

FILED

JUN 15 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY S. Young  
DEPUTY CLERK

MARY-ANNE COLT,  
STACEY KANTER,

Appellants,

vs.

ALYSSA MARIE PLUMMER,

Respondent,

) Supreme Court Case No. 82662

) District Case No. D-17-560076-C

)

)

) APPELLANT'S PRO SE CHILD

) CUSTODY FAST TRACK

) STATEMENT

)

)

)

)

)

1. Name of party filing this fast track statement:

MARY-ANNE COLT and STACEY KANTER

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

MARY-ANNE COLT  
(702) 695-4777  
9700 W. Sunset Rd #2039  
Las Vegas, NV 89148

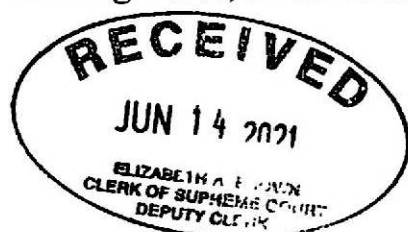
STACEY KANTER  
8101 Ancient Oaks Ave.  
Las Vegas, NV 89113

3. Judicial district, county, and district court docket number of lower court proceedings: **Eighth Judicial District Court, Clark County, Nevada**

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

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

**TRIAL DATES: Two full days: 1/28/21 and 1/29/21 - and more Evidentiary Hearing Dates, since 10/8/18**



6. Written order or judgment appealed from: **Decision and Order filed 2/18/21**

7. Date that written notice of the appealed written judgment or order's entry was served: **2/19/21**

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

(a) specify the type of motion, and the date and method of service of the motion, and date of filing: **N/A**

(b) date of entry of written order resolving tolling motion: **N/A**

9. Date notice of appeal was filed: **3/17/2021**

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

11. Specify the statute, rule or other authority, which grants this court jurisdiction to review the judgment or order appealed from: **NRAP 3A(b)(1)**

12. Pending and prior proceedings in this court. List the case number and docket number of all appeals or original proceedings presently or previously pending before this court which involve the same or some of the same parties to this appeal: **None in the Appellate court.**

13. Proceedings raising same issues. If you are aware of any other appeal or original proceeding presently pending before this court, which raises the same legal issue(s) you intend to raise in this appeal, list the case name(s) and docket number(s) of those proceedings: **None known.**

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

10/11/17 Complaint for Child Custody or in the Alternative, Grandparent Visitation  
 10/17/17 Plaintiff's Motion for Temporary Child Custody.  
 12/13/17 Opposition to Motion  
 1/23/18 Order (From hearing on 12/13/17)  
 3/21/18 Return from FMC; One Hour Observation  
 7/25/18 Calendar Call - original. Court learned Mom had again been placed on a Legal 2000; "Mom has continued to abuse drugs." Mom in direct contempt of court from 3/21/18 and 10/8/18 Order, for denying visitation. (No consequences)  
 (See attached Register of Action)

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

Appellant Mary-Anne Colt initiated the Complaint action in October, 2017, after the unexpected death of her son, SEAN COLT, who had primary physical custody of the minor child at issue, to wit: PRESTON ODIN COLT (DOB: 6/25/13). Mary-Anne Colt is the paternal grandmother of the minor child, and had been the child's primary child care provider while his dad worked, until his father's untimely death. Her desire to seek custody and/or visitation was in the best interest of the child. However, this matter lingered for 3 ½ years in the legal system; issues of Respondent/Mother's mental health and physical abuse of the

child were completely ignored; and Respondent's attorneys initiated a personal attack against Appellant Mary-Anne Colt, including making the allegations of CPS involved in her past in the State of Texas, which was overturned - thus making it irrelevant. [It must be noted that Appellant Colt filed 3 Subpoenas to Attorney Linda Ley, who alleged the Texas CPS allegations against Appellant Colt in this Las Vegas Court for child endangerment, and NONE of the subpoenas resulted in EVIDENCE whatsoever.]

However, the court, with several different judges over the course of 3 ½ years, refused to consider Appellant Colt for placement or visitation after the misrepresentations. The fact is Appellant Colt has a CIVIL ACTION against such attorneys because their knowingly fraudulently allegations prohibited her from having unsupervised contact with her grandson - and also contributed to the entire paternal side of the family being denied access to the child, as it was determined that she did not have the child during the possible period of abuse (burn on back) determined by the date of the scar formation and visitation calendar and pictures of when Appellant Kanter (alone) picked child up from school with marks - after Appellant Kanter dropped the child off without marks. And providing knowingly false Texas CPS final determinations and false child endangerment charges.

The reason there are two Appellants is that when the court refused to

consider Appellant Colt, paternal grandmother, for visitation or placement after 12/13/18, the child's paternal aunt, STACEY KANTER intervened into the case in the reasonable attempt to provide the child a safe home and for the child to maintain a relationship with the paternal side of the family.

A review of this lengthy case demonstrates that Appellant Colt initially was provided visitation with the child, and Respondent Plummer repeatedly violated the visitation without any consequences whatsoever. This only empowered Respondent to continue and ESCALATE the violations, and she was NEVER at any point, held accountable for her alienation. Instead, she repeated a pattern that she had started with the father who had won primary custody of the child based on the best interest of the child, and that pattern was to call CPS and make false allegations against Appellant Colt. She threw it all at the wall to see what stuck. Unfortunately, due to the complete lack of due process, Appellant Colt was not allowed further visitation due to CPS allegations in Texas that had long ago been resolved. Attorney Forsberg slandered Appellant Colt in the hearing on 12/13/18, accusing Colt of having 2 counts of child endangerment, which is not accurate.

Not only did the court ignore Respondent PLUMMER's violation of the visitation order when in place, and ignore her very serious and significant mental health history, they also ignored physical evidence of child abuse - a burn in the

middle of the child's back several times - and when it was finally addressed, the court states it had "some age" on it! Yet, 20+ year old allegations of a Texas CPS case and two false child endangerment alleged by Respondent's attorneys was given full weight as if it had merit, when it has been overturned. Clearly, this is an abuse of discretion.

The burn mark on the child's back was discovered when the child was brought to Appellant Colt for a visitation. She asked the child what happened. He told her that Mom burned him with a cigarette. Appellant Colt took the child to the Emergency Room. She was told it appeared to be approximately five (5) days old. On 10/8/18, Respondent Plummer DENIED the mark on the child's back was a cigarette burn - in spite of having filed a police report on 10/4/18, alleging Appellant Colt burned the child. That police report was in retaliation for Appellant Colt having filed a police report upon seeing the cigarette burn on the child's back, and filing a police report on 9/21/18. This mark on the child's back was then DENIED by Respondent Plummer to be a cigarette mark, in spite of what the child alleged, the doctor stated, and both police reports indicated.

Respondent Plummer REFUSED to release the child to Appellant Colt OR Appellant Kanter, to further address the mark. Here a clear issue of suspected child abuse was raised, and the court would not issue an order that a professional

see the mark, and make a determination if this was child abuse - and to protect this child. Appellant Kanter was unable to locate a burn expert, and therefore petitioned the court for Dr. Holland to review the files and give an evaluation - which required a continuance - DENIED by Judge Hardcastle, again denying due process. It is important to review the facts and issues in the record relating to the child's burn mark on his back, which were continuously ignored by Judge Moss - other than ordering that Appellants are not to call CPS again.

It is telling that witness Krystal Whipple testified on July 10, 2019 that the child had what appeared to be a cigarette burn on his back; and the GAL, Bob Cerceo also confirmed the child was burned with a cigarette, and that there was abuse in the past. Still, NOTHING was done to save this child.

The evidence shows that at the age of 7 years and 10 months old, he could not even read or write. He has been neglected beyond belief in the custody of Respondent Plummer, his mother. She has been verbally, emotionally, mentally and physically cruel to the child, in addition to being neglectful. Appellants have dental records that show medical neglect as well. None of this was addressed. It fell through cracks at CPS AND the court. In spite of the evidence, after many delays - defining the fact that justice delayed is justice denied - there were ever more violations of Appellants' due process rights when it came time for trial.

After being heard primarily by Judge Moss, when she retired, the trial was heard by Judge Hardcastle. It was apparent that he failed to view the prior hearings from 12/17, 10/8/18, 12/13/18, and 2/14/20 before making a Decision.

Appellants were removed from the court room on February 14, 2020 - after Krystal Whipple, an intern, who misrepresented herself to the judge, only admitted on 2/14/20 that she was not a CURRENT CPS worker, but a previous worker. Shortly thereafter, Appellant's Colt and Kanter were ushered out of the court room.

It is important to acknowledge that a major part of the reason that Dad obtained primary custody of the minor child was due to Mom, Respondent ALYSA PLUMMER, has a lengthy history of domestic violence, drug/alcohol issues, abuse of CPS (alleging Dad was a child molester in an attempt to gain custody) and mental illness - including attempted suicides and refusal to seeking mental health assistance, in addition to lack of employment. She served close to ten (10) years in Washington State for assaulting a police officer. The child was born addicted to drugs (norco) and spent two weeks detoxing. He has behavioral issues and learning disabilities, as well as possible autism due to the in vitro drug use. Appellant's initial motion disclosed all these facts and indicated pursuant to **NRS 125C.004**, Mother was not a fit parent pursuant to Nevada law. In fact, on

the date of the initial Calendar Call on 7/25/18, the court was informed that Respondent/Mom Alysa Plummer was in the mental hospital on a Legal 2000 at that time. Her fitness as a parent is clearly at issue.

Only a few months after the child's birth, in September 2014, Mother slit her wrists and was placed in a mental hospital for a Legal 2000. She has been in and out of mental hospitals since she was a child, and first used meth as a child given to her by her MOTHER (Dorian Stater).

It is also important to know that Respondent Alyssa Plummer was incarcerated for 5 years, (from after 13 - age 18 years), following the removal of her heroin addict/pedophile convict mother, Donna Plata, aka Dorina Slatter, in juvenile detention center for attempted murder when committing one of three burglary cases. Respondent/Mother's criminal history is so serious as to be relevant in this matter. [Had she been a man, her parental rights would have been terminated a long time ago.]

Respondent Alysa Plummer had a complete breakdown on 6/5/18, with paranoid delusions alleging her deceased boyfriend was coming after her from the grave, prompting her to attempt suicide by overdose on pills. She was placed on a 2020 legal hold and the child was temporarily removed from her care, and after successfully undergoing a fingerprint and background check by CPS, the child

was placed in Appellant Colt's care. In spite of this occurring during the court case, the child was ultimately returned, and the paternal family, in its entirety was shut out of the child's life. A review of the hearing from 12/13/18 is of paramount importance in this matter.

After placing the child with Appellant Colt, CPS removed the child without any notice or documentation, and placed the child with Dorina Slater, due to Respondent's executing a guardianship to her - in spite of her mental state. Oddly, after telling Appellant the background check and fingerprints were required, CPS failed to do a background check and fingerprints before releasing the child to Dorina Slater - and she has history as a heroin addict - as well as having lost custody of three of her children due to sexual allegations against her in the past. Appellant's do not have a criminal history.

Appellants' due process rights have been repeatedly denied in this matter, including, but not limited to the following:

1. Appellant Kanter, at time of trial, did not get the opportunity to cross examine Respondent's primary witness, Crystal Whipple - in spite of the fact that it was HER testimony that convinced the court not to allow Appellant Kanter to have visitation.

2. Appellant Kanter was never provided an opportunity to give testimony

and submit evidence to the court. The only testimony the DECISION was based on was Respondent and her witnesses's testimony ONLY. It is clear the file was never reviewed for the Court to learn of Respondent's mental health and criminal history. Thus, the court heard only ONE side, clearly denying Appellants' due process rights.

3. Appellant Kanter requested a continuance to have testimony from expert witness, Dr. Holland to finish her report was DENIED, violating her due process.

4. Appellant Kanter's request for continuance to obtain legal counsel was denied, violating her due process rights, given the facts herein.

The minutes from 9/8/20 state:

*"THE COURT NOTED, Aunt Stacey and Paternal Grandmother still need to testify, the Court further noted the need to finish with Krystal Whipple's direct and cross examination as well as the Natural Mother needs to resume her direct examination from Defendant's side."*

...

*"THE COURT NOTED, Dr. Holland STIPULATED to Mom's Counsel and Aunt Stacey's prior counsel as to Dr. Holland testifying as an expert for Aunt Stacey in this matter, with the COSTS being borne by Aunt Stacy."*

Yet, none of this was completed.

The court also made the MIS-ASSUMPTION that the 300 pages of CPS records were made by Appellant's family. This is patently false. In fact, CPS did not act on calls from the paternal family. However, there were calls from Hope

Counseling, teachers, the Police, the Doctors, and Neighbors. And Respondent Alysa Plummer and her family called making allegations against the child's father (now deceased) from 2019 - 2021. It is relevant that this court review the COMPLETE CPS records, however, Appellant's cannot obtain them for this court.

The judge was hostile and aggressive when denying Appellant Kanter submitting her evidence - as if his mind was made up. The court ignored the child abuse issue, alleging it was "dated" when it occurred during the pendency of this action - and could be continuing for all anyone knows as the child has never been seen by a doctor since the October 2018 visit to the skin specialist.

Appellant's believes there are further issues of violations of due process and appearance of impropriety in the fact that the court had previously had a hearing on sealing this case [See Minutes of 6/5/2020], and the case was NOT sealed due to case law. However, with Judge Hardcastle on the case, he insists on sealing the case, making it difficult for Appellant's to access information.

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

a. Did the District Court err by failing to find mother unfit, in spite of acknowledging her issues of "financial, alcohol, and mental health issues...."

b. Did the District Court err by unilaterally ordering the action sealed in spite of a determination after briefing of both parties, and Judge Moss' Order NOT to seal the case pursuant to the ends of justice, as stated in the 6/5/2020 minutes.

c. Did the District Court err by failing to enforce the contempts of the Respondent/Mother, thereby *encouraging* further disobedience.

d. Did the District Court err by failing to give proper weight to attempted suicides and mental health issues of mother.

e. Did the District Court err by failing to resolve this matter in a timely manner, thereby causing further acromony between the parties.

f. Did the District Court err by failing to provide due process rights to Paternal Grandmother (removed from courtroom) and Paternal Aunt (testimony prohibited from being presented and numerous other improprieties); and accepting a life of conviction of two counts of child endangerment by Colt in Texas, when she denied the allegations and Respondent's failed to submit EVIDENCE.

g. Did the District Court ignore child abuse by alleging it was "dated."

h. Did the District Court violate Appellant's due process rights seeking to seal the case *sua sponte* after testimony was taken and the Court previously stated in a minute order on 6/5/2020 that the case shall not be sealed

**17. Legal argument, including authorities:**

The court must make decisions on the merits of the case, especially relating to the best interest of the child pursuant to NRS 125C.0035(4). Appellant does not believe this happened. Appellants are entitled to a relationship with the child, due to the death of his father. Further, given the significant evidence and history of the unfitness of the mother, pursuant to NRS 125C.004, it is imperative that the father's family continue to be a part of the child's life.

Respondent's fitness as a parent was never established. The Court learned


at the original Calendar Call setting (7/25/18) that Respondent AGAIN had a Legal 2000. She was not held accountable for her contempts of the court orders for withholding of the child, nor was her mental illness addressed. The court noted on 7/25/18, that Respondent/Mom "continued to abuse drugs." It was apparent the trial judge had not reviewed the court record, and Appellant's evidence was not considered in the Decision. There were numerous violations of due process.

The only appropriate resolution in this matter is for reunification with the parental side of the family, safeguards for Respondent's mental illness and drug abuse, and a timely RETRIAL in this matter.

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


Dated this 8 day of June, 2021.

  
\_\_\_\_\_  
MARY-ANNE COLT  
Appellant in Proper Person

  
\_\_\_\_\_  
STACEY KANTER  
Appellant in Proper Person


## VERIFICATION

I recognize that under NRAP 3E I am responsible for timely filing a fast track statement and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track statement, or failing to raise material issues or arguments in the fast track statement. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information and belief. Dated this 8 day of June, 2021.

  
\_\_\_\_\_  
MARY-ANNE COLT  
9700 W. Sunset Road #2039  
Las Vegas, NV 89148  
(702) 695-4777  
Appellant in Proper Person

## VERIFICATION

I recognize that under NRAP 3E I am responsible for timely filing a fast track statement and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track statement, or failing to raise material issues or arguments in the fast track statement. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information and belief.        Dated this 8 day of June, 2021.

  
\_\_\_\_\_  
STACEY KANTER  
8101 Ancient Oaks Ave.  
Las Vegas, NV 89113  
Appellant in Proper Person

## CERTIFICATE OF SERVICE

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

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

CARRIE E. HURTIK, ESQ.  
HURTIK LAW & ASSOCIATES  
6767 W. Tropicana Ave #200  
Las Vegas, NV 89103

DATED this 8 day of June, 2021.

  
\_\_\_\_\_  
MARY-ANNE COLT  
Appellant in Proper Person