

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIE ANNA BUXTON,
Appellant,
vs.
MICHAEL ANDREW BUXTON,
Respondent.

No. 58650

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court divorce decree. Second Judicial District Court, Family Court Division, Washoe County; Chuck Weller, Judge.

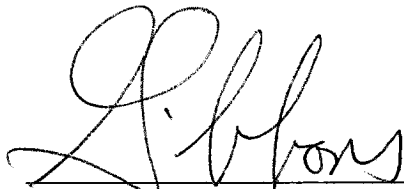
Having considered the parties' arguments, we affirm the district court's decisions regarding child custody and spousal support. Relating to child custody, appellant contends that reversal of the district court's determination is required because the district court purportedly failed to take into account the thirteen-year-old minor child's custody preference as required by NRS 125.480(4)(a). The child testified that she did not know if she wanted to live in Elko (where appellant lives) or Reno (where respondent lives); she identified her likes and dislikes of each location. Ultimately, the child testified that if she could, she would live in Oregon (where neither party lives, but where appellant had considered living at one time). The district court found that the thirteen-year-old did not provide relevant testimony as to a custody preference, but the divorce decree demonstrates that the court considered her testimony in determining the best interests of the parties' minor children for purposes of resolving their physical custody dispute. Based on the appellate record, we conclude that substantial evidence supports the district court's award of primary physical custody to respondent. Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000) (explaining that a district court's factual findings will be upheld if supported by substantial evidence in the record).

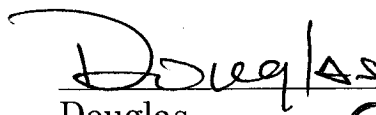
Thus, no abuse of discretion occurred and reversal of the district court's physical custody decision is unjustified. Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (providing that this court reviews district court child custody decisions for an abuse of discretion).

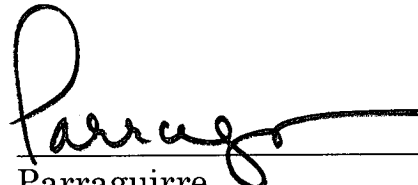
Appellant next contends that the district court failed to consider respondent's alleged willful unemployment/underemployment, which according to appellant was self-inflicted. But appellant failed to make this argument below, and she cannot raise it for the first time on appeal. Schuck v. Signature Flight Support, 126 Nev. ___, ___, 245 P.3d 542, 544 (2010). Moreover, in making this contention, appellant has failed to provide any relevant citation to the appellate record and to make a cogent argument supporting her assertion. SIIS v. Buckley, 100 Nev. 376, 382, 682 P.2d 1387, 1390 (1984) (providing that this court will not comb the record for support or consider arguments not supported by citation); Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that this court need not consider an issue not cogently argued).

Based on the above discussion, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

¹Respondent has moved this court for attorney fees pursuant to NRAP 38. Having considered the request in light of the documents before this court, we deny it.

cc: Hon. Chuck Weller, District Judge, Family Court Division
Shawn B. Meador, Settlement Judge
Kenneth J. McKenna
Routsis Hardy-Cooper
Washoe District Court Clerk