

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONALD DAVID HARRIS,
Appellant(s),

vs.

JENNIFER FIGUEROA,
Respondent(s),

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Case No: D-20-606828-C

Docket No: 85333-COA

RECORD ON APPEAL VOLUME 4

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D-20-606828-C Jenniffer Figueroa, Plaintiff. vs. Ronald David Harris, Defendant.

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5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 JENNIFFER FIGUEROA,

10 Plaintiff,

11 vs.

12 RONALD DAVID HARRIS,

13 Defendant.

) CASE NO. D-20-606828-C

) DEPT. N

) SUPREME COURT NO. 85333-COA

14
15 BEFORE THE HONORABLE MATHEW HARTER

16 THURSDAY, JULY 28, 2022

17 **TRANSCRIPT RE: EVIDENTIARY HEARING**

18
19
20 APPEARANCES:

21 The Plaintiff:

JENNIFFER FIGUEROA

Pro Se

22
23 The Defendant:

RONALD DAVID HARRIS

Pro Se

24
25 D-20-606828-C

FIGUEROA vs. HARRIS

07/28/2022

1 LAS VEGAS, NEVADA, THURSDAY, JULY 28, 2022

2 * * * * *

3 (Proceedings commenced at 11:11:03 a.m.)

4 THE COURT: Madam Clerk, are we on the record?

5 THE CLERK: We're on the record, Your Honor.

6 THE COURT: All right. This -- let's make sure the parties can
7 hear me.

8 Jenniffer can you hear me?

9 MS. FIGUEROA: Yes. I can.

10 THE COURT: Ronald, can you hear me?

11 MR. HARRIS: Yes, sir.

12 THE COURT: All right. This case is D606828. The reason we
13 are here for a brief evidentiary hearing is the Court of Appeals
14 remand. That case is 81746. And that was an order entered
15 November 11th, 2021.

16 I will note for the record, Mr. Harris, I don't know if
17 they've notified you yet or you got a copy of it that there was an
18 order denying your writ that was issued yesterday. That is case,
19 Court of Appeals, 84980.

20 MR. HARRIS: Yes. Excuse me. I just had this handed just now.

21 THE COURT: Okay.

22 So we -- we talked a little bit before we decided to
23 continue the matter last time. I can't recall because I didn't go
24 back and go over the video. So I'll kind of go over what we're --
25 the issue is today is a very limited issue. It was remanded back

1 to this Court -- and if you guys don't have a copy of the order
2 reversing, I think my JEA is in the process of resending it to
3 both of you. But regard- -- we -- we need to -- to start the
4 hearing. Let me -- you need to keep notes so you can reference it
5 later.

6 Let me reiterate why we're here. Starting on page seven
7 of that -- that order, the District Court made no findings as to
8 Harris and Figueroa's attempts or lack thereof to communicate or
9 compromise in the best interest of their children. There's sort
10 of a sub-issue. The Court indicated additionally in deciding that
11 arrangement whether it's in the best interest of the children
12 necessarily involves resolving disputed questions of fact.
13 Indeed, they dispute whether Harris's behavior with his
14 stepdaughter renders him unable to participate in important legal
15 decisions.

16 Reading from page six, again, legal custody is the basic
17 legal responsibility for a child in making major decisions
18 regarding the child's health, education or religious upbringing.
19 It's presumed to be in the child's best interest if certain
20 conditions are met under 125C.002. However, this presumption is
21 overcome when the Court finds that the parents are unable to
22 communicate, cooperate or compromise in the best interest of the
23 children.

24 As I indicated last time, I have -- I reviewed the
25 briefs. I kind of discussed the fact that a lot contained in both

1 | briefs are more -- seemed to be more personal attacks. That -- at
2 | the end of the day, we -- this is not a jury trial. This is a
3 | bench trial. So if we start and we get into areas or things are
4 | being said or talked about that this Court believes is not
5 | relevant to assist this Court in making that determination, the
6 | Court will certainly pipe in and let both parties know that.

7 | I also noted last time, Ronald, that a lot of the stuff
8 | that you were requesting on page -- on your last page about seeing
9 | the children, video chatting, anything other than this limited
10 | issue, we'll go back, I believe it's in front of Department Z,
11 | immediately after this Court renders this decision on this limited
12 | issue. Okay?

13 | MR. HARRIS: Okay.

14 | THE COURT: Again, we're not doing cac- -- character
15 | assassinations. The issue is the ability or lack thereof to
16 | cooperate, communicate or compromise in your children's best
17 | interest.

18 | MR. HARRIS: All right. Judge, I just -- I just have one
19 | question, though. When you had the -- the one hearing in July,
20 | the one that I appealed, and she brought up the issues of he wants
21 | to talk to the kids, blah, blah, blah; and you said she can do
22 | whatever she wants. He has no rights to them now whatsoever. I -
23 | - I -- I mean --

24 | THE COURT: So --

25 | MR. HARRIS: -- is -- isn't that --

1 THE COURT: -- that -- that --

2 MR. HARRIS: -- (indiscernible) --

3 THE COURT: -- that was --

4 MR. HARRIS: Go ahead.

5 THE COURT: -- way be- -- no. That was way before, again, your
6 -- the Court of Appeals again reviewed your previous appeal. You
7 appealed all of that. The only limited issue after that -- again,
8 this was issued November 5th. So this is the only issue before
9 this Court right now. That's the only issue.

10 MR. HARRIS: No. I -- I do -- I do understand that. But I --
11 I -- I -- I would -- I would -- I guess I was assuming that if I
12 have joint legal custody then I have a right to, you know, speak
13 to my children. And I thought that, you know, when you -- when
14 she brought that up, you shot it down and said I had no rights --

15 THE COURT: So that is -- that --

16 MR. HARRIS: -- whatsoever. So I --

17 THE COURT: That is why we're here. You appealed that.

18 MR. HARRIS: Okay.

19 THE COURT: That issue went up in front of the Court of
20 Appeals. It came back down. That's why we're here today. That
21 is why we're here.

22 MR. HARRIS: Okay.

23 THE COURT: Okay?

24 MR. HARRIS: Yeah. Thank you.

25 THE COURT: Do you understand that, Jenniffer?

1 MS. FIGUEROA: Yes. I do.

2 THE COURT: All right.

3 So again, I know you guys are not attorneys. Again, I
4 will be the first one to let you know if and when we're getting
5 into irrelevant issues. Again, this is not a -- a -- the Court's
6 -- again, I'm not gonna go over it a third time. I think you both
7 acknowledge what the limited issue is that's in front of the Court
8 today.

9 So with that being said, as I indicated previously,
10 you're not likely gonna get a decision to- -- well, you won't, I
11 can assure you that, get a decision today. This Court will take
12 it under advisement. It then has up to 21 days to issue a
13 decision. But I can let you know, I don't -- I don't like keeping
14 things on the backburner. I'd rather get decisions done. So it
15 will most likely be within the next week to ten days. Okay?

16 MS. FIGUEROA: Okay.

17 MR. HARRIS: Okay. And, Your Honor, can -- can you please --
18 I've been having trouble. One of the things that I wanted to get
19 on the record later is the stuff that I've been sending to you
20 guys is -- is for some reason terribly delayed. And -- and so I'm
21 hoping that maybe you can direct someone to e-mail me your
22 decision, that way my counselor can print it out. And I'll know
23 pretty much immediately what your decision is?

24 THE COURT: Absolutely. My -- my JEA has had contact with
25 whoever it is at -- at the prison he's been getting the stuff to.

1 MR. HARRIS: Okay.

2 THE COURT: And -- and again, he will -- as soon as it's
3 issued, he will serve that person again.

4 MR. HARRIS: Okay. Thank you.

5 THE COURT: All right.

6 All right. Jenniffer, so now is the time again to make
7 again your statement about the issue that we're here today. Does
8 that make sense?

9 MS. FIGUEROA: Yes.

10 THE COURT: Okay. All right. If you want to go ahead and
11 start.

12 MS. FIGUEROA: Okay. Basically, I just don't feel that he
13 should have access to the children because of where he's at. The
14 children don't know why he's there. We don't talk about that.
15 They -- they ask me. And I say, we don't talk about it.

16 So I feel that if he talks to them, he is gonna lie to
17 them and tell them things that are false. He has said in the past
18 in letters that when they turn 18 then they'll know the truth,
19 quote, unquote, of why he is where he is, that they're gonna hate
20 me.

21 And so I just feel that Mr. Harris doesn't take any
22 accountability for what he's done and why he's where he's at and -
23 - and for the reason why he's where he is. And I feel that
24 somebody who -- who doesn't apologize for something like that and
25 doesn't take accountability for what he's done and is still

1 reaching out to his victim, should not be allowed to make
2 decisions in his children's lives. And I feel like that would
3 cause them undue stress and anguish. And he -- he and I don't get
4 along. We don't talk. And --

5 THE COURT: Let me stop you right there. This is the issue.
6 Just the -- do you remember what you just said?

7 MS. FIGUEROA: Yes.

8 THE COURT: That is the issue. So whatever is coming next, I
9 just want to clarify, some of the stuff you said before was not
10 really relevant. So go ahead and start with -- I'm sorry to cut
11 you off and interrupt you. But you -- your sentence preceded
12 exactly what the issue is. So go right ahead.

13 MS. FIGUEROA: That he and I don't get along and that we don't
14 speak.

15 THE COURT: Right.

16 MS. FIGUEROA: And -- and it won't -- we will -- we would not
17 be able to come to a common ground as far as talking to the kid --
18 him talking to the kids. Really that's -- that's it. He -- he's
19 -- just shouldn't have access to the kids. I -- I don't know what
20 else to say about it without --

21 THE COURT: Wait. Wait. Wait. Hold on one second there.
22 Again, this is not access to the kids. This is just -- just --

23 MS. FIGUEROA: The legal custody.

24 THE COURT: -- you -- contacting you making major decisions
25 regarding the kids.

1 MS. FIGUEROA: Okay.

2 THE COURT: This is -- this is not --

3 MS. FIGUEROA: Got it.

4 THE COURT: This is not him reaching out to them.

5 MS. FIGUEROA: Got it. Yes. I don't want him to have -- I
6 don't want him to reach out to me regarding the kids. He's -- he
7 threatens me. He's con- -- he -- I don't want to deal with him at
8 all with regards to decisions on the kids. He -- he isn't here.
9 He's not helping me raise them. He shouldn't be a part of their
10 lives. I -- I don't -- I don't know what else to say without
11 going off topic.

12 THE COURT: Well, again, I -- I want to clarify for the -- I'll
13 probably even say it ten more times before we're done today, that
14 the --

15 MS. FIGUEROA: Yeah.

16 THE COURT: -- that the issue here is so narrow.

17 MS. FIGUEROA: Yeah.

18 THE COURT: You understand that. Again, it's the ability or
19 lack thereof to cooperate, communicate, compromise in the best
20 interest of the children. And it's the because, because you can
21 or because you cannot. And obviously your issue is beca- -- we
22 cannot -- because we cannot. And you've kind of stated those
23 reasons. So do you have any others before Ronald makes his
24 statement?

25 MS. FIGUEROA: No.

1 THE COURT: Okay.

2 Ronald, are you ready to make --

3 MR. HARRIS: Sure.

4 THE COURT: -- your statement?

5 MR. HARRIS: Yes, sir. I am. Thank you.

6 THE COURT: Okay.

7 MR. HARRIS: Obviously, Your Honor, you know that I have --

8 well, you may not know, but I -- I spend a lot of time reading

9 these cases and -- and -- and I knew and know exactly what your

10 laser focus is on the cooperation and communication and that kind

11 of thing. I -- I know that law.

12 You know I argue first of all that she has not quoted or

13 stated any kind of -- you know, cited any kind of law or really

14 any good reason why, you know, I shouldn't be able to participate

15 in -- in decisions.

16 I think what I said in one of my -- -- in -- in my brief

17 is that, you know, no matter what, how we feel about each other,

18 we didn't really fight a lot and we usually agreed on how to raise

19 the kids. You know, it would -- it -- it just -- me being here

20 has no, you know, bearing on -- on my four children.

21 THE COURT: Hold on one second.

22 MR. HARRIS: One thing that I'm --

23 THE COURT: Ronald, and again --

24 MR. HARRIS: Yes.

25 THE COURT: I cut -- cut you off. But that -- that is what --

1 again, let me read. I read it on the record beforehand. Again,
2 this is page eight of that decision. And they -- I told you it
3 was one of the sub-issues. Quote, Indeed, the parleys -- the
4 parties clearly dispute whether Harris's behavior with his
5 stepdaughter renders him unable to participate in important legal
6 decisions for his four children.

7 So, again, I understand you may have at one time been
8 able to get along, et cetera, et cetera. But that statement you
9 were just making, that is one of the sub-issues, if that makes
10 sense.

11 MR. HARRIS: Right. Well, one of the things that I -- that I'm
12 disappointed in is I've sent these exhibits. Let me just state
13 real quick, Your Honor, for the record that a couple of days ago,
14 I received the exhibit appendix that I had sent and -- and dated
15 and signed, it was May 19th of 2022. She has received all of
16 that, as well. I mailed it at the same time. And that was to be
17 uploaded for your review for that May 31st hearing. So I had like
18 12 days for that thing to get -- I'm at a disadvantage because I
19 can't upload that stuff electronically filed. Now here's the
20 problem. It says that it was received July 5th and then uploaded
21 (indiscernible) --

22 THE COURT: Mr. Harris. Mr. Harris, it is -- it is uploaded
23 and it's in there, again, this -- your (indiscernible) --

24 MR. HARRIS: I -- I know.

25 THE COURT: -- appendix. And there's also --

1 MR. HARRIS: Your Honor --

2 THE COURT: -- one uploaded July 14th. So again --

3 MR. HARRIS: Yes, sir. That -- that -- that's what I'm
4 referring to. But I mailed it on, you know, in mid-May.

5 THE COURT: Stop. Mr. Harris, we're not having a hearing about
6 your --

7 MR. HARRIS: Okay.

8 THE COURT: -- your problems with getting things filed. And --
9 and again, it's a unique situation, but --

10 MR. HARRIS: Okay.

11 THE COURT: -- I've -- I've got it. It's been in the system
12 since July 14th. So go ahead --

13 MR. HARRIS: Well, there's -- well, I -- I'm going somewhere
14 with this, Your Honor. There -- there is a -- some other reports
15 or affidavits that I had -- or exhibits, rather, that I have sent
16 that should've -- have well done been received.

17 And -- and one of those was a DCS report where the kids
18 were asked by DCS if -- if I had done anything or anything to them
19 and -- and they all said no and they weren't scared or anything
20 like that. And then there was another report that I also sent
21 where Ms. Figueroa was asked does she have any concerns about any
22 of the other kids, blah, blah? And she said, no.

23 So what I'm trying to say is, you know, and look, you --
24 you've read my brief. I -- I still maintain that, you know, she
25 is culpable in -- in many ways. And, you know, I had no -- no

1 | issues with my children ever. So in my -- from my vantage point,
2 | what may or may not have occurred with my stepdaughter has nothing
3 | to do with -- with how I can make decisions for my children.

4 | And, you know, one of the things that I want to read into
5 | the record please is the Mosley Figliuzzi case that the Supreme
6 | Court of Nevada used where they're trying to use the defense of,
7 | you know -- well, basically I'll just read this section.

8 | It says, when a father or mother may say in effect I
9 | cannot get along with the mother of my child, therefore the Court
10 | must award sole custody to me, the father. The Court's accepting
11 | this kind of argument has the effect of permitting one
12 | uncooperative parent to deprive a child of either his mother or
13 | his father merely by establishing that the parents are in
14 | conflict. Proving the existence of a conflict between parents
15 | could thus allow the complaining party to win a custody battle.
16 | And they put that in parentheses.

17 | The prize should not automatically go to the parent who
18 | comes before the Court and tells the Court, as did the mother in
19 | this case, something to that effect that I told the Court before
20 | we cannot get along. And we're not gonna get along in the future.
21 | Therefore the best interest of the child requires that you give me
22 | the sole custody.

23 | Parental conflict almost always involves some fault on
24 | part of each parent. And to permit one uncooperative parent come
25 | in and get sole custody just because of a mutual conflict, not

1 only rewards uncooperative conduct but also as said before
2 unnecessarily deprives a child of the company of one or the other
3 of his parents. And I think that's what she's doing.

4 I want to remind the Court that up until February 3rd of
5 2019 everything was fine. I was talking to my kids. I've never
6 had a inappropriate conversation with them. She keeps it on
7 speaker phone.

8 And when it got to the part where I was letting her know
9 that I am appealing, you know, post-conviction and all this stuff
10 and that, you know, a lot of things are gonna come out about her,
11 you know, situations, that's when it started. That's when she cut
12 off the contact.

13 This has nothing to do, you know, she -- we haven't even
14 had an opportunity. There hasn't been a -- a -- a chance for us
15 to even try to cooperate or anything. She just cut it off. She's
16 just using that as an excuse.

17 And I wanna make this clear to -- to you, Your Honor, to
18 the Court, that my kids are bigger than my issues with her. All
19 right? I -- I -- they -- I don't have to talk to her, you know,
20 only on certain situations, you know, if it were to warrant.

21 I've been blacklisted, blackballed, cut out of my kids'
22 lives for no reason. And, you know, my children are 10, 12 and
23 15. And they know how to use the internet. She may say, oh, we
24 don't know. You know, we don't talk about dad or whatever. I
25 know that they can go on the internet. They have siblings. They

1 have, you know, my siblings -- my three children, sorry, that are
2 their half siblings, as well.

3 I find it highly surprising that, you know, this has
4 nothing to do -- I mean, my ability to make decisions for my kids
5 for their best interest has nothing to do whether or not in my
6 opinion she and I get along. I -- I -- I am able to be able to be
7 cooperative with her. I'm able to be cordial with her. I love my
8 kids, you know?

9 I don't, you know -- this is, in my opinion, Your Honor,
10 just really ridiculous. She's only doing this, in my opinion, for
11 retaliation because things, you know, I'm acquiring a lot of
12 evidence against her and, you know, for -- it -- it -- that's why
13 she's cutting me off.

14 I have never had a conversation with my children that's
15 inappropriate. And I'm fully capable of making decisions about
16 their health, their education, their upbringing, when it's
17 warranted you know?

18 But right now, I don't know anything about them. I don't
19 know about their school or their subjects or how they're doing in
20 school, their health. My little boy has a rare disease that he
21 survived that, you know -- he has issues, you know, possibly with
22 his heart -- with his heart and his blood vessels and, you know?

23 I mean, this is just ridiculous. And so that's why I
24 wanted to use that -- that case that, you know, I -- I see where --
25 -- you know, where you're going with -- with that -- those specific

1 issues with being able to cooperate and communicate in, you know,
2 the best of the children. That -- that's a very sticky issue.
3 But I'm making it clear to you that I can be. And it's not fair
4 to award her sole legal custody just because she wants to take
5 that stance. And I think the Supreme Court of Nevada has already
6 said that is not appropriate, you know?

7 THE COURT: Okay. Anything else, Ronald?

8 MR. HARRIS: No. I -- I think that's -- you know, if -- if the
9 law, in my opinion, is -- is applied properly, I, you know, I
10 don't think she's done anything to prove that I would tell my kids
11 any -- anything or -- or that I couldn't -- I don't think she's
12 proven that I can't make major decisions about my children or
13 their health, you know?

14 It isn't like we would, you know -- I'm certainly not
15 using this as any way to stay in touch with her or anything. You
16 know, she is right about that. We -- we don't, you know -- we
17 wouldn't be hanging out, you know? But that doesn't mean that we
18 can't, you know, put our children first. At least it doesn't mean
19 that I can't is what I'd like to say, so. I don't like being
20 ripped out of their lives.

21 If -- if you look at that stuff that was filed on the
22 14th, you can see that I had a very good relationship with my
23 children. I love them. They love me. I didn't just select, you
24 know, just random photos, you know? There are no photos of -- of
25 us sad or not getting along. I mean, I had a very significant

1 relationship with -- with them, so.

2 THE COURT: A- -- again, this --

3 MR. HARRIS: I -- there's no (indiscernible) --

4 THE COURT: -- this, Ronald, again --

5 MR. HARRIS: I know. I know.

6 THE COURT: -- (indiscernible) --

7 MR. HARRIS: (Indiscernible) --

8 THE COURT: -- (indiscernible) and I know. You sound like a
9 very intelligent person. And again --

10 Well, you -- you both do.

11 But you particularly, Ronald, I believe know exactly what
12 the issue is. But again --

13 MR. HARRIS: I know.

14 THE COURT: -- the relationship -- the relationship between you
15 and your kids is not the issue. The ability to cooperate,
16 communicate or compromise in your children's best interest with
17 Jenniffer is the issue.

18 MR. HARRIS: All right. Well, I just ask, Your Honor, that you
19 don't -- that, you know, that -- that you don't award her this
20 just because she wants to take that stance.

21 As you probably know in several cases, you know, the
22 Courts usually lean towards the parent who's the most cooperative
23 or the most willing to communicate or cooperate or -- or let the
24 children, you know, have a relationship. That's how it usually
25 goes.

1 And -- and that's what one of the NRS codes say, as well.
2 So, you know, like the NRS 125.480-3, which parent would
3 particularly co- -- predictably cooperate most in accordance with
4 the other, you know, so? That's where I stand on that. I
5 appreciate it.

6 THE COURT: All right. Let -- since we obviously have plenty
7 of time, I'm -- I'm going to again read the what I consider sort
8 of a sub-issue and then see if either one of you have any other
9 further comments you want to make on the record.

10 And again, Jenniffer, we'll start with you. Okay?

11 MS. FIGUEROA: Okay.

12 THE COURT: All right. Again, listen. Indeed, and I'm quoting
13 again from page eight of that decision, quote, indeed, the parties
14 clearly dispute whether Harris's behavior with his stepdaughter
15 renders him unable to participate in important legal decisions for
16 his four children.

17 And you don't -- you're not required to make any further
18 statement if you don't want to, neither is Ronald. But again, I'm
19 just felt like since we've got plenty of time, I just want to read
20 that sub-issue out clearly. And if there's anything you want to
21 add since that's an issue this Court does have to address.

22 MS. FIGUEROA: I mean, no. I -- I feel like the Court
23 understands my stance. And I'm not doing it, you know, as he
24 says, just to make him pay or anything. Like it's nothing like
25 that. I just don't feel that we would be in a place ever to agree

1 on our children. And I don't feel he's in the right state of mind
2 for that, so. That's really all I have to say about it.

3 THE COURT: Ronald, do you want to make any further comments
4 regarding that specific issue?

5 MR. HARRIS: Yes, Your Honor. I would just say that, you know,
6 with all due respect, to me that is irrelevant on how I can go
7 about making (indiscernible) --

8 THE COURT: Hold on. Hold on one second. I --

9 MR. HARRIS: Right.

10 THE COURT: Candidly, and no disrespect, Ronald, I don't think
11 it would be irrelevant or I believe the Court of Appeals would've
12 stated that's irrelevant. They're the ones who particularly put -
13 - they're the ones that made that statement. Again, that's one of
14 the issues I -- sub-issues I have to address.

15 MR. HARRIS: Right.

16 THE COURT: You -- you --

17 MR. HARRIS: No. No. And -- and I --

18 THE COURT: You might feel that it's irrelevant. And I
19 understand. I understand your position. I understand Jennifer's
20 position. But again, it -- it is an issue that the -- if they
21 would've said that's not relevant, they would've said that's not
22 relevant.

23 MR. HARRIS: That's true. You're right.

24 THE COURT: If that makes sense.

25 MR. HARRIS: Yes, sir. It does. All I would ask is that the

1 Court look at all the ev- -- the evidence I've sent. It's
2 different statements that were made. You know, I -- the -- the
3 only thing that's separating her and I right now is that she
4 hasn't been convicted of anything yet. And -- and I hate to say
5 this. But I -- I start to feel that the only way I can have an
6 even ground with her may be for her to be in the same boat as I
7 am. Now there -- in my opinion, I don't want to get off topic,
8 but, you know, there's --

9 THE COURT: Well, let me stop you right there. I will not let
10 you get off topic. So what -- you're -- if you're admitting
11 that's off topic, I'll stop you right there.

12 MR. HARRIS: Okay. Well, I -- I'm just saying that -- I -- I
13 have the ability to make the -- the decisions for my children. I
14 don't think that, you know -- I just want the Court to realize
15 that this all stopped in -- in February of 2019 when we had that -
16 - not really an argument but disagreement, you know? And I told
17 her what my plans were to basically, you know, I'll just say it,
18 bring her to justice. She knows that. And that's when it
19 stopped. We had no issues before that.

20 And but, you know, my kids, I love my kids. And making
21 decisions for them, you know, I'm able to make all kinds of
22 decisions from here, you know, business decisions and all kinds of
23 things. And it -- and I would know that I would be able to with
24 my children. I don't think that she's shown any evidence or
25 proven anything that -- that what may or may not have happened

1 with -- with my stepdaughter has anything to do with my ability to
2 make decisions for my children that are important decisions, you
3 know, about their health.

4 I -- I -- I'm -- I'm -- I -- I have no clue about any of
5 the, you know, their health or how they're doing in school or --
6 or anything. I don't even remember what grade they're in now, you
7 know?

8 And I'm just being -- and, you know, and I wanted the
9 Court to know that, you know, she did not have permission from a
10 Court to leave this state with my kids. So and I think I made
11 that aware in July of 2017 when she -- when I filed my answer.
12 And you acknowledged it about, you know, her ab- -- absconding,
13 you know? So she didn't even have the right to leave without a
14 court order.

15 So she's making these decisions, even without a court
16 order for three years to not let me talk to my kids when up until
17 that point, joint everything, even physical custody, which I
18 realize is not logical. But we had joint. There was -- there
19 were no orders. So she just, you know, played God with -- with my
20 ability to make decisions for my kids or have a relationship with
21 them.

22 So I just hope that the Court realizes that she hasn't
23 proven anything and just because she says that she can't get along
24 or we never will or this, that's her saying that. That's not me.
25 And I don't think that she should be awarded or re-awarded taking

1 that stance when the real reason was from February of 2019 when I
2 told her I'm getting evidence and I'm gonna bring her to justice.
3 And I'm being honest, Your Honor, I plan on it still. I mean,
4 right is right; and wrong is wrong.

5 But I will say this. I haven't done any crime against my
6 children, any of them. And as I said in that brief, in my
7 opinion, she cannot say the same.

8 THE COURT: All right. If there is nothing else, again, your -
9 - the Court will go over the underlying record again. I will re-
10 view your briefs. I did prior to the hearing. I will again
11 before I render the decision. The Court has taken notes about
12 what was said at today's hearing.

13 And then, again, it will be a written decision issued
14 within the next 21 days as the Court is going to take the matter
15 under advisement. And to -- to clarify again for both of you,
16 once -- and I probably will put it in the decision just to be --
17 to be clear, once this Court makes that decision, all the other
18 issues that Ronald put in his brief regarding contact with --
19 telephonic contact, et cetera, et cetera, those issues would then
20 possibly be available to that new Judge, if that makes sense.

21 MS. FIGUEROA: Yes.

22 MR. HARRIS: Yeah, Your Honor. Your Honor, I have a question.
23 So are you saying possibly if you were to deny me and give her
24 sole legal custody, are you saying that there's another Court that
25 could still allow me to have contact with my children?

1 THE COURT: I'm not -- I'm not saying that, sir. And I'm also
2 -- say -- I -- I will make the statement that custody -- I would
3 submit both types of custody, legal custody and physical custody
4 are always modifiable.

5 MR. HARRIS: I understand.

6 THE COURT: But this Court is only following through with what
7 I did not do apparently according to the -- the -- properly on the
8 record, that previously, if that makes sense.

9 Once this Court makes that decision, again, the case --
10 your whole -- your whole case goes over -- I believe it's Judge
11 Mercer. I'm not sure. I won't (indiscernible) --

12 MR. HARRIS: Mercer.

13 THE COURT: Yes.

14 MR. HARRIS: Yeah. It's Mercer, Department Z; right.

15 THE COURT: Right.

16 MR. HARRIS: Okay.

17 THE COURT: Okay? All right. The Court will take the matter
18 under advisement. You guys have a good day. I hope you stay safe
19 and healthy. And I will, again, try to get this out, particularly
20 since -- I'm not gonna do a rush job. I don't want you to think
21 we can do a rush job. But I am going to give this obviously
22 priority so that then you can possibly proceed with your other
23 issues in front of Judge Mercer. Okay?

24 MS. FIGUEROA: Thank you.

25 MR. HARRIS: Your Honor, just one last qu- -- yes. One last

1 question, Your Honor. I -- I -- what about any of the documents
2 that I sent like maybe three weeks to a month ago, those DCS
3 reports, those exhibits, are those something you can't use now
4 since they're not in the system today or -- I mean, again, I'm --

5 THE COURT: So (indiscernible) --

6 MR. HARRIS: -- at a disadvantage.

7 THE COURT: -- first -- I -- listen. We -- technically, again,
8 I will note that you filed previous exhibits. But everything
9 should have been filed prior to the last time. We only continued
10 the matter because of your request that you had filed a writ. But
11 everything should have been done. And again, the briefs were from
12 before. But --

13 MR. HARRIS: Right.

14 THE COURT: -- everything previously -- there shouldn't have
15 been anything subsequent to that if you had access to it before.
16 If it was something that occurred since the last court date up
17 until now and you're now sending that to me, that's again, if it's
18 something you could have done previously, you probably should have
19 done previously.

20 MR. HARRIS: Okay. I -- I --

21 THE COURT: I can (indiscernible) --

22 MR. HARRIS: -- just got it late. That's -- understand. I
23 understand, sir. That's fine.

24 THE COURT: Okay. All right.

25 MR. HARRIS: All right.

1 THE COURT: All right. Again, you guys have a good day. Stay
2 safe and healthy.

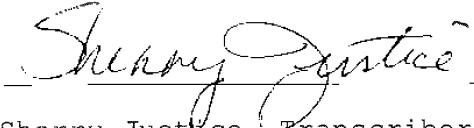
3 MS. FIGUEROA: Thank you. You, too.

4 MR. HARRIS: Thank you, sir. Thank you. Bye-bye.

5 (Proceedings concluded at 11:47:13 a.m.)
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8 * * * * *

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

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14 Sherry Justice, Transcriber
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ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

FILED

JUL 21 2023

Alanna A. Spivey
CLERK OF COURT

JENNIFER FIGUEROA,) CASE NO. D-20-606828-C
Plaintiff,) DEPT. Z
vs.)
RONALD DAVID HARRIS,) NV SUPREME CT. APPEAL NO. 81746 & 85333
Defendant.)

CERTIFICATION OF TRANSCRIPTS NOTIFICATION OF COMPLETION

The Office of Transcript Video Services received a request for transcript and one copy, for the purposes of appeal from Heather Ungermann, RJC Appeal Department, on July 17, 2023 for the following proceedings in the above-captioned case:

July 28, 2022

I do hereby certify that copies of the transcript requested in the above-captioned case were submitted to be filed with the Eighth Judicial District Court on July 21, 2023, and ordering party was notified July 21, 2023.

DATED this 21st day of July 2023.

Maria Balagtas

Maria Balagtas, Legal Office Assistant, II
Transcription Video Services

EIGHTH JUDICIAL DISTRICT COURT - TRANSCRIPT VIDEO SERVICES
601 N. Pecos Road, Las Vegas, Nevada 89101 (702) 455-4977

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Court of Appeals order dated July 14, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the supplemental trial court record for the case referenced below. The record comprises volume four with pages numbered 598 through 623.

JENNIFER FIGUEROA,

Plaintiff(s),

vs.

RONALD DAVID HARRIS,

Defendant(s),

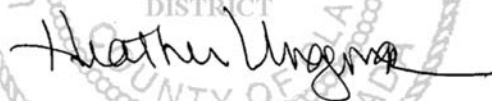
Case No: D-20-606828-C

Dept. No: Z

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 21 day of July 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

