11 the doctor that Dad physically and verbally abuses him.

12 THE COURT: That's correct.

13 MR. RHODES: And we have the exceptions under the
14 hearsay rule.

15 THE COURT: It's not -- you -- you -- the child
16 statement is not data, is not medical information, does not
17 fit under that exception. That's what I'm telling you.

18 MR. RHODES: All right. I'm also going to ask the
19 Court to look at 51.085, present sense impression.

20 THE COURT: You don't have the -- the proper person
21 on the stand to get present sense impression on that stand.

22 MR. RHODES: Mom was there at the time that Katron
23 conveyed this to the doctor.

24 THE COURT: Mom did not prepare the report that's

1 being objected to as hearsay. Mom can certainly testify as to
2 what she heard the child said --

3 MR. RHODES: All right.

4 THE COURT: -- but I'm guessing I'm going to get a
5 hearsay objection on that too. You can't -- you can't
6 bootstrap it in if you don't have an exception.

7 MR. RHODES: Your Honor, I would respectfully
8 disagree with the Court that I believe that -- we have the
9 proper exceptions to the hearsay exclusion.

10 THE COURT: It's not -- the statement of a child is
11 not a medical record, it's not a present sense impression that
12 can be testified to by this witness. There's not an exception
13 to allow that hearsay statement to come into evidence.

14 MR. RHODES: It's a statement for purposes of
15 medical nec -- diagnoses or treatment.

16 THE COURT: It is not.

17 MR. RHODES: He's right there telling the doctor
18 that he was physically --

19 THE COURT: What diagnoses of treat -- or treatment
20 is -- are we -- are we talking about at that point? Well,
21 he's -- the statement -- at least the way that your client
22 already stated and put it on the record was that the -- his
23 father has been abusive to him. What does have to do with the
24 treatment? You haven't established that at all. What I have

1 is that Mom came to pick up the child on a time that she
2 wasn't supposed to have the child. The child ran away from
3 Dad's house. Dad tried to stop the child and the child got
4 hurt in the process.

5 MR. RHODES: Well that's --

6 THE COURT: So who -- who -- are -- are you looking
7 for me to blame Dad --

8 MR. RHODES: No.

9 THE COURT: -- over the fact that Mom tried to take
10 the child during Dad's time?

11 MR. RHODES: No, she had given him notice of -- of
12 his time. She has two days during the time and she went to
13 get the child -- gave notice to Dad.

14 THE COURT: I don't have that te --

15 MR. RHODES: Well, we will --

16 THE COURT: I don't have that information.

17 MR. RHODES: -- when we get to it.

18 THE COURT: Well, let's get to that then. That may
19 help you out with this process if we can get to that part.
20 But currently what I have is Mom has violated a court order
21 and I need to find out if that's the case.

22 BY MR. RHODES:

23 Q At this particular incident in -- in July, had you
24 notified Dad that you were going to exercise your two days

1 with the -- with Katron?

2 A Yes.

3 Q All right. And -- and at the time that you took the
4 -- Katron to the hospital, did you believe he was in danger?

5 A Yes.

6 Q And -- and that were you able to form an --

7 THE COURT: I'm sorry.

8 MR. RHODES: -- opinion?

9 THE COURT: At the time you took him to the hospital
10 you thought he was in danger or the time that you picked up
11 the child from Dad?

12 THE WITNESS: Picked him up from Dad.

13 THE COURT: Okay. That's not the question that was
14 asked.

15 MR. RHODES: All right.

16 THE COURT: So I just want to clarify.

17 BY MR. RHODES:

18 Q At the time you -- he -- and at -- and you brought
19 the child to the hospital because of an obvious injury.

20 A Yes.

21 Q All right. And when the completion of the two days,
22 your time, did you inform Dad why you were not returning
23 Katron to him?

24 A Yes.

1 Q And what did you tell Dad?

2 A I informed Runndley that Katron did not feel safe
3 being around him at the moment.

4 Q All right. And is that the reason why that you did
5 not return Katron to Dad?

6 A No, he just started crying and got emotional.

7 Q All right.

8 THE COURT: Who got -- or who was crying?

9 THE WITNESS: Katron.

10 THE COURT: Okay.

11 BY MR. RHODES:

12 Q Do you believe that Katron is safe in his father's
13 care?

14 A No.

15 Q Do you believe that -- do you have reason to believe
16 that Dad had physically and verbally abused Katron?

17 A Yes.

18 Q Going back to Christmas of last year, of your own
19 knowledge, why did not Katron come to Christ -- come to Las
20 Vegas?

21 A He was refusing to go due to a previous visit in
22 November for Thanksgiving. I guess Runndley was beating on
23 him. I don't know how bad it was. I was not able to talk to
24 him during that time. So he was scared to go back.

1 Q All right. And -- and it was based -- being on what
2 was conveyed to you and your son being afraid to go to Dad's
3 and why you did not send him to Dad's.

4 A Yes.

5 Q All right. Fast forward to the springtime for
6 spring break. Were you aware that Dad had gotten this airline
7 ticket?

8 A Yes.

9 Q When did you become aware of that airline ticket?

10 A I don't know.

11 Q You can look at their exhibit -- I believe it's
12 Exhibit J or W. It's Exhibit W. When did you become aware
13 that there was ticket from Las -- for Katron to come to Las
14 Vegas?

15 A February 2020.

16 Q Okay. And of your own knowledge, why did you not
17 put Katron on the plane?

18 A He was fighting with me not to go. He was arguing
19 with me not to go.

20 Q Okay. You do understand that you're the mom and
21 he's the child?

22 A Yes.

23 Q You do know that you do have an obligation to
24 facilitate Dad's timeshare?

1 A Yes.

2 Q And -- and that we've had some issues that -- that
3 has not occurred. Do you believe that's occurred because it
4 was over Katron's objection to --

5 A Sorry, I couldn't --

6 Q -- come visit Dad?

7 A What was the question?

8 Q Do you believe that the reason Katron did not come
9 visit Dad was because over Katron's objection to visit Dad?

10 A Yes.

11 Q All right. Going forward, have you given any
12 thought to how you can assist Katron to visit with Dad knowing
13 that he's obligated to visit with his dad?

14 A Yes.

15 Q And what -- what are you thinking?

16 A If Dad was to come to Texas to visit Katron, it
17 would be more comfortable for him.

18 Q Would you be willing to assist in that?

19 A Yes.

20 Q Getting Dad to come to Texas?

21 A Yes.

22 Q Is there a place with maybe one of your relatives
23 that Dad and -- and Katron can stay?

24 A There's hotels.

1 Q Okay. And -- and that you can help him with that.
2 A Yes.
3 Q Okay. Do you think that that would make Katron more
4 comfortable with Dad?
5 A Yes.
6 Q All right. You testified that when you moved to the
7 -- down this Fort Worth area, Fort Worth, when he first went
8 to KIPP, is that an elementary school?
9 A It's elementary and middle school.
10 Q All right. And -- and Agnew is a middle school, is
11 that correct?
12 A Yes.
13 Q All right. Did your zoning change or anything why
14 he went from KIPP to Agnew?
15 A Yes.
16 Q What happened?
17 A I moved to Mesquite, Texas.
18 Q You moved where?
19 A To Mesquite, Texas.
20 Q And how far is that from Fort Worth?
21 A That is only about 10 minutes, 20 minutes.
22 Q Okay. So the reason that Katron went to Agnew
23 Middle School was because of -- you moving and -- and being in
24 different school zones.

1 A Yes.

2 Q It was not to keep Dad out of the loop.

3 A No.

4 Q You heard Dad testify about Ka -- Katron needs to
5 kind of help his grades on this year. What's going on with
6 his grades?

7 A He's doing okay so far. It's a little bit of
8 internet issues that we were having, but the school is aware
9 of that.

10 Q All right. When it said missing assignments, do you
11 know what the missing assignments were?

12 A Katron checked with his teachers and he had
13 everything turned in.

14 Q Okay. And -- and that's been corrected.

15 A Yes.

16 Q All right. And -- and then there was a -- some
17 conversation about him -- some in school suspensions. Are you
18 aware of that?

19 A Yes.

20 Q What were those in school suspensions?

21 A Talking during class.

22 Q He's what?

23 A Talking during class.

24 Q Okay. So he's being a 12-year-old kid.

1 A Yeah.

2 Q Does he have a discipline problem at school?

3 A No.

4 Q Does he ever get in fights with other kids?

5 A No.

6 Q Does he get along well with other kids?

7 A Yes.

8 Q Okay. And you read the -- the child interview

9 report, correct?

10 A Yes.

11 Q All right. And -- and you concur that Katron gets

12 along with -- with the other kids in the household? You agree

13 that he gets along with the other kids in the household.

14 A Yes.

15 Q Yes. Okay. How -- when school lets out in the

16 afternoon and Katron rides the bus home, how soon before you

17 get to the house?

18 A Only -- well, he gets out of football practice

19 around 5:00, so we almost make it there at the same time.

20 Q Okay. And when you say football practice, what is

21 that?

22 A It's after school. He goes straight to it after

23 school until about 5:00 o'clock in the afternoon.

24 Q Okay. Is it like flag football, touch football?

1 A Tackle.

2 Q Tackle football. Okay. And he likes to play spots?

3 A Yes.

4 Q Okay. Do you believe that is in Katron's best
5 interest that he'd be primarily residing with Dad?

6 A No.

7 Q You do understand that you're under the gun here and
8 that you got to show to the Court that you're going to comply
9 with the Court's order going forward, correct?

10 A Yes.

11 Q All right. And you will do your absolute best to
12 ensure the compliance with those orders.

13 A Yes.

14 Q And -- and that you did not deliberately withhold
15 the child of your own initiative.

16 A No.

17 Q And the only reason that -- that Katron did not go
18 is because of a safety issue and his reluctance to go.

19 A Yes.

20 MR. RHODES: Your Honor, I'll pass on my cross
21 examination.

22 THE COURT: Cross -- well, you know what, let's take
23 a five or 10 minute break and then we'll --

24 MS. VASQUEZ: Okay.

1 THE COURT: -- we'll get into cross.

2 (COURT RECESSED AT 3:18 AND RESUMED AT 3:30)

3 THE COURT: Come on up, ma'am. You're still --

4 THE WITNESS: Oh.

5 THE COURT: You're still under oath, so you can have
6 a seat. We are back on the record, 550112. Everyone is back
7 in the courtroom. Just time check, the Plaintiff has a little
8 more than 27 minutes left. The Defendant has a little more
9 than 12 minutes left. And just so you're clear, that does not
10 include closing argument. That's just testimony time. So --

11 MS. VASQUEZ: Okay.

12 THE COURT: -- cross examination --

13 MS. VASQUEZ: Yes.

14 THE COURT: Ms. Vasquez.

15 REDIRECT EXAMINATION

16 BY MS. VASQUEZ:

17 Q Katrina, you testified that Katron didn't go to the
18 Christmas 2019 visit because he refused to go because Katron
19 was beaten on -- at the Thanksgiving visit, correct?

20 A Correct.

21 Q And did you call CPS regarding he disclose that?

22 A Yes.

23 Q And was that substantiated?

24 A No, because I was out of state.

1 Q Did you report it to Texas?

2 A They wouldn't allow it because the -- because the
3 state difference.

4 Q Has Katron ever lied to you?

5 A No.

6 Q He's never lied to you.

7 A Not to my knowledge.

8 Q You said that he didn't want to go -- he fought you
9 on the spring break flight; is that correct?

10 A Yes.

11 Q I mean -- and I mean fight -- I mean like are you --
12 not physically fight -- but that was your testimony, correct?

13 A Yes.

14 Q Okay. And -- but you were able to get him on the
15 July 2020, flight, correct?

16 A Correct.

17 MS. VASQUEZ: I have no further questions for her.

18 THE COURT: Redirect (sic)?

19 MR. RHODES: None, Your Honor.

20 THE COURT: Thank you, ma'am. You can step down
21 Any other witnesses, Ms. Vasquez?

22 MS. VASQUEZ: No, I'm done.

23 THE COURT: All right. Mr. Rhodes, who are you --

24 MR. RHODES: I'm going to ask Katrina to go back to

1 the witness stand, please.

2 THE COURT: I'm sorry, ma'am. I didn't know you
3 were next.

4 MR. RHODES: Yeah.

5 THE COURT: Come back up.

6 MR. RHODES: Sorry about that.

7 THE COURT: Have a seat. Still under oath.

8 KATRINA CARTER

9 called as a witness on her own behalf, having been previously
10 sworn, testified upon her oath as follows on:

11 DIRECT EXAMINATION

12 BY MR. RHODES:

13 Q Do you know that we're here today basically on Dad's
14 motion to change custody and Dad's motion that you be held in
15 contempt for missing the -- the Christmas, the spring break,
16 and first part of June, correct?

17 A Correct.

18 Q All right. And when -- when it comes to Christmas
19 of 2019, do you believe that you had a good faith basis not to
20 send Katron to Las Vegas?

21 A Correct.

22 Q And -- and you did not -- not send him to deprive
23 Dad of his time; is that correct?

24 A Correct.

1 Q And -- and then there -- there was some conversation
2 earlier in late February of 2020. Did something of
3 significance occurred in -- near the end of February 2020?

4 A Yes.

5 Q What was that?

6 A My dad passed away.

7 Q Okay. And did your dad live here in Las Vegas?

8 A Yes.

9 Q Is that why you were here in Las Vegas?

10 A Yes.

11 Q It wasn't because it was spring break or anything?

12 A No.

13 Q It -- who made the arrangements did -- for your
14 dad's services?

15 A I did.

16 Q Okay. And -- and you were in Las Vegas for a couple
17 days?

18 A Yes.

19 Q All right. And then with -- with the spring break,
20 do you remember when spring break was this year?

21 A Mid March.

22 Q March. Was that before or after the lockdown for
23 COVID-19?

24 A About after.

1 Q All right. And did you have a concern about Katron
2 traveling because of COVID-19?

3 A Yes.

4 Q And that you also had a concern because safety
5 issues for Katron not wanting to come to his dad's.

6 A Yes.

7 Q And you did --

8 MS. VASQUEZ: Is it --

9 MR. RHODES: -- not --

10 MS. VASQUEZ: Objection, leading. Is this your --
11 is this your --

12 THE COURT: Sustained.

13 MS. VASQUEZ: Thanks. Okay.

14 BY MR. RHODES:

15 Q You did not -- your actions was not to prevent --
16 was it to not keep Dad from his timeshare?

17 A No.

18 MS. VASQUEZ: Objection, leading.

19 THE COURT: Counsel, the -- the objection was
20 leading and I sustained the objection. So I --

21 MR. RHODES: Right.

22 THE COURT: -- need you to ask --

23 MR. RHODES: And I asked a different question.

24 THE COURT: And -- and it was just as leading as the

1 last question. So if we can -- if we can ask questions that
2 -- that don't suggest an answer, that would be great.

3 MR. RHODES: All right. Well, I think I can try to
4 do that.

5 BY MR. RHODES:

6 Q The -- we had a conversation when you were on cross
7 examination. You do understand that you have to ensure that
8 Katron goes to the dad on his timeshare.

9 A Yes.

10 Q Okay. Are you -- for the missing Christmas of last
11 year and -- and parts of spring break, are you willing to give
12 Dad additional time to compensate for him missing that?

13 A Yes.

14 Q Okay. And is it your desire -- and you've read the
15 -- the child interview report, correct?

16 A Yes.

17 Q All right. Is it your desire that Katron has less
18 time with Dad in the summertime?

19 A Yes.

20 MS. VASQUEZ: Objection, speculation, leading.

21 THE COURT: Sustained. It also lacks foundation.

22 MR. RHODES: All right.

23 BY MR. RHODES:

24 Q What do you believe that would be an appropriate

1 timeshare for the summer with Dad with Katron?

2 A Dad were to come visit Katron in Texas.

3 Q Right. But if it's not -- if it's not feasible,
4 what do you believe the timeshare should be in Las Vegas?

5 A Maybe half summer.

6 Q Pardon me?

7 A Half of the summer.

8 Q Half the summer? Okay. So the -- whatever the
9 current timeshare is you believe it should be half that --

10 A Yes.

11 Q -- for the summer. Okay. And what efforts would
12 you take in the future to make sure that Katron abides by the
13 court order and he comes visits his dad's?

14 A Can you repeat the question?

15 Q What efforts will you take in the future to ensure
16 that Katron deals -- comes visit the dad when -- when it's
17 dad's time?

18 A You meaning --

19 Q How will you --

20 A -- how would I get --

21 Q -- facilitate to get Katron to get on the airplane
22 to come visit Dad?

23 A I'll let him know when he's bought a ticket.

24 Q Okay. And -- and that -- that he has an obligation

1 to go visit his dad. Katron has an obligation to go visit his
2 dad, correct?

3 A Correct.

4 Q All right. And it's not Katron's decision not to go
5 to visit his dad.

6 A Correct.

7 Q And you're the mom.

8 A Correct.

9 Q All right. You're going to -- do your best effort
10 to get Katron to visit dad.

11 A Yes.

12 MS. VASQUEZ: Objection, leading.

13 THE COURT: Sustained.

14 MR. RHODES: All right.

15 BY MR. RHODES:

16 Q Did you ever deliberately keep medical records away
17 from Dad?

18 A No.

19 Q Did you ever deliberately keep school records away
20 from Dad?

21 A No.

22 Q When Dad inquired about what schools, did you tell
23 Dad what school Katron went to?

24 A Yes.

1 Q What efforts are you taking now to help Katron with
2 his grades?

3 A We're looking to -- once we get back in town going
4 into in school because I'm having a hard time due to the
5 internet.

6 Q And is there a computer at your apartment?

7 A Yes.

8 THE COURT: I'm -- I'm sorry, I'm -- I'm really
9 confused now. I thought when -- when Counsel was asking you
10 about school you said it was in person.

11 THE WITNESS: Yes.

12 THE COURT: And --

13 THE WITNESS: It is not, but due to -- we have to
14 come here for all of this he's still going online. So he's
15 not missing anything.

16 THE COURT: But you come here for all of this? What
17 do you --

18 THE WITNESS: For the court.

19 THE COURT: Okay. So the child's here.

20 THE WITNESS: Yes.

21 THE COURT: Not in Texas going to school, but you
22 brought him here --

23 THE WITNESS: He's here going online.

24 THE COURT: Okay. And how long has he been here?

1 THE WITNESS: We got here a few days ago.

2 THE COURT: Okay.

3 MR. RHODES: All right.

4 THE COURT: So the child is supposed to be doing in
5 person school and has been doing in person school except for
6 the last two days.

7 THE WITNESS: No, it started right when we left. So
8 he just continued online. They started Monday in school, this
9 past Monday. So he just --

10 THE COURT: So the child hasn't been attending in
11 person school.

12 THE WITNESS: Not yet.

13 THE COURT: Okay.

14 BY MR. RHODES:

15 Q And just to clarify, the in person did not start
16 until this past Monday.

17 A Yes.

18 Q And from the time school started in August until
19 this past Monday it was through the internet.

20 A Yes.

21 Q Okay.

22 THE COURT: All right. That makes more sense.
23 Thank you.

24 MR. RHODES: Yeah.

1 Q And he's staying up on his work right now through
2 the internet.

3 A Yes.

4 MS. VASQUEZ: Objection, leading.

5 THE COURT: Sustained.

6 BY MR. RHODES:

7 Q Is he current with his work?

8 A Yes.

9 Q All right. Does your son have a telephone?

10 A Yes.

11 Q And does Dad have his telephone number?

12 A No.

13 Q You will give Dad his telephone number?

14 A Sure.

15 Q And Dad can communicate with -- with Katron on the
16 phone?

17 A Yes.

18 Q All right. What is that phone number? Do you need
19 to look it up?

20 MR. RHODES: Your Honor --

21 THE WITNESS: Yeah.

22 MR. RHODES: -- indulgence for a second so she
23 can --

24 THE COURT: I don't know that we need to do this in

1 open court. Counsel, you can certainly provide it to Ms.
2 Vasquez.

3 MR. RHODES: We'll provide the -- Katron's phone
4 number with Dad.

5 THE COURT: That would be great.

6 MR. RHODES: All right.

7 BY MR. RHODES:

8 Q And you'll instruct Katron to -- as long as he's not
9 in school to answer Dad's phone calls?

10 MS. VASQUEZ: Objection, leading.

11 THE COURT: Sustained.

12 BY MR. RHODES:

13 Q You'll instruct Katron to answer Dad's phone calls?

14 A Yes.

15 THE COURT: It's the same question.

16 MS. VASQUEZ: Yeah.

17 MR. RHODES: Well, no. I dropped off in school.

18 MS. VASQUEZ: I mean, I'm trying --

19 THE COURT: Well, it's still a leading question. It
20 calls for an answer.

21 MS. VASQUEZ: Yeah.

22 THE COURT: Your -- your leading question is when
23 you provide the answer for the witness and all they have to do
24 is agree with you, so --

1 MR. RHODES: All right.

2 MS. VASQUEZ: Yeah.

3 MR. RHODES: Okay.

4 THE COURT: Great for cross examination, not for
5 direct.

6 MR. RHODES: I understand, Your Honor. I
7 understand. All right.

8 BY MR. RHODES:

9 Q You do know by providing the number, Katron needs to
10 answer the phone.

11 A Well, Dad has the cell phone.

12 Q Right. When Dad calls.

13 A Yes.

14 Q Okay. And you will facilitate that.

15 A Correct.

16 Q Okay. While you were in Texas, had you had any
17 contact with the police departments in Texas?

18 A Yes.

19 MS. VASQUEZ: Objection, foundation. When? Just
20 when?

21 THE COURT: Well, she said yes, so I'm assuming the
22 next question will get us there, so --

23 MR. RHODES: All right.

24 BY MR. RHODES:

1 Q And starting at the -- beginning of this year and
2 we'll come forward for this year, what contacts did you have
3 with the police department in Texas?

4 A Welfare checkups.

5 Q I'm sorry, I'm -- I'm having a hard time here.

6 A Child welfare -- wel -- welfare checkups.

7 Q And you called the police to do a child welfare
8 checkup?

9 A No.

10 Q Who called the police?

11 A Runndley.

12 Q Who?

13 A Runndley.

14 Q The dad called the police?

15 A Yes.

16 Q And -- and to the best of your knowledge, did Dad
17 have any basis for -- call the police on a child welfare
18 check?

19 A No.

20 Q Do you believe that he called to harass you?

21 A Yes.

22 Q And how often would -- this year only would the
23 police come to the apartment?

24 A Maybe two to three times a week.

1 Q And on -- doing a so called child welfare check.

2 A Yes.

3 Q Okay. And -- and then did the police ever take any
4 action as a result of coming to your apartment?

5 A No.

6 Q Did the police ever take Katron away from you
7 because he was in danger?

8 A No.

9 Q Did Kat -- did the police ever notify the equivalent
10 of Child Protective Services in Texas because of those welfare
11 checks?

12 A No.

13 MS. VASQUEZ: Objection, outside of her knowledge.

14 THE COURT: Sustained.

15 BY MR. RHODES:

16 Q Were you ever contacted by Child Protective Services
17 in -- from Texas?

18 A No.

19 Q Looking at 2019, the year prior to this one, were
20 there police involvement with you in Texas?

21 A Yes.

22 Q Okay. And -- and what was that -- the nature of
23 those -- that police involvement?

24 A Child welfare checks.

1 Q And -- and let's look at just the past few months of
2 2019. How many times to the best you can remember did the
3 police come to your apartment?

4 A Maybe eight, five to eight times.

5 Q Five to eight times. Did you call the police?

6 A No.

7 Q Do you know who called the police?

8 A Runndley.

9 Q Okay. Did the police take any enforcement action
10 against you?

11 A No.

12 Q Was Child Protective Services ever notified --
13 notify you as a result of those visits?

14 A No.

15 Q Was Katron ever in danger?

16 A No.

17 Q All right. Have you ever abused Katron?

18 A No.

19 Q Have you ever neglected him?

20 A No.

21 Q Have you ever committed domestic violence --
22 A No.

23 Q -- on Katron?

24 A No.

1 Q To your own knowledge, do you believe Dad has
2 control -- committed domestic violence on Katron?

3 A Yes.

4 Q Of your own knowledge, has Kat --

5 THE COURT: Well --

6 Q -- Dad spit --

7 THE COURT: -- hold -- hold --

8 Q -- in Katron's --

9 THE COURT: Of your own knowledge, do you believe
10 that -- that -- they're conflicting. You -- she either has
11 knowledge or she believes.

12 BY MR. RHODES:

13 Q Do you believe --

14 THE COURT: Is there a basis?

15 BY MR. RHODES:

16 Q -- that Dad has committed domestic violence on
17 Katron?

18 THE COURT: That's better, Mr. Rhodes.

19 A Yes.

20 Q Thank you. On the incident that occurred on July
21 26th, your girlfriend, did she have a gun?

22 A No.

23 Q All right. Do you believe that Katron has
24 sufficient capacity to inform the Court of his preferences on

1 where he wants to stay?

2 A Yes.

3 Q Do you believe -- is Katron -- when will he turn 14?

4 A December 18th.

5 Q December 18th?

6 A Yes.

7 Q So in three months.

8 A Yes.

9 Q Do you believe that Katron is progressing normal for
10 his age?

11 A Yes.

12 Q Do you believe that Katron knows the difference
13 between right and wrong?

14 A Yes.

15 Q Do you -- are you aware of any mental health issues
16 that would prevent Katron from giving an informed opinion?

17 A No.

18 Q Prior to 2000 and -- and 17 as we're going into
19 2017, how much time did Dad spend with Katron?

20 A Very little to none.

21 Q Very little.

22 A Yes.

23 Q Even though you and Katron and Dad were living in
24 Las Vegas.

1 A Yes.

2 Q Of our own knowledge, do you know why Dad did not
3 want to spend more time with Katron?

4 MS. VASQUEZ: Objection, speculation.

5 THE COURT: Sustained.

6 BY MR. RHODES:

7 Q Did Dad ever reach out to you and want more time
8 with Katron?

9 A No.

10 Q With conflict between you and Dad, what's the basis
11 of that conflict?

12 A Child support.

13 Q Child support. Do you believe you're able to
14 cooperate with Dad as far as the co-parenting with Katron?

15 A Yes.

16 Q And you will do your best to ensure that
17 co-parenting?

18 A Yes.

19 Q What were Katron's grades -- did he just finish the
20 seventh grade?

21 A Yes.

22 Q What were his grades at the of the year for the
23 year?

24 A As, Bs, Cs.

1 Q As and Bs?

2 A As, Bs, Cs.

3 Q Okay. And do you have any reason to believe that

4 for the eighth grade he won't have those similar grades?

5 A No.

6 Q Okay. Does he have a girlfriend?

7 A No.

8 Q Does he like girls?

9 MS. VASQUEZ: Objection, relevance.

10 THE WITNESS: I think so.

11 MR. RHODES: Okay.

12 THE COURT: I can't imagine how that would be

13 relevant, but okay.

14 MR. RHODES: Well, it goes to show that he's a

15 normal 13-year-old, Your Honor. That's the relevance of it.

16 THE COURT: Well, the -- the question would -- would

17 come back Mr. Rhodes what is normal at this stage.

18 MS. VASQUEZ: Yeah.

19 THE COURT: So I'm not quite sure we can get --

20 MR. RHODES: I hear you.

21 MS. VASQUEZ: Move on.

22 BY MR. RHODES:

23 Q And Katron is in football as you testified?

24 A Yes.

1 Q Okay. Does he like sports?
2 A Yes.
3 Q Does he have opportunity for sports in -- in
4 Mesquite, Texas?
5 A Yes.
6 Q Is football a big deal in Texas?
7 A Yes.
8 Q Had -- of your own knowledge, has Katron ever asked
9 you -- have you ever observed any emotional issues with
10 Katron? Have you observed any emotional issues with Katron?
11 A Yes. Yes.
12 Q And what would those issues be?
13 A With Dad.
14 Q His dad. Do you -- does he have any issues dealing
15 with other kids in school?
16 A No.
17 Q Does he have any issues dealing with the teachers?
18 A No.
19 Q Other than talking in class, are you aware of any
20 other discipline actions?
21 A No.
22 Q Has he ever been suspended for fighting?
23 A No.
24 THE COURT: About eight minutes, Counsel.

1 MR. RHODES: I'm sorry, Your Honor?

2 THE COURT: Eight minutes.

3 MR. RHODES: Eight minutes. Thank you.

4 BY MR. RHODES:

5 Q How would you describe your relationship with
6 Katron?

7 A We have a good mother/son relationship. He's been
8 with me all his life. I've been the only parent taking care
9 of him.

10 MR. RHODES: Okay. Your Honor, I'm going to pass
11 the witness.

12 THE COURT: All right. Ms. Vasquez.

13 CROSS EXAMINATION

14 BY MS. VASQUEZ:

15 Q You said that you're the only parent who can care --
16 that has ever taken care of Katron?

17 A Correct.

18 Q Isn't it true that Dad took him to get his most
19 recent shots?

20 A Correct.

21 Q You said that -- I want to go back on the school
22 issue real quick because I'm trying to clarify something as
23 well. When I asked you if he was virtually learning right
24 now, you said no, he's in school, correct?

1 A Correct.

2 Q But he has not gone to school -- in school yet.

3 A Correct.

4 Q So he has not taken a bus to school yet.

5 A Correct.

6 Q He has not taken a bus home from school yet.

7 A Not this school year.

8 Q Okay. But I'm asking for this school year.

9 A Correct.

10 Q And you work 8:00 to 5:00 --

11 A Correct.

12 Q -- correct? And he's at home all day doing his

13 schoolwork by himself?

14 A No.

15 Q Who's with him?

16 A He's with friends.

17 Q He's what?

18 A With friends.

19 Q He's doing his schoolwork with friends?

20 A Yes.

21 Q And so the internet issue is at -- at your house or

22 at his friend's house?

23 A Everywhere. Everyone's on the internet right now.

24 Q And who ensures his schoolwork is done during the

1 day?

2 A What do you mean?

3 Q Who ensures this 13-year-old boy is doing his

4 schoolwork during the school day?

5 A The teachers when he turns it in.

6 Q Does he have schoolwork to turn in during the school

7 day?

8 A Yes.

9 Q And you said he's in football.

10 A Correct.

11 Q And how does he get to football?

12 A I'm sorry, what was that?

13 Q How doe he get to football practice?

14 A It's at his school.

15 Q How does he get there?

16 A To his school?

17 Q Yes.

18 A This school year?

19 Q Yes.

20 A It hasn't started yet.

21 Q Football has not started yet.

22 A No.

23 Q So all the football testimony that you've been

24 talking about was previous years?

1 A Correct. Last year.

2 Q Last year. Okay. You testified that you are now

3 requesting Dad's summer visit be reduced; is that correct?

4 A Correct.

5 Q To about half of what it currently is?

6 A Correct.

7 Q So about three-and-a-half weeks only during the

8 summer?

9 A Correct.

10 Q And just to clarify, Mr. Rhodes said that -- had you

11 agree that he gets along with the kids in the house, you

12 talking about Runndley's kids?

13 A Yes.

14 Q Okay. And I don't know what other kids there would

15 be.

16 A Yes.

17 Q Correct?

18 A Runndley has kids in the house.

19 Q Okay. You also testified that you were willing to

20 allow Dad compensation for visits that he missed, correct?

21 A Correct.

22 Q Have you ever expressed that to him before?

23 A No.

24 Q So you're just now coming up with that today.

1 A No.

2 Q In any of the response pleadings that Runndley filed
3 asking for enforcement of these visits, did you say that you
4 would give him compensation in your filings?

5 A I'm sorry, can you repeat that?

6 Q Did you ever say in your court filings that you
7 would give him compensation for the missed visits?

8 A No.

9 MS. VASQUEZ: No further questions, Your Honor.

10 THE COURT: Okay. Anything else for this witness,
11 Mr. Rhodes?

12 MR. RHODES: No, Your Honor.

13 THE COURT: Thank you, ma'am. You can step down.

14 MR. RHODES: How much time do I have left?

15 THE COURT: A little more than seven minutes.

16 MR. RHODES: All right.

17 (COUNSEL AND CLIENT CONFER BRIEFLY)

18 MR. RHODES: Your Honor, I'm going to call Dad to
19 the witness stand.

20 THE COURT: Sir.

21 MR. RHODES: I'm going to call Dad to the witness
22 stand.

23 THE COURT: Mr. Ducksworth, you're still under oath,
24 so you can have a seat.

1 THE WITNESS: All right. Thank you.

2 RUNNDLEY DUCKSWORTH

3 called as a witness on behalf of the Plaintiff, having been
4 previously sworn, testified upon his oath as follows on:

5 DIRECT EXAMINATION

6 BY MR. RHODES:

7 Q You testifi -- fied previously you're on layoff
8 status; is that correct?

9 A For the -- due to COVID-19, yes.

10 Q All right. Have you looked for work anywhere else?

11 A Yes.

12 Q And where have you looked for work at?

13 A I'll look for work for traffic transportation -- for
14 traffic transportation and parking.

15 Q Which company --

16 A Like fl --

17 Q -- was that?

18 A Like flagging.

19 Q Pardon me?

20 A Like flagging.

21 Q I'm -- I'm having a hard time understanding.

22 MS. VASQUEZ: Flagging.

23 THE WITNESS: Flagging.

24 BY MR. RHODES:

1 Q Oh, flagging. Okay. Construction.
2 A Not construction, transportation and parking.
3 Q Flagging -- like a flagman on the side of the road?
4 A Directing traffic. Directing --
5 Q Directing traffic. Okay. What else -- where else
6 have you applied for jobs?
7 A I haven't been applying.
8 Q Okay. Are you aware of what Katron's school grades
9 were last year?
10 A Somewhat.
11 Q And what is your awareness of it?
12 A Below average.
13 Q Despite him telling the -- the child interview is --
14 he had As, Bs, and Cs?
15 A Correct. Yes.
16 Q All right. And which grades were below average?
17 A Math, reading, English.
18 Q And do you have those report cards?
19 A I don't have any report cards, but I can show you --
20 I can show you the last recent thin I have.
21 Q In -- from 2017 -- or 2019.
22 A From 2019?
23 Q Yeah. Spring of 2019, the last grades.
24 A No.

1 Q Are they part of your exhibits?

2 A I'm not sure. I don't remember.

3 Q Okay.

4 (COUNSEL AND CLIENT CONFER BRIEFLY)

5 BY MR. RHODES:

6 Q Okay. And when were you aware of those grades were
7 you believe less than average last year?

8 A I was aware throughout the whole school year=.

9 Q And what actions did you take to help him?

10 A What actions did I take to help him?

11 Q Yes.

12 A I took the actions of helping him once I got him in
13 -- in my care.

14 Q Did you attempt to provide a tutor for him in Texas?

15 A His mother said she -- she had done that.

16 Q Did you attempt to provide a tutor for him in Texas?

17 A No.

18 Q Yes or no?

19 A No.

20 Q Okay. Did you sign him up for any online classes in
21 Texas?

22 A No.

23 MR. RHODES: All right. Your Honor, I'll pass the
24 witness.

1 THE COURT: Cross?

2 MS. VASQUEZ: Yeah. Do I have just a couple minutes
3 left?

4 THE COURT: I'm sorry?

5 MS. VASQUEZ: Am I being timed on this?

6 THE COURT: Yeah.

7 MS. VASQUEZ: Okay. How long do I have?

8 THE COURT: You have eight-and-a-half minutes.

9 MS. VASQUEZ: Oh, okay.

10 CROSS EXAMINATION

11 BY MS. VASQUEZ:

12 Q We were just talking about how Katron's grades were
13 at the end of last year. So that would be May 2019, right?

14 A 2019?

15 Q Uh-huh (affirmative).

16 A Yes.

17 Q Can you turn to Exhibit 6? These are Talking Ma --
18 Talking Parents messages between you and Katrina.

19 A Exhibit 6?

20 Q Uh-huh (affirmative). And at the bottom, there is
21 like Bates numbers. It's PL and then it's numbers. Do you
22 see them?

23 A At the bottom?

24 Q Yeah.

1 A What exhibit am I on?
2 Q 6.
3 THE COURT: 6.
4 A A, B, C --
5 THE COURT: 6.
6 Q The other binder.
7 A Oh, the other binder.
8 THE COURT: Letters in one and numbers in the other.
9 THE WITNESS: Oh, sorry. Okay.
10 Q And then at the bottom of the page is -- there's a
11 pretty faint page number PL00.
12 A 21?
13 Q Do you see that? Can you --
14 A Yeah.
15 Q -- turn to page 67?
16 A 67.
17 Q Yeah. Do you see the -- the subject grades and
18 schooling?
19 A Yes.
20 Q And that date is May 25th, 2019, correct?
21 A Correct.
22 Q Are you asking her about her failing grades -- about
23 Katron -- I'm sorry, about Katron's failing grades?
24 A Yes.

1 Q And that would be at the end of the school year,
2 correct?

3 A Yes.

4 Q And then go back to -- did you have access to his
5 report cards at -- at that time?

6 A Not the report cards, no.

7 Q Why not?

8 A Because Skyward doesn't give report cards. They
9 just give -- they just give the prog -- the progress reports
10 and a final grade.

11 Q And where do -- how do you get -- how does a parent
12 get a report card?

13 A They give it to their children or they mail it home.

14 Q And so Katrina would have that or Katron would have
15 that?

16 A Correct. Yes.

17 Q And can you go to the message below that? There's a
18 second message under that subject dated June 6th, 2019. What
19 does that message say?

20 A I need you to send me and pick up Katron's report
21 card when you get it, please. I need to see his final grades.

22 Q And when did Katrina review that message?

23 A The same day.

24 Q And did she send you the report card?

1 A No, she didn't respond.

2 Q Okay. When did you start getting access to the
3 school information?

4 A I started getting access in 2019.

5 Q Okay. And, again, that was just progress reports on
6 Skyward, not report cards, correct?

7 A Correct.

8 Q Okay. Turning to -- we're going to flip to Page 45.
9 So flip backwards, basically. So do you see the subject Agnew
10 Middle School?

11 A Yes.

12 Q And what's the date of that?

13 A 10/15/2019.

14 Q And at this time, were you listed anywhere on the
15 paperwork?

16 A No.

17 Q And did you ask her for the Skyward information?

18 A Yes.

19 Q And even though you had that access you still had to
20 ask her for the report cards, correct?

21 A Yes. I didn't get the access until after.

22 MS. VASQUEZ: Okay. No further questions.

23 THE COURT: Anything else for the witness, Mr.
24 Rhodes?

1 MR. RHODES: Yes, Your Honor. On redirect.

2 REDIRECT EXAMINATION

3 BY MR. RHODES:

4 Q On the email from the school, was that not April of
5 2019?

6 A Not this particular one.

7 Q No, but -- but you had already been in communication
8 with the teacher and -- and she replied to you in early April
9 of '19? Yes or no?

10 THE COURT: He -- he's looking at this exhibit
11 Counsel and you're referring to a different exhibit.

12 A Repeat the question.

13 Q You had received an email from the teacher in April
14 of 2019 --

15 A From one --

16 Q -- correct?

17 A -- of his teachers, yes.

18 Q Yes. And so you were already in communication with
19 the school.

20 A Yes.

21 Q And you provided us with stuff for Skyward today,
22 correct?

23 A Yes.

24 Q So you had -- and part of that was the suspension,

1 the grades, correct?

2 A Yes.

3 Q So you have access to that; is that not correct?

4 A Yes.

5 Q All right. I'm going to ask you to look at Exhibit
6 6, page 44, please, PL0044. And I'm looking --

7 A Okay.

8 Q -- at the email that Talking Parents to her on
9 3/7/20 at 1:40 p.m.

10 A Okay.

11 Q And can you read that?

12 A It say (sic), want me to sign over my rights,
13 question. Will you take me on child support and erase
14 everything I owe you with arrears, back pay, and current
15 support if I could do so, question. Do you want me in
16 Katron's life, question.

17 MR. RHODES: Okay. Thank you. No further
18 questions, Your Honor.

19 THE COURT: Anything else?

20 RECROSS EXAMINATION

21 BY MS. VASQUEZ:

22 Q What was your emotional state when you sent that
23 message?

24 A My emotional state was she was not responding to me.

1 Maybe she'll respond to that.

2 Q And did you mean it?

3 A No, I didn't mean any of it.

4 MS. VASQUEZ: No further questions.

5 THE COURT: Mr. Rhodes?

6 MR. RHODES: No other questions, Your Honor.

7 THE COURT: All right. Thank you, sir. You can
8 step down. Anything else, Mr. Rhodes? A little more than two
9 minutes, Mr. Rhodes. Anything else?

10 MR. RHODES: No, Your Honor.

11 THE COURT: All right. I'm assuming we're done, Ms.
12 Vasquez?

13 MS. VASQUEZ: Correct.

14 THE COURT: All right. Closing arguments. Ms.
15 Vasquez.

16 MS. VASQUEZ: Your Honor, we're here today because
17 for the past three years Mom has repeatedly violated the court
18 orders that hinder Dad's relationship with their now
19 13-year-old son. Mom was warned at the 2017 trial that if she
20 was to relocate to Texas and didn't comply with these orders
21 that the Court can change its mind and order Katron to come
22 back to Las Vegas. As we know, it's the state's policy to
23 ensure frequent associations and a continuing relationship and
24 to share the rights and responsibilities of child rearing.

1 But despite these court's warning, not just by Your Honor, but
2 previous judges, Mom continues to violate Dad's rights. And
3 so we're not only here on Dad's request to modify, but Mom's
4 contempt.

5 Specifically today the evidence and the testimony is
6 clear and convincing that Mom has made the following
7 violations: Three different visitations, namely the winter
8 break 2019, the spring break 2020, the summer break 2020,
9 which in reality is actually two violations because not only
10 did she violate the -- the 2017 custody order for getting him
11 here, but she also violated your July -- June -- sorry, June
12 2020 order for him to stay here until school started. And the
13 fact that Mom was willing to violate that court order while
14 she's under the microscope pending a trial is just extremely
15 telling that she has shown total disregard for the law and the
16 -- for this Court.

17 And despite what Mom's testimony was today, if you
18 -- Your Honor looks at Exhibit 6, it's pretty much a complete
19 record of their Talking Parents. She does not comply with the
20 orders allowing Dad the telephonic contact with Katron. Dad
21 continuously messages her saying I'm trying to call Katron and
22 she doesn't allow it. She fails to communicate with Dad
23 regarding Katron's schooling and medical needs. You'll see in
24 the messages he constantly asks her about report cards, why

1 he's falling asleep in class, he should go see a doctor, and
2 she respond -- not -- does not respond to him at all.

3 She also -- the order that was not really addressed
4 by Mom at all but there is an order that she's supposed to
5 send Katron with appropriate clothing. And the reality is is
6 that she doesn't. She has sent him two summers in a row
7 without any backpack or luggage. The photos that she
8 described in her testimony, he is not wearing that backpack
9 that she claims she brought him here with.

10 There needs to be repercussions. There needs to be
11 a contempt finding. I don't know if fining her would do
12 anything for her. Jailng her is not necessarily what Dad's
13 asking for. But I think it needs to be a contempt finding for
14 sure and if contempt is found that attorney's fees be awarded
15 to Dad for having to bring multitude of motions regarding her
16 contempt after every violation he brought a motion.

17 And the bigger issue, Judge, that we're here for is
18 Katron's best interests. I know this leads to the
19 modification of primary to Mom in Texas to primary to Dad in
20 Las Vegas and we have to meet the Ellis v. Carruci standard.
21 And I think that the change in circumstances have really
22 affected the welfare of the child.

23 Mom's willful -- willful nature to abide (sic) by
24 the orders have really obviously impacted the relationship

1 between Mom -- I mean, between Katron and Dad. He doesn't
2 seem to respect Dad's authority and discipline. He goes to
3 Mom and gets to do whatever he wants. He's basically raising
4 himself all day while he's supposed to be in school and she's
5 at work. It doesn't seem like she has the adequate family
6 support that she claims she had in the 2017 trial. She's
7 living in a one bedroom apartment with Katron sleeping on a
8 couch and whereas when he's with Dad, he at least has his own
9 bedroom and gets along with all of his siblings.

10 Katron's school has obviously been adversely
11 affected under Mom's primary care. His grades are decreasing,
12 they're failing. The exhibits show that he has a 15 in
13 English. I don't even know how that's possible. If that is
14 an internet connection issue, then that should have been
15 addressed by Dad helping out and should -- that was never
16 offered to him.

17 Sleeping in class, many tardies and absences have
18 nothing to do with internet and that's happening when he's in
19 school. And Mom has also shown that she's putting Katron at
20 risk by sneaking him out of Dad's house, essentially abducting
21 him because the records reflect she does not say tell Dad I'm
22 here. They're supposed to communicate via Talking Parents.
23 She did not notify him that he's -- that she's in town and
24 she's picking up Katron. While she was doing that, Katron

1 obviously injured himself and she had to take him to the
2 hospital. And of course she blames Dad for that instead of
3 taking the responsibility.

4 He (sic) has made many CPS allegations and they've
5 come back unsubstantiated and closed. Dad's never been in
6 trouble for use or neglect, domestic violence. Nothing's ever
7 been substantiated or convicted.

8 The over -- the overall lack of communication and
9 co-parenting, I feel like this wasn't really a change in
10 circumstance but a lack thereof. It never got better. The
11 Judge told her it needed to be better if she was going to
12 relocate and it just basically got worse. It hasn't changed
13 and I think that kind of needs to be taken into consideration.
14 She has shown that she's not willing to do it. She can sit on
15 the stand all day and say I will, I will, but she has proven
16 that she won't.

17 Looking at the best interest factors, we do believe
18 that Katron's best interests will be served by Dad having
19 primary.

20 I think that subfactor C; which parent is more
21 likely to allow frequent associations, is -- obviously
22 disfavors Mom. She has shown that she is not willing to be
23 authoritative enough to put Katron on a plane. Even if she's
24 arguing with him, he's not the boss and she -- and if Dad

1 needs to be that authoritative figure, he will ensure he gets
2 on a flight to Mom for her visits.

3 The level of conflict is high. We all know that.

4 The ability of the parents -- of the parents to
5 cooperate, it's -- it's not -- there -- it's not there.
6 They're not communicating regarding the medical needs and
7 school needs despite Dad's efforts.

8 I think the one that we really need to focus on is
9 the needs of the child. Katron needs more structure, more
10 focus in school, and Dad is prepared to give that to him. He
11 is currently furloughed and in their home they are making sure
12 that the children in their home -- currently one of the
13 children being similar age to Katron are doing their in school
14 virtual learning at home and he's willing to do that if Katron
15 was to move here. He's already here and he can help him with
16 that, whereas Mom is not ensuring that's happening in -- in
17 her home. She -- he's with friends and remote teachers are
18 the ones that are making sure he gets things done.

19 Also I think physical needs, Your Honor, is -- is a
20 13-year-old growing boy. He's already testified that he's
21 about to be 14, should not be sleeping on a couch. While
22 that's not really like enough to say you're a bad parent or
23 anything like that, but he does have a room and his own
24 bedroom at Dad's. he has that privacy that a 13 to

1 14-year-old boy needs.

2 And then also emotional needs, Your Honor, is that I
3 think -- I think Katron's emotional needs would benefit from
4 him being here with Dad, his siblings, his other family that
5 lives in Las Vegas that provides support to him.

6 Dad testified to the relationship with Katron. He
7 believes that they have a good -- a good parenting
8 relationship. It's fun. They do activities. But I think
9 what comes down to it is the discipline. He doesn't like --
10 he doesn't like that whereas at Mom's he gets to do whatever
11 he wants.

12 He has siblings with Dad. He doesn't have any
13 siblings with Mom in his household. And Dad's asked for -- if
14 he gets primary and -- and then the reverse visitation happens
15 for Mom, he is asking for some summer visits as well because
16 that's when he has his other children so that they can remain
17 in that bond as well.

18 There have been no evidence of acts of child abuse,
19 neglect, domestic violence, but I think we do have some
20 evidence here, Judge, of Mom's acts of abduction. The way
21 that she removed Katron from Dad's house is really concerning.
22 And the fact that she didn't return him even though she said
23 it was only to pick him up for her two day visit, she did not
24 return him and did not give him any valid reasons of why she

1 wasn't returning him and then she basically concealed him
2 since. She has not allowed him to talk to him since that
3 incident. And now she's also like asking to reduce his visits
4 even though that isn't a motion in front of Your Honor today.

5 I -- with that said, Judge, I think regardless of
6 what happened, I think there needs to be conditions on the
7 exchanges. There is an issue with notice of the exchanges,
8 like an itinerary. Mom will not give Dad an itinerary of when
9 he's coming, when she's picking him up, who's picking him up,
10 who's dropping him off. And so that definitely needs to be in
11 the order providing the identity and contact of who's picking
12 up and dropping off.

13 And then also just to enforce all the previous
14 orders. Of course, the phone contact has to happen.
15 Hopefully, Mom will give Katron his phone number because I
16 think if they can have contact together and it's open and
17 untethered and you don't have to go through Mom, I think that
18 would be really beneficial and they can have that open
19 relationship.

20 The last thing, Judge, is if you find Mom in
21 contempt today that we're asking for attorney's fees and --
22 and that's it. And of course child support if it's reversed.

23 THE COURT: All right. Thank you.

24 MS. VASQUEZ: One other thing, sorry. If custody is

1 not modified to Dad having primary, he was also asking for a
2 modification of child support based off his unemployment. He
3 had originally asked the R case, but they said because this
4 case was pending that that's deferred to you. So he has tried
5 to get his child support reduced based off his reduction in
6 income, but he hasn't been able to because we're here today.

7 I feel like I get conflicting things. Sometimes you
8 guys defer to the R case and R case defers to you guys. And
9 so I'm hoping that whatever your order is we can take into
10 consideration their current incomes.

11 THE COURT: All right.

12 MS. VASQUEZ: Thank you.

13 THE COURT: Thank you. Mr. Rhodes.

14 MR. RHODES: Let's address the phone number right
15 now. Katron's phone number is area code 469-401-8589. A
16 couple things, Your Honor. Let's talk about some of the easy
17 ones about the photos of -- of the youngster at the airport.
18 That doesn't show the whole picture. It shows a picture of
19 him. We don't know where the backpack is. It could have been
20 right out there outside the -- of the picture. So, you know,
21 those photos are -- are probably pretty useless as a basis to
22 say she did not send him with clothes. She testified that she
23 has. She's testified that he came with a knapsack (sic). So
24 why the pictures weren't there -- the pictures were taken that

1 was in control of the father, not her. And that picture could
2 eas -- easily had been staged to show that that's not.

3 She's testified on the witness stand about not
4 putting the -- the youngster on the plane because it's over
5 Dad's objection. Over the Court sustaining Mom's objection, I
6 could not get in the evidence, the hospital report; however,
7 the Court can take in the child interview report about Dad
8 hitting and pushing the youngster up against the head. And we
9 don't talk about that. Dad says oh, the kid's lying. But
10 there's a reason why a 13-year-old doesn't want to go visit
11 his dad.

12 And the logical reason, he told -- the child
13 interview that Dad pushed him and hits him in the arm. That's
14 right from the 13-year-old. And to be honest with you, I
15 believe the 13-year-old over Dad. And I had requested that
16 the 13-year-old testify and I didn't get anywhere by request.
17 So if the Court still feels that it's necessary because of the
18 conflict between Dad's testimony and the child interview and
19 the -- it -- it to review report, I'm going to ask the Court
20 to reconsider that.

21 Let's talk about the one bedroom issue. Now, we're
22 into the realm of the 14th Amendment. Equal protection under
23 the law. Mom doesn't have anyone helping her with the bills.
24 Dad's child support is negligible. Dad has a significant

1 other that provides a lot of the expenses (sic) for that
2 household, because a hundred and ninety-one dollars a week
3 suppo -- supposedly on his unemployment isn't cut -- cutting
4 it.

5 We only talk about Mom supposedly not putting the
6 kid on the plane. We don't talk about Dad not putting the kid
7 on the return flight. There's two equations to that on either
8 side.

9 THE COURT: I'm sorry, did -- did I miss that
10 testimony?

11 MS. VASQUEZ: Oh, objection, that's not --

12 MR. RHODES: I'm doing my argument --

13 MS. VASQUEZ: -- at all --

14 MR. RHODES: -- Your Honor. I just said we've not
15 talked about it.

16 THE COURT: O -- okay.

17 MR. RHODES: I -- that's my -- we're in an argument.

18 THE COURT: Yeah, no..

19 MR. RHODES: The Court can --

20 THE COURT: We are, but the argument is supposed to
21 be telling what I can do based upon the testimony of the --

22 MR. RHODES: Well --

23 THE COURT: -- evidence that was presented.

24 MR. RHODES: -- I -- I --

1 THE COURT: I just want to make sure I didn't miss
2 some evidence.

3 MR. RHODES: No, you did not.

4 THE COURT: Okay. Good.

5 MR. RHODES: You -- you did not. We have a
6 13-year-old talking to the child interviewer. And we're
7 talking about domestic violence. In -- in Dad's pretrial
8 memo, they skip over that letter K. They don't even address
9 letter K in their pretrial memo and it should have been.

10 There's an issue going on -- there is an issue why a
11 13-year-old doesn't want to come visit his dad. Not because
12 Dad's the authoritarian and Mom's the pushover parent. It may
13 have been strictly because Mom has been the parent that's been
14 there for the child. Dad wasn't involved in the child's life
15 for years. But Mom was always there.

16 We talk about the domestic violence. There is no
17 reason not to believe what the child said to the child
18 interviewer. The Court can give it whatever weight it wants
19 to, but it supports Mom's contention about the youngster not
20 wanting to get on the plane. Should she had done more? Well,
21 she knows now in the future she's going to have to do more.
22 But at that point in time was there a good faith basis? Yes.
23 And with a good faith basis, I'm not so sure the Court can
24 find willful contempt. The 13-year-old, one that plays in

1 football and everything is not a youngster that -- like a
2 five-year-old where you can pick him up like a sack of
3 potatoes and put him over your shoulder. That -- that's --
4 that's an issue there.

5 Mom covers the expenses and right now what she can
6 afford is a one bedroom apartment and when she's able to she
7 can get a -- a larger apartment. But right now that's an
8 equal protection issue under the 14th Amendment and it cannot
9 be held against Mom because of differing economic conditions.

10 The school, this country has been turned upside down
11 by coronavirus starting in middle of March of 2020. We're not
12 anywhere near getting back to a sense of normalcy.

13 What occurred in the -- we -- we've got the
14 youngster telling the child interview she (sic) gets A -- he
15 gets As, Bs, and Cs. I don't have any reason to dispute that.
16 There is no -- we don't have the report cards that have
17 contravened what the little guy said.

18 We're one month into the new school year. The in
19 person just started this past Monday. And Mom's here. She
20 had no choice but to bring the youngster along with her. She
21 is doing her best to raise this child. Dad has fought her
22 repeatedly on the child support. Even today, asked for a
23 reduction, but of course we don't account for the additional
24 \$400 a week that Nevada is not going to provide under FEMA for

1 the next several weeks. Nowhere does -- where they talk about
2 when he received the \$600 a week as part of the original
3 pandemic unemployment assistance. That's nowhere in there.
4 So until the end -- until the period ending July 26th, he
5 received an additional \$600 a week in addition to the 192. Of
6 course, that's not disclosed.

7 The best interest of the child standards. Number A,
8 the wishes of the child if the child is of sufficient age and
9 capacity to form an intelligent preference as to his or her
10 physical custody. We got a youngster that's age appropriate;
11 getting ready to turn 14 in a few months. Dad is the one that
12 refused to allow him to testify. Dad is the one that objected
13 to the Court considering this child interview. What is Dad
14 trying to hide? We could have talked to that youngster right
15 here on the witness stand, but not over Dad's objection.

16 I believe the Court should draw a negative inference
17 that Dad's objection as to the child testifying and Dad's
18 objection to the child interview report shows that if Kaon
19 (sic) had testified it would be contrary to Dad's statements
20 to the contrary. He would have testified of what he told the
21 child interviewer. He would have testified to what he told
22 the emergency room doctor.

23 We talk about number -- letter C, the ability of the
24 parents to cooperate. Yeah, we need better cooperation. We

1 had Mom. She -- and she testified that she will. And you
2 know what? This has been an expensive proposition for her to
3 pay the lawyers to -- for this. So she has an inducement -- a
4 financial inducement to not want to pay lawyers and come back
5 to this court.

6 She also -- I believe that this is probably the
7 first evidentiary hearing that these parties had. I don't
8 know if testimony was taken at any other evidentiary hearings
9 or if there were any other evidentiary hearings. And if there
10 were, I stand corrected.

11 THE COURT: There were.

12 MR. RHODES: But this is the first time that we've
13 been able to hear Mom and Dad vis-a-vis these slight issues,
14 the three issues of -- of Christmas, spring break, and the
15 first part of this summer.

16 We've offered, and we will offer compensatory time
17 for that missed time to Dad. She's testified to that on the
18 witness stand. It's immaterial whether it was in any of her
19 oppositions. They're not asking for jail time.

20 What we're getting though is they're seeking a
21 change of custody based upon those alleged violations. That's
22 punitive. That is punitive in nature. Change of custody is
23 not meant to punish a parent for contempt. We have certain
24 contempt the statute provides up to a \$500 fine per

1 infraction, up to 25 -- jail going forward. And -- and but
2 nowhere in that NRS does it say oh, yeah, by the way, you can
3 change custody.

4 Substantial change in the circumstances --

5 THE COURT: Just so we're clear, I didn't hear that
6 argument. The argument wasn't that we -- that Ellis was the
7 basis for the change in custody and -- and the contempt --

8 MR. RHODES: Right.

9 THE COURT: -- was separate.

10 MR. RHODES: That's right. And -- and but we're not
11 there. Ellis v. Carruci, a substantial change in the
12 circumstances affecting the welfare of the child. The child
13 made it clear he doesn't want to be with Dad. So how is
14 pulling the child from Mom -- is going to benefit the child?
15 We're -- we're -- we fail that first prong under Ellis.
16 Because the child -- a change of custody is not in his best
17 interest. Forget -- and because we don't have a substantial
18 change.

19 Letter D or the -- the ability -- the mental and
20 physical health of the parent; I think they both need to -- to
21 cooperate to deal with -- with their child. They have a child
22 together. The physical, developmental and emotional needs of
23 the child; we don't believe that she testified he's age
24 appropriate as far as getting ready to turn 14. He's in

1 eighth grade which I believe is the grade for that age.
2 Doesn't have any mental health issues. Really doesn't have
3 any physical issues. Dad was making a hay out of the fact
4 that he got the last set of vaccines. Well, you know what?
5 He was here this summer. All the rest of the vaccines were
6 from Mom.

7 You know, the -- the frustrating thing on this, we
8 -- we have a father that really wasn't in his child's life for
9 the bulk of this child's life. Maybe that's why the child
10 wants to be more with Mom. Maybe that's why the child is
11 reluctant to be tying with Father. Maybe this also because the
12 conjunction Dad as the child says pushes him into the wall and
13 hits him in the arm. Plus what he told the ER doctor.

14 The ability of the child to maintain a relationship
15 with any sibling. Yeah, he gets along well with Anita's kids
16 and with the -- with the -- his younger half-brother. Not an
17 issue. Mom doesn't have any other children. So as far as
18 her, that -- that -- that's not applicable. But for the Court
19 to read that -- that benefits Dad because Mom doesn't have any
20 children would be penalizing Mom for not having any children.

21 History of parental abuse or neglect of the child or
22 a sibling of the child. Well, we don't really have much in
23 there. Whether either parent or any other person seeking
24 physical custody has engaged in the act of domestic violence

1 against a child, a parent of the child, or any other person
2 residing with the child, the child interview report, I
3 believe, make a clear and convincing proof that Dad has
4 committed domestic violence against the child. The hospital
5 report that I could not admit also substantiates that.

6 And their -- their issue of abduction doesn't
7 satisfy NRS 125C.0035.

8 So we wrap this up. Mom needs to do a better job.
9 Absolutely. Dad needs to stop calling the police department
10 in Mes -- Mesquite and filing these child welfare. The
11 repeated child welfare checks are nothing but harassment
12 against Mom. He knows that the child is not in danger. He
13 knows that there's been no abuse or neglect of the child. It
14 wasn't even alleged. So what's the purpose of calling the
15 local police department on Mom? There isn't any other than to
16 harass Mom.

17 And then we wonder why Mom is kind of like the way
18 she is. Because Dad is sticking it to her. And -- and she is
19 -- is not grateful to be stuck. But where we -- at -- at the
20 end of the day, the little guy Katron who is almost 14 is
21 probably not a little guy, plays football, will play football.
22 School has come with -- discombobulated right now with this
23 internet stuff. There's a problem throughout the country. My
24 personal opinion is I don't think that we've turned the corner

1 on this coronavirus and I would be surprised if these schools
2 stay open in person. But that's Texas. We're not open here.
3 We're not open in most of the -- the states except for the
4 private schools and the charter schools.

5 We're four weeks into the new school year -- year.
6 That's not indicative of where the youngster will end up. He
7 passed the seventh grade, went to the eighth grade. Dad makes
8 hay of the fact that he tries to -- well, he's gone to several
9 different schools but Mom wouldn't tell me. We knew that the
10 youngster went to KIPP. And then she moved 10 minutes away
11 and that's why he's going to Agnew. Going from seventh to
12 eighth grade is appropriate. And he went to sixth grade there.
13 So he's passing all the way through on this. So -- so that's
14 not an -- an issue.

15 At the end of the day, I don't believe there's been
16 a substantial change in circumstances and even if the Court
17 found that there was a substantial change in circumstances,
18 the best interest factors do not support a change in custody.
19 We -- we've got the youngster saying he wants to spend less
20 time with Dad in the summertime. We had Mom testify Dad can
21 come to Texas. Maybe that would help facilitate that. Maybe
22 that would help facilitate Dad's relationship with Katron.
23 Because it would help make Katron be comfortable with Dad and
24 Katron -- in -- in Katron's environment. And -- and I think

1 that can go a long way to facilitating the relationship
2 between Dad and son. Mom wants him to have a relationship.
3 But she also doesn't want Dad to abuse the child, to hit the
4 child, push the child. That's not asking too much.

5 I don't believe that we've hit the threshold of --
6 of willful contempt. I believe that Mom has shown a good
7 faith reason.

8 Your Honor, I would ask the Court to deny their
9 motion, modify the timeshare in the summer to comport with
10 what the child wants and to -- and make up time for Dad for
11 missing the Christmas break this year or last year and this
12 spring break and the first part of this summer. Thank you.

13 THE COURT: Thank you. Anything else you need to
14 talk about, Ms. Vasquez?

15 MS. VASQUEZ: I don't have response to anything he
16 said, but I do -- would -- I would like to make a small
17 request that Dad be able to visit with Katron while he's here
18 in Las Vegas pending your decision unless your decision's
19 today. Is that --

20 THE COURT: No, I don't think that's unreasonable.
21 Mr. --

22 MS. VASQUEZ: Right.

23 THE COURT: -- Rhodes?

24 (COUNSEL AND CLIENT CONFER BRIEFLY)

1 MR. RHODES: Yes, Your Honor. She can -- he can
2 meet with him tonight.

3 THE COURT: Okay. Do you guys want to arrange that?

4 MS. VASQUEZ: What --

5 MR. RHODES: Yeah.

6 THE COURT: Okay.

7 MR. RHODES: We can arrange it.

8 MS. VASQUEZ: Yeah.

9 THE COURT: All right. I'll take the matter under
10 submission. There's exhibits that have been admitted that I
11 haven't had an opportunity to review yet and I will get you a
12 written decision.

13 MR. RHODES: Thank you, Your Honor.

14 MS. VASQUEZ: Thank you.

15 THE COURT: Thank you.

16 (COURT RECESSED AT 4:38 AND RESUMED AT 4:40)

17 MS. VASQUEZ: I'm sorry.

18 THE COURT: All right. We are recalling 550112.
19 Ms. Vasquez?

20 MS. VASQUEZ: Mom represented that Katron's been in
21 the parking lot all day. So he's here. So I don't know why
22 he can't go ahead and go with Dad and spend the night and then
23 she can go up -- up on their way out of town.

24 THE COURT: Mr. Rhodes?

1 MR. RHODES: Your Honor, we just had a whole trial
2 this afternoon over that. We have the child's reluctance. I
3 -- I suggested that Mom and Dad and Katron meet in a public
4 restaurant. And if Katron is okay to go with Dad, then he can
5 go with Dad.

6 THE COURT: Here -- here's my problem. The -- the
7 child's access to Dad has been limited by Mom since she took
8 the child back in July. What that does is that continues to
9 perpetuate a situation which may or may not exist. I need to
10 look at the rest of the exhibits before I can make that
11 determination. I don't find that Dad is a danger to the child
12 or there's an issue with regard to that.

13 So what I'm going to do is the child can go with
14 Dad, go to dinner with Dad, Dad bring the child back tonight,
15 the child spend the night with Mom, and leave tomorrow. That
16 way we've --

17 MR. RHODES: That would work, Your Honor.

18 THE COURT: -- solved that issue.

19 MR. RHODES: Thank you.

20 (PROCEEDINGS CONCLUDED AT 4:42:08)

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

Adrian Medrano

Adrian N. Medrano