

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-18-794

KIESHA CHILDRESS

APPELLANT

V.

KEMRA GREER

APPELLEE

Opinion Delivered: March 13, 2019

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FIFTEENTH DIVISION
[NO. 60DR-18-1161]

HONORABLE RICHARD MOORE,
JUDGE

AFFIRMED

DAVID M. GLOVER, Judge

Kiesha Childress appeals from the April 25, 2018 order of protection entered against her and the deemed denial of her May 9, 2018 motion for new trial. As her sole point of appeal, she contends the trial court erred in entering the order of protection and denying her motion for new trial because the court was biased against her—or at least gave the appearance of bias—at the hearing on the petition for order of protection. We affirm.

Kemra Greer, Childress’s twenty-one-year-old biological daughter, filed a petition and affidavit for an order of protection on March 28, 2018, following a March 22, 2018 encounter between her, Childress, and other family members. Greer’s petition sought protection for herself and her two children, Javante and Nyla Washington. The petition’s allegations were made under oath and stated in part: “[Childress] got mad and told me she was going to kill me, my children and everyone in the house. The police were called and

we went to a safe house. . . . [w]hen I was 5 me and my sisters were taken away from [Kiesha Childress] because of abuse.” The petition also explained that Little Rock police were called and the police “called the safe house and me and my children went there.”

An ex parte order of protection was entered, and the hearing was then held on April 25, 2018, following which the final order of protection was entered on the same day. At the outset of the hearing, the trial court commented to Greer that her petition was one of the most straightforward that he had come across in a long time, and he then read through the basic allegations. Childress denied Greer’s account of events, claiming she—not Greer—was the victim, and she attempted to introduce a police report of the incident. The trial court “noted” an objection to the report that was never actually raised by Childress, and the report was not allowed. Greer acknowledged to the trial court she and her children had gone to a safe house and had been directed there by Little Rock police officers.

Childress gave her account of events and explained the argument started because she was asked to take the children to the store; she said she was not going to drive the grandchildren without a car seat; they called Childress’s oldest daughter (who Childress said was not supposed to come to her house) and told her to pick up the children; and they all argued back and forth. Childress said her other daughter, Kembria, started hitting her; Childress called the police and made a report; and Kembria “busted” the glass on Childress’s front door. She stated one of the officers told her Greer was going to jail. The court interjected that the statement was hearsay and would not be taken into account. Childress again sought to have the police report introduced and stated she was listed as the victim in the report. The court replied that without a foundation, the report would not be admitted.

The court then allowed Greer to give her account of events. She said she was not part of the case involving her sister, Kembria, from the incident; she, Greer, was sent to a safe house; Childress threatened her and her children; and she did not feel safe. Childress acknowledged that Greer was not the daughter who had been arrested.

Kembria Greer, Kemra's sister, testified Childress got mad at everybody and said she was going to kill everybody in the house; the police were called; and Kemra was escorted to the shelter house.

Childress said she had text messages that would shed light on the events, but the court told her she would have to introduce her phone to get those admitted because she had not brought printouts of the messages.

The trial court concluded it was convinced beyond a reasonable doubt that Kemra had met the requirements for the court to issue an order of protection. The court also found convincing Kemra's request that the order last for a period of ten years, explaining it understood when a person goes to a shelter as a result of statements being made, that it was a very strong indication the person felt imminent fear of bodily harm either to the person or to the children.

As mentioned previously, Childress's sole point of appeal is that the trial court erred in entering the order of protection and denying her motion for new trial because it was biased against her—or at least gave the appearance of bias—at the hearing on the petition for order of protection. Both parties acted pro se at the hearing. Nothing remotely resembling this argument was raised to the trial court. Consequently, the issue was not preserved for our review on appeal, and we will not address the merits of the argument. *See Terry v.*

White, 374 Ark. 366, 288 S.W.3d 194 (an argument alleging judicial bias is not preserved when there is not an objection based on the bias of the judge or a motion for the judge to recuse).

Affirmed.

HARRISON and KLAPPENBACH, JJ., agree.

Chad M. Green, for appellant.

One brief only.