

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE ANTHONY MONAHAN,
Appellant,
vs.
CONNIE MONAHAN,
Respondent.

No. 51542

FILED

FEB 05 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court amended divorce decree. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

After a bench trial, the district court entered a divorce decree pertaining to appellant Bruce Anthony Monahan and respondent Connie Monahan. In the decree, the court found, among other things, that Bruce damaged the automobile that the court had earlier awarded to Connie by placing nails in the tires and "sand or a similar substance into the crankcase," squandered community assets, mentally and emotionally abused the parties' children, and committed domestic battery against Connie. Thereafter, the district court amended its divorce decree to clarify its decree. This appeal followed.

On appeal, Bruce primarily challenges the district court's findings, asserting that insufficient evidence supports them.¹ He requests that more evidence be provided with regard to each finding.

¹Bruce also appears to challenge an "interim" district court order entered on October 25, 2007, pursuant to an October 22, 2007, hearing,
continued on next page . . .

We review a district court's decision concerning divorce proceedings for an abuse of discretion, and we will affirm the district court's decision so long as it is supported by substantial evidence. Williams v. Williams, 120 Nev. 559, 97 P.3d 1124 (2004). Substantial evidence is that which a sensible person may accept as adequate to sustain a judgment, see Schmanski v. Schmanski, 115 Nev. 247, 251, 984 P.2d 752, 755 (1999), and it may be "inferentially shown by a lack of certain evidence in the record." Horgan v. Felton, 123 Nev. ___, ___, 170 P.3d 982, 985 (2007). Moreover, witness credibility determinations are within the district court's fact-finding purview, and we thus will not substitute our or appellant's view of witness testimony for that of the district court. Williams, 120 Nev. at 566, 97 P.3d at 1129; Fox v. First Western Sav. & Loan, 86 Nev. 469, 472, 470 P.2d 424, 426 (1970).

Having reviewed the record and Bruce's civil proper person appeal statement,² we conclude that substantial evidence supports the district court's factual findings. Accordingly, we

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and a November 5, 2007, order modifying the October 25 order. But given that the orders were temporary and effectively modified and superseded by the district court's amended divorce decree, Bruce's challenges to the temporary orders are moot, rendering them "unsuitable" for appellate review. See In re Temporary Custody of Five Minors, 105 Nev. 441, 443, 777 P.2d 901, 902 (1989).

²Bruce requested transcripts of the district court proceedings. But it appears that the district court proceedings were not recorded, and thus no transcript is available. Indeed, on August 6, 2008, the court reporter identified in Bruce's transcript request form filed a letter dated August 2, 2008, indicating that she did not record the parties' divorce proceedings. Thus, no transcripts were reviewed in resolving this appeal, and

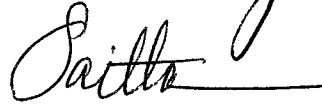
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ORDER the judgment of the district court AFFIRMED.³



Cherry

, J.



Saitta

, J.



Gibbons

, J.

cc: Hon. Robert W. Lane, District Judge
Bruce Anthony Monahan
Gibson & Kuehn
Nye County Clerk

... continued

regardless, review of any transcripts was not necessary to our disposition of this appeal.

³Having considered all of the issues raised by Bruce, including his apparent challenges to the case conference procedures and Connie's case conference report, his assertion that Connie was married to someone else when she married Bruce, and his contention that Connie's "physical and mental capabilities are questionable," we conclude that his other arguments lack merit and thus do not warrant reversal of the district court's judgment.