

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY CANNON,
Appellant,
vs.
CHRISTIE CANNON,
Respondent.

No. 38331

FILED

OCT 16 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a final divorce decree. On appeal, Jeremy Cannon ("Jeremy") makes several arguments.

First, Jeremy argues the district court committed reversible error in failing to declare a mistrial, sua sponte, when Christie Cannon ("Christie") called Jacque Micheli, an employee of the Elko County Clerk's Office, as a character witness. We disagree.

Failure to object at trial generally precludes appellate review.¹ However, this court has the discretion to address defects affecting appellant's substantial rights.² Jeremy admits he did not object to Micheli testifying at trial. We conclude no error occurred because Micheli's testimony did not constitute a "public comment" within the meaning of Nevada Code of Judicial Conduct 3B(9). In addition, we conclude the district court did not have authority to supervise Micheli, because she was not acting in her capacity as a county clerk's office employee.³

¹Parodi v. Washoe Medical Ctr., 111 Nev. 365, 368, 892 P.2d 588, 590 (1995).

²Id.

³Harvey v. Dist. Ct., 117 Nev. ___, ___, 32 P.3d 1263, 1275 (2001).

Thus, we conclude the district court did not commit plain error when it allowed Micheli to testify as a character witness for Christie.

Second, Jeremy argues the district court lacked jurisdiction in awarding unpaid child support to Christie, because she had not filed an action or motion seeking child support arrearages from him.⁴ We disagree.

A parent has a legal obligation to support his child from the moment the child is born.⁵ Moreover, the district court may order the non-custodial parent to pay "a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian."⁶

The Nevada child support statutes create an obligation for Jeremy to support his son, even in the absence of an action or motion seeking child support.⁷ Thus, we conclude the district court had jurisdiction to award child support arrearages.

Finally, Jeremy argues the district court abused its discretion by awarding Christie sole custody of the minor child. A district court's determination of custody will not be disturbed on appeal unless there has

⁴Although Jeremy is raising this issue for the first time on appeal, we will address the issue because jurisdictional issues can be raised for the first time on appeal. Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

⁵NRS 125B.020.

⁶NRS 125B.030.

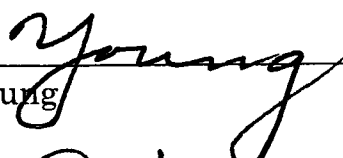
⁷See NRS 125B.020; NRS 125B.030.

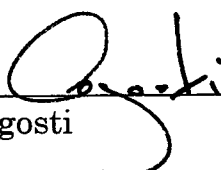
been a clear abuse of discretion.⁸ After careful consideration, we conclude there was substantial evidence to support the decision of the district court.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. J. Michael Memeo, District Judge
Richard F. Cornell
Nancy L. Porter
Elko County Clerk

⁸Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000).