

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CINNAMON HAYNES,  
Appellant,  
vs.  
MALCOLM NICKLAS CHILDS,  
Respondent.

No. 83789-COA

FILED

AUG 29 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Cinnamon Haynes appeals from a child custody decree. Eighth Judicial District Court, Family Court Division, Clark County; Nadin Cutter, Judge.

Cinnamon and respondent Malcolm Childs share one minor child together and, in the proceedings below, the district court entered a decree of custody following trial. Pursuant to the terms of the decree, Malcolm was granted sole legal custody and primary physical custody of the child. Cinnamon was awarded supervised parenting time at Donna's House after she completed a parenting class, and was ordered to pay child support. This appeal followed.

On appeal, Cinnamon challenges the custody decree, asserting that she did not receive a fair trial. She also argues that she should be awarded primary physical custody and Malcolm's parental rights should be terminated, asserting that Malcolm has physically abused the child. This court reviews a child custody decision for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241-42 (2007). In reviewing child custody determinations, this court will affirm such determinations if they are supported by substantial evidence. *Id.* Substantial evidence is that

which a reasonable person may accept as adequate to sustain a judgment. *Id.* at 149, 161 P.3d at 242. When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). Further, we presume the district court properly exercised its discretion in determining the child's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004).

Here, Cinnamon challenges the district court's custody decree, but only summarily asserts that she wants a new trial because she did not get a fair trial, that she wants Malcolm's parental rights to be terminated, and that she wants full custody of the child, without any argument as to how the district court failed to provide a fair trial or otherwise abused its discretion in making its custody determination. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that the appellate courts need not consider claims that are not cogently argued). And as to Cinnamon's assertion that Malcolm has physically abused the child and that the district court did not have the pictures evidencing the abuse, nothing in the record indicates that Cinnamon raised this issue at trial or offered any photos as evidence in support of this assertion. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal."). Similarly, as to Cinnamon's summary assertion that the district court precluded her mother from testifying, nothing in the record indicates that Cinnamon called her mother to testify or attempted to offer her testimony at trial. *See id.* Thus, because Cinnamon fails to offer any cogent argument as to how the district court abused its discretion, we necessarily affirm the custody

decree. See *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *Flynn*, 120 Nev. at 440, 92 P.3d at 1226-27.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Nadin Cutter, District Judge, Family Court Division  
Cinnamon Haynes  
Malcolm Nicklas Childs  
Eighth District Court Clerk

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<sup>1</sup>We have construed Cinnamon's document filed June 14, 2022, as a reply to the fast track response and have considered the same in resolving this appeal. Additionally, insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.