

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN PERSSE,  
Appellant,  
vs.  
KAMILA PERSSE,  
Respondent.

No. 54475

**FILED**

**MAR 26 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Robert Teuton, Judge.

In this appeal, appellant challenges three interlocutory orders: (1) a July 31, 2009, order following an ex parte hearing, authorizing respondent to travel with the parties' minor child; (2) a July 7, 2009, order allowing appellant's counsel to withdraw shortly before the divorce trial; and (3) a September 9, 2009, order finally determining custody and permitting respondent to relocate with the child to the Czech Republic. We conclude that appellant's arguments lack merit, and we therefore affirm.

As to the July 31, 2009 order, because respondent has already traveled with the child as authorized by the district court, appellant's arguments regarding that order are moot. University of Nevada v. Tarkanian, 95 Nev. 389, 394, 594 P.2d 1159, 1162 (1979) (recognizing that this court's duty is to decide actual controversies and not to give opinions on moot questions).

Next, regarding the July 7, 2009, order, appellant did not oppose the motion to withdraw, and he is thus precluded from raising this

issue on appeal. State of Washington v. Bagley, 114 Nev. 788, 792, 963 P.2d 498, 501 (1998).

Turning to the September custody order, appellant argues that the district court abused its discretion by awarding respondent primary physical custody and authorizing relocation based on certain allegedly erroneous findings. See Reel v. Harrison, 118 Nev. 881, 887, 60 P.3d 480, 484 (2002) (recognizing that the district court has wide discretion in determining what is in the best interest of a child). Apart from the finding that appellant had committed domestic violence against respondent, the district court identified a number of other factors to support its finding that awarding primary physical custody to respondent was in the child's best interest, including the parties' work histories and the likelihood that appellant would not foster a relationship between the child and respondent. NRS 125.480(4).

With regard to relocation, the record established that respondent and the child both would benefit from actual advantages in the Czech Republic, including a good education system, the support of extended family, and more traditional employment opportunities for respondent. Jones v. Jones, 110 Nev. 1253, 1259-61, 885 P.2d 563, 568-69 (1994); see also Schwartz v. Schwartz, 107 Nev. 378, 382-83, 812 P.2d 1268, 1271-72 (1991). The record also supports the district court's finding that reasonable alternative visitation was available through extended summer and holiday visitation, as well as through communication by telephone and Internet. Jones, 110 Nev. at 1263-64, 1266, 885 P.2d at 570, 572. Although appellant now argues that respondent has removed the Internet equipment from his home, he did not raise this issue before the district court.

Because we conclude that the district court did not abuse its discretion by awarding respondent primary physical custody and authorizing her to relocate with the child, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Robert Teuton, District Judge, Family Court Division  
John Persse  
Kamila Persse  
Albright Stoddard Warnick & Albright  
Eighth District Court Clerk