

ALECIA ANN EVANS, N/K/A ALECIA ANN CHRISTENSEN,

No. 36417

Appellant,

FILED

vs.

AUG 17 2000

WESLEY RAYMOND EVANS,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richardson*
CHIEF DEPUTY CLERK

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court modifying child custody.

"Matters of custody and support of minor children rest in the sound discretion of the trial court." Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). Additionally, "[i]t is presumed that a trial court properly exercised its discretion in determining a child's best interest." Id. The trial court's determination in these matters will not be disturbed on appeal absent abuse of discretion. See Russo v. Gardner, 114 Nev. 283, 956 P.2d 98 (1998). Custody may be modified if (1) there has been a material change of circumstances, and (2) such a change will substantially enhance the child's welfare. Murphy v. Murphy, 84 Nev. 710, 447 P.2d 664 (1968).

Having reviewed the record before this court, we conclude that the district court did not abuse its discretion. Accordingly, we

ORDER this appeal dismissed.¹

Maupin, J.
Maupin

Shearing, J.
Shearing

Becker, J.
Becker

¹In light of this order, we deny attorney David A. Hardy's request to submit a response on behalf of respondent.

cc: Hon. Scott Jordan, District Judge,
Family Court Division
Alecia Ann Christensen
Wesley Raymond Evans
Hardy & Woodman
Washoe County Clerk